



**Clackmannanshire  
Council**

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Comhairle Siorrachd  
Chlach Mhanann

Kilncraigs, Greenside Street, Alloa, FK10 1EB (Tel.01259-450000)

# Meeting of the Planning Committee

**THURSDAY 26 OCTOBER 2017 at 9.30 am**

**Venue: Council Chamber, Kilncraigs,  
Greenside Street, Alloa, FK10 1EB**

Date	Time
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## **Planning Committee**

Subject to paragraphs 3.28 and 11.4 of the Scheme of Delegation, the Planning Committee has responsibility for taking decisions on planning applications and enforcing planning laws, and;

Carrying out the local authority's function in relation to street naming under section 97 of the Civic Government (Scotland) Act 1982; and

Dealing with regulatory and enforcement issues arising from matters delegated to or delivered by Community and Regulatory Services related to Building Standards.

**18 October 2017**

**A MEETING of the PLANNING COMMITTEE will be held within the Council Chamber, Kilncraigs, Greenside Street, Alloa, FK10 1EB, on THURSDAY 26 OCTOBER 2017 at 9.30 am.**

**ELAINE MCPHERSON  
Chief Executive**

**B U S I N E S S**

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1. Apologies	--
2. Declaration of Interests Members should declare any financial or non-financial interests they have in any item on this agenda, identifying the relevant agenda item and the nature of their interest in accordance with the Councillors' Code of Conduct. A Declaration of Interest form should be completed and passed to the Committee Officer.	--
3. Confirm Minutes of Meeting held on 14 September 2017 (Copy herewith)	05
4. Planning Application - Extension to Existing Windfarm, Comprising Installation of 3 No. Wind Turbines, Crane Hardstandings, Access Tracks, Temporary Construction Compounds, Borrow Pit and Ancillary Work, Burnfoot Hill Windfarm, Land at Burnfoot Hill, Tillicoultry (Ref. 17/00026/FULL) – report by the Principal Planner (Copy herewith)	09
5. Street Naming Report for Development at Former Alva Academy (West), Alva – report by the Principal Building Standards Surveyor (Copy herewith)	69

## Planning Committee – Committee Members (Membership 10 – Quorum 4)

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### Councillors

### Wards

Councillor	Donald Balsillie (Chair)	2	Clackmannanshire North	SNP
Councillor	Phil Fairlie (Vice Chair)	3	Clackmannanshire Central	SNP
Councillor	Tina Murphy	1	Clackmannanshire West	SNP
Councillor	George Matchett, OPM	1	Clackmannanshire West	LAB
Councillor	Martha Benny	2	Clackmannanshire North	CONS
Councillor	Archie Drummond	2	Clackmannanshire North	SNP
Councillor	Derek Stewart	3	Clackmannanshire Central	LAB
Councillor	Chris Dixon	4	Clackmannanshire South	CONS
Councillor	Kenneth Earle	4	Clackmannanshire South	LAB
Councillor	Bill Mason	5	Clackmannanshire East	CONS

**MINUTES OF MEETING of the PLANNING COMMITTEE held within the Council Chamber, Kilncraigs, Greenside Street, Alloa, FK10 1EB, on THURSDAY 14 SEPTEMBER 2017 at 9.30 am.**

**PRESENT**

Councillor Donald Balsillie (In the Chair)  
Councillor Phil Fairlie (Vice Chair)  
Councillor Martha Benny  
Councillor Dave Clark (S)  
Councillor Archie Drummond  
Councillor Bill Mason  
Councillor George Matchett, QPM  
Councillor Tina Murphy  
Councillor Derek Stewart

**IN ATTENDANCE**

Grant Baxter, Principal Planner  
Julie Hamilton, Service Manager Development  
Andy Wyse, Acting Legal Services Manager (Clerk to the Committee)  
Lindsay Thomson, Service Manager Legal and Democracy  
Melanie Moore, Committee Services (Minutes)

**PLA(17)15 APOLOGIES**

Apologies for absence were received from Councillor Chris Dixon and Councillor Kenneth Earle. Councillor Clark attended as a substitute for Councillor Earle.

**PLA(17)16 DECLARATIONS OF INTEREST**

None

**PLA(17)17 PLANNING APPLICATION**

**Application for Planning Permission – Change of Use of Woodland to Permanent Gypsy/Traveller Site (2 No Households) and Siting of 2 No Static Caravans and 4 No Touring Caravan With Related Infrastructure (Retrospective) – Cow Wood, Forestmill, Clackmannanshire. Planning Ref. 17/00149/FULL**

A report which provided an assessment of and recommendations on the above planning application and representations received was submitted by the Principal Planner.

Councillor Dave Clark joined the meeting (0940 hrs) during questions to the planning officer and confirmed that he was a substitute for Councillor Earle.

### **Motion**

That Committee approves the application subject to the conditions and the reasons set out in the report.

The Chair proposed that Condition 3 paragraph 2 include references to waste and electricity whereby paragraph 2 would read "Details of proposed water supply, foul and surface water drainage, waste, and electricity arrangements and timing of installation." And that was agreed unanimously.

### **Amendment**

That an additional condition be included as follows:-

"5. In so far as not required for access, the site will be enclosed along its boundaries with a post and wire fence in accordance with a specification and details to be submitted to and approved by the Council as planning authority."

Reason: to ensure that the area to which the change of use hereby permitted relates is physically and sufficiently demarcated.

Moved by Councillor Donald Balsillie. Seconded by Councillor Tina Murphy.

### **Decision**

The Committee agreed to approve the motion as amended subject to the conditions and reasons set out in the report and subject to there being an additional condition added.

### **Action**

Principal Planner

## **PLA(17)18 PLANNING APPLICATION**

**Application for Planning Permission – Use of Land for Temporary Siting and Occupation of Static Residential Caravan During Construction of House (Variation of Condition 1 of Planning Permission 15/00279/FULL to Extend Permission for a Further 2.5 Years). Planning Ref. 17/00095/FULL.**

A report which provided an assessment of and recommendations on the above planning application was submitted by the Principal Planner. The Council had received representations against the proposals.

### **Attending**

Mr Alan Shepherd, Objector  
Mrs Alexandra Chalmers, Objector  
Mrs Madeleine Walls, Objector  
Mr Steve Smith, Applicant

The Committee heard representation from the objectors and the applicant and had opportunity to put questions to them.

### **Motion**

That Committee approves the application subject to the conditions and the reasons set out in the report.

Moved by Councillor Donald Balsillie. Seconded by Councillor Archie Drummond.

### **Amendment**

Councillor Tina Murphy proposed that the permission shall cease in 6 months and not 1 year as stated in recommendation 2.1 condition 1.

Moved by Councillor Tina Murphy. Seconded by Councillor Derek Stewart.

### **Voting on the Amendment**

For the amendment	6 votes
Against the amendment	3 votes

On a division of 6 votes to 3, the amendment was carried.

### **Decision**

The Committee agreed to approve the application subject to the conditions and reasons set out in the report, and subject to the amendment of condition 1 that the permission cease on 28 February 2018 and the caravan be removed from the site by 31 March 2018

Ends 1100 hrs.





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**Report to:** Planning Committee

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**Date of Meeting:** 26 October 2017

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**Subject:** Planning Application Ref: 17/00026/FULL – Extension to Existing Wind Farm Comprising Installation of 3 No Wind Turbines, Crane Hardstandings, Access Tracks, Borrow Pit and Ancillary Works, - at Burnfoot Hill Windfarm, Land at Burnfoot Hill, Tillicoultry

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**Report by:** Keith Johnstone, Principal Planner

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## **1.0 Purpose**

- 1.1. This is a report of handling on the above planning application which seeks to extend the existing windfarm known as Burnfoot Hill to the north of Tillicoultry. The report; considers the application and accompanying Environmental Statement (ES) submitted as part of the Environmental Impact Assessment (EIA) undertaken by the applicant; addresses the responses from consultees and representations from third parties; examines the key planning issues in relation to relevant Local Development Plan (LDP) policies and guidance, and national policy advice; and makes a recommendation to Members.

## **2.0 Recommendations**

- 2.1. It is recommended that, subject to the prior conclusion of;
- a. The unilateral obligation proposed by the applicant under Section 75 of the Town and Country Planning (Scotland) Act, 1997 as amended to restrict the residential use of the farmhouse and/or other buildings at Backhills farm during the operational period of the development as described in para 1.14 of Appendix 3, and,
  - b. The conclusion of an obligation between the applicant and the Council under Section 75 of the Act, to incorporate the proposed mitigation measures associated with the development, comprising the contribution of additional monies, as described in the final bullet point in para 3.3 below and the fifth point in para 1.8 in Appendix 3, towards the Recreational Enhancement Fund and the review, extension and future management of the land included within the Habitat Management Area as described in the second bullet point in para 1.11 in Appendix 3,

the application is APPROVED subject to the conditions in Appendix 1 below.

## 2.2 Reasons for Decision

1. The development as proposed is not considered to be contrary to the objectives or relevant policies in the adopted Clackmannanshire Local Development Plan, including Policies SC14, SC15, EA3, EA4, EA11, EA12, EA13 and EA22.

2. Subject to the proposed mitigation measures proposed as part of the development or regulated by the terms of the planning conditions and obligations, it is considered that concerns and issues raised by third parties or consultees could be satisfactorily addressed and would not result in unacceptable adverse impacts that would justify withholding permission.

3. It is concluded from the review of the information in the Environmental Statement, that the Environmental Impact Assessment process has identified the likely main significant environmental effects associated with the proposed development. It is concluded that, on balance, and subject to the proposed mitigation measures, the scope and scale of the impacts would not be sufficiently adverse to be contrary to the Policies in the LDP and to justify withholding planning permission.

4. The development would make a valuable contribution towards the Government's targets for renewable energy production, contribute to the reduction in greenhouse gas emissions needed to address climate change and accord with the LDP Vision of moving to a low carbon economy.

5. It is considered that the other material considerations identified in our assessment would not outweigh the LDP support for the development and justify withholding permission.

## 2.3 Plans Relating to the Decision

1. Location Plan

2. Site Layout Plan- Dwg No WPENGd6202

3. Turbine Elevation – Dwg No WPENGd6204

4. Turbine Foundation – Gravity – Dwg No WPENGd6205

5. Turbine Foundation – Gravity – Dwg No WPENGd6206

6. Typical Hardstanding Layout – Dwg No WPENGd6207

7. Floating Road Detail – Dwg No WPENGd6208

8. Excavated Road Detail – Dwg No WPENGd6209

9. Borrowpit Layout - Dwg No WPENGd6203

### **3.0 Considerations**

#### **3.1. Background**

3.2. The Report considers a planning application with associated Environmental Impact Assessment (EIA) for an extension to the existing wind farm at Burnfoot Hill (BFH) within the Ochil Hills approximately 5.5km to the north of Tillicoultry.

3.3. The main elements of the proposed development comprise;

- The erection of 3 wind turbines on land to the east of the existing wind farm close to the existing track which serves the windfarm. The proposed turbine dimensions are summarised in Table 1 below together with the existing turbine dimensions. The output of each turbine would have a capacity of 3.6 Megawatts (MW), giving a combined installed capacity of 10.8 MW.
- The formation of approximately 560 metres (m) of new access track to connect the turbines with the track which serves the existing development. An area of hardstanding (42 m by 25 m) would be formed next to each turbine to provide a stable base to allow the setting down and lifting of the turbine.
- The formation of a temporary borrow pit within the site capable of supplying all the construction aggregate requirements for the development. This area would then be reinstated. Hardstandings at 3 existing turbines would be used to accommodate the temporary works compound and materials storage during the construction period.
- The turbines would be connected by underground cables to the existing switchgear building at the wind farm. From there, additional cables would be installed using the existing underground ducting which carries the connection from the wind farm to the national grid at Fishcross sub station via Rhodders Farm.
- Vehicular access for any construction vehicles would be taken from the A823 along the private access road which serves the Glendevon reservoirs, Backhills farm and the windfarm. The large construction components would travel to the site via the A9 and A823 to the north of Glendevon as was the case for the existing windfarm.
- The development is planned to have an operational life of approximately 25 years, after which the development would be decommissioned and the site restored to its former condition. The period from commencement to decommissioning would cover a period of up to 28 years.
- The development would include mitigation measures, including a revised and enlarged Habitat Management Plan which covers part of the site and a contribution to the Recreational Enhancement Fund of £27,000 pa, equivalent to £675,000 index linked over the life of the development, to promote and support access in and to the Ochil Hills affected by the development.

3.4 The existing windfarm known as Burnfoot Hill comprises 21 turbines which were developed as follows;

- Ref 06/00121/FULL - 13 turbines (26MW) approved by Committee in 2007
- Ref 11/00299/FULL – 6 turbines (12MW) approved on appeal following refusal by Committee in 2013. The application had originally been for 9 turbines but the number was reduced to 6 as part of the negotiations at the application stage.
- Ref 11/01930/FLL – 2 turbines (4MW) approved by Perth and Kinross Council in 2013.
- All of the 21 approved turbines are of similar design. A comparison with the proposed turbines is provided in Table 1 below;

**Table 1**

	Existing	Proposed
Hub Height	60m	80m
Maximum height ground to blade tip	102m	135m
Blade Length (and Diameter)	42m (84)	56m (112)
Swept Area of Blades	5,500sqm	9,847sqm
Colour	Light Grey	Light Grey
Installed Capacity per turbine	2MW	3.6MW

3.5 Location

3.6 The site is located to the east of the existing windfarm on the slopes above Backhills farm close to the existing windfarm access track (see Plan 1). In terms of distances, the development would be;

- Approximately 5.5 km north of Tillicoultry, 5.5 km south of Blackford, 9 km south east of Braco and 8 km southwest of Gleneagles Hotel.
- 2.6 km to the north of the summit of Ben Cleuch (721m AOD), the highest summit in the Ochils and 2.2 km to the north east of Ben Buck. The right of way between Tillicoultry and Blackford passes within 450 m of the turbines at its nearest point. The Frandy Fishery is located some 2.6 km to the north east which is located on Lower Glendevon Reservoir.
- Approximately 300 m to the south of Backhills farmhouse. The nearest houses with no financial interest in the development are approximately 3 km to the east in Glendevon and 4.3 km away to the north.
- The site boundary abuts the administrative boundary of Perth and Kinross Council to the north. Backhills farmhouse and the vehicular access route are within Perth and Kinross.

- 3.7 The site comprises an approximate 42 Ha area of upland moor consisting of rough grassland used for livestock grazing (see Plan 2). The direct footprint of the turbines and hardstanding areas would however, be approximately 1.25 Ha. The locations where the 3 turbines would be sited lie between 445m and 461m AOD. The blade tip heights would therefore range between 580m and 596m AOD. The ground levels of the existing turbines sit between 446m and 565m AOD and the blade tip heights between 548m and 667m AOD. In comparison with the existing turbines;
- the development would result in Turbine (T) 1 having a blade tip height lower than 18 existing turbines, T2 being lower than 17 existing turbines and T3 being lower than 15 existing turbines.
  - 15 existing turbines would have a blade tip height greater than any of the 3 new turbines while 17 existing ones would be taller than all but 1 of the new turbines.
  - The blade tip heights of the 3 new turbines measured from AOD would be lower than all but one of the 5 existing turbines closest to the site boundary.

### 3.8 Renewable Energy Production

- 3.9 The maximum installed capacity would be 10.8MW. Based on the actual average capacity yield measured at the existing windfarm (a factor of 35.3%), the predicted output would be 33,397MWh of electricity per annum (pa) which would equate to the electricity needs of up to 7,971 houses. This is about 34% of all the households in Clackmannanshire. The applicant has estimated that the development would avoid 19,000 tonnes of CO<sub>2</sub> pa compared with similar levels of electricity production by fossil fuel power stations. There would be CO<sub>2</sub> emissions associated with the manufacture and installation of the 3 turbines. The EIA states that the amount generated to build and install the turbines would be offset by the CO<sub>2</sub> savings from carbon free electricity generated by the proposed turbines within 12 months of production commencing. The installed capacity of the existing windfarm is 42MW.

### 3.10 Wind Energy Development Affecting the Ochils

- 3.11 Table 2 below provides details of other wind energy developments which may be relevant to the assessment of the current application. The locations of the sites are identified in Plan 3 attached to this report. The Burnfoot Hill and Rhodders Extension (19 out of 21 turbines in total) are in Clackmannanshire and the remainder are all located within Perth and Kinross Council's area. The EIA considers the potential cumulative visual and landscape impacts associated with other wind farm developments or proposals.

