Decision by J Alasdair Edwards, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-250-2153
- Site address: Kenly Farm, Boarhills, St Andrews, Fife, KY16 8PW
- Appeal by The University Court of the University of St Andrews against the decision by Fife Council
- Application for planning permission 11/02799/EIA dated 26 May 2011 refused by notice dated 1 October 2012
- The development proposed: erection of 6 wind turbines to include new control building, construction of access roads and upgrading of existing access road at Kenly Farm
- Application drawings listed at the end of the notice
- Date of site visit by Reporter: 17 & 18 April 2013

Date of appeal decision: 04 October 2013

Decision

I allow the appeal and grant planning permission subject to the 40 conditions listed at the end of the decision notice. Attention is drawn to the four advisory notes, and one civil aviation informative, at the end of the notice.

Reasoning

1. Having regard to the development plan and other material considerations, the determining issues in this appeal are whether the proposal would:

   - have an acceptable landscape or visual impact (including cumulative impact);
   - be of detriment to residential amenity, wildlife, heritage assets, aviation safety, rights of access, water systems, telecommunications, or tourism; and
   - have a sufficient renewable energy contribution and economic benefits to outweigh any adverse impacts.

The proposal

3. The appellant proposes the erection of six turbines, measuring 59 metres high to hub and 100 metres to tip, on arable land some 5.3 kilometres south-east of St Andrews, 2.17 kilometres south of Boarhills, and 2.47 kilometres west of Kingsbarns. The turbines would
operate for a period of 25 years. An expected 12.3 megawatts of electricity would be
generated and transmitted directly (through over and underground cabling) to the
appellant’s high voltage network at the North Haugh Campus, St Andrews. Sections of
access track, a control building/substation, construction compound, and temporary works
are also proposed.

4. The European Renewables Directive places an obligation on the United Kingdom to
generate 15% of its total energy requirement from renewable energy by 2020.
Furthermore, the Scottish Government’s current targets are for an equivalent of 50% of
Scotland’s own electricity demand to be generated from renewable resources by 2015
and 100% by 2020. In addition, the Climate Change (Scotland) Act 2009 sets a target for
an 80% reduction in greenhouse gas emissions by 2050 over the 1990 baseline, with an
interim target of 42% by 2020.

5. In this context, the appellant (through its ‘Sustainable Development Policy and
Strategy 2012 to 2022’ document) has committed itself to ensure the prudent use of natural
resources and to reduce energy consumption. In addition, its ‘Carbon Management Plan’,
commits the appellant to becoming carbon neutral by 2016, and to reduce its energy
consumption by 15% by 2015, and 42% by 2020. As a public body, the appellant is also
duty bound to act in a sustainable manner, and act in a way that helps meet the Climate
Change (Scotland) Act 2009 targets set out above.

6. The appeal proposal would form part of a range of measures to meet the above
commitments, which includes solar thermal panels, solar photovoltaic panels, a ground
source heat pump, a combined heat and power plant, and the development of a low carbon
energy generation scheme on university grounds.

The development plan

7. The development plan for this area comprises the approved TAYplan Strategic
Development Plan (2012), and the adopted St Andrews and East Fife Local Plan (2012).

8. TAYplan policy 3 (managing TAYplan’s assets) requires proposals to respect Fife’s
distinctiveness and scenic value by safeguarding habitats, species and wildlife corridors,
landscapes, historic buildings and monuments.

9. In relation to renewable energy, the development plan is generally supportive where
proposals are sited appropriately and minimise impacts. TAYplan policy 6 (energy and
waste/resource management infrastructure) and local plan policy I1 (renewable energy
proposals) are specific to the subject.

10. TAYplan policy 6 seeks to deliver a low/zero carbon future and contribute to meeting
the Scottish Government energy targets. It also requires consideration of a range of factors
including the sensitivity of landscapes, tourism, noise, and radar installations. These are
assessed through the appellant’s environmental statement.

11. Local plan policy I1 supports renewable energy generation proposals where:
(a) there is no significant impact on local communities and/or the built and natural environment;
(b) they provide employment opportunities, particularly diversification of the rural economy; and
(c) they make use of brownfield or contaminated land, where possible.

12. The appeal site is shown in the local plan within the countryside. In this location local plan policy E1 (development outwith town and village envelopes) only permits development which accords with local plan policies E15 to E29. Those relevant to this appeal are:

- E15 (development in the countryside), which requires the careful siting of proposals compatible with their surroundings.
- E19 (local landscape areas), which protects local landscape areas.
- E20 (water environment), which prevents proposals which would harm water systems.
- E21 (European protected species), which prevents development that would harm protected species unless there are exceptional circumstances.
- E23 (protection of biodiversity), which controls development impact on national or local priority habitats and species.

13. The following local plan policies are also relevant to this appeal:

- E3 (development quality – environmental impact), which requires development to make a positive contribution to its immediate environment.
- E4 (development quality – design), which requires well thought out design; best use of site attributes; and protection of personal amenity.
- E7 (conservation areas), which requires development affecting the setting of a conservation area to preserve or enhance its character.
- E8 (listed buildings), which requires development to preserve listed buildings, their settings, or any special features they possess.
- E11 (historic gardens and designed landscapes), which prevents development that would adversely impact upon the setting of historic gardens and designed landscape designations.
- E12 (ancient monuments and archaeological sites), which prevents development that would have an adverse impact on archaeological sites or their settings.

14. I conclude on the acceptability of the proposal against the relevant development plan polices in paragraph 105.

Landscape and visual impact

15. The appeal site extends to 310 hectares but the proposed turbines would occupy only 2.1 hectares to the south-west of the site. The appeal site is not located in a national or local landscape designation.
16. Plans showing zones of theoretical visibility (ZTV) over a distance of 30 kilometres, and visualisations from 18 viewpoints have been submitted by the appellant. My reasoning has been informed by a comprehensive inspection from each of the viewpoints, the interior of various representative properties, residential gardens, settlements, scheduled ancient monuments, golf courses, paths, and the local road network.

17. As shown in Scottish Natural Heritage’s ‘Fife Landscape Character Assessment’ (1999), the turbines would be located within the lowland open sloping farmland landscape character type, where it is advised that any high structures should be avoided unless carefully sited and designed to minimise their impact. Part of the appeal site also includes the lowland dens landscape character type around Kenly Water (north) and Kilduncan Burn (south), but no turbines are proposed within this landscape character type.

18. The appeal site rises in the east from 50 metres Above Ordnance Datum (AOD) to some 97 metres AOD at the summit of Law Drum. The site is bound to the south by the Kippo woodland plantation and trees running along the Kilduncan Burn. A similar gorge feature follows the northern boundary along the Kenly Water. The turbines would be placed on arable land to the far south of the appeal site in and around a former military airfield complex (Dunino airfield). The site is characterised by large open arable fields separated by post and wire fencing, isolated farmsteads, open views east to the coast, and the remains of former military buildings and substructures.

19. Due to the height and the elevation of the turbines (around 80 metres AOD), and the open nature of the landscape, the turbines would be theoretically visible beyond 35 kilometres. This area covers a wide range of landscapes and the sea. However, due to intervening landform and tree screening, and because any interaction between the proposal and landscapes diminishes with distance, the main impact of the development would be to landscapes within 10 kilometres. Landscapes within this area include: coastal terraces (south and east of the appeal site), pronounced volcanic hills and craigs (west), lowland hills and valleys, coastal hills, and coastal flats (north).

20. A council report entitled ‘Identifying Areas of Search for Groupings of Wind Turbines in Fife’ was published in 2006. The report goes into further detail than the 1999 landscape character assessment document by defining what might be acceptable in the landscape. It considers the lowland open sloping farmland landscape to be sensitive to any turbines proposed equal to or greater than 100 metres high as there may be significant adverse effects. It suggests that there is no capacity to accommodate wind proposals of this extent in this location. However, the council’s wind energy guidance (published 2011) advises that, despite the 2006 report’s findings, “each proposal will be considered on its own merits on the basis of more detailed, site specific, assessments of the landscape.”

21. The appellant has submitted an environmental statement which assesses in detail the potential impacts of the proposal. Scottish Natural Heritage believe, and I agree, that the landscape and visual impact assessment has generally been carried out well and in accordance with published guidance. It also considers that “the significance of some impacts has been underplayed, usually by a conservative assessment of the sensitivity of the receptor, but this is offset by considering both moderate and major effects as
significant.” The council’s committee report refers to the sensitivity on outdoor recreational users being underplayed. However, for the reasons given by Scottish Natural Heritage, I am satisfied that the assessment is reasonable.

