

Perth and Kinross Council  
Development Control Committee – 18 March 2015  
Report of Handling by Development Quality Manager

Erection of thirteen wind turbines and ancillary works on land at Creag A' Bhaird, Amulree.

Ref. No: 13/02362/FLM  
Ward No: N5 – Strathtay

### Summary

This report recommends refusal of the application for the erection of thirteen turbines and associated infrastructure at Creag a' Bhaird as the location, prominence, scale and layout of the proposed windfarm has an unacceptable and adverse impact on the River Tay (Dunkeld) National Scenic Area, the immediate landscape character as well as the wider landscape setting. Additionally the windfarm has a significant and unacceptable visual impact on residential, recreational and tourist receptors. These landscape and visual impacts are further exacerbated due to the interaction with operational windfarms which ultimately leads to an unacceptable cumulative landscape and visual impact. This would be further exacerbated should the Calliacher North application, currently at appeal, be approved.

As the magnitude of the adverse effects associated with the development are significant and environmentally unacceptable, the proposal is not considered to comply with the overriding thrust of the Development Plan and there are no material considerations of sufficient weight which would justify departing from the Development Plan. Accordingly the application should be refused.

### PROPOSAL

- 1 The windfarm application site is approximately 311 hectares in area and predominantly consists of coniferous plantation. The site is located 8.5 km to the south east of Aberfeldy and approximately 8km to the west of Dunkeld. To the north and the north-west of the site is the operational Griffin Windfarm, Glen Cochil and the A826 are to the west while Strathbrann, the A822 and the River Brann are located to the South.
- 2 The proposal involves the erection of thirteen turbines between 285m and 385m AOD. The turbines would be on hubs of 70m with 90m diameter rotors giving a maximum blade tip height of 115 m, each turbine would have a crane hardstanding adjacent to the turbine base and an external transformer. Two anemometer masts would be erected one to the western boundary and a second to the east.
- 3 Access to the site will be gained from the A826 where there is an existing junction into the coniferous plantation. To accommodate windfarm traffic the existing forestry access tracks would be upgraded and a further 3km of new sections of access track created to access the turbine bases. In total there would be 7.5km of track required to facilitate the windfarm development. Two borrow pits would be formed to win material, the first is proposed on the western flank of the Creag a' Bhaird summit, the second to the west of Craig Tombane. Underground cables would connect the

turbine to the electrical control building. The grid connection point for the scheme is not prescribed. The applicant has advised that this will be subject to a separate consent process.

- 4 The applicant expects the development to have an operational life span of twenty-five years. Construction would take approximately 20 months with decommissioning taking a further 12 months. The maximum combined output of the thirteen turbines is dependent on the final turbine selection however the applicant has confirmed that the generating capacity of each turbine would be up to 2.3 megawatts (MW). This would result in the development having a total potential generating capacity of up to 29.9MW.

## **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 5 Directive 2011/92/EU requires the 'competent authority' (and in this case Perth and Kinross Council) when giving a planning consent for particular large scale projects, to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 6 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 7 The Environmental Statement supports the planning application and is a key part of the submission.

## **FURTHER SUPPORTING MATERIAL PROVIDED BY THE APPLICANT**

- 8 In addition to the Environmental Statement the applicant has also submitted the following documents in support of the application.
  - Pre-application Consultation Report
  - Planning Statement
  - Design Statement

### **Pre-application Consultation Report**

- 9 Under the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 this proposal is defined as a Major application due to the electricity generating capacity of the thirteen turbine proposal exceeding 20 MW. This means there is a statutory requirement imposed on the applicant to undertake pre-application consultation activity with the local community.
- 10 The pre-application consultation report submitted by the agent confirms the extent of consultation activity undertaken and in this case it complies with the measures agreed through the Proposal of Application Notice.

## **Planning Statement**

- 11 The Planning Statement considers the proposal in the context of the Development Plan framework and other material considerations including national policy and guidance and local guidance. It concludes, in the developer's view, that overall the proposal accords with national, regional and local plan policies.

## **Design Statement**

- 12 The Design Statement highlights that a set of design objectives were set at the outset which allowed alternative layouts to be tested against the objectives. The final and submitted layout represents the applicant's design solution.

## **NATIONAL POLICY AND GUIDANCE**

- 13 The Scottish Government expresses its planning policies through the National Planning Framework 3, the Scottish Planning Policy 2014 (SPP) and Planning Advice Notes (PAN).

### **National Planning Framework**

- 14 The NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

### **The Scottish Planning Policy 2014**

- 15 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

- 16 Of relevance to this application are,

#### A successful Sustainable Place

- Paragraphs 74 – 83 Promoting Rural Development
- Paragraphs 92 – 108 Supporting Business & Employment
- Paragraphs 135 – 151 Valuing the Historic Environment

- 17 A Low Carbon Place

- Paragraphs 152 - 174 Delivering Heat & Electricity
- Paragraphs 175 – 192 Planning for Zero Waste

18 A Natural, Resilient Place

- Paragraphs 193 – 218 Valuing the Natural Environment
- Paragraphs 219 – 233 Maximising the Benefits of Green Infrastructure
- Paragraphs 242 – 248 Promoting Responsible Extraction of Resources
- Paragraphs 254 – 268 Managing Flood Risk & Drainage

**Planning Advice Notes**

19 The following Scottish Government Planning Advice Notes (PAN) are also of interest:-

- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 1/2013 Environmental Impact Assessment
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage

**Onshore wind turbines – Online Renewables Advice December 2013**

20 Provides specific topic guidance to Planning Authorities from Scottish Government.

21 The topic guidance includes encouragement to planning authorities to:

- development spatial strategies for wind farms;
- ensure that Development Plan Policy provide clear guidance for design, location, impacts on scale and character of landscape; and the assessment of cumulative effects.
- the involvement of key consultees including SNH in the application determination process;
- direct the decision maker to published best practice guidance from SNH in relation to visual assessment, siting and design and cumulative impacts.

22 In relation to any assessment of cumulative impacts it is advised that:

*In areas approaching their carrying capacity the assessment of cumulative effects is likely to become more pertinent in considering new wind turbines, either as stand alone groups or extensions to existing wind farms. In other cases, where proposals are being considered in more remote places, the threshold of cumulative impacts is likely to be lower, although there may be other planning considerations.*

*In assessing cumulative landscape and visual impacts, the scale and pattern of the turbines plus the tracks, power lines and ancillary development will be relevant considerations. It will also be necessary to consider the significance of the landscape and the views, proximity and inter-visibility and the sensitivity of visual receptors.*

## **DEVELOPMENT PLAN**

- 23 The Development Plan for the area consists of the Tayplan Strategic Development Plan 2012 – 2032 Approved June 2012 and the Perth and Kinross Local Plan 2014.

### **TAYplan Strategic Development Plan 2012**

- 24 The vision set out in the TAYplan states that:

*“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

#### **Policy 2: Shaping Better Quality Places**

- 25 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

#### **Policy 3: Managing TAYplan’s Assets**

- 26 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

#### **Policy 6: Energy and Waste/Resource Management Infrastructure**

- 27 Relates to delivering a low/zero carbon future for the city region to contribute to meeting Scottish Government energy targets and indicates that, in determining proposals for energy development, consideration should be given to the effect on off-site properties, the sensitivity of landscapes and cumulative impacts.

#### **Perth and Kinross Local Development Plan February 2014**

- 28 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 29 The relevant policies are, in summary:

### **Policy PM1A - Placemaking**

- 30 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaptation.

### **Policy PM1B - Placemaking**

- 31 All proposals should meet all eight of the placemaking criteria.

### **Policy PM2 - Design Statements**

- 32 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

### **Policy TA1B - Transport Standards and Accessibility Requirements**

- 33 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

### **Policy CF2 - Public Access**

- 34 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

### **Policy HE1A - Scheduled Monuments**

- 35 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

### **Policy HE1B - Non Designated Archaeology**

- 36 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

### **Policy HE2 - Listed Buildings**

- 37 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

### **Policy NE1A - International Nature Conservation Sites**

- 38 Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

### **Policy NE1B - National Designations**

- 39 Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance.

### **Policy NE1C - Local Designations**

- 40 Development which would affect an area designated as being of local nature conservation or geological interest will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of local importance.

### **Policy NE2A - Forestry, Woodland and Trees**

- 41 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

### **Policy NE2B - Forestry, Woodland and Trees**

- 42 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

### **Policy NE3 - Biodiversity**

- 43 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

### **Policy NE4 - Green Infrastructure**

- 44 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

## **Policy ER1A - Renewable and Low Carbon Energy Generation**

- 45 Proposals for the utilisation, distribution and development of renewable and low carbon sources of energy will be supported where they are in accordance with the 8 criteria set out. Proposals made for such schemes by a community may be supported, provided it has been demonstrated that there will not be significant environmental effects and the only community significantly affected by the proposal is the community proposing and developing it.

## **Policy ER1B – Extensions of Existing Facilities**

- 46 Proposals for the extension of existing renewable energy facilities will be assessed against the same factors and material considerations as apply to proposals for new facilities.

## **Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes**

- 47 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

## **Policy EP2 - New Development and Flooding**

- 48 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

## **Policy EP5 - Nuisance from Artificial Light and Light Pollution**

- 49 Consent will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects.

## **Policy EP8 - Noise Pollution**

- 50 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

## **OTHER POLICIES**

### **Perth & Kinross Wind Energy Policy & Guidelines (WEPG) 2005**

- 51 This supplementary planning guidance was approved by Perth & Kinross Council in 18th May 2005. As Members are aware, the Council undertook extensive public consultation on its Wind Energy Policy and Guidelines and was approved by the Council in May of 2005.



- 52 However, in considering this particular proposal, account should be taken of the findings of Ms McNair (reporter) in relation to the Abercairny wind farm proposal, as well as the Council's experience in using the WEPG since 2005. The Council also recognises that following the publication of the Scottish Planning Policy, it is necessary to revisit and refine the precise wording of its supplementary planning guidance on wind energy, to ensure that it provides the most up-to-date and helpful guidance for both developers and the Council in its consideration of planning applications for wind energy developments. I therefore consider that although the presence of this document should be noted, its weighting in the determination of this planning application should be limited.
- 53 In this particular case the site is located within a 'Broad Area of Search' in the Council's WEPG, where Community and Commercial wind farms will be supported where they are consistent with the Council's detailed Policy Guidelines.
- 54 Perth and Kinross Council's Guidance for the Preparation and Submission of Photographs and Photomontages to illustrate the impacts of Wind Energy Development, for inclusion in Planning Applications and Environmental Statements
- 55 This provides advice on the selection and identification of viewpoints, photography standards and photomontage standards.

#### **Tayside Landscape Character Assessment (TLCA)**

- 56 The Tayside Landscape Character Assessment (TLCA), 1999, is published by Scottish Natural Heritage and remains a valid baseline resource. Whilst some of its guidance on wind energy is dated, owing to the much smaller size of turbines considered in the TLCA, other aspects of the study remain a useful resource.
- The David Tyldesley and Associates – Landscape Study – Wind Farm Development in the Ochil Hills and part of Southern Highland Perthshire (2004)**
- 57 This study is strategic in nature and concentrates on landscape character and visual amenity. Designations and associated policies are not taken into account, it adopts the landscape character types identified in the Tayside Landscape Character Assessment and divides them into smaller units. The site is located within Unit H2 'High Summit and Plateau: Cochil – Tay – Brann'. The operational Griffin Windfarm is also located within this unit.

#### **The David Tyldesley and Associates – Landscape Study to Inform Planning for Wind Energy (2010)**

- 58 This documents purpose is to inform the development of the 'spatial strategy for Wind' which will be subject to consultation and ultimately approval by the Council as supplementary guidance. The need for the preparation of this Supplementary Guidance is detailed in the Local Development Plan under the heading 'Guidance to be published later' in Appendix 1: List of Supplementary Guidance.
- 59 At the outset, the author of the Study, states that the document should not be used in the determination of individual planning applications. .i.e. this study will provide only one 'layer' of information to inform that work.

- 60 The process of determining the methodology in this document was agreed through a steering group and consultation with landscape consultants. The results of that consultation can be found in Appendix A of Appendix C of the document.
- 61 Although this document will form part of a strategic planning framework and the report should not be used in isolation, or to ‘test’ proposed wind farm developments, there are elements of the study which are useful in the consideration of the application but the weighting that can be attached to this technical report is limited.
- 62 The site is located within Unit 3c(v) Craigvinean Forest where the operational Griffin Windfarm is also sited.