**Table 2**

Name	No of turbines (height to tip)	Installed Capacity	Planning Status
Burnfoot Hill	13 (102m)	26MW	Operational
Rhodders Extension (Phase 2)	6 (102m)	12MW	Operational
Burnfoot Hill North Extension (Phase 2)	2 (102m)	4MW	Operational
Frandy Hill, Glendevon	7 (102m)	14MW	Refused. Appeal Dismissed 2013
Greenknowes	18 (95m)	27MW	Operational
Greenknowes Extension	5 (111m)	10MW	Application withdrawn March 2017
Lochelbank	12 (91)	9.6MW	Operational
Binn Eco Park, Glenfarg	4 (115m)	9.2MW	Approved April 2015
Knowes Farm, Dunning	9 (81m)	7.65MW	Refused. Appeal dismissed Sept 2015
Glenhead NW of Frandy Fish Farm, Glendevon	2 (46.5m)	0.5MW	Refused April 2014
Greenscares Plantation, Braco	9 (93m)	20.7MW	Refused April 2017, At Appeal

### 3.12 Environmental Impact Assessment (EIA)

3.13 The application has also been the subject of an EIA under the terms of the Town and Country Planning (EIA) (Scotland) Regulations, 2011 as it predates the implementation of the 2017 Regulations. This has included the submission of an Environmental Statement (ES) which has considered the key potential impacts, including landscape and visual impacts, recreation and access, ornithology, non avian ecology and hydrology and hydrogeology.

3.14 The EIA process requires the Council, when deciding to give planning consent or not, to do so in the knowledge of any likely significant effects on the environment. It provides a means to draw together, in a systematic and transparent way, an assessment of the project's likely significant environmental effects and identify measures to mitigate any significant adverse effects.

## 4.0 Consultations

4.1 A large number of bodies or groups were consulted on the planning application and EIA. A summary of their responses is contained in Appendix 2 below. The issues raised have been considered as part of our analysis and assessment of the application summarised in Sections 6.0 and 7.0 of the Report and in Appendix 3.

## 5.0 Publicity and Representations

5.1 The application has been the subject of extensive publicity. This has included;

- Prior to the submission of the application, the applicant held public exhibitions/information sessions in Tillicoultry and Blackford in 2016. They also distributed over 8,000 newsletters to all homes within 6km of the site boundary. They consulted with local community councils and the local councillors. At this stage the proposal was for up to 7 turbines.
- Following the submission of the application, further public consultation events were organised at Tillicoultry and Blackford and a further newsletter distributed to over 8,000 homes to publicise the submission of the application.
- The applicant set up 2 Community Liaison Groups serving Perth and Kinross and Clackmannanshire areas in September 2016. These Groups comprise representatives from local Community Councils and are attended by the applicant and local councillors. They provide a forum for the exchange of information about the proposals. To date, meetings have been held in November 2016 and February 2017.
- The application and EIA were publicised in the Alloa Advertiser and the Edinburgh Gazette. Copies of the documents were made available in Council premises in Alloa, Tillicoultry, Alva, Auchterarder and Perth.

5.2 The publicity has resulted in 3 representations being received, in addition to the comments received in the responses received to specific consultations as summarised in Appendix 2. These representations comprised **2 objections** from;

- Colliers International on behalf of Gleneagles Hotel,
- Graham and Sibbald on behalf of Mr Bill Thomson, Old House of Orchil, Braco

and **1 representation which does not object**, on behalf of;

- the Scottish Wildlife Trust Stirling and Clackmannanshire Local Group.

5.3 The **objections** raised can be summarised as follows;

i) An approval would ignore earlier findings and concerns by consultees, local planning authorities and Scottish Government Reporters concerning the risks of cumulative landscape and visual impacts from wind energy on the special qualities of the Ochils Special Landscape Area and the setting of the Gleneagles Hotel and Golf Courses Inventory Garden and Designed Landscape (GDL). The Ochils are the most prominent feature in the area and sensitive to change. The blades or tips of up to 2 of the turbines could be visible within parts of the GDL Comment – *careful consideration has been given to all these factors in our assessment of the application. The cumulative impacts are not considered to be sufficiently adverse to justify withholding permission as discussed in Appendix 3.*

ii) Scottish Government policies which support and include targets for further renewable energy production also state that this should not be achieved at any cost and should protect residents and the environment. The weight attributed to these policies should not be overstated where up to date development plan and other policies exist as they will have already been taken into account in framing the LDP policies. The UK as a whole has sufficient renewable electricity capacity to meet its target set by the EU Renewable Energy Directive. Comment – *it is considered that any impacts on residential amenity and environmental quality would be acceptable subject to the proposed conditions and the development would comprise sustainable development. The Scottish Government Chief Planner has previously written to planning authorities in November 2015 to clarify that the national targets for renewable energy production do not place a cap on support for renewable energy developments once the target has been reached, and national policy continues to support new on shore renewable developments.*

iii) Due to the increased size and scale of the proposed turbines, they will be viewed as distinctive from the existing turbines. This will affect the visual cohesion of the windfarm and also reduce the separation between the existing windfarms which helps to mitigate the cumulative landscape and visual impacts. Comment – *this is discussed in Appendix 3 below under landscape and visual impacts.*

iv) The Gleneagles Hotel business is wholly tourism related and LDP policies recognise the relationship between tourism and landscape quality. Further erosion of the special landscapes in the area should be curbed. While it is acknowledged that the viewpoint analysis of impact at the Dormy Clubhouse at Gleneagles would be minimal, there are other parts of the estate where the theoretical visibility of the development would be greater and reduce the amenity value for guests. This also includes the proposed development site at Easterton Farm west of Gleneagles Hotel, which is the subject of a current planning application for a mixed-use tourism development. Comment – *our assessment concurs with the conclusions of the EIA and the advice from HES and Perth and Kinross Council that the development would not be likely to result in unacceptable individual or cumulative impacts on the visual or cultural interests associated with the Hotel.*



v) The development would increase the visibility of the windfarm to cover other settlements and tourist routes and impact on recreational users near the windfarm. Comment – *to the contrary, the development would result in only very limited additional visibility compared with the existing windfarm from key viewpoints and this increase is not considered to be significant.*

vi) The development will lead to incremental loss of landscape value and the Ochil Hills have reached their capacity to accommodate more turbines. Comment – *this issue discussed in Appendix 3 below.*

vii) The excessive overcapacity of renewable electricity and the costs associated with paying operators not to generate electricity should be material considerations. Comment – *the Government's Chief Planning Officer wrote to all planning authorities in 2015 to advise that there should be no cap imposed on further renewable energy development even if the national targets have been met, as long as the development is environmentally acceptable. The financial arrangements relating to energy supply are not considered to be a material planning consideration. These issues would therefore not be afforded significant weight.*

viii) Recent Scottish Government consultation papers on climate change, energy strategy and Onshore Wind Policy do not raise issues which would outweigh the landscape and visual impact concerns. Comment – *the consultation papers reaffirm the Government's existing onshore wind energy policy.*

ix) The development would be contrary to LDP Policies including SC14 and SC15 and EA4 and the guidance in the Council's Supplementary Guidance on Onshore Wind Energy would not provide support. There would be limited benefits and there is limited evidence of the beneficial effect or greenhouse gas reductions. The development would not satisfy the definition of sustainable development defined in Scottish Planning Policy 3 (SPP3). SPP3 also provides support in perpetuity for areas identified for windfarms which could undermine the reversibility of the development. Comment – *the Development Plan position is discussed in Section 6.0 below as well as other relevant planning guidance. We have concluded that the development would not be contrary to the LDP. The development is not considered to be contrary to the guidance in SPP3 relating to onshore wind. The development, if approved, would be time limited and any proposals to renew or alter the development would be subject to a further planning application. Any decision would have to be taken in accordance with the terms of the LDP in force at that time and it would not necessarily result in any renewal having to be recommended for approval.*

5.4 The **single representation** on behalf of Scottish Wildlife Trust Stirling and Clackmannanshire Local Group can be summarised as follows;

i) It is recognised that the applicant has endeavoured to minimise the impacts on the natural habitat due to careful siting, minimising new track works and avoiding areas of deep peat.

ii) It is a concern that development would take place on part of an area which was previously approved as a habitat management area to enhance its biodiversity value as part of the mitigation for the original development.

Measures should be put in place to compensate for any area lost and to ensure the effectiveness of the mitigation scheme is monitored and changes implemented if the objectives are not being achieved. Comment – *the applicant has agreed to extend the management area to compensate for the loss of any land to accommodate the works and to review the effectiveness of the existing Management Plan. The SWT and RSPB do not object to this approach which would be regulated by the terms of the permission if granted.*

iii) They support the advice on mitigation provided by the RSPB in its consultation response. Comment – *it is proposed to include the mitigation measures suggested by RSPB if permission is granted.*

iv) It is considered that the ES should have included a survey for reptiles and amphibians on the site. A survey should be carried out before construction works commence on site. Comment – *as discussed in para 1.11 of Appendix 3 below, a survey is not considered necessary to allow permission to be granted.*

## **6.0 Development Plan Position**

6.1 Section 25 and 37(2) of the Town and Country Planning (Scotland) Act, 1997, as amended, requires the determination of an application to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Clackmannanshire Local Development Plan (LDP), adopted in 2015.

6.2 The determination process considers the following questions;

i) Does the proposal accord with the LDP?

ii) If it does, are there any material considerations which would outweigh this support and justify withholding permission?

iii) If it does not, are there any material considerations which would outweigh the position and justify approving the development?

6.3 Before reaching a conclusion on the above, the report considers the following;

i) The extent or otherwise of compliance with the LDP

ii) The scope and provisions of other relevant policy guidance and the level of support these material considerations would provide for the application.

(iii) The main impacts and their significance associated with the proposed development, having regard to the information in the application and EIA, policy guidance, the advice from consultees and responses from third parties.

## **6.4 Development Plan Position**

6.5 The Service's analysis of the proposal in relation to the LDP and other planning policy is summarised below. This process has also been informed by the analysis of the key environmental impacts summarised in Appendix 3.

6.6 The LDP sets out a Vision and Strategic Objectives for the area up for the period up to 2035. The Vision seeks to deliver a successful transition to a vibrant low carbon economy providing employment opportunities and quality homes where the environment and services provided by nature will have been protected and enhanced for all. Of the 8 Strategic Objectives, a number are relevant to the proposal, namely

- *A Clear Framework for Positive Change* – including protecting and enhancing environmental assets.
- *Sustainable Economic Growth* – including promoting the tourism industry
- *Environmental Sustainability* – including increasing renewable energy production and minimising natural greenhouse gas emissions.
- *Natural Environment* – including protecting and enhancing biodiversity and protecting landscape character.

6.7 There are a number of relevant Policies in the LDP which are considered below;

- SC9 (Developer Contributions) – Comment – *the applicant has agreed to contribute monies (£27,000 pa) to the Recreational Enhancement Fund to mitigate the effects of the potential environmental impacts of the development on visitors' enjoyment of the Western Ochils. The fund would be used to enhance and encourage visitor access in and to the Ochil Hills This is considered to satisfy the requirements of this Policy.*
- SC12 (Access and Transport Requirements) – Comment – *the development is not considered to result in any significant adverse impacts on road safety having regard to the comments from Roads and Transportation, Transport Scotland and Perth and Kinross Council. Once operational, the traffic impact associated with the development would be minimal. The Policy is complied with.*
- SC14 (Renewable Energy) - Comment - *the Policy states that proposals will normally be supported where they meet all the criteria listed in the Policy. These criteria comprise;*
  - i) The development would satisfy relevant national policy guidance. Comment – *as discussed in Section 7.0 below, on balance the proposals are considered to accord with national guidance.*
  - ii) The development would not have a significant adverse impact on the quality and distinctive character of the local or wider landscape. Comment – *as discussed in Appendix 3, it is concluded that the most significant adverse impacts would be localised to within 3km of the site and the development would not result in significant direct or cumulative adverse impacts on the wider landscape value of the Ochil Hills, including in views from within Clackmannanshire, Glendevon, Strathallan and Gleneagles, or from within Stirling or Fife Councils areas. Our assessment of the impacts is that these would not be sufficiently adverse or extensive to be contrary to this criterion.*

- iii) The development would not significantly impact on natural and built heritage interests. Comment – *the conclusions of the EIA, advice from consultees and the proposed mitigation measures are considered to demonstrate that this criterion would be met. As discussed in Appendix 3 below, it is concluded that the concerns raised by objectors about impacts on built heritage interests would not be significant nor of a scale which would conflict with this criterion.*
- iv) It would not impact on the integrity of the qualifying interests of the Firth of Forth SPA or River Teith SAC. Comment – *SNH have no objection and the criterion would be met.*
- v) The development would not have any adverse impacts on aviation, telecommunication or defence interests or the safety and amenity of neighbouring individual houses or settlements. Comment – *subject to the proposed conditions and obligation, the development is not expected to create environmental nuisance for the nearest houses.*
- vi) It would be appropriate in terms of its design, scale and layout to its surroundings. Comment – *while the larger size and scale of the turbines in relation to the existing turbines would result in some adverse impacts, as discussed in Appendix 3 of the Report, it is concluded that the extent and significance of this adverse impact would not be sufficient to withhold permission and consequently, the development is not considered to be contrary to this criterion.*
- vii) There would be no significant adverse impacts on tourism and recreational interests. Comment – *the most significant visual and landscape impacts are considered to occur within 3km of the site. While this would affect visitors to the highest hilltops, parts of the Tillicoultry to Blackford right of way and to Upper Glendevon, the impact on the wider area, including many other recreational and tourism routes and attractions, including Gleneagles Hotel and the proposals at Easterton Farm near Auchterarder, is not considered to be significantly adverse. The impacts on recreational users in the vicinity of the site is discussed at para 1.6 in Appendix 3. Subject to the proposed obligation, the development is not considered to be contrary to this criterion.*
- viii) The development would not result in significant adverse amenity, landscape or ecological impacts as a result of cumulative impacts associated with other wind energy developments. Comment – *it is our conclusion that any cumulative impacts associated with the development would not be sufficiently significant to be contrary to this criterion.*
- ix) The arrangements to manage and minimise impacts during the construction, operation and decommissioning of the development are satisfactory. Comment – *subject to the measures set out in the EIA, the proposed conditions and obligation, this criterion would be met. This would include the requirement for a financial guarantee to be lodged with the Council to ensure the site could be restored by the Council if the developer was unable to do so.*

- x) The development would accord with the policy guidance in Policies EA13 and SC15-SC18. Comment – *it is considered that the development would accord with the relevant policy tests and would not be contrary to this criterion.*

It is concluded that, on balance, the development would not be contrary to the objectives of this Policy having regard to the extent and number of criteria which would be met.