22. The environmental statement finds that the proposed turbines would have moderate adverse landscape impacts on the development site and the lowland open sloping farmland. A minor impact is predicted to the surrounding landscapes types mentioned in paragraph 19. I agree and find these impacts acceptable because, as stated in the environmental statement, the simply designed compact layout and arrangement of the turbines would relate well to the large open character of the receiving and surrounding landscape. Furthermore, the turbines would appear as a concentrated feature within expansive views of the surrounding landscape, rather than being dispersed and informal (and thereby creating a greater impact). This is demonstrated in visualisations from Kellie Law (viewpoint 8), Largo Law (viewpoint 7), and Drumcarrow Craig (viewpoint 6).

23. The turbines would be a new prominent feature in the landscape but the proposal has sought to minimise the landscape impact (as advised in paragraph 187 of the Scottish Government’s ‘Scottish Planning Policy’ (2010); and in Scottish Natural Heritage’s 2009 publication ‘Siting and Designing Windfarms in the Landscape’).

St Andrews

24. Scottish Natural Heritage has no objection to the proposal. However, together with the council, it has raised significant concerns relating to the impact of the proposal on the historic skyline of St Andrews, the landscape setting of St Andrews, and overall views and visual amenity from West Sands and The Links. Potential impacts on the historic/medieval skyline of St Andrews are assessed in the built heritage section below.

25. I consider that the landscape setting of St Andrews generally corresponds to the green belt that has been designated around it. However, there are exceptions, one of which includes views south from the West Sands and The Links. Viewpoint 1 provides a representative visualisation of how the proposed turbines would fit into the landscape setting of St Andrews as viewed from the north. From this direction there is a panoramic view of St Andrews which includes in its foreground West Sands and/or The Links, and then a sweeping and expansive view east to west of St Andrews Bay, the coast, the Fairmont Hotel, a tree belt along raised landform which then dips before rising again. The landform (with trees) then provides a backdrop to St Andrews which begins with a caravan park to the east, and then the settlement itself – within which several prominent buildings project upward and puncture the skyline. The landform then slopes gradually upward in a ridge before dramatically falling and continuing as arable land gently westward.

26. The concerns of Scottish Natural Heritage, the council, and objectors relate to the visibility and movement of the 40 metre high blades of the proposed turbines from the north. The blades of three turbines would be visible, and attention would be drawn more readily to them as a consequence of their movement. However, I agree with the appellant that the impact would not be prominent, and would not significantly harm the appearance or landscape setting of St Andrews, because:
the distance of 9 to 10 kilometres from viewpoints along West Sands and The Links where the blades would be visible would diminish their prominence;
the prevailing wind is south-westerly or north-easterly meaning that for much of the year the blades would be orientated side-on to views from the north;
the blades would be seen within a dip in the landform with some degree of tree screening;
the proposed turbines would be located to the east of St Andrews and not directly behind it;
the colour of the proposed turbines would help to lessen their perceptibility against the sky;
there are other visual distractions including the Fairmont Hotel, the caravan park, the movement of the sea waves, and the settlement itself.

27. The turbines would be seen in approaches to St Andrews from the west and south. However, due to their location and interruptions from landform and tree screening, I consider they would have no or negligible impact on the landscape setting of St Andrews from these directions.

Local landscape areas

28. There are 12 local landscape areas within 30 kilometres of the appeal site (Tay coast, Tentsmuir Coast, St Andrews Links, Craigoun, Dura Den, Tarvit & Ceres, Lomond Hills, Wemyss Coast, Largo Law, East Neuk, Forth Islands, and St Andrews to Fife Ness). The majority of these designations would have limited inter-visibility with the proposed turbines where there would be negligible impact on their integrity and setting. As identified in the environmental statement, there would be minor adverse impacts to landscape designations within 10 kilometres of the appeal site (those underlined above) where the proposed turbines would provide a new and prominent visual feature in the landscape.

29. Of particular concern to the council are potential impacts on the St Andrews to Fife Ness, and St Andrews Links, local landscapes areas. In relation to the St Andrews to Fife Ness designation the council’s ‘Fife Local Landscape Designation Review’ (2009) highlights that “the key characteristics of this landscape are the combinations of landscape features and the extensive coastal views, sense of openness and exposure which should be maintained.” The nearest proposed turbine would be 2.4 kilometres from the edge of this landscape designation. Due to their position inland and the slope of the landform to the coast, the turbines would not be seen in many, if any, expansive seaward views from within this landscape. Further, the distance from the turbines and their compact layout would ensure that the open and expansive nature of this landscape was protected.

30. In relation to St Andrews Links designation, the review notes that the seaward views and visual association with St Andrews are important. It considers offshore wind development of potential risk to the expansive open views. Following from my assessment in paragraph 26 above, I also agree that the proposed turbines would have a negligible impact on the integrity and setting of the St Andrews Links local landscape area.
Historic gardens & designed landscapes

31. Turbines would be located some 3.5 kilometres from the boundary of Cambo House, its garden and designed landscape. The house and grounds are predominantly enclosed by mature trees, which allow only glimpses to agricultural land beyond. There would be situations, particularly following leaf-fall, where three turbines would be partially visible from the site (as shown in viewpoint 16). However, I agree with the environmental statement that although visible the turbines would not become a new visual focus, or adversely harm views to and from the site, its setting or component features. Further Historic Gardens & Designed Landscapes are located within 10 kilometres of the appeal site. However, due to the distance between these sites and the turbines (over 5 kilometres), and limited visibility (from intervening trees and landform), the proposal would have no or negligible impact on these designations.

Settlements

32. The ZTV shows that, in St Andrews, only along the outskirts would there be any theoretical visibility of the proposed turbines. However, there would be locations in the settlement where glimpses of the proposed turbines (or parts of them) may appear. Despite this, I consider that the distance to the turbines, intervening trees, and the proximity of buildings, gardens, and walls within the settlement would mitigate any impact to being acceptable.

33. Strathkinness is located some 11 kilometres north-west of the appeal site. As shown in viewpoint 13, and the ZTV, the distance between the settlement and the proposed turbines, intervening trees, and the fact that the settlement lies on land sloping north away from the appeal site, mean that there would be no or limited views to any part of the proposed turbines from the settlement.

34. Similarly, the ZTV shows theoretical visibility of all six turbines from the northern edge of Crail (6 kilometres south-east of the appeal site), from within Anstruther (7 kilometres south), and from parts of Pittenweem, St Monans, and Elie (8 to 12 kilometres south-west). The land slopes to the sea around Crail meaning that there would be no or limited visibility of the turbines - viewpoint 14 shows that the turbines would not be visible when exiting Crail on the A917. Again, the slope of the land, and orientation of buildings, towards the Firth of Forth would mean that the impact from Anstruther would be negligible. From my visits, I consider that parts of the turbines may be visible from settlements along the southern Fife coast but the distance to the turbines and intervening landform and tree belts would result in a minor visual impact.

35. Kingsbarns, Boarhills and Dunino/Stravithie would all be within 2.5 kilometres of the nearest proposed turbine. Viewpoint 18 demonstrates that the proposed turbines would impose a dramatic change to the landscape setting of Dunino. The turbines would be especially prominent in open expansive views when travelling along a minor access road to Dunino Church and Balkaithly farm and cottages (east), and when entering or exiting the south of Dunino along the B9131. However, there are few individual properties which would be directly affected (the potential impact on these is discussed below). I agree with
the environmental statement that there would be a moderate adverse visual impact but that the turbines would not be overwhelming as their simple arrangement would fit well with the expansive open landscape in which they would be seen.

36. Kingsbarns is located on the A917 to the east of the proposed turbines. There are a few properties on the west side of the A917 which would have rear views directly to the turbines. Further, viewpoint 3 shows that all six of the turbines would be visible from the village square around which are situated Kingsbarns Church, a memorial, and residential properties. A hedge and stone wall in the foreground, and a tree belt before the turbines, would soften the visual impact but not to the extent that the change to the landscape setting of the village to the west would not be substantial. I note that the landscape setting to the north and south, and the seascape views to the east, would remain unaltered. The environmental statement suggests there would be a moderate adverse visual impact. I agree with that conclusion. The turbines would provide a prominent visual focus against the skyline but their simple layout in the open arable landscape, and the distance to them, would reduce their visual impact to an acceptable level.

37. Viewpoint 2 shows the turbines from Boarhills. The environmental statement describes the visual impact as moderate adverse because the turbines would give a new visual focus but would not become a dominant element in the landscape. Boarhills is situated in a fold in the landscape meaning that the settlement would sit below the proposed turbines but with rising land and tree belts between. All six turbines would be visible when exiting the village south onto the A917, and directly from a few properties. Again, I agree with the assessment of the environmental statement. The turbines would change the outlook and landscape setting of the village to the south but the woodland setting to Kenlygreen (south-east), the seascape (north-east), and the open arable landscape to the north and north-west would remain unaltered. The layout of the turbines in an open arable landscape, the distance to the turbines, the landform and softening effect of the trees and fields would all help to reduce the visual impact to an acceptable level.