### **Perth and Kinross Local Landscape Areas (Draft)**

- 63 This draft supplementary guidance has been prepared to support Local Development Plan Policy ER6 *"Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes"*. Publication on the documentation ran for a period of 8 weeks from 28 November until 19 January 2015. Comments received through the consultation process are being analysed and where appropriate the guidance amended before it is reported to the Council. It is anticipated that a report will be submitted to the Enterprise and Infrastructure Committee on 25 March 2015. Following consideration by the Council the supplementary guidance will require approval by Scottish Ministers before finally being adopted by the Council.

### **The Economic Impacts of Wind Farms on Scottish Tourism (2008)**

- 64 Glasgow Caledonian University was commissioned in June 2007 to assess whether Government priorities for wind farms in Scotland are likely to have an economic impact – either positive or negative – on Scottish tourism. The objectives of the study were to:
- Discuss the experiences of other countries with similar characteristics.
  - Quantify the size of any local or national impacts in terms of jobs and income.
  - Inform tourism, renewables and planning policy.
- 65 The overall conclusion of this research is that the Scottish Government should be able to meet commitments to generate at least 50 per cent of Scotland's electricity from renewable sources by 2020 with minimal impact on the tourism industry's ambition to grow revenues by over £2 billion in real terms in the 10 years to 2015.
- 66 Four parts of Scotland were chosen as case-study areas and the local effects were also found to be small compared to the growth in tourism revenues required to meet the Government's target. The largest local effect was estimated for ‘Stirling, Perth and Kinross’, where the forecasted impact on tourism would mean that Gross Value Added in these two economies would be £6.3 million lower in 2015 than it would have been in the absence of any wind farms (at 2007 prices). The majority of this activity is expected to be displaced to other areas of Scotland, and the local effect on tourism should be considered alongside other local impacts of the developments – such as any jobs created in the wind power industry itself. This is equivalent to

saying that tourism revenues will support between 30 and 339 jobs fewer in these economies in 2015 than they would have in the absence of all the wind farms required to meet the current renewables obligation. Part of this adjustment will already have taken place.

67 The research concluded that the evidence is overwhelming that wind farms reduce the value of the scenery (although not as significantly as pylons). The evidence from the Internet Survey suggests that a few very large farms concentrated in an area might have less impact on the tourist industry than a large number of small farms scattered throughout Scotland. However, the evidence, not only in this research but also in research by Moran, commissioned by the Scottish Government, is that landscape has a measurable value that is reduced by the introduction of a wind farm.

68 Based on survey responses and research findings, the research in this report suggests that from a tourism perspective:

- Having a number of wind farms in sight at any point in time is undesirable from the point of view of the tourism industry.
- The loss of value when moving from medium to large developments is not as great as the initial loss. It is the basic intrusion into the landscape that generates the loss.

69 These suggest that to minimise negative tourist impact, very large single developments are preferable to a number of smaller developments, particularly when they occur in the same general area.

**Scottish Natural Heritage – Siting and Designing Windfarms in the Landscape (2014)**

70 Guides windfarms towards those landscapes best able to accommodate them and advises on how windfarms can be designed to best relate to their setting and minimise landscape and visual impacts.

**Scottish Natural Heritage – Assessing the Cumulative Impact of Onshore Wind Energy Developments 2012**

71 This document sets out methods to be used to assess cumulative impacts on landscapes and birds.

## **SITE HISTORY**

72 Members of the Committee will be aware of the long history of wind farm proposals and electricity infrastructure in this area of Highland Perthshire. However to fully understand how this proposal relates to these schemes it is prudent to set out the history.

## **Section 37 Applications**

### Beauly to Denny Over Head Line

- 73 In July 2005, (SHETL) and SP Transmission Limited (SPT) published the proposed route for the 400,000 volts (400kV) overhead electricity transmission line which will replace the existing 132,000 volts (132kV) transmission line between Beauly, west of Inverness, and Denny, west of Falkirk. In September 2005 applications were submitted to the Scottish Ministers under Section 37 of the Electricity Act 1989, to construct and operate the line in their respective licensed areas.
- 74 the overhead electricity transmission line between Beauly and Denny was referred to a public inquiry in February 2007 and on the 06 January 2012 the Section 37 application was approved. The project replaces the existing transmission line with fewer but taller pylons; this is intended to facilitate the growth of the renewable energy sector in the north and west of Scotland by making it possible to feed the power generated into the wider National Grid.
- 75 Construction of the overhead electricity transmission line is now nearing completion.

## **Section 36 Applications**

### Calliachar

- 76 In February 2004 I & H Brown (Calliachar) Ltd submitted an application to the Scottish Ministers seeking consent under s36 of the Electricity Act 1989, and deemed consent under s37(2) of the Town & Country Planning Scotland Act 1997 for the installation of 46 wind turbines. Following the statutory consultation process, the applicant amended the scheme in the light of all the responses submitted to the Scottish Ministers by reducing it from a 46 turbines proposal to a 27 turbines proposal (hub height 60 metres, blade tip of 100 metres), with a revised installed capacity of 62.1 megawatts. The layout for the 27 turbine scheme consisted of a single group, generally narrowing from four turbines across the north-western end of the site, to a line of single turbines at its south-eastern end. All the turbines would be located to the east of the existing overhead power line.
- 77 The recommendation of the PLI reporter to the Scottish Minister was to refuse the Calliachar application on the grounds of the significant adverse visual effects on Glen Quaich and on Loch Freuchie, caused by the siting of 13 turbines along the southern array.
- 78 The PLI reporter concluded that the only possible means to mitigate the significant visual impact of these turbines would be through their removal. If that application had been a planning application, this could have been secured through a suitable condition. However by imposing this restriction on this proposal, it reduced the development below the 50MW threshold for which consent by the Scottish Ministers under s36 of the Electricity Act 1989 can legitimately be granted. Accordingly, the Scottish Ministers resolved to refuse the application for 27 turbines in its entirety.

## Griffin

- 79 In April 2004, in addition to the Calliachar proposal, another application was submitted to the then Scottish Executive by GreenPower (Griffin) Ltd seeking the Scottish Ministers' consent under s36 of the Electricity Act 1989 and deemed consent under s37 (2) of the Town & Country Planning (Scotland) Act 1997 for the installation of 82 wind turbines. After the statutory consultation process, the Griffin scheme was reduced, this time from 82 turbines to 68 turbines (hub height of 77 metres, with a total height to blade tip of 124 metres).
- 80 In December 2005, following receipt of the Perth & Kinross Council's objection to both applications, the Scottish Ministers confirmed that both the Calliachar and Griffin proposals would be the subject of a conjoined Public Local Inquiry. In sending the application to the Inquiry Reporters Unit, it was stated on behalf of the Scottish Ministers that the cumulative impact of the Griffin and Calliachar wind farms should be assessed together, hence the conjoined nature of the consequent inquiry.
- 81 The Scottish Ministers approved the Griffin development under s36 of the Electricity Act 1989, and deemed consent under s37(2) of the Town & Country Planning Scotland Act 1997 in January 2008. The Griffin Forest wind farm is now operational.

## **Planning Applications**

### Calliachar (PKC Reference - 07/02617/FUL)

- 82 As a direct result of the comments made by the PLI reporter in his report to the Scottish Ministers, a planning application was made to Perth & Kinross Council in 2007 for a reduced wind farm, comprising 14 turbines in the locations identified by the PLI reporter. This planning application was recommended for approval to the Development Control Committee in May 2008, but was refused on the following grounds.
1. *The proposed development will have a serious detrimental effect, singularly and cumulatively, on the surrounding landscape.*
  2. *The proposed development contravenes Perth and Kinross Council's development and Local Plan Policies and supplementary guidance.*
  3. *The proposed development contravenes Policies 1, 2 and 3 of Perth and Kinross Council's Structure Plan.*
  4. *The proposed development contravenes Policies 2, 3 and 11 of Perth and Kinross Council's adopted Highland Area Local Plan.*
- 83 The applicant's subsequently appealed Perth & Kinross Council's decision to refuse the planning application to the Scottish Government, and a further PLI was held in 2008. The result of that PLI was that the Reporter recommended to the Scottish Ministers that the appeal should be allowed, subject to a number of conditions, and the Scottish Ministers duly granted permission in July 2010 in line with the Reporter's recommendations. A separate claim for expenses was also successful and the Reporter, in his report to the Scottish Ministers, opined that the Council in its decision

to refuse the planning application, and in its approach to the subsequent inquiry, had ultimately acted unreasonably and that it should not have been necessary for the appeal to have come before the Scottish Ministers for determination, which in turn could have saved the appellant unnecessary expense in having to prepare for, and present evidence at the appeal inquiry.

- 84 The reports to the Scottish Ministers and the Scottish Ministers decision letters (for the appeals and the award of expenses) are available online from the Directorate for Planning and Environmental Appeals.

Calliachar (PKC Reference - 11/01060/FLM – Variation of previous consent 07/02617/FUL)

- 85 Following the acquisition of this site Scottish and Southern Energy Renewables submitted a planning application which sought to vary the consented 2007 scheme by increasing the height of the turbines as well as various other supplementary proposals.

- 86 The report from officer's to Development Control Committee on the variations recommended conditional approval on the grounds that the overall magnitude of change, in terms of visual presence and impact on landscape character which can be attributed to the increased height of the turbines was not significant from the consented scheme. The Committee agreed with the recommendation and the variation was approved in January 2012. At the time of writing this report the construction works associated with the Calliachar scheme is now complete and the site is operational.

North Calliachar (PKC Reference – 13/00653/FLM)

- 87 The North Calliachar planning application for the erection of seven turbines in an irregular layout to the North of the operational Calliachar scheme was recommended for approval to the Development Management Committee in May 2014, but was subsequently refused by members. The Council's decision to refuse this scheme has been appealed and is currently pending consideration with the Department of Planning and Environmental Appeals.

## CONSULTATIONS

### EXTERNAL

- 88 **Scottish Environmental Protection Agency:-** initially objected to the application unless modifications to the scheme were carried out.

- 89 Supplementary Environmental Information comments (SEI):- following the submission of SEI SEPA advise that if conditional control is secured relating to environmental management, pollution prevention as well as wetland ecology including groundwater dependent terrestrial ecosystems (GWDTEs) then no objection is offered.

- 90 **Scottish Natural Heritage:-** has commented on the relationship of the development with the River Tay Special Area of Conservation (SAC). They maintain a holding objection unless the proposal is made subject to conditional control to secure mitigation.

- 91 With regards to landscape and visual impacts they support the findings of the 2010 report *Landscape Study to inform planning for wind energy* which advises that Griffin and Calliacher are a significant constraint in terms of fitting new wind energy developments into this area.
- 92 SNH advise that the proposal would be likely to result in significant adverse cumulative landscape and visual impacts, in combination with the existing Griffin and / or Calliacher wind farms, including in particular;
- Greater visibility of wind farm development from within the River Tay (Dunkeld) National Scenic Area, further eroding its special qualities.
  - Increased impact of wind turbines on views from popular mountain summits, including key summits within the Loch Rannoch and Glen Lyon National Scenic Area (NSA) and the Loch Tummel NSA.
- 93 And additionally;
- Impact on the views and visual amenity of tourists, residents and road users in Strathbraan.
  - Impacts from a limited number of viewpoints where the proposal does not appear as an extension to Griffin and is in conflict to the design principles contained within SNH *wind farm siting and design guidance*.
- 94 They also offer advice on other ecological interests and the requirement for decommissioning to take account of natural heritage issues should consent be granted.
- 95 Supplementary Environmental Information comments (SEI):- SNH advise that their comments relating to the River Tay SAC and other natural heritage issues remain unchanged from their earlier response.
- 96 With regards to landscape and visual impact this generally remains unchanged, however clarification is provided. This confirms that SNH are of the view that:-
- a high adverse cumulative effect occurs from viewpoint 11 Newtyle Hill within the River Tay (Dunkeld) National Scenic Area.
  - an increased impact of wind turbines on views from popular mountain tops would occur should both Creag a’Bhaird and North Calliacher proposals be consented, with the gap between Calliacher and Griffin being substantially reduced.
  - Creag a’Bhaird would largely undo the mitigation associated with the Griffin scheme. The most prominent four turbines in the view from the A822 in Strathbrann were removed on the Griffin Scheme as mitigation to reduce the visual amenity impact on Strathbrann.