- SC15 (Wind Energy) – Comment – *the Policy states that development will normally only be supported where it satisfies the 4 criteria in the policy. Proposals will be assessed against the relevant locational guidance in the spatial frameworks in the Plan and on the landscape sensitivity guidance contained in the report “Sensitivity of the Clackmannanshire Landscape to Wind Turbine Development”, 2012. The criteria comprise;*
  - i) The criteria in Policy SC14 would be satisfied. Comment – *as discussed above, it is considered that this criterion has been satisfied.*
  - ii) The development would accord with guidance in Supplementary Guidance 2 - Onshore Wind Energy. Comment – *the methodology used to prepare the Spatial Frameworks within the document was based on the revised methodology published by the Scottish Government in SPP3 which post-dated the submission of the LDP for adoption. Hence the Spatial Frameworks are slightly different to that contained in the LDP. As discussed in para 7.5 below, we have concluded that the development overall, would not be contrary to the guidance in the SG.*
  - iii) There would be no adverse impacts on the Firth of Forth SPA. Comment – *this would be met.*
  - iv) The development has had regard to Policy EA13 (Significant Soil Resources). Comment – *the information in the EIA and advice from SEPA and SNH as well as the SWT are considered to demonstrate that this criterion has been met and the impact would not be unacceptable.*

*We have assessed the development against the Spatial Framework in the SG and the landscape sensitivity guidance which is summarised in para 7.5 below. We have concluded that the environmental and landscape impacts of the proposal would not be contrary to this guidance and, on balance, the development would not be contrary to this Policy.*

- SC23 (Development in the Countryside – General Principles) – Comment – *it is considered that there is a locational justification for wind energy development in the countryside. The development would, on balance, not be contrary to the Policy and satisfy its objectives, having regard to; the fact the development would extend an existing windfarm which already affects the character of the area, its design, and the degree of compatibility with the existing windfarm. In this context, the development would not be contrary to this Policy.*

- EA1 (Clackmannanshire Green Network) – Comment – *the proposed mitigation measures, including a review of the effectiveness of the existing Habitat Management Plan and an increase in its size, should have a positive impact on the habitat value of the site and would satisfy the requirements of this Policy.*
- EA2 (Habitats Networks and Biodiversity) – Comment – *we are satisfied that the developer has demonstrated, through their ecological appraisal, that the development would not result in any unacceptable adverse impacts on the biodiversity interest of the site. The proposed mitigation measures would enhance the biodiversity value of the site. The application would not be contrary to this Policy.*
- EA3 (Protection of Designated Sites and Protected Species) – Comment – *we are satisfied that the development would not be likely to have any significant adverse effect on any internationally or nationally designated areas having regard to the assessment undertaken by the applicant and the advice from SNH and RSPB. The assessment of protected species is considered satisfactory and subject to the proposed condition, the development is not considered to be contrary to this Policy.*
- EA4 (Landscape Quality) – Comment – *the Policy seeks to protect and enhance the quality and character of the landscape including Special Landscape Areas (SLA). The site lies within part of the Ochils which are designated as an SLA. The landscape impact is discussed in paras 1.2 – 1.5 in Appendix 3. We have concluded that the development would not unacceptably affect the overall integrity of the landscape character of this part of the Ochils and that it would satisfy the first criterion listed at the end of the Policy as the site comprises renewable development.*
- EA9 (Managing Flood Risk) – Comment – *the development is considered to accord with this Policy.*
- EA11 (Environmental Quality) – Comment – *subject to the proposed conditions to regulate noise and the obligation to restrict the residential use of Backhills farmhouse and buildings, the development is not considered to be contrary to this Policy.*
- EA12 (Water Environment) – Comment - *having regard to the assessments presented in the EIA, the design layout which avoids any watercourse crossings, the advice from SEPA and Environmental Health, and the scope of the proposed conditions to mitigate potential adverse impacts, we are satisfied that the Policy would be complied with.*
- EA13 (Significant Soil Resources) – Comment – *the Policy seeks to protect carbon rich soils including peat habitats which are present on the site. However, we are satisfied that the development would not be contrary to the Policy having regard to the following factors; the need for renewable energy development ; the development would be an extension to an existing windfarm and therefore the applicant could not reasonably locate the development elsewhere on land not affecting carbon rich soils; the development would result in a net reduction in carbon emissions; the applicant has undertaken a peat survey and assessment which demonstrates that the design has avoided areas of deeper peat, and they*

would implement mitigation measures to offset the disturbance associated with the construction work.

- EA20 (Other Archaeological Resources) – Comment – *the Regional Archaeologist has no objections and we are satisfied that there would be no significant adverse impacts on archaeological resources. The Policy is complied with.*
- EA21 (Historic Gardens and Designed Landscapes) – Comment – *we agree with the assessment in the EIA and advice from Historic Environment Scotland, that the development would not result in any significant adverse impacts on the setting of any Inventory sites, including Gleneagles and Golf Courses, Braco and at Drummond Castle. The development would not be contrary to this policy.*
- EA22 (Listed Buildings) – Comment – *similarly, we agree with the assessment in the EIA and advice from Historic Environment Scotland, that the development would not result in any significant adverse impacts on the setting of any listed building. The development would not be contrary to this policy.*

6.8 Following our analysis of the relevant LDP policies above, the analysis summarised in Appendix 3 and the weighting of the relevant Policies, we have concluded the following;

- The development would, on balance, satisfy most if not all the relevant policy requirements contained in the LDP.
- A number of key policies contain criteria against which proposals should be judged. In these circumstances, we have concluded that on balance, the development would largely accord with the criteria and where any tension exists with a specific criterion, this would not in itself be sufficient to conclude the development would be contrary to the Policy.
- While the introduction of additional turbines would have a locally significant impact, and the difference in turbine design would also contribute to that impact, the landscape and visual impacts are not considered to be sufficiently detrimental to be contrary to Policies SC14, SC15, SC23 and EA4. The impact would be mitigated by the fact the development would read as part of the existing windfarm from most significant viewpoints, it would be consistent with the original design approach, and the scale of the impacts would not be unacceptable and would not undermine the established and previously approved pattern of windfarm development in the Ochil Hills.
- On balance therefore, the application is not considered to be contrary to the LDP, subject to the proposed mitigation and conditions.

## 7.0 Other Material Considerations

7.1 There are a number of material considerations associated with the application which are related to the nature of the development, the location, the planning application process and the representations received from consultees and

third parties. These have been carefully considered to establish whether, either individually or collectively, they would outweigh the LDP position and justify refusing permission. The main considerations are considered below.

## 7.2 National Policy and Guidance

7.3 National planning policy and guidance is published by the Scottish Government. Some policies and objectives which are considered to be relevant to the proposal are listed below;

- National Planning Framework 3 (NPF3) – Comment - *The NPF3 is a long term strategy for Scotland which is a statutory document. It promotes a vision of Scotland as a low carbon and successful sustainable place where natural and cultural assets are protected. It highlights the importance of landscape to our quality of life and visitor economy. It recognises that onshore wind will continue to make a significant contribution to diversification of energy supplies in moving to a low carbon economy.*
- Scottish Planning Policy 3 (SPP3) – Comment - *SPP3 is a statement on Scottish Government policy on land use planning. It includes guidance relevant to the development in relation to;*
  - i) *Sustainability – paras 24-25 – this includes a presumption in favour of development that contributes to sustainable development.*
  - ii) *Placemaking – paras 36-57 – this includes the policy principle of creating high quality places by taking a design led approach.*
  - iii) *Valuing the Historic Environment – paras 135-151*
  - iv) *Delivering Heat and Electricity – paras 152-174 – it supports generation technologies which will help reduce greenhouse gas emissions and contribute to the change to a low carbon economy. Planning should support; the targets and objectives set out in energy policy; the expansion of renewable energy generation capacity; and guide development to appropriate locations following the approach set out in Table 1. It lists potential considerations when determining applications.*
  - v) *Valuing the Natural Environment – paras 193-218 – it highlights the need to facilitate positive change while maintaining and enhancing distinctive landscape character, conserve protected species, protect soils and seek benefits for biodiversity where possible.*
- Specific Online Guidance for Onshore Windfarms and for Windfarm Development on Peat Land – Comment – *the guidance has informed the information in the application.*
- Planning Advice Notes (PAN): 1/2011 (Planning and Noise), 1/2013 (Environmental Impact Assessment), 51 (Planning, Environmental Protection and Regulation), 60 (Planning for Natural Heritage).
- 2020 Route Map for Renewable Energy in Scotland – Update 2015 and Electricity Generation Policy Statement 2013. Comment - *The Route Map*



*maintains the Government's commitment to the role of renewable energy production to tackle climate change, support sustainable economic growth and create employment. It notes the changes to onshore wind subsidies but anticipates that onshore wind will have a pivotal role in delivering the renewable targets. It recognises the need to balance the impact of windfarms on landscape with their energy potential. It highlights the Government's targets for renewable energy generation comprising;*

*i) The generation of 100% of demand for electricity from renewables by 2020. The interim target of 50% by 2015 has been met.*

*ii) Recognition of the need to decarbonise the energy system to meet climate change targets of an interim 42 per cent reduction target for 2020, and an 80 per cent reduction target for 2050, based on 1990 levels.*

*iii) At least 30% of overall energy demand from renewables by 2020*

- *Climate Change (Scotland) Act 2009 – Comment – the Act included the creation of a statutory framework for greenhouse gas emissions reductions specified in ii) above.*
- *Draft Climate Change Plan, Draft Scottish Energy Strategy and Draft Onshore Wind Policy Statement, Scottish Government – Comment – the degree of weight that can be attached to these is reduced as they are draft consultation documents. In relation to renewable energy, they support its continued growth to help achieve the decarbonisation of energy supply by 2030; suggest a new target of delivery of the equivalent of 50% of Scotland's heat, transport and electricity consumption from renewables; recognise the challenge to the onshore wind industry to deliver development with less or no subsidy; and whether the efficiency of a windfarm development should be a material consideration.*
- *Letter from Scottish Government Chief Planner to All Heads of Planning dated 11<sup>th</sup> November 2015 regarding energy targets, planning policy and renewable energy proposals – Comment – this letter makes clear that targets for renewable electricity production do not place a cap on support for renewable projects once the target has been reached. Government policy support for renewable energy developments continues where renewable energy targets have been reached.*

#### 7.4 Other Guidance and Advice

#### 7.5 Other relevant guidance includes;

- *Supplementary Guidance (SG) 2 – Onshore Wind Energy, Clackmannanshire Council, 2015 – Comment - The Guidance provides additional advice to supplement the relevant policies in the LDP and includes revised Spatial Frameworks (SF) which have been prepared using the latest methodology set out in SPP3 which superseded the methodology used to prepare the Spatial Frameworks published in the LDP. The SG includes the following relevant advice;*

- *The revised Spatial Framework classifies land into 3 possible types of area, namely;*
  - i) *Group 1 - Areas Where Wind Farms Will Not Be Acceptable - this only covers areas designated as a National Park or National Scenic Area, neither of which are present in Clackmannanshire.*
  - ii) *Group 2 – Areas of Significant Protection – the site falls within an area covered by this designation. Its inclusion in Group 2 rather than 3 is due to the presence of carbon rich soils and peat in the area. The guidance states that in these areas, windfarms may be appropriate in some circumstances, and this does not equate to a blanket restriction on development. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be overcome. The EIA and proposed mitigation is considered to demonstrate that the development would not have an unacceptable impact on the integrity of the carbon rich soils present in the site.*
  - iii) *Group 3 – Areas With Potential For Wind Turbine Development – the only areas in Clackmannanshire for larger turbines that are covered by this designation are also within the Ochil Hills, mainly where carbon rich soils are absent.*
- *Consideration must be given to both individual and cumulative landscape and visual impacts on local landscape character, any Special Landscape Areas, visual amenity and important views.*
- *The Landscape Sensitivity Study (see below) provides guidance on relative sensitivities and siting and design guidelines.*
- *Advice relating to biodiversity, the water environment, carbon rich soils noise, heritage issues and tourism and recreation.*
- *Sensitivity of the Clackmannanshire Landscape to Wind Turbine Development, LUC Consultants for Clackmannanshire Council, 2012 – Comment – the study was commissioned as part of the preparation of policy guidance for inclusion in what is now the adopted LDP. It provided advice on the relative sensitivity of the landscape character areas to wind energy development and included siting and design guidance. The Report identified the site and surrounding area as part of the Western Peaks character area. The guidelines for Western Peaks state;*
  - *the area has higher sensitivity to wind farm development although the existing Burnfoot Hill Windfarm reduces the apparent sensitivity.*
  - *in relation to cumulative impact issues, the expansion of existing windfarms where they would be seen as part of a single and coherent entity within the landscape context are likely to have less cumulative effects than the introduction of separate schemes or extensions which do not display these characteristics. Proposals of similar layout and design to those already in place would be least likely to create adverse conflicts of scale and form. Turbines should continue to be screened from views from the south of the escarpment. The character of the area is not a windfarm landscape but turbines are now a key characteristic.*

- *it would be difficult to accommodate new wind turbine development in the Ochil Hills due to cumulative effects but modest extensions of existing sites could be accommodated provided the unity and scale of the existing windfarm can be maintained.*
- *the pattern and gaps between existing windfarms in the Ochils should be maintained and small groups or individual turbines resisted.*

*Our assessment of the development is that the proposed design and layout could be accommodated without being contrary to the above guidelines for this landscape character area.*

- *Central Landscape Character Assessment, commissioned by SNH, 1999. Comment – the site is within the “Hills Landscape Character” type. The document predates the wind energy development in the Ochil Hills. However, the document includes reference to the potential suitability of the area for some windfarm development due to its character which is open large scale, gently rounded and uniform. It includes some guidelines to inform site selection which include;*
  - *Avoid turbines on the skyline*
  - *Steer proposals away from exposed and steep ridgelines and summits or where they would extend their visual influence to both the north and south of the Hills.*
  - *Maximise the amount of backclothing provided by the landform.*
  - *Conserve and enhance the open hill character*
  - *Consider steering development to areas already affected by manmade features.*

*Our conclusion is that the design and layout of the proposed 3 turbines would largely accord with these guidelines*

- *The Economic Impacts of Windfarms on Scottish Tourism, Glasgow Caledonian University Study on behalf of the Scottish Government, 2008. Comment: The overall conclusion of the research was that the Government's target at that time of 50% of Scotland's electricity from renewable sources by 2020 could be met with minimal impact on the tourism industry's target to grow revenue. The research also concluded that:*
  - *From a tourism perspective, a small number of larger developments may be preferable to a larger number of small developments*
  - *A number of windfarms in sight at any point in time may be undesirable*
  - *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 of value for tourists.*
  - *Approximately three quarters of tourists felt windfarms had a positive or neutral effect on the landscape.*

*Given the development would; extend an existing established windfarm; be largely viewed as part of a slightly larger single windfarm and; not raise significant adverse cumulative visual or landscape impacts, the research results do not provide compelling enough reasons to justify withholding permission in terms of the potential impact on tourism interests.*

- *Siting and Designing Windfarms in the Landscape, SNH, 2017 – Comment – this provides guidance on what landscapes are best able to accommodate development and how they can best relate to their setting and minimise landscape and visual impacts.*
  - *In relation to proposals for extensions to existing windfarms, it advises that the design objectives and principles should echo those of the original wind farm. Extensions should use turbines which are compatible with those in the existing wind farm, including aspects of scale, form, colour and rotation speed. Generally, the design rationale of the original windfarm should not be eroded. Such compatibility issues will be more important the closer the wind farms are. Extensions should not compromise the landscape context of neighbouring wind farms and should respect existing focal points in the landscape.*

*This advice has been carefully considered in our assessment of the application in consultation with SNH. Our conclusions are discussed in the Landscape and Visual Impact Sections below.*

- *Assessing the Cumulative Impact of Onshore Wind Energy Developments, SNH, 2012 – Comment – this sets out methods to be used to assess potential cumulative impacts on landscapes and birds. The guidance has been adopted in the preparation of the EIA by the applicant.*
- *Visual Representation of Windfarms, SNH, 2017 – Comment – this document sets out guidance on producing visual representations of windfarms. The guidance has been adopted in the preparation of the EIA by the applicant.*

7.6 The advice and comments from consultees are a material consideration. They have been summarised in Appendix 2 and considered in our assessment as summarised in Section 6.0 and Appendix 3. We have concluded that the issues raised would not provide sufficient grounds to withhold permission subject to the proposed mitigation measures set out in the ES and regulated by the planning conditions and obligations. There have been no objections from statutory consultees, including SNH, SEPA, Historic Environment Scotland and Perth and Kinross Council.

7.7 Careful consideration has been given to the objections raised by those groups consulted on the application and the 2 objections received. The issues raised have been summarised in Section 5.0 and Appendix 3 of the report, including concerns related to adverse impacts on landscape quality and visual amenity, recreational visits, tourist related businesses, heritage, design, noise and incremental growth and setting a precedent for further development. As discussed in the report, we have concluded that these concerns and the associated effects of the impacts, would not either individually or collectively, be sufficient to justify withholding permission, subject to the proposed mitigation.

7.8 The development would produce renewable energy which would make a worthwhile contribution towards the reduction of greenhouse gases as summarised in para 3.9 of the report above. This would be consistent with the Vision of the LDP in terms of moving towards a low carbon economy, the requirements of the Climate Change (Scotland) Act 2009 and the objectives of the Government's Energy policy.

## 8.0 **Conclusions**

8.1 Our assessment has reflected the approach set out in para 6.3 above in terms of; reviewing relevant LDP policies; national policy guidance (both Section 6.0); analysis of the key impacts (Appendix 3), advice from consultees and comments from third parties (Section 5.0 and Appendix 2 and 3), and concluded that;

i) On balance, the development would not be contrary to the objectives or policies in the adopted Clackmannanshire Local Development Plan.

ii) Our assessment of other material considerations, including national policy, the representations from third parties and consultees, and the information in the planning application and EIA, has led us to conclude that they would not provide sufficient or justifiable grounds, individually or collectively to outweigh the LDP position and withhold planning permission while national policy provides support for renewable energy development where it is environmentally acceptable.

iii) The key determining issues are related to landscape and visual impacts and impacts on recreational enjoyment of the Ochil Hills. As set out in the report, we are satisfied that the development would not result in unacceptable individual or cumulative impacts on landscape, visual or recreational interests, subject to the proposed mitigation. The extension would be seen as part of the existing windfarm and still maintain a clear separation with the nearest windfarm at Greenknowes. SNH have reached the same conclusion in their consultation and do not object. It is recognised that from some viewpoints the impacts would be significant, but overall, these impacts would be localised and not be of a scale or attract sufficient material weight to justify withholding permission.

iv) The other potential environmental impacts associated with the development could be satisfactorily mitigated subject to the proposed conditions, mitigation measures and planning obligation.

v) The development would make a useful contribution to national targets for renewable energy production and moving to a low carbon economy helping to address climate change as required by the Climate Change (Scotland) Act, 2009.