Local residences and accommodation

38. The properties within two kilometres of the proposed turbine locations include farms, farm cottages, houses, and holiday accommodation. The impact on a representative selection of receptors within this area is assessed below. An exception is the Hamilton Grand Hotel located in St Andrews which I visited in response to representations.

39. The Hamilton Grand Hotel is located in the heart of St Andrews. The newly refurbished building is set on eight floors with a roof-top terrace offering private accommodation. The building is listed; the impact on its listing and setting are assessed below. In relation to visual amenity, residents would be afforded panoramic views from the roof terrace which would include parts of proposed wind turbines. Apartments on the upper levels with south-facing windows would also be able to see parts of some of the proposed turbines. However, having visited the building, I consider that the principal focus of attention for residents (particularly from roof terracing) would be on the golf courses, St Andrews Bay, the Cathedral, the Castle, and other buildings in St Andrews. Views from
south-facing windows to the turbines would be oblique, principally from non-habitable rooms, and distant. I find there would be minimal visual impact from this location.

40. Stravithie House or Castle is located in private land to the west of Stravithie/Dunino. The property is used as a private residence and as guest accommodation. The building is listed; the impact on its listing and setting are assessed below. The house is set in substantial grounds with dense woodland and a private golf course. It is also served by a number of outbuildings capable of habitation. Due to the density of the trees the proposed turbines would not be visible from the property or outbuildings. Glimpses of parts of the turbines may be possible from the house’s roof terrace over high trees, or through a narrow shelter belt which encloses the owners golf course. However, the visual impact of the turbines would be minor.

41. At Bannafield West Cottage (representative of properties along a minor road connecting the B9131 to the A915), due to the orientation of buildings and the presence of mature trees and shelter belts, the turbines would have no or negligible visual impact.

42. In Dunino I visited Beleybridge (a property close to viewpoint 18). A full view of the six wind turbines would be prominent from the kitchen in this property. The property has other principal rooms, including a sun room and living room, with views away from the appeal site into the garden. The distance to the proposed turbines, the position of the B9131 road directly outside the window (with passing cars), and the availability of other outlooks from the house leads me to conclude that the visual impact from this property would be acceptable.

43. From Dunino I also assessed the potential impact from High Beley and Balkaithly. High Beley is situated on a prominent ridge above Dunino providing it with distant views. Its principal elevations and garden ground face north-west and south-east. The proposed wind turbines to the east would be visible on approaches to the property and from some gable windows. However, due to orientation and distance between the two (2.5 kilometres), I consider that the visual impact would not be significant.

44. The farm house and cottages at Balkaithly would be around one kilometre from the nearest wind turbine. The buildings are accessed along a single track lane from Dunino which also allows access to the local church and manse. Beyond Dunino Church the turbines would be prominent and would grow more so on the approach to Balkaithly. The farm house would be orientated gable onto the wind turbines and set amongst farm buildings. Consequently, I consider that the visual impact from that building would be acceptable. The turbines would be visible from the rear windows of some of the farm cottages, and their drying green. There would be a significant visual impact from these cottages and the approach to them. However, the impact would be mitigated to some extent by the wide open landscape and simple layout of the turbines.

45. Intervening woodland, farm buildings, and topography would limit any visual impact from properties at Carhuly and others to the south of the appeal site (including North Quarter, Kippo Farm, Swinky Farm, and Drumly). To the north, I visited a recently built house (Denview) and a row of cottages at Bonnytown (some 1.5 kilometres north of the
nearest proposed turbine). Viewpoint 5 provides a reasonable impression of the visual impact of the turbines from this location. The turbines would be fully visible from the rear of Denview but intervening woodland around the Kenly Water, the open landscape and simple layout of the turbines would minimise their visual impact to an acceptable level. Front windows at Bonnytown would allow glimpses of the turbines but the visual impact would be acceptably reduced by a stone wall and row of mature trees opposite the cottages.

46. Holiday accommodation at Morton of Pillmilly is situated north of Bonnytown. There would be potential for some visibility from the properties and the garden ground. However, the distance to the turbines (over two kilometres), their layout in the landscape, and intervening trees, would minimise their visual impact.

47. I visited further holiday accommodation at Balmashie and Kingask some two to three kilometres north-west of the appeal site on the north-side of the A917. The accommodation is predominately enclosed and orientated to the sea with little emphasis to the appeal site location. The turbines may be visible when exiting the sites onto the A917 and from some narrow glimpses from outside the accommodation but these would be mitigated by distance, landform and tree planting.

The road network

48. Theoretically all six proposed turbines would be visible to road users travelling along the A917 from Elie to Crail in the south, and Crail to St Andrews in the east. The ZTV also shows that all six could be visible along the B9131 between St Andrews and Anstruther, along the B940 from Crail to the B9131 junction, and from minor roads running between Boarhills and Stravithie, and Kingsbarns and Beleybridge (Station Road).

49. The rising topography from St Andrews means that the proposed turbines would not be visible to road users until some two kilometres south of the settlement along the B9131. The turbines would be visible along stretches of the A917, particularly travelling north through Boarhills and Kingsbarns. The rise and fall of the landform from the coast inland and tree shelter belts and hedgerows would mean that from some locations only the blade tips would be visible, or the turbines would be partially screened.

50. However, most of the turbines would be fully visible to those using the minor roads surrounding the appeal site, and for considerable lengths along the B9131 in both directions. The environmental statement suggests that the turbines would be seen at close distances and would form a new feature along the B9131, which it considers would provide a moderately significant impact. I agree with the B9131 assessment. I also consider that the impact from the minor roads in the area, which have less screening, topographical undulation and are travelled at slower speeds, would be moderate to substantial. Although these routes would be less frequented than other major routes, I consider that due to the distance to the turbines the visual impact on road users from these locations would be significant.
Outdoor recreation

51. The turbines would be visible to outdoor recreational users. There are a number of coastal golf courses within 10 kilometres of the appeal site, including The Old Course in St Andrews. Turbine blades would be visible from some holes on this course and others to the north of St Andrews. However, I consider that players’ (and observers’) attention would be primarily on the game, the golf course itself, the expansive sea views, and buildings and prominent landmarks in St Andrews. The movement of the blades may draw attention. However, the distance to the blades, a dip in the landscape where the turbines would be located, tree screening, the presence of a caravan park in the foreground (to the east of St Andrews), and the presence of the Fairmont hotel to the east of the appeal site would all reduce the visual impact of the blades. The visual impact from other courses including Crail, Kingsbarns, Fairmont, and The Castle golf courses would similarly be reduced to users due to attention to seascapes (or in the case of Feddinch views over St Andrews), the game, the course being played/observed, screening and distance to the turbines.

52. The beach at West Sands is used for a variety of recreational uses including walking, running, relaxing, kite flying, and boarding. Those using the beach for more sedentary purposes would be more aware of their surroundings. Consequently, they may be more sensitive to visual change. However, following my assessment in paragraph 26 above, I find that the visual impact on beach users would be acceptable.

53. The ZTV shows that from parts of the Fife Coastal Path between Kingsbarns and Boarhills all six turbines may be visible. Viewpoint 15 provides an example of views along this route near Babbet Ness. Although parts of the turbines would be visible from the path I agree that the main focus of attention to walkers would continue to be along the coastline away from the turbines. For this reason, I consider the visual impact would be acceptable.

54. Those using the rights of way crossing the appeal site would pass in close proximity to the turbines where they would be a prominent feature. However, the routes are not maintained, and have no information boards, signage or dedicated parking. Therefore, I consider that the actual number of walkers affected would be low and the impact acceptable.

55. Viewpoint 11 shows the turbines from the Higham Picnic Area off the A915. A layby and picnic area with tables is provided in this location with views east across the A915 to arable fields and tree belts. All six turbines would be visible from the site. However, the turbines would be seen at a distance of 8.2 kilometres where they would appear similar in scale to nearby telegraph poles. Their presence would be lessened by intervening landform and trees, and fast-moving vehicles using the relatively busy A-road beside the picnic site. Therefore, I agree with the environmental statement the turbines would not cause a significant adverse impact on users of the picnic site.

Cumulative impact

56. The council’s wind energy guidance recommends consideration of other wind turbine developments over 15 metres high within a 30 kilometre radius of proposals. Cumulative
landscape and visual effects within 60 kilometres of the appeal site are assessed in the environmental statement compiled in 2010. An updated cumulative plan and commentary on turbines over 15 metres high within 30 kilometres was provided in 2013.