- 97 **Historic Scotland**:- confirm that the development does not raise issues of national significance to warrant an objection associated with their historic environment interests. No detailed comments offered on SEI.
- 98 **Transport Scotland**:- no objection is offered subject to conditional control being applied to minimise adverse impacts on road users. No detailed comments offered on SEI.
- 99 **Royal Society for the Protection of Birds**:- the proposed development site is located in mature coniferous plantation and borders heather moorland and grassland to the East. The wider area supports a range of upland birds including Annex 1 species (EC Birds Directive) which will be affected by this and other developments in the area. RSPB has strong concerns about the suitability of this site for further windfarm developments. Cumulative impacts of such developments on these species will need to be carefully addressed.
- 100 Supplementary Environmental Information comments (SEI):- the RSPB are of the view that none of the SEI provided specifically addresses any concerns identified in their original response therefore their previous comments still stand. They also raise concerns with the forest plan, specifically the brush mats and piles which are likely to provide habitat for small mammals and attract shorted-eared-owls and hen harriers to forage in the area.
- 101 **Forestry Commission Scotland (FCS)**:- Objects to the application.
- 102 Their initial response sited inadequate information. Following receipt of Supplementary Environmental Information which includes a forest plan the Forestry Commission still maintain their objection due to the scale of felling in the proposed forest plan which is not UK Forest Standard compliant.
- 103 **Scottish Water**:- Has offered no objection to this proposal.
- 104 **Ministry of Defence**:- No objection is offered subject to conditional control.
- 105 **NATS**:- No safeguarding objection to the application.
- 106 **Loch Lomond and Trossachs National Park**: - Considered that the windfarm is sufficiently distant from the Eastern boundary of the National Park not to give rise to significant landscape and visual impacts on the National Park. They also felt that there is no likely significant cumulative or sequential landscape or visual impacts on the Park.
- 107 **Mountaineering Council of Scotland**: - There is already a tight cluster of operational and proposed windfarms around the proposed site. The mountaineering council of Scotland consider it is preferable to see development adjacent to existing sites rather than proposals for new areas.
- 108 **Cairngorms National Park**:- The lack of impacts either landscape, visual, cumulative or sequential from within the national park means that the proposal complies with the NPPP policy 1.3. As such CNPA raises no objection to this consultation.



- 109 **Aberfeldy Community Council:-** Object to the application. The development will be significantly more visible than the existing windfarms in this area. People will be aware of turbines for a much greater proportion of their journey through Strathbrann and across to Aberfeldy.
- 110 **Dunkeld and Birnam Community Council:-** Object to the application on landscape and visual impact as well as cumulative landscape and visual impact. Raise concern about conditional control of noise, consider there are no real social-economic gains from this development in terms of long term employment and highlight concern with the impact on bio-diversity as well as transport and access arrangements. The Community Council also consider that the development fails to comply with planning policy.
- 111 **Kenmore and District Community Council:-** Are of the view that the proposal will be more obtrusive than Griffin and Calliacher. Raise concerns that there appears to be no end to windfarm proposals and guidance should be available to show how each windfarm proposal fits in with all the other.
- INTERNAL**
- 112 **Perth and Kinross Access Officer:-** no objection subject to conditional control to manage public access rights during construction and the incorporation of measures to facilitate public access arrangements during the operational phase.
- 113 **Perth and Kinross Flooding Section:-** No objection.
- 114 **Perth and Kinross Bio Diversity Officer:-** Curlew, Goshawk, Greylag Goose, Hen Harrier, Merlin, Peregrine Falcon, Red Kite and White-tailed Eagle were all observed within the turbine height during the surveys.
- 115 The effect of this wind farm, when combined with the Griffin and Calliacher Wind Farms, is likely to have an adverse effect on all of these species due to the scale of changes on the landscape that are proposed. Raptors are likely to be more attracted to the open grassland/moorland that will predominate immediately following development, where prey will be easier to catch when compared to the existing forestry plantation.
- 116 **Environmental Health (including Dick Bowdler Acoustic Consultant):-** Environmental Health has commented in the context of construction noise, shadow flicker and the protection of private water supplies.
- 117 In respect of shadow flicker they advise that properties within a 10 rotor diameter need to be considered, as no properties fall within this distance they do not foresee issues with shadow flicker.
- 118 Conditional control can regulate potential effects on private water supplies.
- 119 Construction noise would be within acceptable levels according to the information submitted but should issues arise this matter can be pursued under Environmental Health's legislation.

- 120 With regards to operational noise, Dick Bowdler Acoustic Consultant was requested to review the environmental statement, especially due to the potential cumulative noise issues that may arise due to the proximity to the existing operational Griffin windfarm. Following clarification from the agent through the submission of SEI no objection is offered. Accordingly conditional control can be applied to regulate operational noise from the proposed windfarm.
- 121 **Perth and Kinross Heritage Trust:** - has taken account of the potential impact on local archaeology and no objection is offered subject to conditional control.
- 122 **Perth and Kinross Conservation Officer:** - The environmental statement has provided an assessment of potential effects on listed buildings within the wider study area. Of the eight listed buildings located within the zone of theoretical visibility the visual impact on these assets will be minimal.

### **Representations**

- 123 The application has attracted a number of representations against the proposal.
- 124 Eighty-five letters of objection raise the following issues:
- Landscape and visual impact, cumulative landscape and visual impact (Beaully Denny Overhead Line, Calliachar and Griffin).
  - Concerns with the Landscape and Visual Impact Assessment methodology.
  - Impact on mountain tops, iconic viewpoints and National Scenic Areas (NSAs).
  - Impact on national tourist routes.
  - Excessive height and sky scape impact.
  - Contrary to Structure Plan, Local Plan Policy and supplementary planning Guidance.
  - Loss of trees (resulting increase in dominance of Griffin Windfarm) replanting does not accord with Forestry Commission guidelines.
  - Concern with residential assessment. Loss of visual and residential amenity on properties within Strathbrann. Griffin was modified to reduce impacts on Strathbrann.
  - Noise (operational and construction) and noise condition enforcement concerns with potential cumulative impact.
  - Job creation with windfarm limited
  - Impact on tourism, farming, sporting activities and local businesses (existing jobs).
  - Impact on hydrology, water environment, water pollution and private water supplies.
  - Impact on birds, wildlife and protected species
  - Impact on habitats
  - Concern with the applicant's pre-application consultation activity with the community.
  - Traffic impact, congestion, discrepancies in transport appraisal between Planning Statement and Environmental Statement.
- 125 The above matters are addressed in the planning appraisal section of this report. However the following elements are best addressed at this stage under the following headings:-

- **Subsidies are borne by tax payers** - the impact this submission has on tax payers fall out with the remit of this planning assessment.
- **Efficiency of turbines questioned and no site specific wind data** - a number of representations express concern at the support given through planning policy and Government Planning Guidance to the use of wind technology contending that it offers broad support to an inefficient technology which relies on the extensive use of natural resources through the production and construction process and relies on extensive public subsidy whilst delivering minimal climate change benefits.

126 Whilst these concerns are noted it must be acknowledged that Planning Policy does provide support for appropriately sited and designed wind farm development. In those locations where landscape and visual concerns are raised it will be appropriate for any decision maker to have regard to the amount of energy contribution to be delivered by a proposal and the extent to which that will contribute to Scottish Government commitment to generating an equivalent of 100% of electricity demand from renewable sources by 2020.

#### ADDITIONAL STATEMENTS

Environment Statement	Submitted
Screening Opinion	Environmental Statement submitted.
Environmental Impact Assessment	Yes
Appropriate Assessment	Undertaken
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Incorporated into Environmental Statement.

#### APPRAISAL

127 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended by section 2 of the Planning etc (Scotland) Act 2006, decrees that planning decisions are required to be made in accordance with the Development Plan unless material considerations indicate otherwise. Thus it is necessary to establish whether the proposal accords with the development plan and whether any material consideration indicates that the decision should not accord with the plan. The development plan for the area within which the application site lies consists of TAYplan 2012 and the Perth and Kinross Local Plan 2014.

128 Policy 6 of the TAYplan relates to the aim of delivering a low/zero carbon future for the city region to contribute to meeting Scottish Government energy targets. Of all the Strategic Plan policies I find this is the most relevant to the determination of the proposal. The policy seeks to grow and deliver this type of infrastructure in the most appropriate locations; it puts emphasis on the need for local plans to be consistent with Scottish Planning Policy requirements and indicates that, in determining

proposals for energy development, consideration should be given to the effect on off-site properties, the sensitivity of landscapes and cumulative impacts.

- 129 With regards to the recently adopted Perth and Kinross Local Development Plan there are numerous individual policies that are applicable in the determination of the application as detailed in the policy section.
- 130 Due to the proximity of Griffin to this proposal Policy ER1B of the local plan is engaged. This confirms that extensions of existing renewable energy facilities will be assessed against the same factors and material considerations that apply to proposals for new facilities.
- 131 Policy ER1A: New facilities is of particular importance to this assessment and confirms that proposals for the utilisation, distribution and development of renewable and low carbon sources of energy will be supported subject to a number of factors being taken into account. These include the individual or cumulative effects on landscape character, the contribution towards meeting carbon reduction targets, the impact on the local economy, including tourism and recreation interests, and their fit with the spatial framework for wind energy developments. The latter is to be provided by supplementary guidance for large scale wind energy and other developments.
- 132 Although the policy position is generally supportive of renewable energy schemes this is subject to a number of criteria being satisfied. While renewable energy schemes may meet some environmental requirements and not others an overall judgement has to be made on the weight to be given to the 'positives' and 'negatives' which will determine whether it is environmentally acceptable. Any significant adverse effects on local environmental quality must be outweighed by the proposals energy contribution. These factors are considered in the assessment that follows.

## **Landscape and Visual Impact**

### Landscape Character

- 133 TAYplan Policy 3 seeks amongst other things to safeguard landscapes and geodiversity, while TAYplan Policy 6 indicates that in determining proposals for energy development, consideration should be given to landscape sensitivity. Local Development Plan Policy ER1A (1) confirms the need to take account of landscape character with Policy ER6 specifying that development and land use change should be compatible with the distinctive characteristics and features of Perth and Kinross's landscapes. Accordingly, development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.
- 134 The Council's Strategic Planning and Policy Team are currently progressing with the preparation of supplementary guidance associated with Policy ER6 and this is currently in a draft format. This work is looking at the qualities and potential designation of the landscapes within Perth and Kinross. The proposed Creag a' Bhaird windfarm site is not located within a candidate special landscape area in the draft SPG, however there are a number of candidate areas where theoretically visibly of the proposed turbines would occur.
- 135 The note associated with Policy ER6 acknowledges that until it is possible to assess the acceptability of development proposals against Perth and Kinross-wide

Supplementary Guidance on Landscape, priority will be given to safeguarding and enhancing the landscape of National Scenic Areas and the Tayside Landscape Character Assessment 1999 (TLCA) will be used for assessing development proposals, along with other material considerations. Accordingly my assessment will also focus on the David Tyldsley Studies.

Highland Summits and Plateaux Landscape Character Type

- 136 The site lies within the Highland Summits and Plateaux Landscape Character Type (LCT) of the Tayside Landscape Character Assessment 1999 (TLCA). This landscape unit comprises a large part of the TLCA study area covering the higher ground located to the North of the Highland Boundary Fault and is described as one of the remotest and wildest in the United Kingdom. The TLCA confirms within Highland Summits and Plateaux type there is a distinction and this can be drawn through the Glen Garry/Drumochter which effectively dissects the Mounth Highlands which are rounded in nature to the east, in comparison to the craggier hilltops of the Western Highlands. The proposed Creag a' Bhaird site is located within the latter.
- 137 The Highland Summits and Plateaux landscape type generally has a high/medium sensitivity to change of the type associated with wind farm development. The assessment in the ES acknowledges that a major and significant effect on a very limited area will occur but overall the effect on the Highland Summits and Plateaux landscape character area will be minor and not significant. Due to the extent of the Highland Summits and Plateaux LCT I agree with the findings contained in the ES on this LCT.
- 138 During the Public Local Inquiry (PLI) associated with the 2008 Calliacher application the Reporter opined that local landscape units within the Highland Summits and Plateaux LCT provided a more meaningful context in which to assess the proposals impact on landscape character.
- 139 The 2004 David Tyldsley Associates (DTA) study sub-divides the Highland Summits and Plateaux LCT to enable a finer grained assessment. In this regard the proposed Creag a' Bhaird is located within sub unit H2: the Highland Summits and Plateaux: Cochill – Tay – Braan which extends from the vicinity of Craig Formal and Monadh nam Mial hills across the upper part of Glen Cochill to the Tay Valley in the vicinity of Dunkeld to Ballinluig. This landscape sub-unit is dominated by Griffin windfarm but still contains forestry plantations and associated access tracks. This also coincides with sub unit 3C(vi) in the 2010 DTA study.
- 140 Creag a' Bhaird, through the introduction of large vertical structures would have a very significant effect on this landscape sub-unit. It would also further reduce the significance of commercial forestry plantation due to the extent of felling required to accommodate the proposal. I note that mitigation is proposed in the form of replanting however due to the height of the turbines in comparison to the trees this will have little effect and what effect it does have would only become effective in the long-term.
- 141 The findings of fact associated with the Griffin Public Local Inquiry confirmed that landscape character is of particular importance. The Public Local Inquiry report at paragraph 10.21 states:-

*“.....due to the number, height, scale and industrial nature of the turbines, the wind farm would have a very significant effect on the landscape of the site itself. Along with the particular landform of the site, the wind farm would appear as a dominant characteristic of the landscape. The significance of the commercial forestry plantation would reduce, partly due to the felling of substantial areas, but also due to the much greater height of the turbines, compared even to the height of the trees when mature. I find that the effect would only be mitigated to a degree by the design and layout of the wind farm, which incorporates three linear arrays of turbines, aligned parallel with the three main ridges within the site to reflect and emphasise its topography.”*

- 142 Creag a' Bhaird would add to the dominance Griffin has on this landscape sub-unit. The Reporter for the Griffin Public Inquiry considered the design and layout of the Griffin windfarm afforded a degree of mitigation. Creag a' Bhaird would erode the clear design and layout of Griffin's three linear arrays.
- 143 Overall I consider that Creag a' Bhaird on its own and cumulatively would have a major and significant effect on the landscape character of sub-unit H2 in the 2004 DTA study and sub unit 3C(vi) in the 2010 DTA study.