8.2 It is therefore concluded that there would be insufficient grounds to justify withholding permission for the development having regard to the weight of support from the Local Development Plan, national policy guidance and the proposed mitigation measures which would be employed.

## 9.0 Sustainability Implications

- 9.1 The development would make a valuable contribution towards the Government's targets for renewable energy production, contribute to the reduction in greenhouse gases emissions to address climate change while safeguarding the environmental quality of the area.

## 10.0 Resource Implications

### 10.1 Financial Details

- 10.2 The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes
- 10.3 Finance have been consulted and have agreed the financial implications as set out in the report. Yes

## 11.0 Exempt Reports

- 11.1 Is this report exempt? Yes  (please detail the reasons for exemption below) No

## 12.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

### (1) Our Priorities (Please double click on the check box )

- |  |                                     |
|--|-------------------------------------|
| The area has a positive image and attracts people and businesses         | <input checked="" type="checkbox"/> |
| Our communities are more cohesive and inclusive                          | <input type="checkbox"/>            |
| People are better skilled, trained and ready for learning and employment | <input type="checkbox"/>            |
| Our communities are safer  | <input type="checkbox"/>            |
| Vulnerable people and families are supported                             | <input type="checkbox"/>            |
| Substance misuse and its effects are reduced                             | <input type="checkbox"/>            |
| Health is improving and health inequalities are reducing                 | <input type="checkbox"/>            |
| The environment is protected and enhanced for all                        | <input type="checkbox"/>            |
| The Council is effective, efficient and recognised for excellence        | <input checked="" type="checkbox"/> |

### (2) Council Policies (Please detail)

## 13.0 Equalities Impact

- 13.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations? Yes  No

## 14.0 Legality

- 14.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

## 15.0 Appendices

- 15.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1 – Planning Conditions

Appendix 2 – Summary of Consultee Responses

Appendix 3 – Supplementary Local Development Plan Analysis of Key Impacts and Considerations.

Plan 1 – Location Plan

Plan 2 – Site Plan

Plan 3 – Plan showing other wind energy applications relevant to the application

## 16.0 Background Papers

- 16.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

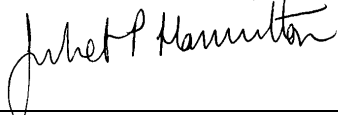
Yes  (please list the documents below) No

- Adopted Clackmannanshire Local Development Plan
- Supplementary Guidance 2 – Onshore Wind Energy
- NPF3 and SPP3
- Sensitivity of the Clackmannanshire Landscape to Wind Turbine Development, LUC Consultants for Clackmannanshire Council, 2012
- Specific Online Guidance for Onshore Windfarms and for Windfarm Development on Peat Land, Scottish Government
- SNH Guidance on Onshore Wind Developments

**Author(s)**

<b>NAME</b>	<b>DESIGNATION</b>	<b>TEL NO / EXTENSION</b>
Keith Johnstone	Principal Planner	2614

**Approved by**

<b>NAME</b>	<b>DESIGNATION</b>	<b>SIGNATURE</b>
Julie Hamilton	Development Services Manager	



## APPENDIX 1

### CONDITIONS AND REASONS FOR CONDITIONS

#### Conditions - 17/00026/FULL

1. This permission shall expire 26 years from the Date of Final Commissioning. By that time, unless otherwise agreed in advance by the planning authority, all wind turbines, all foundations and equipment reaching within 1 metre of the surface, any buildings, tracks and infrastructure associated with the operation of the turbines and any other equipment shall be dismantled and removed from the site and the ground fully reinstated in accordance with all relevant conditions below.

Written confirmation of the Date of First Commissioning and Date of Final commissioning shall be provided to the Planning Authority no later than one calendar month after that date.

For the avoidance of doubt;

“Date of First Commissioning” means the date on which electricity is first exported to the grid network on a commercial basis from any of the turbines hereby approved.

“Date of Final Commissioning” means the earlier of i) the date on which electricity is exported to the grid on a commercial basis from the last of the wind turbines forming part of the development hereby approved; or ii) the date falling 12 months from the Date of First Commissioning.

2. No development shall commence and no preparatory work, other than survey work to help discharge or purify these conditions, shall take place on the site or adjacent land, until a written specification and programme for the provision and routing of the connection from each turbine to the switchgear building and then to the national grid have been submitted to and agreed by the Council as planning authority. All electrical cables will be buried underground. Thereafter, the connection shall be installed only in accordance with the approved details unless otherwise agreed in writing by the Council, as planning authority.

3. Except as otherwise required by the terms of this permission, the development shall be undertaken in accordance with the application and associated drawings, Environmental Statement (as supplemented or amended by other environmental information) and any other documentation lodged and approved in support of the application.

4. No development shall commence on site until a Construction and Environmental Management Plan has been submitted to, and been approved in writing by, the Council as planning authority after consultation with Perth and Kinross Council, SEPA, Scottish Water, SNH and any other party deemed relevant by the planning authority. The Management Plan shall be submitted a minimum of 8 weeks before works are due to commence and take account of relevant "best practice" advice and shall include, but shall not be limited to;

a) The arrangements to manage the timing of construction works to safeguard wildlife interests.

- b) Site tracks detailing the design and construction methods to be used in different parts of the site and for ongoing maintenance in accordance with the advice in SEPA's consultation letter dated 27<sup>th</sup> February 2017.
- c) Borrow pit and rock crushing (including the extent and depth of the pits and specification for restoration).
- d) Construction Method Statements including details of the construction and design of crane pads, cable trenches, construction compound and foundation widths.
- e) Oil storage (for construction and operational phases)
- f) measures to minimise or address the risk of mud or debris being deposited on the site access, the road in Glendevon and the public highway (including wheel wash facilities (if necessary)).
- g) Post construction restoration/reinstatement of working areas including the specification for land reinstatement.
- h) Site Waste Management Plan dealing with all aspects of waste produced during the construction period.
- i) Dust Management Plan.
- j) Water abstraction if relevant.
- k) Surface Water Drainage Management Plan in accordance with SUDs principles and to minimise the risk of pollution or flooding.
- l) Pollution Prevention and Control Statement.
- m) A detailed Peat Management Plan including details of methods to minimise disturbance, turf stripping, storage, peat excavation, handling, storage and re-use.
- n) The arrangements to maintain public access routes during the construction phase.
- o) The arrangements to employ an independent Ecological Clerk of Works (ECOW) to be appointed throughout the period from first commencement of development to any period of post construction restoration works. This shall include details of; the terms of the scope and duties of the ECOW for monitoring compliance with the environmental protection measures included in the approved documents; the qualifications and experience of the proposed ECOW; the reporting structure for reporting any incidences of non compliance with the environmental protection measures to the contractor and planning authority; the level of authority they have to instruct remedial action deemed necessary; and the arrangements for regular reporting of site monitoring to the planning authority.
- p) The locations for the storage of topsoil.

Thereafter, the development shall be implemented in accordance with the approved CEMP.

5. The development hereby approved shall be implemented in accordance with the mitigation measures approved in the Environmental Statement or under the terms of the planning conditions and shall accord with the following;

- a) The measures to protect GWDTE as set out in para 9.7.1 of Vol 2 of the ES and Section 2.0 of the consultation response form SEPA dated 27<sup>th</sup> February 2017.

- b) The access track to Turbine 1 and 2 shall be a floated construction where it crosses Habitat Types M15d, M23, MG10a and U4.
- c) The sensitive habitats such as M32 springs shall be marked out by a suitably qualified ecologist and not disturbed during the construction phase.
- d) Where micro-siting within any sensitive areas of GWDTE as approved by Condition No 10 below is not practicable, mitigation should be provided to avoid infrastructure becoming preferential conduits of water.

6. No development shall commence on site until a Construction Traffic Management Plan has been submitted to and approved by the Council in consultation with Perth and Kinross Council. This shall include details of;

- a) the number and sizes of vehicles required for the installation and maintenance of the approved development and access improvements;
- b) the likely frequency and direction of approach and departure of vehicles
- c) the arrangements to undertake a Road Condition Survey in consultation with the relevant roads authorities and Transport Scotland and undertake remedial works.
- d) any measures to be adopted to minimise the impacts associated with the construction related traffic on other users of the public road and the private road from Glendevon to Backhills Farm.

Thereafter, the development shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Council.

7. a) The proposed route for any abnormal loads on the trunk road network shall be approved in writing by the trunk roads authority prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved.
- b) Any additional signing or temporary traffic control measures deemed necessary due to the size or length of lads being delivered must be undertaken by a recognised quality assured traffic management consultant, to be approved in advance by the trunk road authority before delivery commences.

Thereafter the development shall be implemented in accordance with the details approved by this condition.

8. Within 6 months of the 3 turbines becoming operational, all soil and material stockpiles shall be removed and the borrow pit and construction areas (including extended hard standings) shall be reinstated in accordance with the approved Construction and Environmental Management Plan using original plant and organic material carefully lifted, set aside, and stored with its "growing side up" for its reuse at reinstatement stage. Alternatively, a suitable seed mix shall be used subject to the prior written approval of the planning authority in consultation with SNH.

9. No development shall commence on the construction of the turbine towers and all ancillary elements (including any transformers or fencing) until written approval has been obtained from the planning authority of the make, model, design, external finishes and colours of the turbines and all ancillary elements. For the avoidance of doubt, the turbines shall match the proportions, colour and external finish as the existing turbines approved by the planning permission 06/00121/FULL. Thereafter, these elements of the development shall be implemented and maintained in accordance with these details as approved.

10. For all turbines, tracks and areas of hardstanding, a variation of their approved location by up to 25 metres for micro-siting shall be permitted subject to the following restrictions;

a) no wind turbine foundation shall be positioned higher, when measured in metres AOD, than the position on the approved Site Plan,

b) no micro-siting shall take place within areas of peat of greater depth than the original location

c) no micro-siting shall take place within areas hosting GWDTEs, unless otherwise agreed in advance by the Council.

11. The blades of all the turbines shall rotate in the same direction when generating as those in the existing Burnfoot Hill Windfarm array. The turbines shall not be illuminated. The use of logos on turbine blades, nacelles and towers is prohibited.

12. Unless otherwise agreed in writing by the Council, as planning authority, the design, power rating and sound power levels of the turbines shall be equivalent to or less than that specified in the Report titled Assessment of Sound Impact on Blackford to Tillicoultry Rights of Way dated 1<sup>st</sup> December 2016 contained in Appendix 5.2 of Volume 4 of the Environmental Statement.

13. The wind farm operator shall maintain a continuous log of wind speed and direction data, and shall retain all data for 12 months after it is recorded. This shall include average wind speeds in m/sec for each 10-minute period (on the hour and in 10-minute increments). All this data shall be released to the planning authority within 14 days of a written request, being held and provided in electronic spreadsheet format. In the case of any data gathered at heights other than 10m above ground it shall be supplemented by adjusted values, which allow for wind shear, normalised to a height of 10m, and details of the wind shear calculation shall be provided.

14. At wind speeds of 10m/sec, as measured or calculated at 10m above ground level at the approved turbine sites, the turbine noise level shall not exceed 35dB(A) LA90, 10min during both night-time and daytime hours at any residential property, unless otherwise agreed in writing by the Council.

15. Should the noise levels in Condition 14 be exceeded or following a complaint about noise being received, within 28 days from being notified in writing of the complaint, the wind farm operator shall, at its expense, employ a consultant approved by the Planning Authority to assess the level of noise immissions from the

development at the complainant`s property. The assessment shall be undertaken in accordance with ETSU-R-97 guidelines. The wind farm operator shall provide to the planning authority the independent consultant`s assessment and recommendations within 2 months from the date of the written notification unless the time period is extended with the agreement of the Council. The wind farm operator shall ensure that noise emissions from the development or from any part of it, are reduced forthwith to the levels set out in Condition 14.

16. Unless otherwise agreed in advance by the Council, as planning authority, all fixed and mobile plant used within and around the site during the construction phase shall not incorporate bleeping type warning devices that are audible outwith the site boundary.

17. Unless otherwise approved in advance in writing by the planning authority, no construction work involving audible noise outwith the site shall take place or deliveries of materials or components to the site shall be received outwith 0700 - 1900 hours Monday to Friday and 0800 -1200 Saturday and at no time on Sunday or local bank holidays, unless otherwise agreed by the Council, as planning authority.

18. No development shall commence on site until a Water Quality Monitoring Plan has been submitted to and approved in writing by the Council, in consultation with SEPA and Scottish Water. The Plan shall include;

a) A scheme to monitor the impact of the development on the quality and quantity of groundwater which feeds the private water supply to Backhills Farm and GWDTE downstream from the development and the arrangements to mitigate any significant adverse impacts on baseline conditions.

b) A scheme to monitor the quality and quantity of the watercourses which may carry run off from the development which are received by the Upper Glendevon Reservoir.

Thereafter, the development shall be implemented in accordance with the approved details.

19. a) Within 12 months from the commencement of development, a decommissioning, restoration and aftercare strategy shall have been submitted to and approved in writing by the Council in consultation with SNH and SEPA. The strategy shall include measures for the removal of the development hereby approved, the treatment of ground surfaces, the management and timing of the works including in relation to the other phases of the windfarm, and environmental management.

b) No later than 3 years prior to decommissioning of the development or the expiration of the permission, whichever is the earlier, a detailed decommissioning, restoration and aftercare plan shall be submitted for the approval of the Council in consultation with SNH and SEPA. This shall include updated and detailed proposals for the removal of the development as described in the strategy and shall also address the requirements set out in Condition Nos 4, 6, 18, 23 and 24 as they apply to the decommissioning and restoration process.

Unless otherwise agreed by the Council, the site shall be decommissioned and restored in accordance with the agreed scheme and in accordance with the timescales specified in Condition No 1 or 20 below.

20. Should any turbine(s) cease supplying electricity to a local grid for a continuous period of 6 months, it will be deemed to be no longer required and unless otherwise agreed in writing with the Council, as planning authority, the wind turbine and its ancillary equipment and infrastructure shall be dismantled and removed from the site, with the ground fully reinstated in accordance with the decommissioning and reinstatement strategy and plan required by Condition 19 above, within 12 months of the deemed cessation date. If the decommissioning and restoration plan required by Condition No 19 has not been submitted at the date the turbine(s) is deemed to be no longer required, a detailed plan must be submitted to and approved in writing by the Council, as planning authority within 3 months of a written request by the planning authority. The development shall then be decommissioned and the land restored in accordance with the approved details no later than 12 months from the deemed cessation date, unless otherwise agreed by the Council, as planning authority.

21. a) No development shall commence on the site until the developer has submitted the following to the Council, as planning authority:

i. details of an indexed link bond or other financial instrument which will ensure that funds sufficient to cover the completion of the decommissioning and site restoration costs, in accordance with Condition 19 above, are available at all times to the developer and planning authority prior to the decommissioning and site restoration and

ii. confirmation by a suitably qualified and experienced Chartered Surveyor (whose appointment for this task has been approved by the planning authority) that the amount of the bond or financial instrument is sufficient to meet the cost of all decommissioning and site restoration, by the developer or planning authority

There shall be no commencement of development until such time as the planning authority has approved the arrangements and sufficient documentary evidence has been submitted to the planning authority to show the approved funds are in place.

b) The approved bond or financial instrument shall be maintained throughout the duration of the permission and reinstatement period. At 5 yearly intervals from the commencement of development, an independent review of the approved bond or financial instrument shall be carried out and submitted to the planning authority. The planning authority may direct that the bond or instrument is amended if this is deemed necessary to ensure that funds remain sufficient for decommissioning and site restoration.

22. Notwithstanding the terms of Schedule 1, Part 2, Class 7 of the Town and County Planning (General Permitted Development) (Scotland) Order 1992, as amended, no walls, fences or other means of enclosure shall be erected within or around the site without the prior approval of the Council, as planning authority.