57. Scottish Natural Heritage’s guidance on the ‘Cumulative Effect of Windfarms’ (2005) advises that “the degree of cumulative impact is a product of the number and distance between individual windfarms, the inter-relationship between their zones of visual influence, the overall character of the landscape and its sensitivity to windfarms, and the siting and design of the windfarms themselves.”

58. The council’s ‘Review of Onshore Wind Energy in Fife Strategic Cumulative Landscape and Visual Impact Assessment’ was published in 2013. The review suggests that “the lowland landscape types in Fife have the highest capacity for wind turbine development”, and suggests that the lowland open sloping farmland landscape in the East Neuk could accommodate wind turbines groups of one to five turbines 50 to 100 metres high. A separation distance of three to five kilometres to medium (25 to 50 metre) turbines, and five to ten kilometres to large (50 to 100 metre) turbines is recommended. This review is more accommodating of turbines than the landscape character assessment document mentioned in paragraph 15, and council’s wind energy guidance of 2006 and 2011.

59. The environmental statement identifies three wind turbine developments with potential for significant cumulative effects with the appeal proposal at Carhuly Farm (one turbine 39 metres high), Troywood (one turbine 93.5 metres high), and South Cassingray (two turbines 100 metres high). The updated cumulative plan, and information in the council’s 2013 review document, show that these developments are no longer part of the cumulative baseline. However, the plan and review document identify the following approved, pending, or appealed turbines within 15 kilometres of the appeal site:

**Within 5 kilometres**
- One 25 metre turbine north.
- Three 20 metre turbines southeast.
- One 18 metre; one 29 metre; one 35.6 metre; one 39 metre; and one 74 metre turbine south.
- One 15 metre; three 67 metre; and five 100 metre turbines west.

**Within 5 to 10 kilometres**
- One 45 metre; one 45 metre; and one 54.5 metre turbine south.
- One 15 metre; one 25 metre; one 46 metre; and one 47 metre turbine southwest.
- One 15 metre; one 15 metre; one 20 metre; two 29 metre; one 34 metre; and two 35 metre turbines west.

**Within 10 to 15 kilometres**
- One 15 metre; one 18 metre; one 20 metre; one 20.4 metre; and one 45.7 metre turbine southwest/west.
- One 45.5 metre; and one 49.5 metre turbine west.
In addition, the outline of the proposed Neart na Gaolith offshore windfarm (80 x 187 metre high, or 208 x 175 metre high turbines) is shown some 23 kilometres east of the appeal site.

60. Based on the appeal proposal’s zone of theoretical visibility, intervening landform and tree cover, and the height and location of turbines, I consider that significant cumulative landscape or visual impacts over 15 kilometres from the appeal site are unlikely.

61. Furthermore, I agree with the findings of the council’s 2013 review document that turbines under 25 metres in height are not considered to have the same qualities of scale, prominence and widespread visibility that lead to the wider cumulative impacts that characterise larger turbines. Consequently, I consider that the turbines below 25 metres are unlikely to provide significant effects in combination with the appeal proposal.

62. I also note that the council’s reasons for refusal refer only to significant cumulative landscape and visual impacts with the five proposed 100 metre high turbines at Lingo, east of the appeal site. The Lingo proposal was subject to a non-determination appeal (DPEA reference PPA-250-2157). I have issued a separate decision on that case, dismissing the appeal and refusing planning permission. The proposal is therefore no longer part of the cumulative baseline. Consequently, no assessment of its combined or sequential impact with the Kenly proposal is necessary.

63. There would be a separation distance of over 4 kilometres between the proposed turbines and consented or pending onshore turbines over 25 metres high to the south and west. These turbines are geographically spread over this area, and intervening landform and trees (the Kippo Planation and Troy Wood south; and substantial shelter belts west) would also be positioned between the proposed turbines and others. Furthermore, these turbines would be substantially shorter than the proposed turbines. For these reasons, I consider that the proposed turbines would appear as an individual grouping and would not create a cluttered turbine landscape. As referred to in the 2013 review document, the lowland open sloping farmland landscape has sufficient capacity to accommodate groups of five turbines up to 100 metres high with others – the proposal for six turbines would not, in my opinion, change the ability of the landscape to accommodate the proposed group. The turbines would have limited impact on the other nearby lowland, upland and coastal landscapes, local landscape designations, and the Cambo designed landscape described earlier in this decision.

64. At present the Neart na Gaolith windfarm is only a proposal with no fixed design in terms of turbine numbers and heights. Consequently, my assessment of its combined impact with the appeal proposal is limited. The offshore windfarm would likely be visible from the coast and uplands areas together with the proposed turbines (looking east from summits including Kellie Law, Largo Law, and Drumcarrow Craig; and looking south from The Links and Tentsmuir Sands), and in locations along the A917 and the coast where the offshore turbines would be visible east, whilst the proposed turbines would be visible west. Due to the large separation between the offshore site and appeal site I consider that in combination the turbines would not detract from the open arable characteristics of the lowland open sloping farmland, or other nearby landscape character types and landscape

4 The Courtyard, Callendar Business Park, Falkirk, FK1 1XR
DX557005 Falkirk  www.scotland.gov.uk/Topics/Planning/Appeals
designations. Furthermore, I do not accept that the Kenly proposal would create a feeling of encirclement, or detract from the appearance of the East Neuk, together with the offshore proposal.

65. The proposed turbines and others would be visible when travelling along east-west orientated roads, particularly the B9171 and B940. I accept that road users would be subject to sequential views of turbines including the proposed turbines. However, for the reasons stated in paragraph 63, I do not consider that the visual impact would be significant.

Landscape and visual impact conclusions

66. Following the reasoning above, I find that the proposal would result in some significant visual impacts along parts of the B9131 and minor roads, and to a few houses within two kilometres. However, due to the nature of the receiving landscape, and the siting and design of the proposal, no unacceptable landscape or visual impacts, or cumulative impacts, would occur. The proposal would have an acceptable landscape impact on the setting of St Andrews, local landscape areas, and historic gardens and designed landscapes. The proposal would also have an acceptable visual impact from local settlements, and from recreational viewpoints. An overall conclusion on the acceptability of the proposal in relation to the development plan is set out in paragraph 105.

Built heritage

67. Historic Scotland has not objected to the proposal. It has stated that there would be no direct impacts and that any significant adverse impacts on its assets would be unlikely. Only a few sites of local importance would be directly affected by the proposal. Scheduled ancient monuments, listed buildings, and conservation areas in the area would be preserved together with their respective historic and architectural features of interest. I also agree that the settings of listed buildings in the locality (assessed in the environmental statement) would be preserved. Therefore, the following concentrates on the settings of heritage assets mentioned in representations.

Listed buildings

68. Sites with an identified high sensitivity within the appeal site study area (up to 10 kilometres) include Peekie Bridge (a scheduled ancient monument and category A listed building), and Kenlygreen House (a category A-listed building). As identified above, Stravithie House, the Hamilton Grand Hotel, and Dunino Church and Manse are listed.

69. Peekie Bridge is located in a valley which provides an immediate and intimate setting. The turbines would not interrupt views to, or from, the house or harm its setting. Similarly, Kenlygreen House is contained within its own landscaped grounds. There are glimpses out from the frontage of the building to the appeal site. However, these views are significantly reduced by trees to the extent that the impact on the setting of the listed building would be minor.
70. Views from Stravithie House, part of its setting, are again contained by its own landscaped and heavily wooded grounds. The turbines may be partially visible from the roof terrace but not to the detriment of the setting of the listed building.

71. The setting of the Hamilton Grand Hotel encompasses its adjacent buildings, the open space of the golf courses to its north, and views out over grass to St Andrews Bay. Views to the building are also important from The Links and West Sands, where the building is prominent in the skyline of St Andrews. The position of the turbines would not interfere with those views out of the listed building integral to its setting. Further, for the reasons set out in paragraph 26 above, the turbine blades would not significantly detract from the setting or prominence of the building when seen from the north.

72. Dunino Church is set within its own graveyard and grounds. This setting, a rise in the land to the east, and tree planting mean that there would be no direct impact on the setting of the church or its adjacent manse.

73. Listed buildings in Boarhills and Kingsbarns are generally set within their own curtilage, with views out to the surrounding farmland. However, due to the distance to the proposed turbines from these settlements and buildings, I am satisfied that there would be no significant harm to the setting (views from) these historic properties.