#### Mid Highland Glens Landscape Character Type

- 144 The Strathbraan (Mid Highland Glens LCT) is located directly to the south of the Creag a' Bhaird site boundary. Sections of the glen are distinguished by the concentration of agricultural activity on the valley floor, and the predominance of rough grazing, bracken and heather moorland on the valley slopes.
- 145 The zone of theoretical visibility (ZTV) ES Volume 1 (Fig 6.3a) indicates that visibility of Creag a' Bhaird would occur in the middle and southern section of Strath Braan LCT. Looking at Cumulative ZTV Figure 6.10, generally Creag a' Bhaird visibility coincides with visibility associated with Griffin. The ES considers that this LCT to be high/medium sensitivity to change and concludes that the operational effect will result in a small change to the overall character of this LCT. This places weight on the turbines still appearing in the Highland Summits and Plateaux LCT as well as the replacement of forestry as mitigation.
- 146 I consider that the distinction between the Highland Summits and Plateaux LCT and the Mid Highland Glens LCT can presently be defined. Despite the extent of visibility of the Griffin Windfarm on this Landscape Character type that scheme does not have an overbearing influence on the Strathbrann Mid Highland Glens LCT. Creag a Bhaird however, due to its positioning as well as the associated forestry removal erodes and diminishes the distinction between the Highland Summits and Plateaux LCT and Mid Highland Glens LCT. In light of this I am of the view that a moderate and therefore significant impact on the Strathbrann Mid Highland Glens LCT occurs.

147 Where visibility occurs in the wider landscape the impact on landscape character is slight as at the distances involved and/or extent of visibility there are no impacts of significance. This includes the following TLCA Landscape character types Lower Highland Glens, the Highland Foot Hills, Igneous Hills and Broad Valley Lowlands. The Council has prepared draft supplementary Planning Guidance on special landscape areas within Perth and Kinross. I have reviewed this draft document and do not consider there to be issues that have not already been covered under the assessment of the TLCA. However, overall the impact on landscape character would not accord with the requirements of TAYplan Policy 3 or Policy 6. Furthermore the proposal does not comply with LDP Policy ER1A (1) or Policy ER6 specifying that development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscapes. Accordingly, development proposal conflicts with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.

### **Visual Impact**

148 There is also a requirement through LDP Policy ER1A to take account of visual integrity. Accordingly the potential visual impact in relation to residential properties, designated locations, roads, recreation and sporting activities has to be considered.

### National Scenic Areas

- 149 A National Scenic Areas (NSA) is an area which is nationally important for its scenic quality. Development that affects a NSA should only be permitted where it will not adversely affect the integrity of the area or the qualities for which it has been designated, or any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance. There are four NSAs within the 35km LVIA study area, River Earn NSA (Comrie to St Fillans), Loch Tummel NSA, Loch Rannoch and Glen Lyon NSA and the River Tay NSA (Dunkeld).
- 150 The Submitted ZTV confirms that there is no visibility from the River Earn NSA therefore my assessment focuses on the remaining three designated areas.
- 151 Loch Tummel NSA lies to the north of the Creag a' Bhaird scheme. The summits of Meal Tairneachan, Farragon Hill, Beinn Eagagach and Meall a' Charra form the southern boundary of the designation and due to the topography of these mountains the rest of the NSA is shielded. I accept that the NSA designation predominantly relates to the characteristics of the Tummel Valley, including the celebrated Queen's view. Accordingly the effects would be limited to outward views from the NSA's southern mountain summits.
- 152 From Meal Tairneachan (viewpoint 13) eastern and central array of Griffin appear as one massed group with the western array a separate group with overlapping blades. The instillation of the Creag a' Bhaird scheme would successfully add additional turbines into the western array from this viewpoint (turbine numbers 13, 8, 12, 7, 11 and 6). However a further two groups of turbines would extend Griffin in a westerly direction adding to the complexity of windfarms in the landscape as it conflicts with the Griffin Design (group1 consisting of turbine numbers 10 and 5, group 2 turbine

numbers 1, 2, 3, 4, and 9). This would close the gap between the operational Griffin and Calliacher Windfarms which would be exacerbated should the North Calliacher application be approved on appeal. These concerns are also expressed in SNH's consultation response.

- 153 The ES considers that cumulatively no additional significant effect is predicted, however I disagree and am of the view that the effect is moderate and considered to be significant in the context of the EIA regulations.
- 154 From the Loch Rannoch and Glen Lyon NSA, there would be large parts where no visibility of the proposal would occur, for instance from Glen Lyon itself and from the whole of Loch Rannoch and its surroundings. Visibility of the scheme within this NSA would be limited to the summits and south facing slopes of Schiehallion and Beinn a' Chuallich. These summits are popular destinations for walkers and as they climb to the summits they experience a transition from habitation into a wild landscape of ridges, corries and cliffs, which are seemingly remote from civilisation.
- 155 The presence of the Griffin and the Calliacher scheme has already resulted in an element of erosion to the special qualities associated with the summits in this NSA. Although the effect was considered to be limited, as discussed in the 'findings of fact' associated with the 2008 Public Local Inquiry for the Calliacher scheme.
- 156 From Schiehallion (viewpoint 16) part of the Creag a' Bhaird scheme merges with Griffin (turbine numbers 8, 7, 12 and 13), however two additional and separate groups of turbines are created (turbines 1 and 11 form group 1, while turbines 1, 2, 3, 4, 4, 9 and 10 form group 2). Similar to Meal Tairneachan these two groups are distinct outlying and widely spaced arrays creating a confusing windfarm image as they conflict with Griffin's design. Cumulatively Creag a' Bhaird closes and narrows the existing gap between Calliacher and Griffin. The cumulative effects of the proposed scheme will effect and erode the experience of the wild summits on outward views to the south east from within the NSA where visibility occurs.
- 157 SNH's response confirms, "*The cumulative impacts are particularly apparent when viewed from Schiehallion within the Loch Rannoch and Glen Lyon NSA (See Figure 6.28, viewpoint 16). Should both Creag a' Bhaird and North Calliacher proposals be consented, the existing gap between Calliacher and Griffin would be substantially reduced, resulting in a line of nearly continuous windfarms within a c24° angle of view*".
- 158 Taking account of this I am of the view that the cumulative effect experienced from this viewpoint is moderate and considered to be significant in the context of the EIA regulations. Not minor and not significant as stipulated in the applicant's ES.
- 159 The River Tay (Dunkeld) NSA is some 5km to the east. The qualities of this area are predominantly focused on the presence of the river between the rugged hills of the highland edge, which are clothed with a variety of woodland, and the presence of a small and ancient ecclesiastical settlement.
- 160 The King's Seat (Birnam Hill), viewpoint 10, sits on the edge of the Highland Boundary Fault line and is an iconic view point from the NSA's west boundary. The hill can be climbed using a circular route which results in walkers experiencing a



series of different aspects of the transition from lowlands to Highlands. The proposed Creag a' Bhaird would be seen from above the woodland near the summit where there is a panoramic view of hills, mountains and glens to the north-west. The existing Griffin scheme is already a significant element in this view. At the Griffin Windfarm Public Local Inquiry the reporter considered that for hill walkers and other receptors approaching from the south into Strahbrann the Griffin windfarm would be seen as a significant, but not as a dominant feature (see para 10.35). From King's Seat, Griffin is already a significant feature in the north-easterly view towards Schiehallion (26.5 degrees). Creag a' Bhaird overlaps Griffin slightly but extends it further (8.5 degrees) with the turbines appearing less dense. The ES considers there to be a minor impact of no significance. However, the planning authority is of the view that the Creag a' Bhaird scheme due to its different design to Griffin as well as the increase in angle of view results in a moderate visual impact therefore significant effect.

161 With regards to Newtylehill, viewpoint11, SNH notes that, "*With the exception of the views from Kings Seat / Birnam Hill, the visibility of the existing wind farm developments from within the NSA is very limited. The proposal would introduce turbines into views from parts of the NSA that are currently largely unaffected by wind farms. Figure 6.23 (viewpoint 11, Newtyle Hill) demonstrates this well: showing that the 68 existing turbines at Griffin are barely perceptible from this viewpoint yet six of the Creag a'Bhaird turbines would be highly visible new features in the landscape and, at 10km would draw the eye and become a new focal point. The recent felling has opened-up a view which encapsulates the key characteristics of this NSA, combining mountains and river with cultural and wooded landscapes in a single view. The Creag a'Bhaird turbines would detract from the view and would further erode the scenic qualities of the NSA.*

162 *The view from Newtyle Hill represents the experience from a 1.5 km stretch of the locally important Dunkeld Walks path network. The local path network extends through much of the NSA and from this particular section the following two special qualities will be adversely affected.*

- *The beauty of cultural landscapes accompanying natural grandeur*
- *The 'Gateway to the Highlands'*

*As described above the turbines would appear to conflict with the existing arrangement of natural and cultural features resulting in an adverse effect on this section of the local path network".*

163 I would agree with SNH's assessment that there would be a significant impact on two qualities of this National Scenic Area. In light of this the effect is considered to be significant in the context of the EIA regulations. Not minor and not significant as stipulated in the applicant's ES.

164 Overall the proposed Creag a' Bhaird scheme would impact on three NSAs. The cumulative effects would erode the experience from popular summits from the Loch Rannoch and Glen Lyon NSA and the Loch Tummel NSA. While the Gateway to the Highlands and the beauty of cultural landscapes accompanying natural grandeur would be significantly eroded which are two qualities of the River Tay (Dunkeld) NSA. In light of this the scheme does not accord with Policy NE1B of the LDP.

## National Parks

- 165 National Parks are designated under the National Parks (Scotland) Act 2000 because they are areas of national importance for their natural and cultural heritage. The four aims of national parks are to, conserve and enhance the natural and cultural heritage of the area, promote sustainable use of the natural resources of the area, promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public, and promote sustainable economic and social development of the area's communities.
- 166 The Cairngorms National Park is located to the north east perimeter of the study area with visibility limited to the summits. At the distances involved from these summits, between 24 km and 31 km, Creag a' Bhaird is considered to be out with the setting of the Park. The Park Authority concludes that there is no landscape impact and the visual impact is insignificant. No concerns are raised regarding cumulative issues. The Loch Lomond and the Trossachs National Park is located to the south west perimeter of the 35km study area. In this case no visibility of the proposed wind farm occurs. Consultation with the Park confirms they have no objection. Overall the special qualities of the Parks are not adversely affected

## Wild Land

- 167 NPF 3 recognises the importance of wild land at paragraph 4.4. This confirms the Scottish Government sees wild land as a nationally important asset and places strong protection on Scotland's wildest landscapes. This is further reinforced by Scottish Planning Policy setting out how this should be achieved.
- 168 The Creag a' Bhaird site is not located within wild land area as identified in Scottish Natural Heritage's 2014 wild land map. However there are areas of wild land where visibility occurs, Cairngorms (area 15), Breadalbane – Schiehallion (area 10) and Rannoch – Nevis – Mamores – Alder (area 14).
- 169 Visibility in the Cairngorms wild land area is limited to summits in the southern section of the wild land designation. From these peaks and at the distances involved the impact will be insignificant.
- 170 The Rannoch – Nevis – Mamores – Alder wild land area is extensive. Like the Cairngorms the impact predominantly relates to the summits in the southern section, Beinn-Mohlach (outwith the 35km study area) and Bienn a' Chuallaich (around 31km). At the distances involved the impact on the wild land designation as a whole will be insignificant.
- 171 Breadalbane – Schiehallion (area 10) is also an extensive area of wild land. Visibility is limited to the western extent of the designated area, predominantly around Schiehallion. In assessment of this viewpoint it was considered that the cumulative impact from the Creag a' Bhaird scheme was detrimental to the experience of the wild summits in the NSA. This impact extends to and would further erode the experience from this area of wild land. In light of this the application is not considered to adhere to NPF3 and SPP.