23. No development shall commence on the site until;

a) A Species Protection Plan has been submitted and agreed by the Council covering the construction and decommissioning period. This shall include a Breeding Bird Protection Plan.

b) A pre-construction protected species survey has been carried out within 6 months prior to the commencement of development and any mitigation measures have been undertaken.

Thereafter, the development shall be implemented in accordance with the approved details.

24. Before the commencement of any site works, the following details shall have been submitted to and approved in writing by the Council, in consultation with SNH, SEPA, landowners and any other party deemed relevant by the planning authority. The details shall have been prepared by a suitably qualified and experienced person;

a) A revised Habitat Management Plan covering the Burnfoot Habitat Management Area. This shall include details of the proposed measures to extend the area by at least 125% of the habitat lost to accommodate the development and accord with the factors contained in paragraph 7.9.22 of Vol 2 of the ES. The Plan shall also have regard to the findings of an analysis of the effectiveness of the existing Land Management Plan to help identify where management measures do not appear to have been effective and the scope to include other measures to secure the agreed objectives of the Plan. The Plan shall set out the objectives and management measures during the periods of construction, operation, decommissioning and aftercare of the site and shall provide for the regular maintenance, monitoring and reporting of the habitat within the Plan area.

b) Details of the proposed measures to mitigate the potential impact of the development on curlew which may be displaced during the construction period, having regard to the advice in the consultation response from the RSPB dated 9<sup>th</sup> March 2017.

c) An updated Schedule of Mitigation to include any changes agreed to discharge the planning conditions. This shall also identify who will be responsible for compliance monitoring.

d) The arrangements for the regular monitoring and review of the HMP to ensure the management measures are effective to secure the approved objectives of the Plan.

Thereafter, the development shall be implemented and operated at all times in accordance with the details approved above. unless otherwise agreed in writing by the Council, as planning authority.

25. Before any works on site to construct the 3 turbines hereby approved, the following details shall have been submitted to and approved in writing by the Council, as planning authority, in consultation with the Ministry of Defence (Defence Infrastructure Organisation);

a) the date construction is scheduled to start and end

b) the maximum height of construction equipment

- c) the latitude and longitude of the three turbines
- d) details of the specification and location of infrared aviation lighting to be installed on the turbines.

The development shall be implemented in accordance with the approved details and the infrared lighting shall be maintained to ensure it remains operational on the turbines for the lifetime of the development unless otherwise agreed in writing by the Council, in consultation with the Ministry of Defence.

26. In the event of any complaint from a person regarding television picture loss or interference at their house or business premises made during the period from installation of any turbine and the date falling 12 months from the Date of Final Commissioning, the wind farm operator shall appoint a suitably qualified and experienced engineer to investigate and report on the complaint within 2 months from the date of receipt of written notification of the complaint, unless otherwise agreed by the Council. Should any impairment in the television signal be attributable to the development, the wind farm operator shall remedy such impairment so that the standard of reception is at least equivalent to the standard before the development commenced within 1 month from the receipt of the engineer's report unless otherwise agreed by the Council.

#### **Reasons for Conditions:**

1. In recognition of the expected life span of the development and to ensure the site is satisfactorily restored.
2. To minimise the effects of the development on the local environment having regard to the sensitive landscape, visual amenity, recreational enjoyment and environmental character of the area over which the proposed grid connection route will cross.
3. To ensure the development is carried out in accordance with the approved details.
4. To ensure that all development operations are carried out in a manner that minimises their impact on environmental quality, the water environment, ecology, residents and visitors and public safety.
5. To ensure the development is carried out in a manner which minimises its impact on the water environment and the mitigation measures contained in the Environmental Statement, or as otherwise agreed, are fully implemented.
6. In the interests of road safety.
7. To maintain safety for both the trunk road traffic and the traffic moving to and from the development, to ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network and to minimise interference with the safety and free flow of the traffic on the trunk road.



8. In the interests of visual amenity and landscape protection.
9. In the interests of visual amenity and landscape protection.
10. To ensure that any micro-siting is sensitively employed to control environmental impacts while taking account of local ground conditions.
11. To minimise the visual impact of the turbines and ensure the visual impacts conform with the impacts assessed in the Environmental Statement.
12. In the interests of residential and recreational amenity and to ensure the noise impact conforms with the impacts predicted in the Environmental Statement.
13. In order that the planning authority retains sufficient control over any changes in noise from the development or over any differences between the actual noise and that which is presently anticipated from the development.
14. To minimise potential noise disturbance and safeguard residential amenity in accordance with current Scottish Government guidance titled Onshore Windfarms.
15. To ensure that residential amenity is adequately safeguarded and to ensure prompt investigation of complaints.
16. To minimise disturbance and safeguard the amenity of nearby residents and visitors.
17. To minimise disturbance and safeguard the amenity of nearby residents and visitors.
18. To ensure the risk of pollution to surface or groundwater or the pollution or disruption to the private water supply serving Backhills farm is minimised.
19. To secure the satisfactory removal of the development and the restoration of the site at the end of its operational life in the interests of environmental protection, safety and visual amenity
20. In the interests of safety, amenity and environmental protection upon any such plant becoming redundant during, or on conclusion of, the anticipated life span.
21. To ensure that at all times there are sufficient funds available to secure decommissioning and site restoration as required by this planning permission in the event of default by the wind farm operator, in the interests of environmental and visual amenity.
22. To safeguard visual amenity, it is considered necessary to withdraw these permitted development rights.
23. To ensure the potential impacts on protected species can be identified.

24. To ensure the provision of effective environmental protection and mitigation as proposed in the Environmental Statement and advised by consultees, to secure an enhancement to local biodiversity in the interests of ecology and amenity.
25. In the interests of military aviation safety and visual amenity.
26. To ensure local television services are sustained during the construction and operation of the development.

#### **ADVISORY NOTE TO APPLICANT**

The trunk road authority has asked that we advise you that the grant of planning permission does not carry with it the right to carry out works within the truck road boundary and that permission must be granted by Transport Scotland Truck Road and Bus Operations. Where the works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal.

Trunk road modification works shall, in all aspects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.

Truck road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

## APPENDIX 2

### SUMMARY OF CONSULTATION RESPONSES

Consultee	Issues	Objection
<p>Scottish Natural Heritage</p>	<p>Landscape</p> <ul style="list-style-type: none"> <li>• The main landscape and visual issue is the likely cumulative effects of the proposed turbines in combination with the existing Burnfoot Hill windfarm.</li> <li>• The development would extend the wind farm slightly to the east. The 3 turbines would largely be seen in the context of the existing windfarm, on the edge of the array and as a relatively cohesive part. In most views from within the hills and from the north they would be viewed as a minor proportion of the total number of turbines.</li> <li>• A notable exception to this would be the view towards the site from the A823 in Glendevon where 2 turbines would be viewed in addition to 3 existing turbines. The blades of the 2 turbines would be visible and would overlap in views with 2 existing turbine blades. The overlapping blades would be eye-catching in a focal part of the view up the Glen. They advise the turbines be relocated to avoid the overlapping from this viewpoint. This would result in a wider spread of blades crossing the skyline but this would be an improvement on the stacking effect of the overlapping blades.</li> </ul> <p>Ecology</p> <ul style="list-style-type: none"> <li>• The scope and conclusions of the assessments undertaken in the EIA on ornithology, European Protected Species, carbon rich soils and peat slide risks are acceptable and agreed. The proposed mitigation, including the revision of the Habitat Management Area, is also acceptable.</li> </ul>	<p>No</p>

SEPA	<ul style="list-style-type: none"> <li>• Subject to conditions being attached to regulate the development and to ensure mitigation is undertaken, they do not object to the development. They are satisfied the development would not result in unacceptable impacts on groundwater ecosystems, private water supplies, peat habitat, waste management and pollution prevention.</li> <li>• Conditions should be attached requiring details to be submitted and agreed relating to a Construction Environmental Management Plan, Site Waste Management Plan, Water Quality Monitoring Plan, Protection of Water and Protection of Groundwater Dependent Ecosystems.</li> <li>• Mitigation should be provided including a revised Habitat Management Plan and consideration given to restoring peat areas near to Backhills farmhouse.</li> </ul>	No
Transport Scotland	<ul style="list-style-type: none"> <li>• No objection subject to a condition being attached requiring the prior agreement of the routing of abnormal loads and any related works on the trunk road network.</li> </ul>	No
Historic Environment Scotland	<ul style="list-style-type: none"> <li>• The assessment of heritage assets in the EIA is adequate.</li> <li>• The proposals do not raise historic environment issues of national significance. There are no significant heritage interests within the site boundary. There would be no significant adverse impacts on the settings of statutory heritage interests outwith the site as the magnitude of any impacts would be low.</li> </ul>	No
Scottish Water	<ul style="list-style-type: none"> <li>• Acknowledged the consultation but no further comments received regarding their water supply interests in the vicinity.</li> </ul>	No

Clackmannanshire Council	<p><u>Environmental Health</u> – they are satisfied that the development would not result in any adverse noise impacts subject to; implementation of the restriction proposed by the applicant to prevent residential occupancy of the farmhouse at Backhills during the operational life of the development and; conditions being attached to regulate noise emissions from the turbines to safeguard the amenity of the nearest noise sensitive receptors unconnected with the development. Mitigation measure should be put in place to safeguard the private water supply to Backhills from the construction work.</p> <p><u>Roads</u> – No objection. They note construction related traffic will generally be routed via the A823 to the north which is similar to the previous development phases.</p>	No
NATS	<ul style="list-style-type: none"> <li>• No objection in relation to safeguarding en route air traffic</li> </ul>	No
Ministry of Defence	<ul style="list-style-type: none"> <li>• No objection and request the development is fitted with accredited aviation safety lighting.</li> </ul>	No
Edinburgh Airport	<ul style="list-style-type: none"> <li>• No conflict with safeguarding criteria.</li> </ul>	No
Glasgow Airport	<ul style="list-style-type: none"> <li>• No conflict with safeguarding criteria</li> </ul>	No
Regional Archaeologist	<ul style="list-style-type: none"> <li>• No objection. Satisfied with assessment of cultural heritage interests.</li> </ul>	No
Stirling Council	<ul style="list-style-type: none"> <li>• They are satisfied that the development would not result in any significant adverse impacts on landscape or visual amenity or cultural heritage interests in their area. Visual impact would be minimal and/or in conjunction with the existing turbines.</li> </ul>	No

Perth and Kinross Council	<ul style="list-style-type: none"> <li>• They note that most of the visual impact associated with the development would be experienced within Perth and Kinross Council's area.</li> <li>• The increase in the horizontal spread of the windfarm from the development is not considered to result in an unacceptable cumulative impact on landscape quality in association with other windfarms in the Ochils. The development would only have a limited impact on the visual separation between the Burnfoot Hill windfarm and the windfarm at Greenknowes.</li> <li>• the visual and landscape impacts associated with the development are considered to be minor having regard to the assessment. They agree with the advice from SNH to reduce the overlapping effect of blades in views from the A823 in Glendevon.</li> </ul>	No
Fife Council	<ul style="list-style-type: none"> <li>• The turbine design and proposed layout would not have any significant adverse direct or cumulative visual, landscape or cultural heritage impacts within Fife.</li> </ul>	No
RSPB	<ul style="list-style-type: none"> <li>• No adverse comments on the potential impact of the development on ornithological interests.</li> <li>• Suitable mitigation should be provided to compensate for the development works taking place within an area that comprises a Habitat Management Area approved as part of the original planning permission. This should include a review of the effectiveness of the existing management actions and specific mitigation for curlew which may be displaced from the site area.</li> </ul>	No
Community Councils	<p><u>Tillicoultry</u> – No comments received</p> <p><u>Alva</u> – No comments received</p> <p><u>Dollar</u> – No comments received</p> <p><u>Muckhart</u> – No comments received</p> <p><u>Auchterarder and District</u> – <u>Objection</u>. The development would</p>	<p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>Yes</p>

	<p>have adverse visual and landscape impacts individually and cumulatively with other windfarms. It would risk filling in the visual gaps between existing windfarms. The adverse effect from cumulative impacts has been recognised in refusals for other proposals which would have affected the Ochils. The application fails to recognise the Special Landscape Area status of the Ochil Hills and there is insufficient landscape capacity to accommodate more windfarms in the Ochils, a factor highlighted by Reporters in planning appeal decisions for other proposals. The difference in height and size compared to the existing turbines will prevent the development blending in and it will appear as a separate development. There is frustration with the piecemeal approach taken by the applicant to develop extensions and there must be a risk of more in the future.</p> <p><u>Braco and Greenloaning – Objection</u> – The Ochils have no more capacity to accommodate wind energy development and the development would have adverse visual and landscape impacts. The original application for Burnfoot Hill showed the windfarm would not be visible from their area but the contrary is now true. The 3 turbines would be highly visible within their area and further extend the 5km horizontal spread of the existing windfarm. The development would also adversely affect tourism and the local economy including Gleneagles Hotel.</p> <p><u>Blackford – No Objection</u></p>	<p>Yes</p> <p>No</p>
Friends of the Ochils	<p>They object and raise the following concerns;</p> <ul style="list-style-type: none"> <li>• The applicant stated at the time of the last applications in 2011 that whatever the outcome they would not apply for any more turbines. This was</li> </ul>	Yes

	<p>accepted in good faith and it is unacceptable to renege on that commitment as no mention was made about the constraint due to occupation of Backhills farmhouse.</p> <ul style="list-style-type: none"> <li>• This is the fifth application relating to wind energy at this location. Three have been approved and one refused.</li> <li>• The difference in height and size of the turbines compared with the existing ones will not fit into the landscape and will look out of place. Proximity to the farm buildings will exacerbate their scale as they would be the largest in the Ochil Hills. The photomontages do not appear to illustrate this difference in size.</li> <li>• By allowing taller turbines to be sited lower down the slope to bring them to a similar height to the existing ones would set a dangerous precedent for further larger turbines.</li> <li>• The development would reduce the visual gap between the windfarm and the nearest one at Greenknowes above Gleneagles. The area is moving towards a windfarm landscape.</li> <li>• The cumulative impact of the development with the existing Burnfoot Hill windfarm and other windfarms in views from within and to the north of the Ochil Hills.</li> <li>• Proximity to part of Tillicoultry to Blackford right of way would adversely affect the recreational enjoyment of this part of the route due to visual impact and noise.</li> <li>• Concern about creating a risk of peat landslide</li> <li>• The development would be contrary to LDP Policy SC14. The original site has reached its capacity.</li> <li>• The vacation of a working hill farm due to the development. The application has not considered the impact on residential amenity.</li> <li>• Potential community benefits should not be regarded as a material planning consideration.</li> </ul>	
Muckhart and Glendevon Amenity Society	<ul style="list-style-type: none"> <li>• No comments received.</li> </ul>	No
Visitscotland	<ul style="list-style-type: none"> <li>• No comments received</li> </ul>	No



Forth District Salmon Fishery Board	<ul style="list-style-type: none"><li>• No comments received</li></ul>	No
Central Scotland Raptor Study Group	<ul style="list-style-type: none"><li>• No comments received</li></ul>	No



## **APPENDIX 3 – SUPPLEMENTARY LOCAL DEVELOPMENT PLAN ANALYSIS OF KEY IMPACTS AND CONSIDERATIONS**

### **1.0 Detailed Consideration of Key Impacts**

- 1.1 Our assessment has considered the information submitted as part of the EIA and planning application, the advice and representations from consultees, the issues raised by third parties and relevant national and LDP policy guidance. The conclusions are summarised below and these have informed the development plan policy assessment set out in Section 6.0 of the Report.

#### Landscape Impact

- 1.2 The EIA contains a Landscape and Visual Impact Assessment (LVIA) undertaken by chartered landscape architects. The landscape character of the site is described in the Central Landscape Character Assessment and Sensitivity Analysis documents highlighted above. The site forms part of an area to the north of the main Ochil Hills ridge and slopes down towards the north. It consists of smooth, rounded, open tops which act as a backdrop when viewed from the north. There are panoramic views to the north and south from the highest points on the main ridge. The area is not widely visible apart from views from the north. The most sensitive receptors comprise recreational visitors to the surrounding Ochil Hills. Other residential, commercial or cultural heritage receptors have mainly distant views of this part of the Hill range.