Conservation Areas

74. Kingsbarns conservation area is characterised by the use of traditional building materials, a market square set around a memorial and church, and its farmland setting. The proposal would appear in views from the conservation area, and in views to it, along the A917. In addition to the reasoning in paragraph 36, I consider that the location of the proposed turbines would not significantly interfere with views of the church, or the landscape setting of the settlement. The character and appearance of the conservation area would be preserved.

75. Fife council’s ‘St Andrews Conservation Area Appraisal & Management Plan’ (2010) describes the character and setting of this conservation area. The document notes that the skyline “is visible from a considerable distance outside the town and makes a strong initial impression.” Together with a wealth of historic and archaeological assets, open spaces, and unique town layout, the skyline of St Andrews is a key characteristic of the conservation area. This is supported by the fact that the recently superseded St Andrews Area Local Plan (1996) had a policy (S1) which sought to protect the skyline. A similar policy has not been included in the current St Andrews and East Fife Local Plan. However, protection of the skyline is still a material consideration, and part of my consideration of the potential impact on the conservation area.

76. Various church steeples and St Rule’s tower are noted in the appraisal as prominent features on the skyline, which (as noted from a 17th century image from Kinkell Braes) is described as remaining essentially unchanged. Kinkell Braes is to the south of the settlement, so the proposed turbines would have no impact on the skyline from that direction. There is no specific mention of the skyline from other directions within the
appraisal document, but I found that the skyline was also distinctive when viewed from the north with the prominent features mentioned above visible. From this direction the skyline is silhouetted by the landform behind it and set within a landscape and seascape context (as described in paragraph 25). I appreciate that the blades of three turbines would be visible and that their movement may draw attention away from the skyline. However, for the same reasons provided in paragraph 26, I am satisfied that the impact would not be significant, and that the settlement would retain its distinctive skyline. No views from the conservation area out to the surrounding landscape are mentioned in the appraisal. In any case, for the reasons stated in paragraph 32, I consider any views of the turbines would cause no harm to the conservation area. I find that the proposal would not significantly harm the skyline or St Andrews, and would preserve the setting of the St Andrews Conservation Area.

Scheduled ancient monuments

77. It is significant that Historic Scotland, the owner/operator of the scheduled St Andrews Castle and Cathedral, has not objected to the proposal.

78. The blades of three turbines would be visible from the top of St Rule’s Tower – a tower situated within the grounds of St Andrews Cathedral. As shown in viewpoint 10, I consider that the impact on the setting (views from) the tower would be minimal. The movement of the blades may draw attention. However, the siting of a caravan park in the foreground, tree screening, and the draw of panoramic views across St Andrews and St Andrews Bay in directions away from the proposed turbines lead me to conclude that the setting would be safeguarded. Views to the tower and cathedral spires from the north form part of the skyline of St Andrews. For the reasons stated in paragraphs 26 and 76, I find that the turbines would not harm the setting of the cathedral or the tower from the north.

79. The visualisation from viewpoint 11 shows that landform would hide the turbines from most of St Andrews Castle. However, a slight glimpse of the tips of the turbine blades might be possible from the Sea Tower. Due to the distance to the turbines (some 7 kilometres), the intervening landform, trees, and caravan park, I do not consider that the view of the tips would harm the setting of the monument.

Local sites of importance

80. The environmental statement identifies 66 recorded sites within one kilometre of the appeal site, 16 of which are within the site. A further two (a pillbox and a row of former cottages) were found on the appeal site during investigations. The environmental statement suggests that, collectively, the former airfield buildings and structures are of low to medium value. Development would primarily avoid these structures and other known sites, with potential for some limited interference to the substructure of one airfield building and access road. Furthermore, the positioning of the turbines and associated infrastructure on land cultivated for the last 250 years suggests there would be no or negligible interference with archaeology. In any case, a condition would ensure that further archaeological studies on the site were undertaken and findings recorded.
Residential amenity

Noise

81. There is no objection from the council’s public protection team in relation to predicted noise emissions from the proposed turbines. The predicted noise levels are comfortably within acceptable daytime and night-time limits (as set out in the ETSU-R-97 guidance on ‘The Assessment and Ratings of Noise from Wind Farms’) at the nearest residential properties to the turbines, and the noise level, and any irregularities, can be suitably investigated, monitored and controlled through conditions. Noise levels experienced at Upper Kenly, a property 109 metres from the nearest turbine, are predicted to be above acceptable levels. However, I consider this acceptable as the property is owned by the appellant, is in a state of disrepair, and unoccupied. Noise emissions would be acceptable.

Shadow flicker

82. Shadow flicker can affect dwellings 130 degrees either side of north relative to a turbine. It’s impact is likely to be negligible beyond a distance of 10 rotor diameters (820 metres in this case). There are no set limits on the level of acceptable exposure to shadow flicker. However, the appellant has adopted a period of 30 hours– a figure the council has not disputed, and I agree is reasonable.

83. Nine buildings would be positioned where shadow flicker may affect them. Two would be subject to more than 30 hours exposure. One property would be the unoccupied Upper Kenly, so is rightly discarded by the appellant. Farm cottages in the north of the site are predicted to experience 33.2 hours of shadow flicker per annum. As this figure is based on a worst case scenario using conservative modelling the actual period of exposure is likely to be lower. As suggested by the council a condition would ensure investigation and mitigation should levels experienced be found to be causing a problem. For these reasons, I find that exposure to shadow flicker would be acceptable.

Aviation

84. There is no objection from BAA Aerodrome Safeguarding, the National Air Traffic Services, the Civil Aviation Authority, or any local airfield operator. I note the concerns in one representation about the safe operation of Kingsmuir Airfield. However, there is no objection from the airfield operator. Further, the distance of the proposed turbines to the airfield would likely ensure no interference with flight paths or aircraft safety.

85. The Ministry of Defence has indicated that the proposed turbines would be within ‘line of sight’ of, and cause interference with, the ATC radar at RAF Leuchars. However, the consultee has no objection to the proposal subject to conditions requiring the implementation of an agreed radar mitigation scheme solution, and the installation of lighting on the turbines. Following reassurance from the consultee and the appellant, I am satisfied that there is a reasonable prospect of a solution to the interference within the three year period given to begin development. Considering the above, I find that the proposal would not harm civil or defence aviation operations.
Wildlife

Birds

86. Scottish Natural Heritage has no objection to the proposal, but has given formal guidance on the effect on nearby Special Protection Areas (SPAs). The appeal site lies some 8 kilometres from the Cameron Reservoir SPA (classified for its wintering bird population), and 9 kilometres from the Firth of Tay & Eden Estuary SPA (classified for breeding tern and marsh harrier and wintering bird population, including water fowl). The sites’ status mean that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) apply. These require me to ascertain whether the proposal would adversely affect the integrity of a European site (the SPAs).

87. In Scottish Natural Heritage’s view, the proposal is likely to have a significant effect on a qualifying interest (pink-footed geese) of the sites. Consequently, I am required to carry out an appropriate assessment in view of the sites’ conservation objectives for pink-footed geese. In doing so I have taken account of the results of the survey data contained in chapter 9 of the environmental statement, and the advice of Scottish Natural Heritage dated 29 July 2011 written in light of that report. Scottish Natural Heritage is satisfied with the level of survey work completed.

88. The report indicates that collision with turbines would not be significant. On the basis of the survey work between November 2009 and May 2010, an annual mortality rate of 0.82 birds per year was calculated, which would cause only a tiny effect on the populations of pink-footed geese in the SPAs. The report also suggests that there would be a low displacement of feeding geese, as only a small number of geese were found on the site and within two kilometres of the site (39 birds in two locations, which were possibly the same group).

89. In relation to the duties laid down by the Habitats Regulations, I therefore agree with Scottish Natural Heritage that the proposed turbines would not adversely affect the integrity of the SPAs. I also note Scottish Natural Heritage’s advice that, subject to the mitigation strategies set out in the environmental statement, the proposal would not have any adverse impacts on other breeding birds.

Bats

90. The appellant’s bat survey (2010) confirms the presence of five species of bat within the appeal site boundary, and roost sites at Lower and Upper Kenly farms. Bat activity was found to be concentrated around Kenly Water, with some activity along overgrown tracks to the south of that watercourse, and an old railway embankment to the east. Bat activity was found to be lowest in open arable areas of the appeal site. The study suggests that if the proposed turbines were sited in lower activity areas the impact on bats would be negligible.

91. Scottish Natural Heritage and the council agree with the findings of the study. However, a representation has raised concerns about the proximity of the proposed
turbines to bats as there is on-going research into turbines and bat fatalities. Scottish Natural Heritage has confirmed that until further notice it relies on current advice (‘Natural England Technical Information Note TIN051’) that turbines should be located no closer than 50 metres from landscape features normally used by bats. The appellant’s bat survey goes further in recommending a 50 metre buffer from areas of high bat concentration, and 100 metres from roost sites. Despite on-going research, I am satisfied that the position of the proposed turbines would minimise any significant impact to the bat population identified in the area.