## Recreation

- 172 The impacts on some recreational receptors have already been discussed in the assessment of NSAs, National Parks and areas of designated wild land. Focus now shifts to viewpoint locations which are out with these designated areas.
- 173 The creation of the Griffin windfarm and the formation of tracks to construct and operate the site have opened up greater access opportunities for riding, cycling or walking in the Griffin site. Viewpoint 1, Druim Muir illustrates views gained by receptors travelling north into Griffin site. The extent of forestry removal associated with the scheme is particularly noticeable and the southern section of Creag a' Bhaird (Turbines 1,2,3,4,5,6,9,10 and 11) appears as a separate group and have a different windfarm design to Griffin. I agree that the effect is major and significant. Viewpoint 2, Ben Salachill represents views from receptors within the Griffin Windfarm site. From this view Creag a' Bhaird predominantly sits behind the Griffin Scheme and appears as an extension. I also agree that the level of effect is major and significant as noted in the ES.
- 174 Further to the west of Birnam Hill at Creag Laith, viewpoint 7, the three arrays of Griffin can be clearly defined sitting behind forestry in the uplands. Creag a' Bhaird turbines 7, 8, 12 and 13 appear as part of Griffin windfarm. Turbines 11 and 6 are aligned with the westerly Griffin array but appear separate as there is a gap between them, this is further emphasised by the forestry that sits in the gap but this will likely change due to forestry felling cycles. The westerly cluster of turbines (1, 2, 3, 4, 5, 9 and 10) appear completely detached from Griffin and erodes the design of the Griffin arrays. The ES considers there to be a significant effect from this viewpoint. The planning authority agrees.
- 175 Again further west from Creag Laith is viewpoint 8 at Meal nan Caorach. The planning authority acknowledges that the level of effect on recreational receptors is minor and not significant as Craig a' Bhaird appears within and as part of the Griffin Scheme. Intervening topography, in the form of Creag Bhorach also masks the western element of the Craig a' Bhaird proposal further reducing the impact.
- 176 Ben Chonzie, a munro and Meal nam Furaran, a corbett are to the South West of the site and are popular walking summits. The photography from Ben Chonzie is hazy, see viewpoint 14. From this summit Creag a' Bhaird appears as an extension. Griffin's visibility is partially shielded by Garrow hill (739m AOD) and Meal nam Furaran (805m AOD). I agree that the effect is not significant from this viewpoint.
- 177 From viewpoint 12, Meal nam Furaran, Calliacher is visible to the North and is clearly separate to Griffin and Creag a' Bhaird. The hills consisting of Creag an Loch (663m AOD), Meall Dearg (690m AOD) and Beiann Liath (600m AOD) shield the majority of the westerly array of Griffin, the topography then drops in height towards Craig Hulich at (552m AOD) resulting in Creag a' Bhaird extending the visibility of Griffin by a further 4 degrees with the Creag a' Bhaird turbines appearing pronounced in comparison to Griffin. It is agreed that the effect is minor.
- 178 Viewpoint 15, Ben Vrackie is a popular summit due to its proximity to Pitlochry. Creag a' Bhaird is contained within Griffin adding a further layering of turbines. The ES stipulates that the effect is minor and it is agreed with this.

- 179 Viewpoint 4 – General Wade’s military road in Glen Cochil represents walkers on a historic route, it is located to the west of the site. Creag a’ Bhaird turbines 1, 2, 3, 4, 9 and 10 appear as a separate scheme to Griffin and they dominate the view. This is exacerbated by the removal of forestry which reveals the sites underlying complex landform. This level of effect is considered to be major and significant.

#### Roads/Railway

- 180 Perthshire forms the main “gateway” for tourists entering the highlands, with the A9 north of Perth and the A822 north of Greenloaning forming the main tourist corridors. Figure 6.2 in Volume 1 of the ES confirms there is no visibility from the A9 and related railway line. Segments of theoretical visibility occur on the A822 between Newton and Milton as well as the Strathbrann section of the A822 between Milton and Birnam. Theoretical visibility also occurs on the A826 between Milton and Loch na Craigie.
- 181 Theoretical visibility between Newton and Milton occurs within 8km of the site. I note that localised roadside vegetation and woodland in the wider landscape will filter views when travelling through this glen. Static viewpoint 9, A822 near Corrymuckloch and viewpoint 6, A822 near Ballinreigh represent road users on this section travelling in a northerly direction.
- 182 From viewpoint 9 near Corrymuckloch, three turbine hubs and two blades of Creag a’ Bhaird would be visible. Although Creag a’ Bhaird overlaps the Griffin turbines they appear much larger than Griffin resulting in a much more complex and eye catching windfarm. Turbine number 3 also appears particularly prominent sitting above the tip height of the Griffin and the rest of the Creag a’ Bhaird turbines that are visible. The complexity in this view is also exacerbated by other energy infrastructure in the form of overhead lines at this point. I am of the view that the level of effect is moderate, not minor as stated in the ES. Accordingly this results in a significant effect from this viewpoint.
- 183 Near Ballinreigh there is theoretical visibility on the A822. I note that viewpoint 6 is taken from an elevated position above the road therefore the effect on road users is likely reduced. At this point two Creag a’ Bhaird turbine hubs increase the prominence while two further blade tips extend eastwards. This adds to the complexity of windfarm development
- 184 Overall the effect on this section of the A822 route is not considered to be significant as large proportions will not have visibility and where effects occur they are only experienced when travelling in a northerly direction.
- 185 On the A822 between Birnam and Milton visibility on this route is restricted by landform, localised roadside vegetation and woodland. To gain a greater understanding on the potential effects on this route an additional viewpoint was requested and submitted as Supplementary Environmental Information (SEI). SEI additional viewpoint 3 at the access of Little Trochry provides an understanding of receptors travelling in a westerly direction. A significant number of Griffin turbines are already present in this view appearing in a well framed notch in the landscape. Turbines 7, 8 and 13 of Creag a’ Bhaird extend Griffin out of this notch with the hub

of turbine number 13 appearing above the ridgeline of the hill. The Creag a' Bhaird turbines increase the complexity of the turbines in this view and will draw greater attention to the presence of Griffin. However it is acknowledged that trees on this part of the route will provide a degree of filtering resulting in glimpsed views.

- 186 From viewpoint 5, near Borelick on the A822 all the Creag a' Bhaird turbines would be visible. At this viewpoint Griffin has the impression of sitting behind the ridge of the hills as there is limited visibility of the turbine towers. While Creag a' Bhaird turbines 6, 7, 11 and 12 (central to the view) appear to follow the alignment of Griffin due to their proximity to the road and being set in front of the ridge they appear dominant and in the upper slopes of Strathbrann. Creag a' Bhaird turbines 1, 2, 3, 4, 5, 9 and 10 appear as a separate scheme to the west with turbine 10 very prominent resulting in a significant spread of turbines in the view. It is agreed that a major and significant effect occurs from this viewpoint.
- 187 Taking the above into account, receptors travelling in an easterly direction on this part of the A822 will likely gain oblique views of Creag a' Bhaird to the north in combination with Griffin where the Strath is open at Borelick. As the receptor progresses their journey eastwards the effect diminishes. While visibility is generally restricted to certain stretches on this section of the road and usually in combination with Griffin, it is clear that Creag a' Bhaird significantly increases the effect on the receptor, draws further attention to and erodes the composition/design of Griffin
- 188 Between Milton and Loch na Craigie viewpoint 3, A826 and SEI Additional viewpoint 1, A826 to the north of Scotson represent receptors travelling through Glen Cochil. Receptors travelling north on the southern section of the A826 already see an extensive array of Griffin turbines which are set behind the forested eastern ridge of Glen Cochil. The Creag a Bhaird appear dominant in comparison Griffin from this viewpoint.
- 189 When travelling south on the A826 through Glen Cochil landform and vegetation effectively screen Griffin resulting in the receptor not being aware of its presence. From the SEI additional viewpoint 1, A826 to the north of Scotson Creag a' Bhaird would introduce turbine visibility into Glen Cochil. This would be squarely in the receptors view when they exit forestry and into the open landscape. This is considered to be a major and significant impact on this view. As a consequence, the Creag a' Bhaird scheme is considered to have a detrimental effect on this part of the A826.

#### Residential Receptors

- 190 Paragraph 190 of the SPP refers to a guideline separation distance of up to 2km between areas of search for groups of wind turbines and the edge of towns, cities and villages, to reduce visual impact. However, this 2km separation distance is a guide not a rule and decisions on individual developments should take into account specific local circumstances and geography.

#### Settlements

- 191 With regards to settlements, the hamlet of Milton is located approximately 2km from the nearest turbine but no visibility occurs at this location. From Trochry which is 3.5km from the windfarm there will be 1-2 turbines theoretically visible (Fig 6.3a tip

height) however from a site visit the orientation of dwellings as well as intervening buildings and vegetation will limit the effect on this small settlement, accordingly I agree with the ES that there are no significant effects on the settlement of Trochry from Creag a' Bhaird. The remaining settlements either experience no visibility or are at a sufficient distance not to raise significant effects.

### Residential Properties

192 There are residential properties located to the south of the windfarm in Strathbraan and a single property to the west in Glen Cochil. A residential assessment has been undertaken by the applicant and is contained in Appendix 6.1, Volume 2 of the ES. This has identified and considered 10 groups of properties extending out to 2.9km.

193 Out of 10 groups of buildings consisting of 22 dwellings the ES highlights that there are 5 groups, 14 dwellings in total that are assessed as having a high potential to experience a high magnitude of change to their visual amenity.

G1 – Game keepers cottage, Tombane

G2 – Tomnagrain Bothy, Tomnagrain Farm

G4 – Tombane- The bothy, Little Tombane Farm, Tombane- The Smithy

G5 – Borelick Fram, Daldownie, Dalgowan, Torbeg, Fhearnaig

G9 – Little Findownie, Little Findownie Cottage

194 The ES assessment concludes that none of the properties assessed will result in an impact on residential amenity or living conditions from the proposed development. The ES considers that a 1.4km separation distance between the windfarm and nearest property is reasonable.

195 In SNH's response they have highlighted:-

*“it should be noted that the original Griffin proposal included turbines sited close to where they are now proposed in the Creag a' Bhaird application. These turbines were removed from the original Griffin application as “they were the most prominent 4 turbines in the view”<sup>1</sup> [from A822 in Strathbraan]. Creag a' Bhaird would largely undo the mitigation put in place at Griffin to reduce the impacts on Strathbraan. We advise the design integrity of Griffin Wind Farm should be retained.”*

196 The current Griffin scheme is located 2km from the nearest property Group (G1) in Strathbrann. I am in no doubt that the presence of the operational Griffin is experienced by the residents of Strathbrann in the course of their daily life, most notably from gardens and driveways where visibility occurs. The Creag a' Bhaird proposal will result in an increase in the numbers of Griffin turbines visible from properties through the felling of forestry, although it is recognised that this would likely occur anyway through felling cycles.

197 It is recognised that the orientation of houses in Strathbrann mainly takes account of key views of the valley to the east and west as well as solar gain from the south, resulting in primary views away from Creag a' Bhaird. The exceptions being property group at 2.6km from the nearest turbine (Little Findownie Fram, Little Findownie Fram Cottage) and group 10 at 2.9km (Meikle Findownie). The introduction of the proposed Creag a' Bhaird turbines will reduce the separation distances currently in

place by 600m and in comparison to Griffin be dominant. The impact on residents using driveways to the properties and garden grounds would also increase in my view, to a level that would be substantially detrimental to the enjoyment of the properties. Furthermore Creag a' Bhaird introduction results in additional visibility to properties that currently have none, Such as group 4 (consisting of three properties, Tombane - The Bothy, Little Tombane Fram and Tombane - The Smithy) and group 8 (consisting of four properties, Drumour, Drumour Farm, Drumour Steading and Easter Drumour).