- 1.3 **In terms of the proposed development, we have concluded;**

**a) In line with the EIA, some of the landscape impacts would be significant but these would be localised to an area up to 2-3 km away and would be experienced with the effects of the existing BFH windfarm. Furthermore, we agree with the conclusions of the LVIA that while landscape impacts would be increased, they would not result in any new or additional significant landscape effects on the area or the qualities of the Ochils Special Landscape Area (SLA). The development is considered to respect the siting and design guidelines contained in the Landscape Sensitivity Study and Landscape Character Assessment as summarised in para 7.5 above.**

**The potential cumulative impacts with the existing windfarm and nearest windfarms are not considered to be sufficiently adverse to justify withholding permission. The development would still be viewed in the landscape as an extension to the existing windfarm and the turbines would be viewed with the existing ones as a single windfarm. The turbine proportions, spacing and layout would reflect the design objectives and principles of the existing windfarm in terms of the layout, pattern, proportions, relationship to landform and effect on the skyline. The development is not considered to significantly change or erode the established spatial separation between the windfarms in the Ochil Hills in views from within and outwith the Hills. Of the 3 turbines, 1 would be viewed within the existing grouping while the other 2 would extend the visual envelope of the group eastwards by approximately 230 metres. This is a relatively small increase compared with the current visual envelope on an east-west axis of approximately 1.8km. Greenknowes**

windfarm would still be approximately 7.9km away to the northeast. It is concluded that the proposed extension would not significantly change the established landscape character of the area of one where windfarms are a key characteristic of the landscape but not a dominant characteristic and not one which would be characterised as a windfarm landscape. The analysis of the changes in theoretical visibility of the existing and extended windfarm indicate that there would be limited additional visibility (mainly near the site) and the extent of visibility of the windfarm would not be significantly altered within the Ochil Hills hilltops, Strathearn, Strathallan and Gargunnoch Hills. The extended windfarm would not be visible from parts of the Hills to the south of the Ochils ridge line or from areas to the south of the escarpment where the existing windfarm is not visible.

b) The most significant impacts associated with the difference in the height and scale between the existing and proposed turbines would be largely restricted to a localised area to the north and east of the site within 2km. However, the overall impact would be mitigated by the following factors; the development would still be largely contained by the surrounding landform; the turbines would be located on lower ground than the neighbouring ones so their height is compatible, as described in para 3.7 above; their consistency with the existing layout; the similarity in proportions (if not dimensions) of the proposed turbines in comparison with the existing turbines; the way they would be perceived from most key viewpoints as part of the existing array due to topography, the extent of turbine visibility, the perspective and the effect of being viewed behind existing turbines; and the greatest impacts would be on areas which are less visited. We have concluded that these would not, on their own, significantly affect the special landscape character and scenic interest of the Ochils SLA which is already affected by the existing windfarm. LDP Policy EA4 states that where development would not have a significant adverse impact and it an essential requirement of renewable energy development, it would not be contrary to this Policy

#### Visual Impact

- 1.4 The visual assessment in the EIA considered the potential impact within 35km of the development on views from settlements, transport routes, recreational routes and tourist destinations. This concluded that;
- There are no settlements within 6km and there would be no significant visual effects affecting the views from settlements including Auchterarder, Muthil, parts of Gleneagles and Crieff. The turbines would not be visible from Blackford, Greenloaning or Braco or from settlements in Clackmannanshire.
  - there would be no significant impacts from transport routes including the A9, A823, A822 and B827. The turbines would not be visible from the Perth to Glasgow railway.
  - there would be no significant impacts on tourism and leisure destinations including Gleneagles Hotel and golf courses (approx. 8km distant), Stirling

Castle (15 km), Drummond Castle Gardens (15 km), Fife Regional Park (26km) and Frandy Fishery (2.5km).

- there would be significant individual and cumulative visual effects from areas within the Ochil Hills used for recreation. This would include an approximate. 2km section of the Tillicoultry to Blackford right of way where it passes within 1km of the development and from the summits of Ben Cleuch, Andrew Gannel, Kings Seat and Innerdownie Hills. However, this impact would be mitigated as the turbines would sit at a lower elevation, be viewed in the context of the existing windfarm which would appear as the larger development and extend over a wider horizontal section of view.
- there would be very limited areas of additional visibility and the turbines would almost always be viewed in the context of the existing Burnfoot Hill windfarm.

1.5 We have carefully considered the conclusions of the EIA as well as the advice and comments from consultees and third parties. **The following conclusions have been reached;**

a) **The most significant visual impacts would be experienced close to the development including Ben Cleuch and surrounding summits, parts of the Tillicoultry to Blackford right of way near to the site and around Upper Glendevon reservoir. The nearest new turbine would be approximately 2.6 km from the summit of Ben Cleuch (721m AOD) and the maximum blade tip heights of the 3 turbines would range between 580 and 596m AOD. From the summit, they would be viewed behind or to the side of existing turbines and they would appear lower than most of the other turbines. This would have the effect of reducing their actual size and scale in this view. Only 2 of the 3 turbines would appear outside the existing visual envelope of the windfarm. The angle of view from the summit containing turbines would increase from 44 degrees to 48 degrees, a percentage increase of approximately 9 %. This angle of view of turbines had increased from 28 degrees because of the Rhodders extension approved in 2014. It is considered that the turbines would be viewed as an extension of the existing windfarm, in some views in combination with or in succession with Greenknowes windfarm. The increase in the angle of view is not considered to significantly erode the gap between Burnfoot Hill and Greenknowes which is important in mitigating the impact of windfarm development on the landscape character of the Hills. From other viewpoints such as Kings Seat and Innerdownie hills, the turbines would be viewed largely within the existing windfarm envelope and backclothed by existing turbines.**

b) **Although SNH and Perth and Kinross Council have highlighted, but not objected to, the overlapping effect of the blades of 2 of the turbines with the blades of 2 existing turbines in views from the A823 in Glendevon, it is not considered that there would be sufficient grounds to withhold permission for this reason alone. This is due to the following factors; the viewpoint is experienced travelling in a northbound direction only and travelling at relative high speeds; the length and associated duration of the impact would be relatively limited to an approximate 2km stretch of road; the applicant's advice that amending**

the location of the turbines to reduce overlapping would weaken the composition from other more important viewpoints such as the summit of Ben Cleuch; the distance of the turbines from this viewpoint (5.5km); and the relatively narrow field of view that would be affected.

c) The potential impacts both individually and cumulatively with the existing windfarm on Gleneagles Hotel and Golf Courses and the proposed tourism development at Easterton Farm are considered to be small and would not be significant or sufficiently harmful to justify withholding permission. The scale of the likely impact can be verified by the impact associated with the existing windfarm. The blades of one turbine may be visible from the Clubhouse Balcony in addition to the blades of 2 existing and the tips of 3-4 turbines further to the west but visibility would be partially screened by existing vegetation and mitigated by distance (approx. 8km). At Easterton, only the blade tips of the 3 turbines would be theoretically visible but this would not be significant given the existing degree of visibility of the existing windfarm from this viewpoint. There would also be little or no additional visibility resulting from the proposed turbines.

d) The visual impacts in views from the north west and northeast would also be limited due to; the modest extent of additional visibility, the compatibility with the existing spacing and pattern of turbines and degree of backclothing by the landform. It is not considered that this would have a significant adverse impact notwithstanding the objections from Braco and Greenloaning and Auchterarder and District Community Councils and Gleneagles Hotel and the owner of Old House of Orchil. Perth and Kinross Council has also not raised any objection in relation to the visual impacts on these areas. SNH advise that from these areas, the development would comprise a minor proportion of the overall windfarm and be viewed as a relatively cohesive part of the windfarm.

e) The proposed turbine design would be different to the existing turbines as described in para 3.4 above. The dimensions of the blades, hub height and height to blade tip would all be approximately 32% larger. The advice in Siting and Designing Wind Farms in the Landscape published by SNH and the Council's Sensitivity Study highlight that extensions should be compatible with turbines in the existing windfarm so that the design rationale of the original is not eroded and they do not compromise the landscape context of any neighbouring windfarms. It is our conclusion that the larger turbine design is probably the most significant issue having regard to other factors such as layout, spacing and other environmental impacts. While the difference in design would exacerbate some of the visual impacts, it is concluded that these would not be sufficiently detrimental to withhold permission having regard to the reasons summarised in para 1.3 (b) above.

f) The applicant has also confirmed that they would not wish to amend the turbine design to reduce their height. At the site design stage, other layout options were considered including 4 turbines of similar size but these were discounted. The current financial environment is such that subsidy is not guaranteed and the design would help maximise the output to create a more viable scheme less reliant on subsidy. The proposed turbines could generate up to 41%

**more renewable electricity compared with the above alternative scheme which would be the equivalent of the annual electricity needs of over 2,000 more homes and over 5,500 more tonnes of CO2 being offset.**

### Recreational Impacts

- 1.6 The EIA recognises that significant landscape and visual impacts would occur largely within a localised area but it could affect some of main hill tops in the western Ochils but excludes areas within National Park and Regional Park designations.
- 1.7 Friends of the Ochils and Gleneagles Hotel have raised concern about the potential impacts on recreational users in the Ochils and at Gleneagles mainly due to their visual impact, different design and proximity to the right of way. They are concerned at the capacity of the landscape to accommodate further development.
- 1.8 The impacts, both individually and cumulatively with the existing windfarm and other existing wind farms, are largely related to landscape and visual amenity issues. The impacts for visitors to the Hills are predicted to be significant when they occur given the nature and scale of the development. It is our conclusion that the impacts associated with the development on recreational enjoyment would not be sufficiently adverse to justify withholding permission for the following reasons;
- **the extension comprising 3 turbines would not result in unacceptable individual or cumulative landscape and visual impacts as concluded in paras 1.3 and 1.5 above.**
  - **from Ben Cleuch, the appearance of the turbines would still read as part of the windfarm notwithstanding their difference in size and would sufficiently maintain the design concept of the original development which is contained by the surrounding hills. The horizontal spread (or angle of view) of the whole Burnfoot Hill windfarm from this important viewpoint would be increased from 44 degrees to 48 degrees, an increase of approximately 9% and this scale of increase is not considered to be significantly detrimental to withhold permission. Cognisance has also been taken of the effects of the previous extension of 6 turbines to the west which extended the angle of view by approximately 44% from this viewpoint.**
  - **the turbines would be viewed with the existing turbines rather than on their own. The development would not be visible from; any more summits than the existing windfarm is visible from; large sections of popular recreational routes; large areas of the Ochil Hills including Dumyat or the Glens; or in views towards the south facing escarpment.**
  - **the visual impact of the turbines on an approximate 2km section of the right of way near Backhills Farm is considered significant in the EIA due to their proximity and their size. However, the existing windfarm is already visible and the impact would affect a relatively short section of the overall route. The route is also much less visited**

than the hilltops and glens where the development would not have as significant an impact.

- it is likely that the majority of receptors who would observe the development within 5km and experience the greatest impacts would be recreational access users of these parts of the Hills. It is reasonable and material to consider mitigation measures to promote or support initiatives that enhance or maintain recreational access resources, or support services that increase enjoyment or safety of recreational users in or accessing the Ochils. The applicant has proposed mitigation in the form of a contribution of £27,000 pa (£2,500 per MW) index linked over the operational life of the turbines to fund measures to encourage access in and to the Ochil Hills. This would generate approximately £675,000 in total over the proposed life of the development at current values. This approach is similar to the mitigation agreed as part of the original planning permission which is paid into the Recreational Enhancement Fund. This Fund has been used for various projects to encourage access in and to the Ochils, mainly channelled through the Ochils Landscape Partnership. The original permission will contribute up to £1,265,000, index linked. This mitigation is considered to be a material planning consideration as it would meet the relevant tests set out in Scottish Government Guidance in Circular 3/2012. It is intended that the existing Fund and associated Section 75 Obligation could be varied to include the proposed mitigation. The developer has also agreed annual contributions for the Phase 2 extensions which amount to £668,000, index linked over the life of these permissions.
- The applicant has also highlighted that it is proposing to make an annual contribution to Ochils Mountain Rescue (£5,000) and into a Community Benefit Fund (£27,000) over the lifetime of the proposal in addition to its existing contributions to these bodies (£5k and £95k pa respectively). However, these contributions do not constitute material planning considerations and have not been taken into account as part of the assessment of the planning merits of the application.

### Tourism

1.9 Concerns have been raised by objectors about the adverse impact that the development would have on the tourist economy in the area, including that operated or planned by Gleneagles Hotel. **However, we are not persuaded that there would be sufficient evidence to justify withholding permission on these grounds alone for the following reasons;**

- Our assessment of the magnitude of the visual impacts associated with the proposed development on visitors and destinations in the Ochils, Gleneagles and the surrounding area as discussed in the report above. The development would also not be visible from large parts of the Frandy Fishery operation in Lower Glendevon Reservoir which is the nearest visitor attraction to the site. The fishery has not commented on the application.



- **The absence of conclusive evidence that wind farm development would adversely affect tourism, having regard to available research including "The Economic Impact of Wind Farms on Scottish Tourism" (2007) commissioned by the Scottish Government. The research suggests that having a few larger wind farms in sight at any one time is more desirable from the point of view of the tourism industry than the same number of turbines in smaller farms. A large number of separate windfarms in the same area is also more unpopular. The loss of value of moving from medium to larger developments is not as great as the initial loss. The proposal would comprise an extension to an existing wind farm which would already be visible from those areas which the objections refer to. It is not considered that it would be viewed as a separate windfarm development and it is concluded from the above that the impacts would not appear to be as significant as the objectors highlight.**
- **Visit Scotland was consulted on the application but has not submitted any adverse comments on the proposal.**

#### Habitat and Ecology

- 1.10 The EIA has examined the significance of any potential direct and indirect impacts of the development on natural habitat and ecology. We concur with its conclusions that, subject to the proposed mitigation measures, the development would not have any significant adverse impacts or any unacceptable adverse impacts on any designated sites, protected species, ornithological interests or Local Biodiversity Action Plan priority habitats or species. The assessment has considered the potential impacts on;
- The qualifying interests of the South Tayside Goose Roost SPA and Firth of Forth SPA located approximately 6km and 9km from the site respectively.
  - The nearest SSSIs, including Gartmorn Dam.
  - Any protected species which may be present.
  - Any locally important habitat or plant communities.
- 1.11 **Having regard to the assessment in the EIA, the advice from the Council's Sustainability Team, SNH, the RSPB and Scottish Wildlife Trust, we are satisfied that any impacts on natural heritage interests would not be significant and would be unlikely to result in any unacceptable adverse impacts on ornithology or other protected species. This conclusion has been informed by the following;**
- **The relative low conservation interest of natural heritage features and species identified in the assessment process of the site and the ability to mitigate any impacts.**
  - **Although the site includes land covered by part of the previously approved Habitat Management Plan (HMP), the applicant has agreed to fully review the effectiveness of the existing Plan and the management measures to achieve its aims, extend its area to reflect**

the habitat lost to development the site and extend its duration in line with any planning permission. They would also include mitigation for potential displacement effects on curlew. This should help enhance the effectiveness of the existing Plan if implemented.