Other wildlife interests

92. Subject to mitigation to control any impact of development I am satisfied that there would be no significant impact on other protected species or wildlife, including water vole, badger, and otter.

Transportation

93. Construction of the proposed turbines is estimated at 12 months, with components transported to the site by road. Three types of traffic are predicted:

- abnormal loads delivering turbine components and cranes (40 loads over a 12 week period);
- heavy goods vehicles loads carrying equipment and materials (29 deliveries on average over the construction period);
- ancillary and other light goods vehicles transporting workers and deliveries (20 vehicles on average).

It is anticipated that the turbine components would be transported from Dundee Port to the site along the A92 and A914 to Dairsie Roundabout, the A915 through St Andrews, the A917, B9131, and then Station Road.

94. Transport Scotland has no objection to the proposal. The council’s transportation development management team is also supportive subject to requirements to upgrade Station Road and provide a transport management plan together with a legal agreement to ensure regular maintenance and monitoring of the road network. Agreement can be secured through the Roads (Scotland) Act 1984 at any time. In terms of efficiency, I consider that a suspensive condition would be sufficient to secure such an agreement for these purposes without the need to delay issuing this decision.

95. I agree with objectors that there would be an increase in the level of traffic passing through the settlement of Dunino, and that there would be periods of increased disruption on the wider road network. However, these impacts would be limited to the period of construction, and would therefore not create a continuing or unacceptably significant impact.
Economic considerations, including tourism

96. Local businesses are concerned about the impact of the proposal on tourism. However, the council has stated that there is no robust evidence to suggest that significant numbers of people would avoid using an area if there are turbines present. I found earlier that there would not be significant adverse landscape and visual impacts from St Andrews and other local settlements, or from places of recreation. The Moffat Report on ‘The Economic Impacts of Wind Farms on Scottish Tourism’ (2008) suggests that “to minimise negative tourist impact, very large single developments are preferable to a number of smaller developments, particularly when they occur in the same area.” As described in the cumulative impact section above the proposed turbines would have limited visual impact in relation to other wind turbine proposals.

97. The proposal is anticipated to have a gross domestic product impact to Scotland of £10.8 million, £7.1 million to Fife, and £0.6 million to the local area. Although not material to my decision, I also note that a sum of between £3,500 and £4,000 per megawatt installed would be given for community uses (£1.2 million over the lifetime of the project).

98. The cost to the economy in terms of tourism is undefined. I consider it unlikely that the development of the proposed turbines would have a significant or lasting impact on tourism in the East Neuk or St Andrews. The proposal would make a contribution to the economy.

Grid connection

99. The appellant has confirmed that grid connection is possible through a combination of over and underground cabling to the North Haugh site. The proposed grid connection would be the subject of a separate consenting process and is not before me. The planning authority would have the opportunity to assess its landscape and visual impact at that stage, and I therefore find that it is not a determining issue in the consideration of this appeal.

Other matters

Contamination

100. No contamination has been found at the appeal site. However, due to the previous use of the site as military airfield the presence of radioactive substances (radium) cannot be ruled out. I am satisfied that a condition imposed to control events should any contamination be discovered during construction would ensure the protection of human health and the environment.

Access

101. The Scottish Rights of Way and Access Society has identified three rights of way that would be affected by the proposal. The society, and the council’s access officer, has
requested that these remain open and free from obstruction during and after any development work. This matter can be suitably controlled by condition.

Water systems

102. The environmental statement identifies that the proposal would have no significant impacts on the hydrogeology of the area and the geological baseline conditions. Similarly, the impact on the hydrology of the area (including the local Kenly Water and Kilduncan Burn - part of the North Fife Coastal river basin) and the baseline conditions would not be significant. In these matters, I note that the Scottish Environment Protection Agency has no objection to the proposal.

Telecommunications

103. The environmental statement notes that television reception to two properties which have no alternative off-air service would be affected by the proposal, and 312 might be affected. These figures are considered, and I agree, to be relatively low and can be controlled by condition. Scottish Water has confirmed that any interference with their radio telemetry link can be mitigated. No other interference with telecommunications infrastructure has been identified.

Conditions

104. I have made minor modifications to the suggested conditions in line with the six tests of Scottish Government Circular 4/1998 on the use of conditions in planning permissions (the tests being: necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise, and reasonable in all other aspects). Of note, I have added a requirement for habitat enhancement and monitoring of bats to align with the provisions for birds. I have also omitted the suggested condition from the appellant to require a local liaison group to be established and maintained, as I consider this unnecessary and difficult to enforce over the lifetime of the planning permission.

Conclusion

105. Following my reasoning above, I find that the proposed development would help to deliver a low/zero carbon future and contribute to Scottish Government energy targets. There would be some visual impacts of significance along the B9131 and minor roads, and from a few properties within two kilometres. However, no significant impacts to communities, the built or natural environment would occur. Overall, the turbines would be prominent from some viewpoints but would be appropriately sited to minimise landscape and visual impacts. The proposal would support the national, regional and local economy, and would partially re-use developed (brownfield) land (the former airfield). The proposal would protect local landscape areas, preserve the setting of listed buildings, and would not harm the settings of scheduled ancient monuments, conservation areas, or any historic garden or designed landscape. Furthermore, the proposal would not be of detriment to aviation safety, residential amenity (noise and shadow flicker), telecommunications, tourism, rights of access, water systems, habitats or protected species. Therefore,
although there would be a few significant visual impacts, I find that on balance the proposal would be acceptable in its countryside location, and would comply with TAYplan policies 3 and 6, and local plan policies I1, E1, E3, E4, E7, E8, E11, E12, E15, E19, E20, E21, and E23.

106. I have carefully considered all matters raised but find that none lead me to conclude other than that the proposal would comply with the provisions of the development plan.

J Alasdair Edwards
Reporter

Conditions

Operation and design

1. The permission hereby granted shall be for a period of twenty five (25) years from the date that electricity is first supplied to the local grid (such date to be notified in writing to the planning authority within one month of this supply) at which time, unless with the express prior approval of the planning authority, the wind turbines, any buildings or ancillary equipment shall be dismantled and removed from the site, and the ground reinstated in accordance with the ground restoration plan approved through condition 3. Reason: in the interests of visual amenity; in order that the planning authority has the opportunity to review the circumstances pertaining to the consent, which is of a temporary nature.

2. In the event that any wind turbine fails to produce electricity supplied to the local grid for a continuous period of six months then it shall be deemed to have ceased to be required and, unless otherwise agreed in writing with the planning authority, the wind turbine and ancillary equipment shall be dismantled and removed from the site within the six months from the date of notification by the planning authority and the ground reinstated in accordance with the ground restoration plan approved through condition 3. Reason: in the interests of visual and residential amenity and to ensure a full and satisfactory restoration of the wind farm site should all or part of the development fall into disuse.

3. Before any works start on site, a ground restoration plan and planting proposals shall be submitted to and approved in writing by the planning authority. The plan shall include provision for the following scenarios: borrow pits, cabling, decommissioning, failure to produce electricity. Unless otherwise confirmed in writing by the planning authority the approved plan shall be implemented as approved, with planting being carried out within the first available planting season. Reason: in the interests of visual and residential amenity and to ensure a full and satisfactory restoration of the wind farm site.