198 Overall the effect on residential amenity in Strathbrann is substantial and detrimental to a level which warrants refusal. Accordingly the proposal is contrary to criterion (a) of LDP Policy ER1.

### **Cumulative Issues**

199 A series of cumulative ZTVs are included in Volume 1 of the Environmental Statement (Fig 6.7 to 6.12) this shows areas from where the proposed Creag a' Bhiard scheme may be seen with operational, consented and proposed wind farms within the study area. Within the immediate vicinity of the site there are the following windfarms:-

- Griffin (operational)
- Calliachar (operational)
- North Calliachar (at appeal)
- Crossburns (at scoping at the time of Creag a' Bhaird submission. Now a section 36 application submitted to the Scottish Government)

200 Near Blairgowrie and Alyth to the east of the site:-

- Drumderg (operational)
- Corb (approved single turbine but not constructed)
- Welton of Creuchies (approved but not constructed)
- East Gormack (operational single turbine)
- Lethendy (approved single turbine but not constructed)
- Ardlebank (now refused)
- Bamff (refused at appeal)
- Tullymurdoch (approved at appeal)

201 To the south of the site in the Ochil Hills:-

- Lochelbank (operational)
- Greenknowes (operational)
- Middlethird (now refused)
- Burnfoothill (operational)
- Burnfoothill Extension (operational)
- Rhodders (approved but not constructed)

202 To the South East of the site:-

- Mull Hill (refused at appeal)

- 203 Having reviewed the ZTV's I find that Griffin, Calliachar, North Calliachar and the Crossburns Scheme are of the most significance because of their scale and proximity to Creag a' Bhaird. The other wind farms included in the cumulative LVIA would all be located at considerable distance from the site the magnitude of cumulative change in combination with the Creag a' Bhaird proposal would predominantly remain unchanged or be negligible. There would be sequential cumulative effects when travelling on the A822 with the Beauly –Denny line however I do not consider this effect to be significant.
- 204 In the assessment of Creag a' Bhaird so far and where cumulative effects occur they have been referenced in the appraisal of that particular viewpoint. This has shown that there are local cumulative issues predominantly relating to seeing Creag a' Bhaird in combination with Griffin, this includes extending the Griffin scheme and eroding the design of Griffin which results in a complex pattern of windfarm development.
- 205 From the wider landscape cumulative effects also start to include Calliachar and Creag a' Bhaird. From the north Creag a' Bhaird would close the gap between Calliachar and Griffin. This would be further exacerbated should the North Calliachar appeal be approved. If Crossburns is consented this would result in an almost continuous line of wind energy infrastructure from the NSAs to the north.

### **The Scheme's fit with the Spatial Framework and the Windfarm Design**

- 206 The existing spatial distribution of wind farms in Perth and Kinross has arisen from a series of decisions, broadly in the order in which they were applied for, by Reporters and the Scottish Ministers, over several years. The decisions have considered specific proposals that have come forward, without a national or regional strategic spatial plan and with little or no co-ordination between wind energy proposals, in terms of their siting and design. It is highly likely that more wind generating capacity could have been accommodated in Perth and Kinross, without a concurrent increase in impacts on landscape and visual amenity, if the wind farms had been brought forward in a coordinated way, with each maximising the potential for renewable energy generation, whilst ensuring either an appropriate separation or being designed to fit well together.
- 207 The adopted LDP confirms at ER1 that Supplementary Guidance will provide a spatial framework for large-scale wind energy developments, and further explain the locational, technological, environmental, and design requirements for developers to consider in making their applications for a range of other renewable and low carbon energy generating developments.
- 208 This Supplementary Guidance is being progressed following the adoption of the LDP however to date there is currently a void. Accordingly, in its absence, it is appropriate to take account of existing material to assist with assessing the scheme's fit with the Spatial Framework. The SNH document on the siting and design of windfarms (2014) is particularly useful along with their guidance on Assessing the Cumulative Impact of Onshore Wind Energy Developments (2012). The Tayside Landscape Character Assessment, the 2004 Landscape Study prepared by David Tyldsley Associates and the Technical 2010 David Tyldsley Associates Landscape Study to inform Planning for Wind Energy is also of assistance.



- 209 There are effectively two approaches that can be applied to fitting a wind energy scheme into the Spatial Framework. One option is to deliberately group or concentrate wind energy developments into particular areas thereby allowing other areas to remain free of wind energy developments. The alternative option is for wind energy developments to be distributed across a larger area, using wide spatial separation as a means of reducing the cumulative effects in any particular locality.
- 210 The distribution of operational and consented wind farms limits the scope for applying either of these approaches. To achieve clear spatial separation between the baseline that exists within Perth and Kinross would be difficult, similarly to add new wind energy developments to areas with existing wind farms because of the need to achieve compatible designs is also challenging.
- 211 The grouping of the existing operational Griffin and Calliachar effectively creates a 'windfarm landscape' in this area and is a significant constraint in terms of fitting new wind energy developments into this area. Due to the proximity of Creag a' Bhaird to the operational and approved Griffin scheme a clear and distinct spatial separation approach cannot be applied.
- 212 The proposed Creag a' Bhaird scheme will add further windfarm infrastructure in this locale. In terms of compatibility, I am of the view that the layout and design of the Creag a' Bhaird wind farm is not coherent, sufficiently structured or quality driven and conflicts with the design of the operational Griffin scheme. Taking this into account the proposal fails to comply with Local Plan Policy PM1A or Scottish Natural Heritage's Siting and Designing Windfarms in the Landscape 2014.

### **The Historic Environment, Cultural Heritage**

- 213 Historic Scotland has confirmed that the setting of various Scheduled Ancient Monuments (SAMs) will not be adversely affected; this includes Airlich Hill, Meikle Findownie, Scotston, Trochrie Castle, Meikle Tombane. They are of the view that the quality of the 'deserted upland setting' of Salachill SAM is affected although the adverse impact does not raise issues of national significance.
- 214 The proposed wind farm would not have a significant effect on listed buildings, conservation areas or historic garden and designed landscape, or on the setting of any of these assets and the Council's Conservation Officer has offered no objection to the proposed development. Consequently the proposal does not contravene policies HE1A or HE2 of the LDP.
- 215 Consultation has been undertaken with the Perth and Kinross Heritage Trust's archaeologist. They generally agree with the mitigation measures within the ES. However they advise that a mitigation strategy should be refined in consultation with them. To ensure the development complies with the non-designated archaeology policy HE1B conditional control can secure a programme of archaeological works.

### **Natural Heritage**

- 216 The LDP contains a number of policies that seek to protect important species and sites designated for their natural heritage interest and to ensure that proposals that may affect them are properly assessed. NE1A relates to International Nature

Conservation Sites, NE1B relates to National Designations, NE1C covers Local Designations while NE3 Bio-diversity confirms that protection should apply to all wildlife and wildlife habitats, whether formally designated or not.

#### International Nature Conservation Sites

- 217 Development which could have a significant effect on an international nature conservation designated site (or proposed site) will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, that there are no alternative solutions and there are imperative reasons of overriding public interest. In this particular case the site is connected via watercourses to the River Tay Special Area of Conservation (SAC).
- 218 The development site is approximately 5km upstream of the boundary of the River Tay SAC. The proposal lies within the River Brann catchment which is a tributary to the Tay and consequently connected to the SAC. The ES identifies the features for which the River Tay SAC is classified, namely Atlantic Salmon, Otter, River Brook and Sea Lampreys, and clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels. The main impact on the qualifying features that are present (Salmon and Lamprey) is the potential release of sediments or chemical run-off into the water courses that are connected to the SAC.
- 219 SNH has confirmed that the proposal is likely to have a significant effect on the qualifying interests of the site. However they have advised Perth and Kinross Council that if the proposal is undertaken strictly in accordance mitigation measures then the potential significant effect on the qualifying interests of this designation can be avoided. They advise the following is required to be secured by conditional control, a detailed site specific Environmental Management Plan (EMP) and a Construction Method Statement (CMS).
- 220 An Appropriate Assessment has been undertaken by the Planning Authority in line with regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended, (the "Habitats Regulations"). This has ascertained that if the proposal is done strictly in accordance with mitigation measures that are being secured by condition, as discussed above, then this will avoid significant impacts on the River Tay SAC. In light of this the proposal would comply with policy NE1A of the LDP.

#### National Designations

- 221 The Forest of Clunie Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) is located approximately 12 km from the development, the site is designated due to Hen Harrier, Osprey, Short-Eared Owl, Merlin and Black Grouse. SNH confirm that Creag A Bhaire is not within the core foraging area of any of the SPA interests although osprey and hen harrier are known to forage up to 10km from nest sites. In their view the commercial forestry plantation on the site does not currently provide good foraging opportunities, there is no connectivity with the SPA and no likely significant effect on the qualifying interests. The potential effects on ornithology are discussed later in this report.

222 Loch of Butterstone, Craiglush and Lowes SSSI and Lochs Clunie and Marlee SSSI lie approximately 12km and 18km respectively from the proposed development site. Greylag Geese are features of both SSSIs and are known to forage 20km from roost sites. SNH advise that the proposed windfarm site is not used as a foraging area for geese due to the presence of the commercial forestry. During vantage point surveys very low numbers were recorded and SNH agree with the conclusion in the environmental statement that there will be no impacts to geese through displacement or collision mortality. Accordingly the elements of Policy NE1B that are applicable to nature conservation designations are not contravened.

#### Local Designations and Biodiversity

- 223 Policy NE1C confirms that development which would affect an area designated as being of local nature conservation or geological interest will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected. In this case there are no adverse impacts on local nature conservation or geological interest designations. Therefore policy NE1C is not contravened.
- 224 Policy NE3 stipulates that all wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the set out criterion. The habitat of the site predominantly consists of dense plantation coniferous woodland with dry dwarf shrub heath across much of the unplanted sections of the site. The impact of construction and operational phases are described in Chapter 9 of the ES. Otter and Pine Marten were present within the development site with suitable habitat available for Red Squirrel and wildcat which were taken to be present at very low density. There is the potential for disturbance or damage to the resting places of protected species from forest clear-felling and construction and operation of the wind farm, such as operations to upgrade or widen the existing forestry track and water crossings.
- 225 A draft Species Management Plan (SMP) is outlined in Appendix 9.6 which includes the provision for further pre-construction surveys to inform any licensing requirements. SNH advise it is important that these SMPs are fully implemented and updated during pre-construction felling and wind farm construction. It is considered that the implementation of the SMPs will safeguard wildlife and wildlife habitats to comply with policy NE3.

#### **Ornithology**

- 226 Chapter 10 of the ES deals with ornithology matters. The development site is not statutorily designated at international or national level for ornithological interests. SPA and SSSI sites which are the nearest designated area for birds have already been assessed.
- 227 The consultation response from the RSPB acknowledges that the wider area surrounding the Creag a 'Bhaird site supports a range of upland birds including Annex 1 Species and raise strong concerns about the suitability of the site given the cumulative impacts with other schemes. Despite the applicant's submission of Supplementary Environmental Information the RSPB's concerns remain.