- The survey work in the EIA concluded there would be no significant adverse impacts on birds given the relatively low numbers recorded, the low interest level of those species present, those of more significant interest were only recorded on occasion and in a non-breeding capacity, and the low numbers that would be at risk of flight collision with the turbine blades.
- The applicant would undertake a Protected Species Survey prior to implementing any works if approved, including for reptiles and amphibians. Our Sustainability Section considers this is a proportionate and adequate approach notwithstanding the concerns raised by the SWT about a lack of survey for these species. It would also be possible to enhance the habitat conditions for these species as part of the HMP.
- Mitigation and enhancement would also be provided through the appointment of an Ecological Clerk of Works and the submission of a Construction Environmental Management Plan and a Species Protection Plan to help deliver a net biodiversity improvement over the area.
- The absence of any objection from SNH, SEPA, RSPB and SWT on natural heritage interests subject to the proposed mitigation measures

#### Water Environment and Soils

- 1.12 The site contains peat habitat which is why it is classed as Group 2 (Area of Significant Protection) in the Spatial Framework. Disturbance of the peat layer during construction can:
- a. Increase the risk of peat slide, where a portion of peat mass becomes detached and flows downhill. *Comment: The applicant has undertaken a peat slide risk assessment. SNH is satisfied, subject to investigation of a small area and the proposed mitigation measures, that the risk could be managed and would not justify withholding permission. The mitigation and management measures would be agreed and implemented in consultation with SNH and SEPA.*
  - b. **Damage the integrity of the peat bog, which can result in carbon dioxide currently stored in the peat being released into the environment. Comment: As discussed in paragraph 3.9 above, this impact would not be significant and offset within 12 months by the greenhouse gas emission savings from the renewable electricity production.**
- 1.13 The EIA has addressed the potential impacts on geology, hydrogeology and surface water hydrology as well as the impacts on peat habitat, Issues considered include pollution risks, erosion, flood risk, sedimentation and peat stability. The site is close to the Upper Glendevon Reservoir and is within the

Drinking Water Protected Area and Groundwater Protected Area. The reservoir discharges into the River Devon. **Having regard to the analysis and conclusions in the EIA, the advice from SEPA and Environmental Health, we are satisfied that the potential risks or impacts on these interests could be mitigated or managed to avoid any unacceptable adverse impacts. The conclusion has been reached taking account of the following factors;**

- **The layout has avoided the most sensitive areas including areas of deep peat, potential Ground Water Dependent Terrestrial Ecosystems (wetlands reliant on groundwater flows) and watercourses. The development would also utilise existing infrastructure on site and employ best practice techniques to minimise impacts.**
- **The adequacy of the proposed mitigation measures including; a Construction Environmental Management Plan, Construction Method Statements, Water Quality Monitoring Plans for runoff towards the reservoir and the existing private water supply within the site which serves Backhills farm, a Peat Management Plan, Site Waste Management Plan, Water Management Plan and employment of an Ecological Clerk of Works. Backhills farmhouse has an interest in the development and could be provided with a temporary or replacement private water supply if the existing supply was affected by the development.**
- **The conclusions of the Peat Landslide Hazard and Risk Assessment which identified a negligible to low risk associated with the development.**
- **The absence of any objection from the Council's Environmental Health Section, SEPA, SNH, Perth and Kinross Council or Scottish Water to the application. They are all generally satisfied with the conclusions of the EIA and proposed mitigation measures which could be regulated by the planning permission.**
- **The disturbance associated with the use of an on site borrow pit to provide aggregates is considered to be outweighed by the environmental and road safety benefits that would arise if the material was imported to the site.**
- **The regulatory role of SEPA in protecting the water environment**
- **The Habitat Management Plan would offset any impacts associated with the development.**
- **The fact that the District Salmon Fishery Board has not commented on the application having been consulted**
- **The previous wind farm developments at this location have been constructed without any evidence of significant harm to the water or soil environments.**

Noise

- 1.14 The Council's Environmental Health Section has advised that as long as there is no residential use of Backhills farmhouse, the noise levels from the proposed turbines would comply with the noise emission levels that apply to the existing windfarm at BFH to protect residential amenity. These conditions conform to the standards set out in ETSU-R-97 - *The Assessment for the Rating of Noise From Wind Farms*. The Government advises that this framework should be used by planning authorities to assess noise impact from wind farm developments on residential amenity. The predicted noise levels for the proposed turbines at Backhills Farmhouse would exceed the guideline levels. However, the property is in the same ownership as the application site and the occupier has decided to vacate the house and relocate their family home while continuing to farm the land. The applicant has therefore proposed to complete a unilateral obligation under Section 75 of the planning acts to restrict the residential occupancy of the house for the duration of the operational life of the proposed development. This obligation is considered adequate to regulate the residential use of the farm house to avoid any residential properties being exposed to noise levels in excess of the recommended levels. The next nearest house to the development is located some 3km away to the east. Subject to the proposed conditions, the noise impact at any residential properties would accord with the above framework. No representations have been received from any nearby houses.
- 1.15 The EIA has considered the potential noise impact on users of the right of way from Tillicultry to Blackford, which passes to the east of the development. This has concluded that the development could increase existing noise levels by up to 5dB within 2 km of the development. This increase over approximately 2 km of the route would be noticeable but is not considered to be significantly adverse given, the level would still be within the range considered satisfactory for a residential property with an interest in the development and the existing noise environment along this part of the route already includes noise from the existing wind farm. **We are satisfied that the development would not result in any unacceptable impacts due to noise having regard to:**
- **Subject to the cessation of residential use of Backhills farmhouse, the noise emissions from the development would accord with the standards set out in ETSU-R-97-The Assessment for the Rating of Noise From Wind Farms. The Government advice states this framework should be used by planning authorities to assess noise from such developments.**
  - **The applicant has offered a unilateral obligation to restrict the residential use of Backhills farmhouse during the operational life of the development. This would satisfactorily address the potential risk of unacceptable noise impacts on the residential amenity of that property. This would not materially affect the farm business as the occupier would continue to farm the land at Burnfoot Hill but live nearby. The buildings would continue to be used for operational purposes related to the farm but not as a residence.**
  - **Environmental Health have not objected and is satisfied if permission is granted subject to the proposed undertaking and conditions relating to noise.**

- **Perth and Kinross Council has not objected to the application. Backhills farmhouse lies within its area.**
- **The noise impact from the proposal with the existing windfarm is not considered to significantly increase or alter the established noise impact associated with BFH windfarm on the recreational enjoyment of this part of the Ochils, including on users of the right of way.**

### Cultural Heritage

1.16 The EIA has examined the potential direct and indirect impacts on any historic sites or their settings within the site and up to 10km from the site. Potential cumulative impacts with other wind energy developments were also considered. This includes any scheduled ancient monuments, Inventory Gardens and Designed Landscapes (GDL), Inventory Historic Battlefields, listed buildings, archaeological considerations and any interests of local significance. Key interests included;

- Gleneagles Hotel and Golf Course GDL and Gleneagles Hotel listed building. These are approximately 7 and 8km from the nearest turbine respectively. 1-2 blade tips may be visible only and only from parts of the GDL.
- Braco GDL and Braco Castle. The GDL is approximately 9.5km from the nearest turbine and 1-2 blade tips may be visible only from a small proportion of the GDL.
- Orchil House and Orchil Old Mansion House which are a group of Category B listed buildings near Blackford. They are approximately 9km away. The blades and turbine hubs of 2-3 turbines would be visible.
- Ardoch and Kaims Castle Roman remains which are scheduled monuments. These are approximately 9-10 km away.
- there are no designated features within the site boundary and no features of cultural heritage significance.

**We are satisfied with the conclusion of the EIA that there would be no significant or adverse impacts either on their own, or cumulatively with other wind energy developments, on these interests. This has been informed by the intervening distances, the scale and nature of the likely visual impact of the proposed turbines both individually and cumulatively, the fact that the new turbines would be viewed in the same context as the existing wind farm, and that there would not be significant changes in the existing views of or from these cultural heritage assets. Historic Environment Scotland and the Regional Archaeologist have also not raised any objection. Notwithstanding the concerns raised in the representations received, we are not satisfied that the impact on these interests would be sufficiently adverse to merit withholding permission. Our analysis is also considered to satisfy the duty on the planning authority under the terms of Section 59 of the (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended.**

### Aviation and Telecommunications Interests

- 1.17 The proposal has been assessed in relation to potential conflict with aviation and telecommunications interests. No objections have been received from consultees. A condition would be attached to require mitigation by the developer if TV interference occurred.

### Transport

- 1.18 **We are satisfied with the conclusion of the EIA that the development would not result in any unacceptable impacts on road safety having regard to:**

- **The absence of any objections from Roads and Transportation, Transport Scotland or the Roads Service in Perth and Kinross Council.**
- **The ability to address the advice from consultees including Transport Scotland and satisfactorily manage any potential impacts, using planning conditions.**
- **The adequacy of the existing infrastructure and absence of evidence of any unacceptable impacts associated with the implementation of the previous windfarm developments at BFH.**
- **The main impact would be during the 12 month construction period only but this would not result in significant increases in the number or type of vehicle movements which would adversely affect road safety. The impact would also be mitigated by the sourcing of aggregate material from a borrow pit within the site rather than transporting it to the site.**

### Incremental Approach by Applicant to Secure Permission

- 1.19 Friends of the Ochils, Auchterarder and District Community Council and Mr Thomson have highlighted concern about the incremental approach adopted by the applicant to develop the windfarm which has already been the subject of applications to extend the development in 2011. They have highlighted the following points;

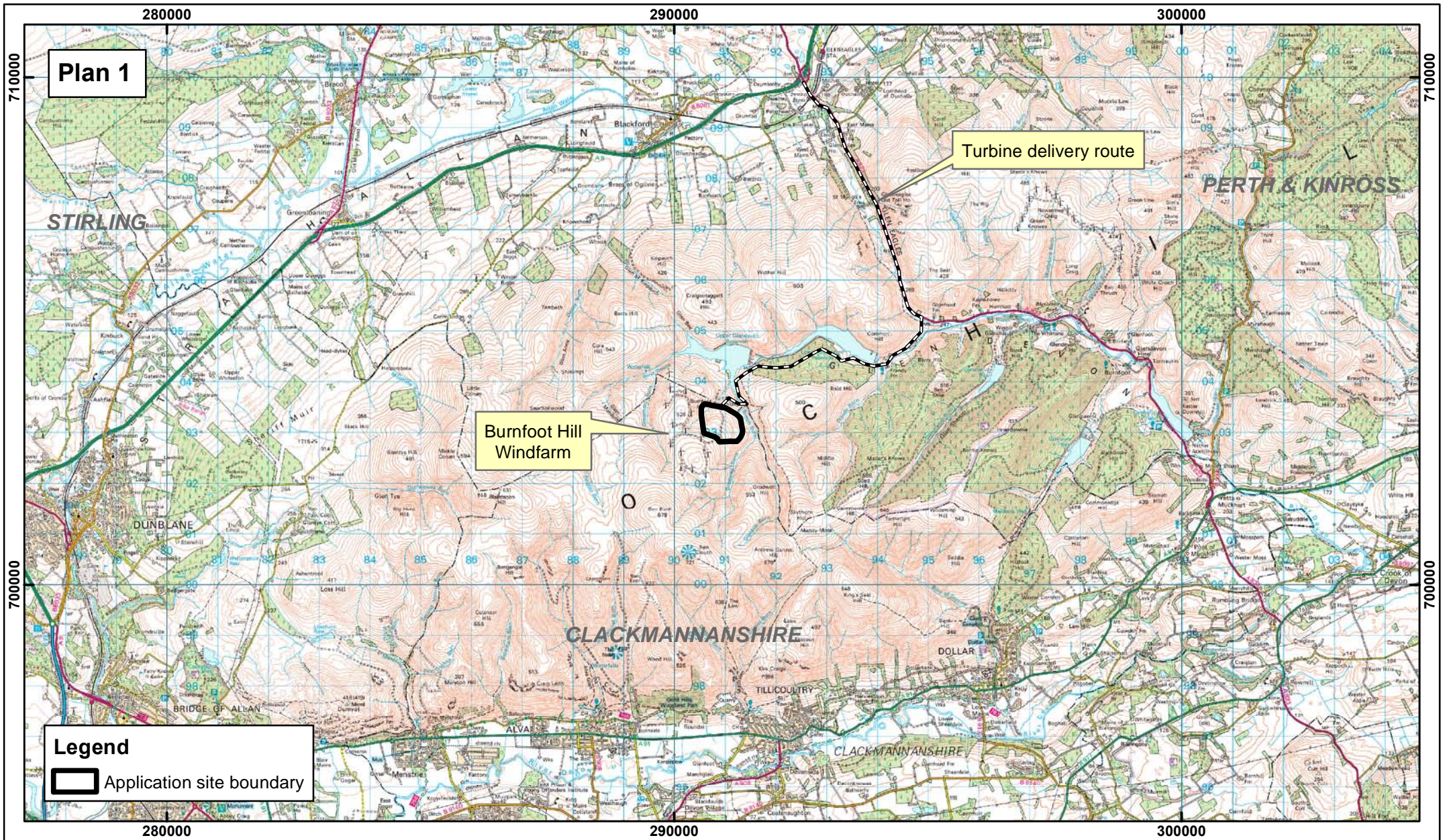
i) **At the time of the previous applications in 2011, the applicant stated clearly and publicly that whatever the outcome of the applications, they would not apply for any more turbines at the development. Comment – *this issue is not considered to be a material planning consideration as every application has to be considered on its individual merits. However, the applicant has stated that the subsequent decision by the occupier to vacate Backhills Farmhouse has led to a material change in circumstances that had existed in 2011 which had previously not been anticipated when they gave the commitment. This has enabled additional development potential to be considered. The extension would be operated by EDF Energy Renewables who operate the existing windfarm. In response to the concerns raised about further extensions being submitted in the future, EDF have prepared a draft statement addressed to the community which states that they will not***

*pursue any further applications for new turbines at the windfarm in the event that the development is approved. The draft statement is intended to serve as a public commitment to the community. This is not a planning requirement but rather to provide comfort to the community on any future extensions to the windfarm. It cannot be enforced by the Council both as planning authority or any other aspect of the Council's business.*

ii) The development represents development creep which will erode the landscape and could set a precedent for further extensions in the future. Comment - *we are satisfied that the proposed development would be environmentally acceptable and would not have an unacceptable impact on the landscape character of this part of the Ochil Hills. The risk of precedent has been considered both in terms of the further physical extension of the windfarm or the increase in height of other turbines. Although the latter is not proposed, we are satisfied that the extension would maintain the existing design and landscape context of the existing windfarm and safeguard the established spacing with other windfarms. The increase in turbine size is considered acceptable as they would still be seen as part of the windfarm and be consistent with the established appearance, heights, extent of visibility and skyline appearance of the existing windfarm. It is not obvious what further development potential exists which could also still satisfactorily achieve these elements and an approval is not considered to set an undesirable precedent for further extensions to the development.*







**Legend**  
 [Black rectangle symbol] Application site boundary



**17/00026/FULL – Land At Burnfoot Hill, Tillicoultry**  
**Extension To Existing Windfarm, Comprising Installation of 3 Wind Turbines, Crane Hardstandings, Access Tracks,**  
**Temporary Construction Compounds, Borrow Pit and Ancillary Work, Burnfoot Hill Windfarm.**

**Ward: Clackmannanshire North**

**OS Grid Ref: NN 90**



**Scale: 1:100,000**

Date:  
12-Oct-2017

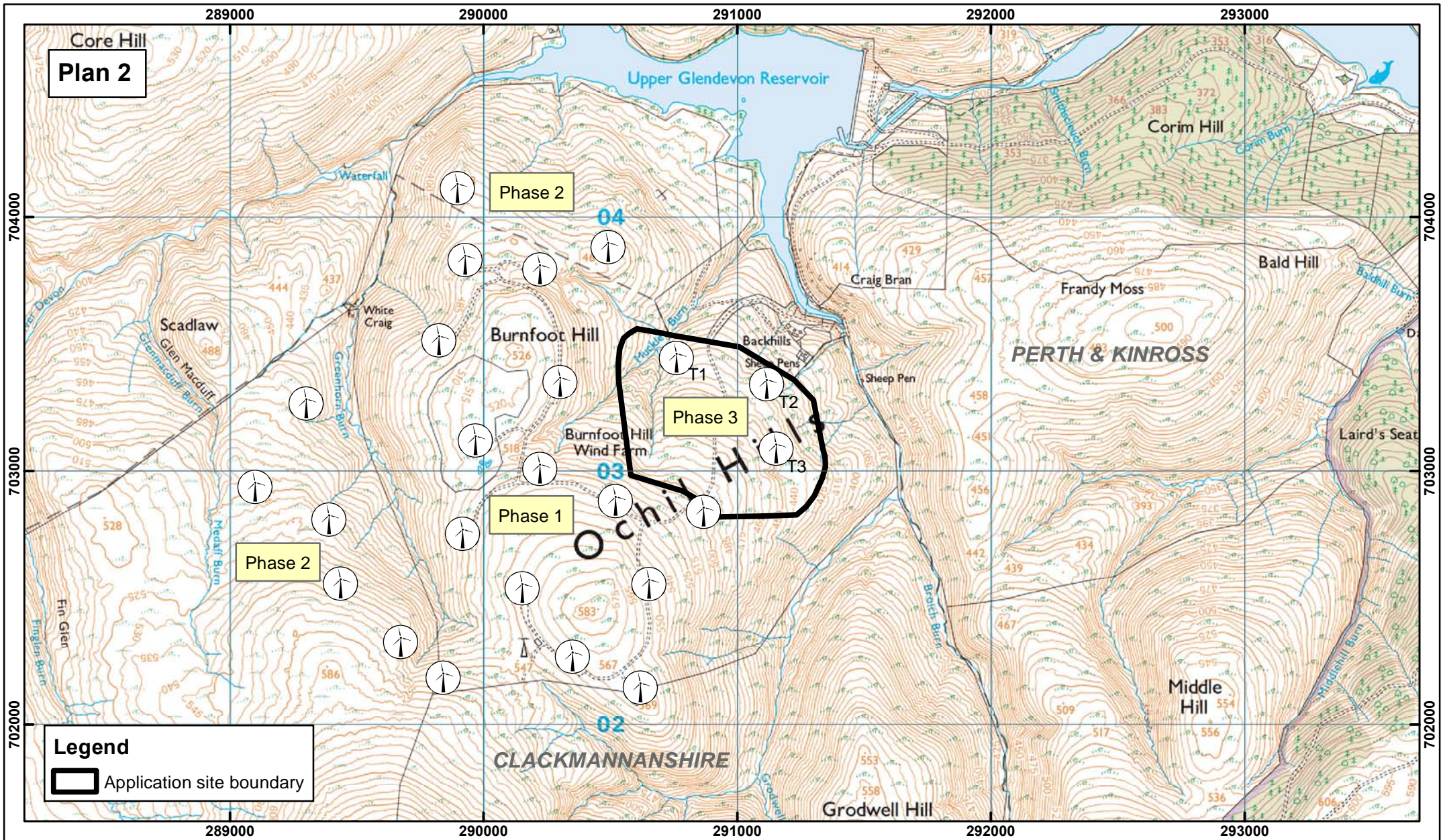
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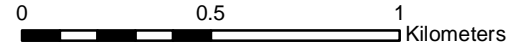