4. Before any works start on site, confirmation of the final specification of wind turbines to be erected on site shall be submitted to and approved in writing by the planning authority. The chosen turbine shall then be erected on site unless otherwise confirmed in writing by the planning authority. In addition a revised noise assessment for the turbines (if it is not
the one currently under consideration) demonstrating the capacity of the turbines to comply with conditions 14, 15, 16 and 17 relating to noise shall be submitted to and approved in writing by the planning authority. **Reason: to ensure that the eventual wind turbine chosen for the site is of a design and height as approved, and is capable of compliance with noise and other conditions set out below.**

5. The wind turbine blades shall rotate in the same direction. **Reason: to avoid movement in two directions in the interests of visual and residential amenity.**

6. The wind turbines including the towers and blades shall be finished in a non-reflective light grey colour with a semi-matt finish. Before works start on site, the detail of the exact colour shall be approved in writing by the planning authority, and thereafter implemented as approved. **Reason: to reduce the impact of the turbines and minimise reflection in the interests of visual amenity.**

7. All cables between the turbines and adjacent buildings within the site boundary shall be laid underground. Thereafter, the ground shall be reinstated in accordance with the ground restoration plan approved through condition 3. **Reason: to ensure the site is restored in the interests of visual and residential amenity.**

8. The site shall not be illuminated by lighting, other than the service lighting required under safety requirements for tall structures and any air safety lighting required by other authorities or bodies (see condition 19), without the prior written approval of the planning authority. **Reason: to protect nearby residents and the environment from light pollution in the interests of visual and residential amenity.**

9. No symbols, signs, logos or other lettering shall be displayed on any part of the wind turbines nor on any other buildings or structures, unless required by health and safety legislation, without the prior written approval of the planning authority. **Reason: to avoid unnecessary signage in the rural environment in the interests of visual amenity.**

10. Each turbine hereby approved shall be erected in the positions shown on plan PA3 (Rev B) – Proposed Windfarm Layout dated June 2011. A variation of the indicated position of any turbine on the said drawing shall be permitted by up to 20 metres. The repositioning of any turbine by more than 20 metres shall be subject to the prior written approval of the planning authority. Before any works start on site, a plan specifying the exact turbine layout shall be submitted to and approved in writing by the planning authority. Thereafter, the turbines shall be positioned as approved. **Reason: in the interests of visual amenity and protecting the archaeological and natural heritage, to ensure that any micro-siting avoids areas of archaeological and natural heritage.**

11. No later than six months following the commissioning of the last turbine on site, all temporary contractor's site compounds shall be removed and the land reinstated to its former profile and condition in accordance with the ground restoration plan approved through condition 3. **Reason: to ensure temporary compounds do not leave a footprint on site in the interests of visual amenity and protecting the natural heritage.**
12. Before any works start on site, details relating to the provision of measures to prevent operation of the turbines in icy conditions where such weather conditions may pose a risk to walkers or those using the area for recreation purposes shall be submitted to and approved in writing by the planning authority, and thereafter implemented as approved. *Reason: in the interests of health and safety and to ensure that all existing access routes are protected and not adversely affected by the development.*

**Shadow flicker**

13. If in the opinion of the planning authority the level of shadow flicker caused by any turbine in a nearby property, lawfully existing at the time of this decision, exceeds reasonable levels then the turbine shall be operated at a level to be approved by the planning authority until such time as the particular shadow flicker problem has been addressed by measures submitted to and approved in writing by the planning authority, and thereafter implemented as approved. *Reason: to ensure nearby residents are protected from adverse shadow flicker in the interests of residential amenity.*

**Noise**

14. Before any works start on site, the applicant shall submit a Noise Monitoring and Noise Mitigation Plan for the turbines hereby approved. The data produced by this monitoring process shall be submitted to the planning authority at regular intervals to be prescribed within the Plan. *Reason: to minimise noise distribution and protect the amenity of nearby residents.*

15. At wind speeds not exceeding 12 metres per second (as measured, or calculated, at a height of 10 metres above ground level, at the location of one of the turbines), the wind turbine noise level, when measured at any dwelling, shall not exceed:

   a) during night-time hours (2300-0700), 43dB LA90, 10min or the night-time hours LA90, 10min background noise plus 5dB(A), whichever is the greater; and
   
   b) during day-time hours (all evenings 1800-2300, Saturdays 1300-1800, and Sundays 0700-1800), 35dB LA90, 10min or the day-time hours LA90, 10min background noise plus 5dB(A), whichever is the greater.

The background noise level in this condition means the level determined at each property at the time of the background noise survey submitted as reported in chapter 15 of the Environmental Statement (as amended by the Sgurr energy appeal response dated 06/02/2013). The condition shall only apply to dwellings vacant or occupied, existing at the date of this decision. *Reason: to protect nearby residents from undue noise and disturbance.*

16. If in the opinion of the planning authority the noise omitted from the turbines and received at the nearest noise sensitive dwellings, lawfully existing at the time of this consent, demonstrates a characteristic sufficiently irregular to attract attention such as a continuous tonal noise (whine, hiss, screech, hum or similar) or a distinct impulse noise (bang, click, clatter, thump or similar) then the turbine(s) shall be operated at a level to be
approved by the planning authority until such time as the particular noise problem has been
addressed by measures submitted to and approved in writing by the planning authority.
Reason: to minimise noise distribution and to protect the amenity of nearby residents.

17. The wind farm operator shall log wind speed and wind direction data. This data shall be
taken from turbine nacelle anemometers and wind vanes or similar. This data shall be
retained for a period of not less than 12 months. This wind data shall include the wind
speed in metres per second and wind direction in degrees from north for each 10-minute
period. At the reasonable request of the planning authority, the recorded data at 10 metres
height above ground level and relating to any periods during which noise monitoring took
place or any periods when there was a specific noise complaint shall be made available to
them. Where wind speed is measured at a height other than 10 metres, the wind speed
data shall be converted to 10 metres height, accounting for wind shear on the site, by a
method submitted to and approved by the planning authority. At the reasonable request of
the planning authority, the wind farm operator shall provide a list of ten-minute periods
during which any one or more of the turbines was/were not in normal operation. This
information will only be required for periods during which noise monitoring took place.
Reason: to minimise noise disturbance that may affect the amenity of nearby residents in
the interests of residential amenity.

Aviation

18. Before any works start on site, a Radar Mitigation Scheme shall be submitted to and
approved in writing by the planning authority in consultation with the Ministry of Defence.
The Radar Mitigation Scheme shall set out the appropriate measures to be implemented to
mitigate the impact of the development on the Radar (see below) and shall be in place for
the operational life of the development so long as the Radar remains in operation. No
turbines shall become operational until all measures required by the approved Radar
Mitigation Scheme are implemented as confirmed in writing by the planning authority. The
development shall thereafter be operated fully in accordance with the approved Radar
Mitigation Scheme. For the avoidance of doubt, the “Radar Mitigation Scheme” means a
scheme designed to mitigate the impact of the development upon the operation of the
Watchman Primary Surveillance Radar at RAF Leuchars ("the Radar") and air traffic control
operations of the Ministry of Defence which are reliant upon the Radar. Reason: to ensure
adequate measures are in place to mitigate radar interference in the interests of protecting
air safety.

19. Ministry of Defence accredited 25 candela omni-directional aviation lighting or infrared
aviation lighting shall be installed on the nacelles of all turbines. The turbines shall be
erected with this lighting installed and the lighting will remain operational until such a time
as the wind turbines are decommissioned and removed from site. Reason: to ensure pilots
are aware of the turbines in the interests of protecting air safety.

Television reception

20. Before any works start on site, the developer will carry out a baseline TV survey to
establish the current TV signal strength at all locations identified within the Environmental
Statement as potentially affected by the turbines hereby approved and also any other selected distances of up to three kilometres from the centre of the site. Such locations shall be approved in writing by the planning authority prior to the carrying out of the survey. *Reason: to ensure the current level of TV signal available in the area is recorded to allow any future mitigation measures to be properly assessed.*

21. Any adverse impact on television reception directly attributable to the operation of the windfarm on any of the surrounding residential properties to the windfarm shall be fully investigated and any measures to alleviate a valid problem shall be fully implemented. For the avoidance of doubt the applicant shall be responsible for the cost of investigating any problem with regard to television reception interference and meet the full cost of implementing any mitigation measures. Before any works start on site, details of any mitigation measures and a programme for their implementation shall be submitted to and approved in writing by the planning authority. Unless otherwise approved in writing with the planning authority, a report on the number of complaints raised with regard to this issue and how the complaint has been resolved shall be submitted on a six monthly basis to the planning authority. *Reason: to ensure television reception is maintained and the situation monitored in the interests of residential amenity.*

**Telemetry link**

22. Before any works start on site, details of a scheme to mitigate any interference with Scottish Water radio telemetry links shall be submitted to and approved in writing by the planning authority in consultation with Scottish Water, and thereafter implemented as approved. *Reason: in order to mitigate radio inference in the interests of clear telecommunication links.*

**Wildlife and habitats**

23. Before any works start on site:

(i) An ecologist approved by the planning authority in consultation with Scottish Natural Heritage shall carry out a re-survey of protected species.

(ii) A Protected Species Management Plan (based on the findings of the original survey and re-survey) shall be submitted to and approved in writing by the planning authority in consultation with Scottish Natural Heritage. The plan shall include mitigation measures designed to safeguard protected mammals within and adjacent to the operational areas of the site.

(iii) A Habitat Management Plan (HMP) shall be submitted to and approved in writing by the planning authority in consultation with Scottish Natural Heritage and the Royal Society for the Protection of Birds Scotland. The plan shall include a scheme for habitat enhancement and for monitoring the impact of development on birds and bats (including casualties), and shall be submitted to the planning authority at regular intervals to be prescribed within the HMP.
(iv) A site specific Ecological Mitigation Strategy shall be submitted to and approved in writing by the planning authority in consultation with Scottish Natural Heritage.