- 228 The Council's bio-diversity officer's response notes that Curlew, Goshawk, Greylag Goose, Hen Harrier, Merlin, Peregrine Falcon, Red Kite and White-Tailed Eagle that were all observed within the turbine height during the survey work and the effect of Creag a' Bhaird, when combined with the Griffin and Calliacher Wind Farms is likely to have an adverse effect on ornithology interests.
- 229 SNH provides detailed commentary on ornithology. They advise that Hen Harriers were observed flying at collision risk height on the Creag a' Bhaird site and 2 male Harriers have been found dead in the vicinity of a turbine at the adjacent Griffin wind farm in the last year. Collision risk analysis for hen harrier in the ES found that 0.03 birds would be killed per annum. However, SNH point out that this is based on the current forest habitat. Evidence from Griffin wind farm, suggests that hen harrier activity may increase once the trees are felled and small mammal numbers increase in open ground habitats. In combination effects on Hen Harrier of Creag a' Bhaird with the Griffin, Calliachar, North Calliachar (at appeal) and Mull Hill (dismissed at appeal) wind farms were considered in the ES. The combined collision risk assessment for Hen Harriers is 0.09 birds per annum or 2.25 birds over the lifetime of the scheme. The ES suggests mitigation in the form of management to discourage birds from foraging in the wind farm area by making the site less attractive. Specific measures recommended within the ES include replanting with a commercial conifer crop and the cutting/scarifying of rides.
- 230 SNH note that Hen Harrier numbers within Natural Heritage Zone 12, North East Glens are unfavourable due to low distribution and density. They advise that measures to manage the site to make it unattractive to foraging harriers as outlined in Chapter 10 paragraphs 10.130-10.131 are contained within a Land Management Plan (LMP). The LMP should follow SNH guidance on "Post-construction management of wind farms on clear-felled forestry sites: reducing the collision risk for Hen Harrier, Merlin and Short-Eared Owl from Special Protection Areas".
- 231 With regard to other species SNH note the relatively low levels of flight activity through the collision risk zone and the absence of important nest sites and breeding birds within the immediate vicinity of the proposal. Accordingly they do not expect there to be significant impacts on birds provided the mitigation proposed for the construction and operational phases in Chapter 10 are implemented. They recommend the production of a LMP for the site to protect Hen Harriers and the measures designed to minimise potential impacts on hen harrier will also benefit Black Grouse and Short-Eared Owl. However they recognise that the LMP will need to take account of ecological, ornithological and forestry interests and reach a consensus on any proposed mitigation measures.
- 232 While I acknowledge the strong ornithological concerns expressed by RSPB along with the adverse cumulative effects pointed out by the Council's biodiversity officer, I attach weight to SNH's conclusions and recommendations as they are the body with specific responsibility to provide advice on ornithological matters. In this regard no objection is offered by SNH and I see no reason to recommend refusal on this matter if conditional control is secured.

## **Water resources and Carbon Rich Soils**

### Private Water Supplies

- 233 It is acknowledged in the ES that there are private water supplies in the vicinity of the site and that these supplies may be adversely affected by the development. The developers have stated it is their intention to monitor surface water downstream of the site at private water supply abstraction locations and make available mobile portable water bowsers for downstream private water supplies abstracting from surface water presumably in the event of these abstractions becoming contaminated.
- 234 Environmental Health notes that prevention of adverse effects to any private water supply is the preferred option. They recommended that the Environmental Protection Plan should include a water management plan which should include full details of the sources, infrastructure including treatment and properties served by private water supplies arising within, or likely to be affected by the development. As well as details of the proposed nature and frequency of baseline water supply monitoring prior to commencement, during and subsequent to completion of the development must also be included. Along with details of proposed methods of alerting affected individuals as a result of a contamination issue arising from the development along with alternative water supply arrangements. Additional comments have been sought from SEPA on private water supplies and they are content with the control recommended by the Council's Environmental Health Section.
- 235 While contamination of water supplies is a private legal issue, I consider it only reasonable to safeguard water quality and water supplies by condition to ensure the amenity of residential properties and/or other enterprises which use that supply are protected, accordingly conditional control will be applied.

### Groundwater Dependant Terrestrial Ecosystems

- 236 Groundwater Dependant Terrestrial Ecosystems (GWDTEs), which are types of wetland, are specifically protected under the Water Framework Directive. The initial consultation with SEPA confirmed that there were potentially highly dependent groundwater communities within the site that were likely to be affected. While the majority of concerns could be alleviated by conditional control they objected to the location of the proposed track branch to wind turbine number 1 due to its impact on a rush pasture (habitat M23 in Technical Appendix 9.2) and requested that modifications be incorporated into the applicant's scheme.
- 237 Following the submission of Supplementary Environmental Information SEPA were re-consulted and advise they are satisfied that the reasoned justification for the siting of wind turbine number 1 in relation to wetland ecology (GWDTEs) and as a consequence no longer seek the modification requested in their earlier correspondence.

### Management of Peat

- 238 The ES confirms the presence of peat on the site and advises this has been a key consideration in determining the windfarm layout. A peat probing survey has informed the location of turbines and infrastructure to avoid areas of deep peat.

239 SEPA advise that following the submission of Supplementary Environmental Information they are able to remove their initial objections to the application in relation to peat and the positioning of wind turbines number 5, 10 and 11. The requirement for conditional control to secure an Environmental Management Plan (EMP) is maintained.

#### Site Drainage and Watercourse Crossings

240 The majority of the site is located within the catchment of the Tombane Burn. Although the north eastern portion of the site drains into an unnamed tributary of the Ballinloan Burn. While the western section drains to the Cochill Burn. They all form part of the River Brann catchment which enters the River Tay, a designated SAC, at Birnam.

241 SEPA requires that there is no deterioration in water quality on the main River Tay and tributaries. They note that particular attention should be paid to the protection of the designated waters and species downstream from pollution by sediments and oil during construction. With regards to water crossing they note that two existing crossings are to be used although if improvements are required then CAR authorisation is likely. The requirement for an EMP has already been discussed and further details on site drainage, construction stone and track construction should be incorporated into this document.

#### **Forestry**

242 Forestry Commission Scotland (FCS) has highlighted that in support of proposals for the removal of woodland the applicant should provide strong evidence that doing so will achieve significant and clearly defined additional public benefit, as is outlined in the Control of Woodland Removal policy. The FCS also expect the detail in any submitted ES to include all woodland issues associated with the proposed planning site including: a clear tie to the evidence relating to the policy as stated above, the proposed management of the remaining woodland area, any proposed further felling that may be required, and any new planting within the development area or mitigation planting proposed out with the site including specifications.

243 At the outset the FCS raised concern with the scheme noting that there was a lack of plans with no details relating to compensatory planting. Following the submission of the Forest Plan prepared by RTS as supplementary environmental information FCS still maintain their objection due the scale of felling proposed within the applicant's Forest Plan. They elaborate confirming that it is not UK Forest Standard (UKFS) compliant, the felling coupes are too big, there is little diversity in age and the character of the landscape is not taken into account.

244 In response, the applicant's agent, in correspondence dated the 16<sup>th</sup> of January 2015, confirmed that they were of the view that the manner in which the trees on site are felled should attract little material weight in the planning balance. To reinforce this point they state that neither policy NE2 nor ER1 refer to FCS policy on the control of woodland relating to windfarm development.

245 While it is accepted that policy ER1 does not specifically refer to the FCS control of woodland policy, LDP Policy NE2 does. NE2B specifically requires the Council to follow the principles of the Scottish Government's Policy on Woodland Removal and in accordance with that document there should be a presumption in favour of protecting woodland resources. Taking this into account I do not agree with the applicant's agent that little weight should be given to this matter, there is considerable weight to be attached to this matter due the objection from the Forestry Commission Scotland which as a consequence does not meet the requirements of Policy NE2B.

### **Electricity Transmission/Grid Connection.**

246 The ES advises that the wind farm will connect into the existing grid infrastructure however no location has been identified. It is the applicant's intention to pursue the grid connection through a separate consenting process, although they advise that it is their intention to underground cables via roadside verges to the connection point.

247 While it would have been useful to gain an understanding of the grid connection location at this point in time and consider the effects of the infrastructure in this assessment, nevertheless, I accept the Planning Authority will be able to comment and assess the acceptability of the connection scheme in relation to Policy ER1 A(c) under the separate consenting process.

### **Aviation and Telecommunications**

248 The MOD has been consulted on this application and has no objection subject to conditional control relating to aviation lighting being installed on the turbines and the exact 'as-built' position of the turbines being confirmed to them in writing. Consultation with NATS also confirms that they have no safeguarding objection to the proposal.

249 The ES has taken account of the potential conflict with telecommunication interests and none are predicted to be affected. It is also noted that no objection has been received from telecommunication operators.

250 The applicant has applied the BBC television's reception assessment tool and it is not considered that television reception of any domestic properties will be affected when the windfarm is in its operational phase. Nevertheless I consider it prudent to control this by condition should any television reception complaints come forward.

### **Shadow Flicker**

251 Shadow flicker is caused by a low sun behind the rotating blades of a turbine. The shadow created by the rotating blades can cause alternating light and dark shadows to be cast on roads or nearby premises, including the windows of residences, resulting in distraction and annoyance to the residents. In this case there are no properties located where shadow flicker would occur and this was scoped out of the assessment. Environmental Health has commented on this aspect in their consultation response and no concerns are raised.

## **Noise**

- 252 The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission. Sound levels in gardens and amenity areas also need to be considered in terms of enabling a reasonable degree of peaceful enjoyment of these spaces for residents and this is an issue that has been raised in letters of representation.
- 253 Consultation with the Council's noise consultant Dick Bowdler and the Environmental Health Section confirm that if noise is controlled conditionally then the application would be acceptable.

## **Transport Implications**

- 254 The construction of Creag a' Bhaird would result in the local community served by the A822 and A826 between the A9 trunk road and the site being subject to significant inconvenience and disruption. The impact of construction traffic along with timber lorries associated with the felling of forestry is a significant concern to residents, with the construction and disruption of Griffin Windfarm, the Calliachar Windfarm and the ongoing works associated with the Beauly to Denny overhead line being sited.
- 255 I acknowledge the impact construction traffic can have on the road network and sympathise with the concerns of local residents. However part of the function of the public road is to facilitate approved developments on sites which are served by it. In this case consultation with the Roads Authorities (Transport Scotland and the Council's Transport Planning Section) has been undertaken and neither has objected. Conditional control has been recommended and this will assist in minimising the adverse impact on road users. In light of this the development would not conflict with local development plan policy TA1B. It should be noted that the A822 has already been re-aligned to allow the construction of Griffin and Calliacher windfarms.

## **Contribution towards meeting Carbon Reduction and Renewable Energy Targets, socio-economics including tourism and recreation interests**

- 256 The submitted ES indicates that the proposed windfarm, once fully operational, would have a generating capacity of up to 29.90MW. The applicant has undertaken a carbon balance assessment (Appendix 14.1) and has calculated the 'payback time' of CO<sub>2</sub> emissions associated with the development. Table 14.3 in the ES incorporates a Payback Timetable, this predicts an approximate 29 month pay back using a backup generation capacity of 5% with a fossil fuel mix and a worst case scenario calculated at 35 months back using a backup generation capacity of 5% with a fossil fuel mix.
- 257 I acknowledge this would make a contribution to the Scottish Governments target of 100% electricity generation from renewable energy resources by 2020 as well as contributing to the reduction of greenhouse gas emissions in line with the commitment to reduce emissions by 42% by 2020 and 80% by 2050 targets as set out by the Scottish Government.



- 258 With regards to the Development Plan it would assist with one of the aims of TAYplan Policy 6 which seeks to deliver a low/zero carbon future for the region through a reduction in fossil fuels and LDP Policy ER1A (b) which seeks proposals to contribute to meet carbon reduction targets.
- 259 Although there are no Rights of Way or core paths within or through the site Outdoor Access has now been given a new context in Scotland, since the Land Reform (Scotland) Act 2003. This establishes a duty on Local Authorities to uphold the outdoor access rights as specified in Section 13(1) of the Act. This duty on Local Authorities does not stop them from carrying on with the Authority's other functions, an example of this is when they are considering planning applications for development on land over which access rights are exercisable, they will still be able to give consent for developments. Although, where appropriate, Local Authorities should consider attaching a suitable planning condition to enable them to ensure reasonable continuing public access.
- 260 Consultation with Community Greenspace advises that good practice would respect and manage public access rights during construction and this could be achieved through signage or providing appropriate contact details so advice on safe public access provision could be provided.
- 261 With regards to the operational phase Community Greenspace sees a potential demand for public access through the windfarm site linking through from the north west access point to the track over Druim Mor which leads to a well-established track. They note that following the completion of construction works the tracks should be reinstated and improved to accommodate public access along with appropriate gated entrances to facilitate access for all non-motorised user groups including horse riders. It is considered that these matters could be adequately controlled by a planning condition.
- 262 In terms of the wider economy of the economic benefits associated with wind farms are detailed in the applicant's submission. This highlights that two to four full-time equivalent jobs will be created during the construction of the development with one predicted full time equivalent job created during the lifetime of the windfarm.
- 263 It is accepted that a development or construction project of this scale is likely to represent an economic opportunity to the local and regional economy as it will offer potential business opportunities for contractors through construction, delivery and maintenance, together with indirect expenditure through local shops, services etc.
- 264 Securing such benefits can be recognised as consistent with key Government and Development Plan objectives for the Scottish economy. However, those same objectives indicate that achieving *sustainable economic growth* in Scotland requires a planning system that can deliver growth enhancing activities in a manner which protects and enhances the quality of the natural and built environment as an asset for that growth. Environmental protection can therefore be seen as a key measure of *sustainable economic growth*. Taking this into account the green energy contribution, pollution reductions and economic benefits of the development have to be balanced against the potential significant adverse effects on local environmental quality. Overall, based on the findings earlier in this assessment the adverse effects on

environmental quality are of such weight to tip this balance towards sufficiently to warrant refusal of the application.