**17/00026/FULL – Land At Burnfoot Hill, Tillicoultry**  
**Extension To Existing Windfarm, Comprising Installation of 3 Wind Turbines, Crane Hardstandings, Access Tracks,**  
**Temporary Construction Compounds, Borrow Pit and Ancillary Work, Burnfoot Hill Windfarm.**

**Ward: Clackmannanshire North**

**OS Grid Ref: NN 90 SW**



**Scale: 1:20,000**

Date:  
 12-Oct-2017

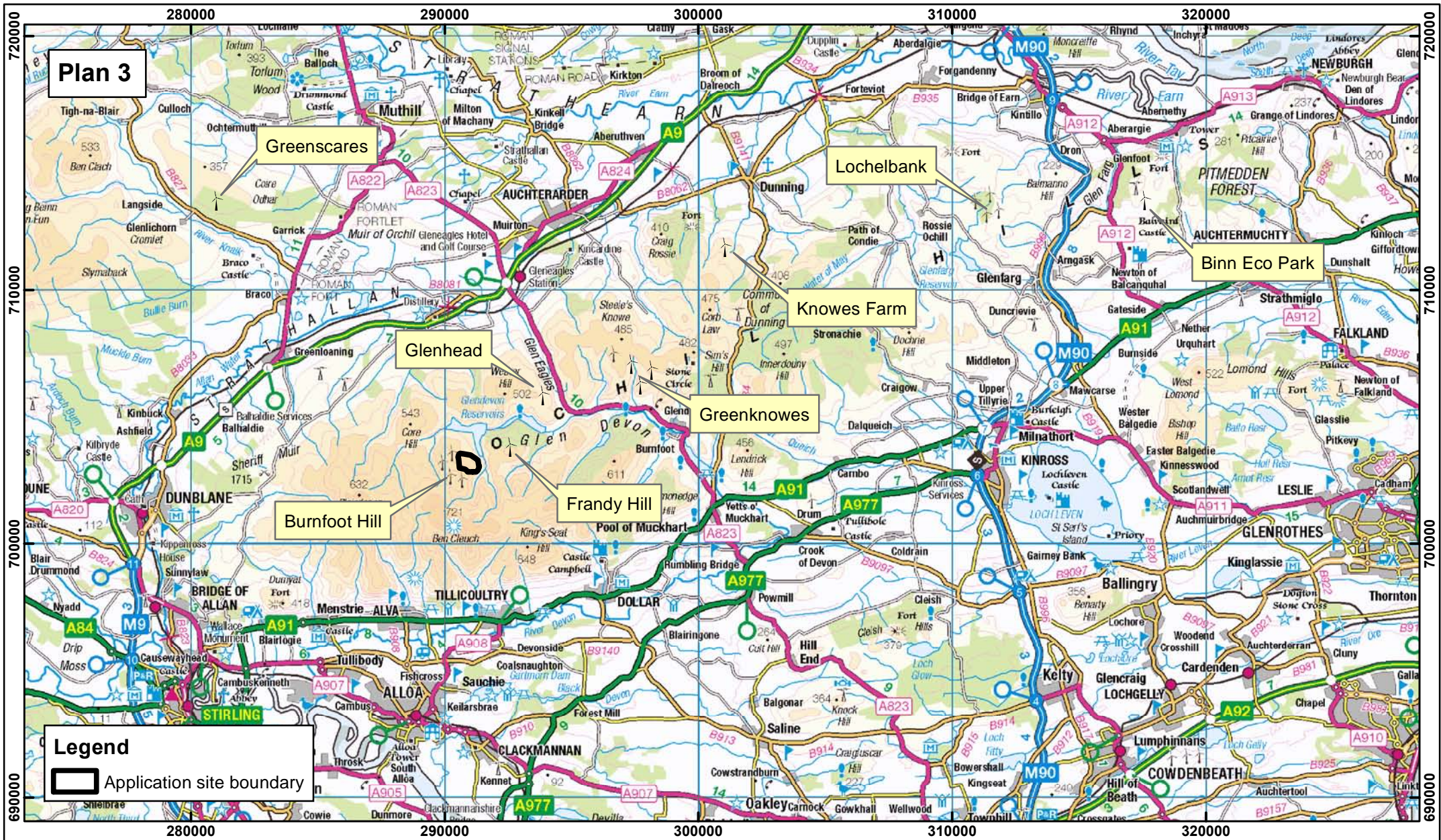
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**Plan 3**

**Legend**

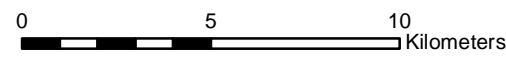
Application site boundary

**17/00026/FULL – Land At Burnfoot Hill, Tillicoultry  
 Extension To Existing Windfarm, Comprising Installation of 3 Wind Turbines, Crane Hardstandings, Access Tracks,  
 Temporary Construction Compounds, Borrow Pit and Ancillary Work, Burnfoot Hill Windfarm.**

**Ward: Clackmannanshire North**

**N**

Date: 11-Oct-2017



Scale: 1:200,000

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**Report to Planning Committee**

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**Date of Meeting:** 26<sup>th</sup> October 2017

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**Subject:** Street Naming Report for Development at Former Alva Academy (West), Alva

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**Report by:** Principal Building Standards Surveyor

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**1.0 Purpose**

- 1.1. To decide on the name of a new street for the development at the former Alva Academy, Alva.
- 1.2. In order to assist the decision process, the report sets out the results of the consultation exercise seeking suggested names for streets at the former Alva Academy development.
- 1.3. This development consists of the erection of 42 dwellings. Part of the development can be accommodated on existing adjacent streets, Park Street and Erskine Street. Therefore, 1 new street will be required for the remainder of the development.. A location plan, Appendix 1 and a site layout plan, Appendix 2 are enclosed for ease of reference.

**2.0 Recommendations**

- 2.1 It is recommended that the Committee consider the suggestions included in Appendix 3 and approve 1 new street name.

**3.0 Considerations**

- 3.1. The consultation and research process involved contacting the Ward Councillors, the Community Council, local schools and known heritage groups and other interested parties. A full list of the consultees' responses is enclosed at Appendix 3.
- 3.2. The Council is committed, via a Tri-Council agreement (Clackmannanshire, Falkirk and Stirling) to adopting particular street naming and numbering conventions and must therefore consider these prior to approving a street name or number. Guidance within that convention states that consideration should be given to ensure names are distinctive... *"no repeating or similar sounding names within the same scheme, development, or area. The practice of using the same name for several streets, differentiated by suffixes such as 'street', or 'road', etc, perhaps within a larger multi-street development, is not acceptable. This is to*

*minimise any potential confusion that may arise in delivering services, particularly emergency service response, in areas with similar sounding street names".*

3.3. Accordingly, the "officer comments" column in Appendix 3 identifies proposals that are not considered suitable relative to the guidance included within the Tri-Council Conventions.

3.4. The Royal Mail Address Development Centre will require to be consulted on any names chosen by the Committee to ensure they are acceptable to them.

#### **4.0 Sustainability Implications**

4.1. The recommendation does not have any significant implication. The consultation and research procedure ensures that community participation has been undertaken.

#### **5.0 Resource Implications**

5.1. There are no financial implications with regard to this report.

5.2. Finance have been consulted and have agreed the financial implications as set out in the report. Yes

5.3. There are no staffing implications with regard to this report.

#### **6.0 Exempt Reports**

6.1. Is this report exempt? Yes  (please detail the reasons for exemption below) No

#### **7.0 Declarations**

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box )

- |  |                                     |
|--|-------------------------------------|
| The area has a positive image and attracts people and businesses         | <input checked="" type="checkbox"/> |
| Our communities are more cohesive and inclusive                          | <input type="checkbox"/>            |
| People are better skilled, trained and ready for learning and employment | <input type="checkbox"/>            |
| Our communities are safer  | <input type="checkbox"/>            |
| Vulnerable people and families are supported                             | <input type="checkbox"/>            |
| Substance misuse and its effects are reduced                             | <input type="checkbox"/>            |
| Health is improving and health inequalities are reducing                 | <input type="checkbox"/>            |
| The environment is protected and enhanced for all                        | <input checked="" type="checkbox"/> |
| The Council is effective, efficient and recognised for excellence        | <input checked="" type="checkbox"/> |

(2) **Council Policies** (Please detail)

Tri-Council Street Naming and Numbering Conventions.

**8.0 Equalities Impact**

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes  No

**9.0 Legality**

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

**10.0 Appendices**

- 10.1 Appendix 1 - Location Plan
- Appendix 2 - Site Layout
- Appendix 3 - Consultee Returns

**11.0 Background Papers**

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes  (please list the documents below) No

**Author(s)**

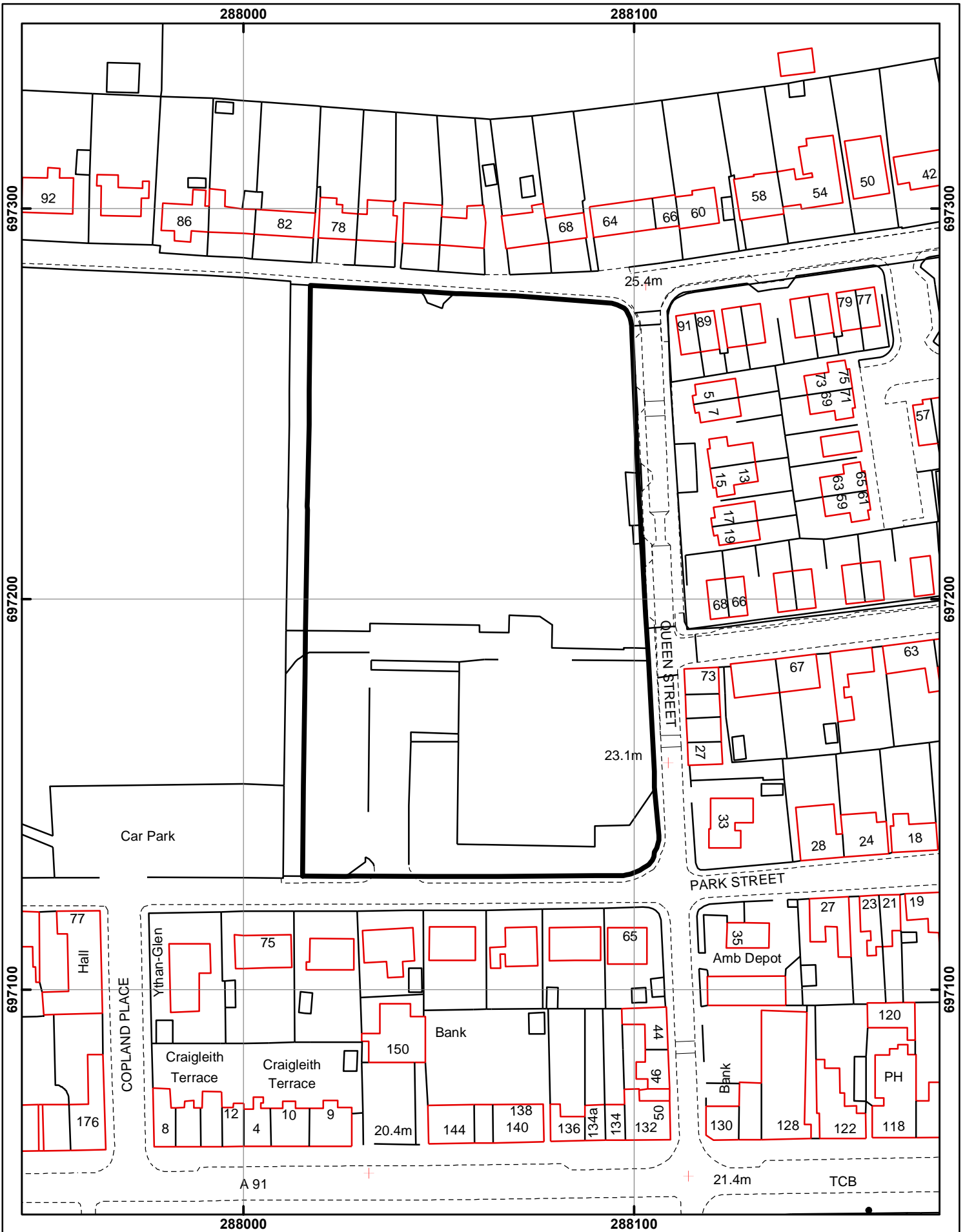
NAME	DESIGNATION	TEL NO / EXTENSION
Mr P Watson	Principal Building Standards Surveyor	2228

**Approved by**

NAME	DESIGNATION	SIGNATURE
Julie Hamilton	Development Service Manager	







**Appendix 1 – Street Naming and Numbering Report for 15/00076/BW  
– Development at the Former Alva Academy, Alva**

**Clackmannanshire Council** | Comhairle Siorrachd Chlach Mhanann  
www.clacks.gov.uk

Development & Environment  
Kilnraigs  
Greenside Street  
Alva  
FK10 1EB



Date:  
10-Oct-2017

**Ward: Clackmannanshire North**  
0 10 20 30 40  
Meters

**OS Grid Ref: NS 88 97 SW**

**Scale: 1:1,250**

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Tel: 01259 450 000  
buildingstandards@clacks.gov.uk

# APPENDIX 2



### APPENDIX 3

CONSULTEE	SUGGESTION	SUPPORTING COMMENTS	OFFICER'S COMMENTS
<p>Susan Yule – Archives &amp; Records Management Officer</p>	<p>(1) Park Place</p>	<p>Remembering the former site of Park Place School, which was a subscription school. I have not been able to find specific dates for when the school opened and closed, but the archive holds a school log book covering the dates 1873 – 1882. The schools also appears of the Ordnance Survey map of 1900, on the corner between Queen Street and Beauclerc Street. There may have been a Park Place here previously, which informed the name of the school. There is an unmarked street to the south side of the school on the 1900 OS map which may have been Park Place.</p>	<p>(1) Conflict - Similar names already in existence in the same post code (FK12) is: <b>Park Street</b></p>
	<p>(2) (Old) Academy</p>	<p>Remembering the former site of Alva Academy. The Primary Department building was built on this site in 1875 and the Secondary Department in 1903.</p>	<p>(2) Conflict - Similar names already in existence in the same post code (FK12) is: <b>Academy Avenue</b></p>
	<p>(3) Law</p>	<p>Remembering the name of one of the previous school houses at Alva Academy, named after the hill “The Law” in the Ochils. The other Academy houses (and hills) are already commemorated in other street names in Alva, i.e. Cleuch Drive, Torry Drive and The Nebit.</p>	<p>(3) No conflict</p>

Councillor Balsillie	(1) Park Place	Based on Park Place School which used to stand on the site.	(1) Conflict - Similar names already in existence in the same post code (FK12) is: <b>Park Street</b>
Alva Community Council	(1) Midgibee	An Alva street name from the past, suggested by an elderly Alva resident.	(1) No conflict
	(2) Heatherbell	An Alva street name from the past, suggested by an elderly Alva resident.	(2) No conflict
	(3) Drummore	Drummore comes from an 18 <sup>th</sup> Century map of the site concerned.	(3) No conflict