Unless otherwise approved in writing by the planning authority, the plans/strategies shall be implemented as approved for the duration of the planning permission hereby approved.

Reason: to ensure the situation has not changed since the initial protected species survey, and to minimise the environmental impact of construction and operational activities resulting from the proposed development in the interests of protecting the natural heritage.

Environment

24. Before any works start on site, a Construction Method Statement (CMS) detailing the pollution control measures, an Environmental Management Plan and a Pollution Prevention Plan (which may include details set out in condition 25) shall be submitted to and approved in writing by the planning authority in consultation with Scottish Natural Heritage and the Scottish Environment Protection Agency. Thereafter the construction of the turbines shall comply with the details as approved. Reason: in the interests of protecting the surrounding area during the construction, operation, and decommissioning of the wind turbines.

25. Before any works start on site, a monitoring plan shall be submitted to and approved in writing by the planning authority setting out the steps that shall be taken to monitor the environmental effects of the development during the construction phase and the operational phase. The plan shall also outline a methodology for developing avoidance and mitigation measures to address any adverse environmental effects identified during the course of the monitoring. The plan shall be reviewed and amended where necessary at intervals to be approved by the planning authority. The plan shall make specific reference to ground water, surface water, noise and dust. Thereafter, the plan as approved or amended as the case may be, shall be implemented within timescales to be approved by the planning authority. Reason: to minimise the environmental impact of construction and operational activities resulting from the proposed development in the interests of protecting the natural heritage.

26. Before any works start on site, a Groundwater Management Plan covering water treatment and the means of drainage from all hard surfaces and structures within the site shall be submitted to and approved in writing by the planning authority, and thereafter implemented as approved. For the purposes of this condition, ‘hard surfaces’ includes internal access tracks, construction and laydown areas, turbine pads and crane pads. The details to be submitted shall indicate the means of protecting groundwater, including private water supplies, and diverting surface water run off, and shall allow for the recharging of any peat or other wetland areas within the site. Reason: to minimise the environmental impact of construction and operational activities resulting from the proposed development in the interests of protecting the natural heritage and the water environment.

27. Before any works start on site, details of any ground extraction works/borrow pit requirements shall be submitted to and approved in writing by the planning authority, and thereafter implemented as approved. For the avoidance of doubt, the submitted details
shall include existing and proposed ground level heights/sections, methods of extraction and any remedial works required thereafter. *Reason: to minimise the environmental impact of construction and operational activities resulting from the proposed development in the interests of visual amenity and protecting the natural heritage.*

28. Before any works start on site, a full site waste management plan shall be submitted to and approved in writing by the planning authority in consultation with the Scottish Environment Protection Agency. Thereafter, all works shall be carried out in accordance with the approved plan. *Reason: to ensure that waste material on the site is managed in a sustainable manner.*

**Contamination**

29. Before any works start on site, a site investigation report on the potential for radioactive contamination, and mitigation measures to ensure members of the public are protected should contamination be found, shall be submitted to and approved in writing by the planning authority in consultation with the Scottish Environment Protection Agency. Any required mitigation shall then be carried out in accordance with the approved report. The report should be produced in consultation with the Defence Infrastructure Organisation. *Reason: to ensure that there is no contamination at the site in the interests of environmental protection.*

30. The presence of any previously unsuspected or un-encountered contamination that becomes evident during the development of the site shall be brought to the attention of the planning authority and the Scottish Environment Protection Agency (SEPA) in writing within one week of its detection. At this stage, a comprehensive contaminated land investigation and mitigation report shall be carried out at the expense of the developer and submitted to and approved in writing by the planning authority in consultation with SEPA. Thereafter, the any required mitigation measures shall be carried out in accordance with report. *Reason: to ensure all contamination within the site is dealt with.*

**Transportation**

31. Before any works start on site, a Traffic Management Plan (TMP) shall be submitted to and approved in writing by the planning authority in consultation with Transport Scotland. The TMP shall include details of all aspects of transport related movements including the scheduling and timing of construction vehicles, swept path analysis diagrams at all junctions on the abnormal load route, traffic management arrangements to be put in place during the decommissioning work, and a scheme for the monitoring and maintenance of the road network during construction and decommissioning (particularly the haul route). Unless otherwise approved in writing by the planning authority, the plan shall be implemented as approved. *Reason: In the interests of road safety; to ensure that all traffic impacts resulting from the construction and decommissioning activities at the site can be fully addressed; and to ensure that the road network is maintained to a safe standard.*

32. Before any works start on site, details (including a plan(s) at a scale no less than 1:200) of the access tracks, including details of widths, parking and turning areas, watercourse...
crossing points, and cutting and embankment treatments and full restoration strategy in accordance with the plan approved through condition 3 shall be submitted to and approved in writing by the planning authority, and thereafter implemented as approved. For the avoidance of doubt, all access tracks shall be constructed at ground level. *Reason: in the interest of road safety, visual amenity and environmental protection.*

33. Before any works start on site, full details of wheel cleaning facilities to be provided at the entrance/exit to the site shall be submitted for approval in writing by the planning authority. The approved facilities shall be provided, retained and maintained for the duration of the construction and decommissioning phases of the scheme. *Reason: in the interests of road safety; to eliminate the deposit of mud, debris or other deleterious material on public roads.*

34. A turning area suitable for use by the largest size vehicles expected to visit the site shall be provided within the site. Before any works start on site, details showing the design, layout and location of the turning area at a scale of no less than 1:200 shall be submitted to and approved in writing by the planning authority. Thereafter the approved turning area shall be constructed for use throughout the duration of the site operations. *Reason: to ensure no vehicles reverse onto the main road in the interests of road safety.*

35. Before the access to the site is brought into use, visibility splays at all junctions and accesses onto public roads shall be provided and permanently maintained free from all obstructions exceeding one metre in height above the adjacent road channel levels. *Reason: to ensure the provision and maintenance of adequate visibility at junctions and accesses in the interests of road safety.*

36. Before any works start on site, details of the proposed vehicular access to the site at a scale of not less than 1:200, and details of all proposed signage at the access bellmouth, shall be submitted to and approved in writing by the planning authority, and thereafter implemented as approved. *Reason: to ensure safe and convenient access to and from the site; and to ensure that the signage is not a distraction to road users in the interests of road safety.*

37. All access tracks within the site shall be constructed and surfaced with a bituminous material, the details of which shall be submitted to and approved in writing by the planning authority before any works start on site. Before the erection of a turbine on site, the approved finishes and specifications shall be implemented in full and thereafter maintained. *Reason: to ensure an appropriate finish to access tracks in the interests of road safety.*

38. Before any works start on site, a trial run of the haul route shall be carried out in full in order to determine the suitability of the route and any mitigation measures required to accommodate the abnormal loads. The contractor shall give at least one month’s notice to the planning authority of the proposed trial run date and following the trial shall submit further written details of any additional measures required to accommodate the loads. *Reason: to determine the suitability of the haul route to accommodate abnormal loads in the interests of road safety.*
39. Existing rights of way and established footpaths, cycleways, and bridleways will be safeguarded and kept open and free from obstruction. Where development affecting such routes is deemed appropriate, suitable re-routing must be provided before the development commences, or before the existing route is removed from use. Before any works start on site, detailed plans at a scale of not less than 1:500 shall be submitted to and approved in writing by the planning authority showing the proposed altered route and the duration of its re-routing. The turbines hereby approved shall be set at a minimum distance, equivalent to the height of the blade tip, from the edge of any public highway (road or other existing public right of way). *Reason: to ensure that all existing rights of way are provided for in the development and not adversely affected as a result of the development.*

Archaeology

40. Before any works start on site, the developer shall secure the implementation of a programme of archaeological work in accordance with a detailed written scheme of investigation which has the prior written approval of the planning authority. *Reason: in order to safeguard the archaeological heritage of the site and to ensure that the developer provides for an adequate opportunity to investigate, record and rescue archaeological remains on the site, which lies within an area of archaeological importance.*

Advisory notes

1. **The length of the permission:** This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)

2. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action. (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)

3. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position. (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended).)

4. **Display of notice:** A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it. (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.)
Civil aviation informative

1. **International civil aviation requirement:** all structures of 300 feet (91.4 metres) or more must be charted on aeronautical charts, the effective height of a wind turbine in this regard is the maximum height to blade tip.

Schedule of drawings and environmental statement submissions

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**Environmental Statement:**

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  May 2011
- Volume 2: Written statement  
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- Volume 3: Visualisations and figures  
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- Volume 4: Appendices  
  May 2011
- Volume 5: Planning statement  
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