## **LEGAL AGREEMENTS**

265 None required

## **DIRECTION BY SCOTTISH MINISTERS**

266 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

## **CONCLUSION AND REASON FOR RECOMMENDATION**

267 The assessment above has taken account of the Development Plan and where necessary provided weight to material considerations. This includes information provided in the ES, comments received from consultees, relevant appeal decisions in northern Perthshire along with representations made both in support and in opposition to the proposal.

268 There are no overriding problems in relation to the natural heritage interests for the area if conditioned and appropriate noise levels could be secured in line with national guidance. It is acknowledged that the proposal would make a contribution to the provision of energy from renewable resources, with a consequential reduction in CO2 emissions. An element of economic benefit during construction, operation and decommissioning will occur but these have to be offset against the presence of the windfarm. However, there are adverse impacts on forestry as highlighted by the Forestry Commission as well as significant and unacceptable adverse landscape and visual impacts from the scheme on its own and cumulatively. It should be noted that the concerns on these impacts are also incorporated into SNH's consultation response.

269 To conclude, Section 25 of the Town and Country Planning (Scotland) Act 1997, as modified, states that determination should be in accordance with the development plan unless other material considerations indicate otherwise. In respect of the above the proposal is considered to be contrary to the overriding thrust of the approved TAYplan 2012 and the adopted Local Development Plan 2014. While there is considerable support in the Scottish Planning Policy for this form of development this support is not unconditional, paragraph 187 makes it clear that environmental and cumulative impacts must be addressed. Taking account of the other applicable material considerations I find none of significant weight that would lead to a different conclusion. Accordingly the application is recommended for refusal.

## **RECOMMENDATION**

### **A REFUSE THE APPLICATION FOR THE FOLLOWING REASONS:**

- 1 The proposal by virtue of the location, dominance, scale and layout of the proposed wind farm would result in unacceptable adverse landscape impacts having regard to landscape character and setting within the immediate landscape and wider landscape character types contrary to Policy 3 of TAYplan and Policies ER1A (a), ER6 (a)(b) of the Perth and Kinross Development Plan.
- 2 The location, dominance, scale and layout of the proposed wind farm, the proposal would result in unacceptable visual impacts. Accordingly the proposal is contrary to Policies ER1A (a), ER6 (a)(b)(f) of the Perth and Kinross Development Plan 2014.
- 3 The proposal by virtue of the location, prominence, scale and layout of the proposed wind farm and its relationship to other wind turbine developments in the area would give rise to unacceptable cumulative landscape and visual impacts. Accordingly the application is contrary to TAYplan Policy 6 and Policies ER1A (a)(h), ER6 (a)(b) of the Perth and Kinross Development Plan 2014
- 4 The development does not contribute positively, to the quality of the surrounding built and natural environment as the design, density and siting of the development does not respect the character and amenity of Highland Perthshire, contrary to policy PM1A of the Perth and Kinross Development Plan 2014.
- 5 The application is contrary to policy NE1B of the adopted Local Development Plan 2014 as the cumulative effects would erode the experience from popular summits from the Loch Rannoch and Glen Lyon NSA and the Loch Tummel NSA. While two qualities of the River Tay (Dunkeld) National Scenic Area would be eroded, the Gateway to the Highlands as well as the beauty of cultural landscapes accompanying natural grandeur.
- 6 The development would contravene the Scottish Government's Policy on the Control of Woodland Removal as there is no clearly defined additional public benefit associated with the removal and reduction in woodland cover. Accordingly the proposal fails to adhere to Local Plan Policy NE2B which requires compliance with the Scottish Government's Control of Woodland Removal Policy.

### **B JUSTIFICATION**

The proposal is not considered to comply with the Development Plan and there are no other material considerations that would justify a departure there from.

### **C PROCEDURAL NOTES**

None

### **D INFORMATIVES**

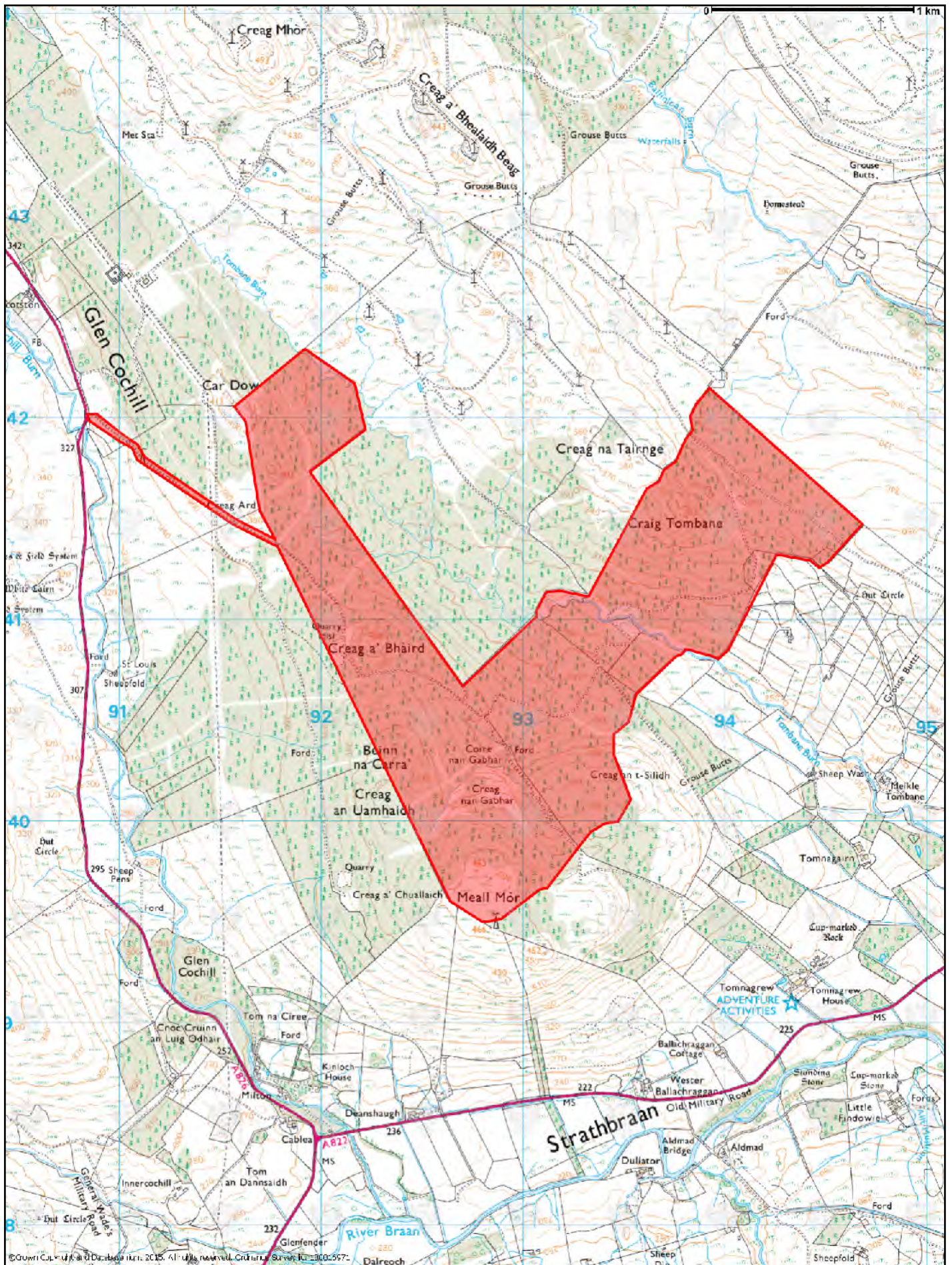
None

Background Papers: 85 letters of representation  
Contact Officer: John Russell – Ext 75346  
Date: 4 March 2015

**NICK BRIAN**  
**DEVELOPMENT QUALITY MANAGER**

<p>If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.</p>
<p>You can also send us a text message on 07824 498145.</p>
<p>All Council Services can offer a telephone translation facility.</p>





©Crown Copyright and Database right 2015. All rights reserved. Ordnance Survey lic. 100016971



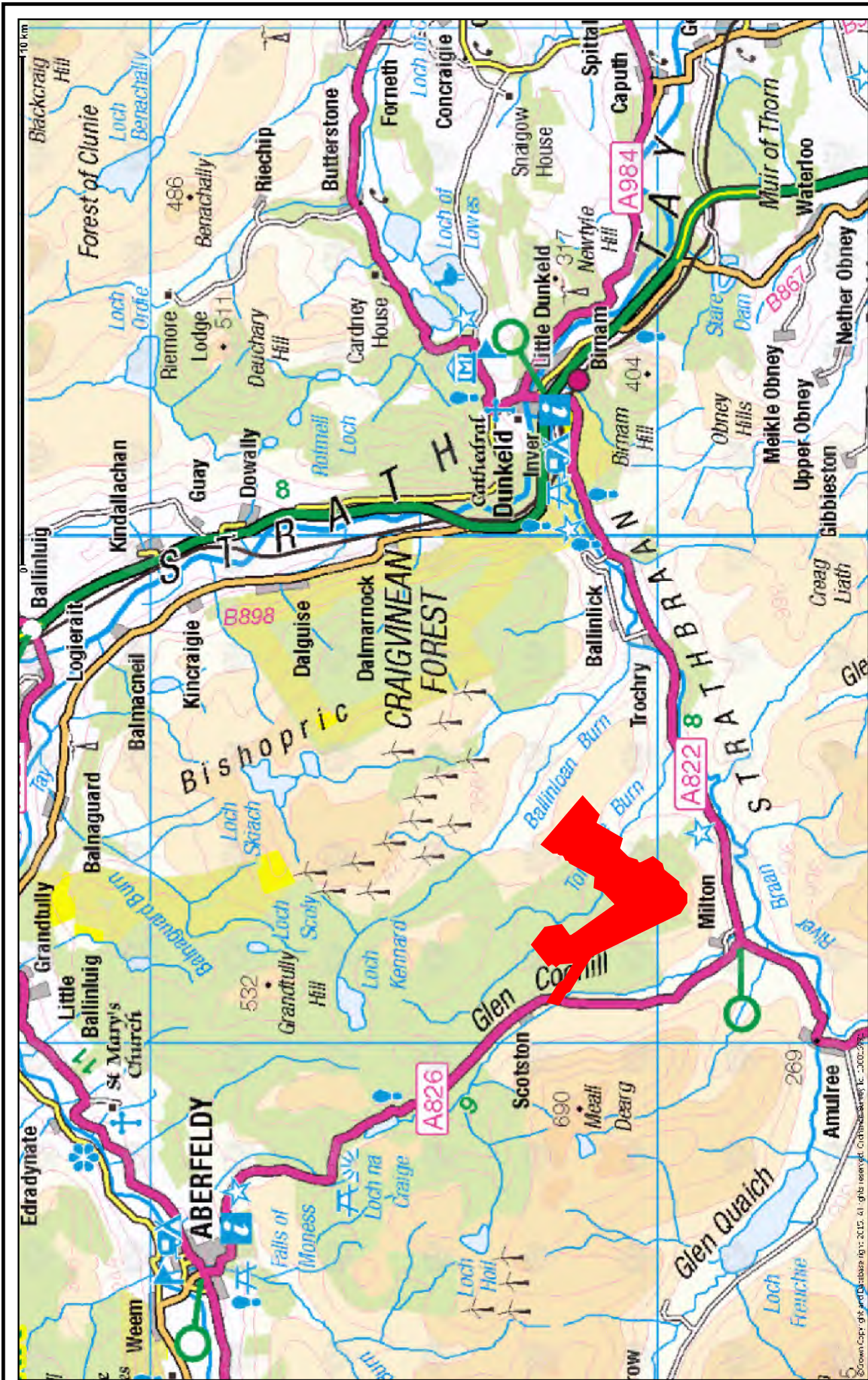
Scale 1:25000

13/02362/FLM

Erection of 13 Wind Turbines and associated works and erection of two anemometer masts at Creag A'Bhaird Wind Farm, Amulree







13/02362/FLM

Erection of 13 Wind Turbines and associated works and erection of two anemometer masts at Creag A'Bhaird Wind Farm, Amulree



Development Management Committee

Scale 1:100000

©Crown Copyright and Database right 2015. All rights reserved. Ordnance Survey lic. 100016971