

THE HIGHLAND COUNCIL

**PLANNING APPLICATIONS COMMITTEE –
28 April 2015**

Agenda Item	5.5
Report No	PLN/025/15

**15/00690/FUL: Nigg Wind Energy Ltd.
Land South Of Wester Rarichie Farm, Fearn, Tain**

Report by Area Planning Manager

SUMMARY

Description: Erect guyed meteorology mast up to 60m in height.

Recommendation - APPROVE

Ward: 8 – Tain and Easter Ross

Development category: Local Development

Pre-determination hearing: N/A

Reason referred to Committee: 5 or more objections from separate households including Committee Council.

1. PROPOSED DEVELOPMENT

- 1.1 The proposed development comprises erection of a guyed meteorology mast. Specifically this would measure up to 60m in height, constructed in galvanised steel with a tubular design. The mast will be supported by a total of 20 guy wires with a radius of approximately 30m. Planning permission is sought for a temporary period of 3 years in which to gather wind data.
- 1.2 No pre-application advice was sought prior to the submission of the planning application.
- 1.3 No infrastructure exists on site at present however existing access tracks can be utilised to deliver and erect the structure.
- 1.4 No supporting documents have been submitted alongside the application.
- 1.5 **Variations:** No variations have been made to the proposal since the application was lodged.

2. SITE DESCRIPTION

- 2.1 The site is located approximately 3.3km south west of Balintore and 3.5km north east from Nigg and comprises grazing land at an elevation of approximately 150m. It is located approximately 1.1km from the steep coastal cliffs and lies within the Sutors of Cromarty, Rosemarkie and Fort George Special Landscape Area. The

nearest residential properties are Wester Rarichie Farm Cottages located 1.km north of the site; Easter Rarichie Farm located 1.5m north east of the site. The small settlement of Strath of Pitcalnie lies around 1.6km north west.

3. PLANNING HISTORY

- 3.1 15/00903/FUL: Construct and operate three 2.5MW wind turbines up to 100m max tip height. Up to 82m rotor diameter and up to 60m hub height. Improve existing access point to public road. Upgrade existing and formation of new tracks. Crane hardstandings by each turbine. Erection of permanent met mast up to 60m in height. Erection of electrical control building and compound including a temporary construction compound. (Hill of Nigg Wind Farm) – *Application pending consideration.*
- 3.2 08/00066/FULRC: Erection of five wind turbines, formation and improvement of access tracks, installation of underground cables, crane hardstanding, temporary construction compound, anemometer mast and borrow pit – *Refused 28.01.2013*

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Schedule 3 Development – 27.03.2015
Representation deadline : 10.04.2015
Timeous representations : 17 objections
Late representations : None
- 4.2 Many of the objections received in relation to the proposal have queried the need for this development when another pending planning application for the site includes provision for a permanent met mast (noted in Section 3 above). The planning history for the site is also highlighted in representations.
Material considerations raised are summarised as follows:
- Adverse visual impact, emphasised by the need for the mast to be installed with a red light in an area which is currently without light pollution; as such many properties within 2km would be affected as well as the communities of Balintore, Hilton, Fearn and Arabella. The light would be seen as far away as Dornoch and Findhorn as well as large parts of the Cromarty Firth.
 - The mast would be visible against the skyline and visually intrusive;
 - The structure will cause an aviation hazard;
 - High bird mortality is likely with a guyed mast;
 - The mast will result in an unacceptable backdrop to and setting for the national monuments of the Fort and Dun, the Fort and Shandwick Stone. The value to the area of these monuments is incalculable.
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

- 5.1 **Balintore and Hilton Community Council:** Objects to the proposed development
- 5.2 **Highlands and Islands Airport Ltd:** No objections subject to inclusion of a steady red omnidirectional obstacle light and the highest practical point of the mast. This is due to the height and the mast position directly underneath one of the flight paths into Inverness.
- 5.3 **Civil Aviation Authority:** No objections. At 60m high the mast would not constitute an aviation en-route obstruction.
- 5.4 **National Air Traffic Services (NATS):** No objections.
- 5.5 **Ministry of Defence:** No objection however requests the mast is fitted with aviation warning lighting.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28 Sustainable Design

61 Landscape

6.2 Ross and Cromarty East Local Plan (As Continued in Force, 2012)

The general policies which previously applied to the development have been superseded by the provisions of the Highland-wide Local Development Plan.

7. OTHER MATERIAL CONSIDERATIONS

7.1 Inner Moray Firth Draft Development Plan (Proposed Plan, 2014)

N/A

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy – June 2014

8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 **Development Plan Policy Assessment**

8.4 The development requires to be primarily assessed against Policy 28 (Sustainable Design) and Policy 61 (Landscape). Policy 28 aims to ensure that development is sustainable and states that proposals should be assessed on the extent to which they “*impact upon individual and community residential amenity*” and “*demonstrate sensitive siting and high quality design in keeping with local character*”. Proposals which are judged to be significant detrimental in terms of the Policy will not accord with the development plan.

8.5 Consideration then is focussed mainly upon visual impact and the resultant impact on residential amenity – that is, assessing landform and landscape characteristics, the size of the mast, how it relates to the skyline, access tracks and ancillary components. This is particularly pertinent given the site’s location within a Special Landscape Area. As highlighted by objectors the mast will be readily visible from the surrounding landscape given its height and elevated position. This would be exacerbated during darkness by the red light required for aviation safety. However the modest width of the mast, as can be seen on the elevational plan, means that it is considered that the surrounding landscape has sufficient capacity to absorb the development and that the level of visual impact would not be considered so significantly detrimental as to warrant refusal of the application. In addition it is noted that the nearest residential properties are located over 1km from the application site. As such it would represent an appropriate form of development which can be accommodated within the landscape. In this respect, it would be compatible with Policies 28 and 61 which seek to safeguard the landscape. In addition, the mast would not be a permanent feature, with any impact being limited to an initial 3 year period. This is secured by condition.

8.6 **Material Considerations**

Access

8.7 The mast will be delivered to be constructed on site using existing access tracks. Due to the type of structure and its temporary nature, it is considered that the development will generate little traffic other than that required during its removal, with an off-road vehicle required for routine inspections and removal of the mast.

Protected Species

8.8 The limited construction phase along with the fact the mast would have no moving parts during operation means that there is no significant threat to protected species as a direct result of this development. It is acknowledged however that there is potential for collision risk to birds and as such, as per SNH/ RSPB standard advice pertaining to mast developments, the use of bird diverters will be subject of a planning condition. This also ensures the diverters are maintained throughout the lifetime of the planning consent.

Aviation Safety

- 8.9 As noted in Section 5 no consultees have raised any objections in terms of air safety however HIAL and MOD have stated that there is a need for aviation warning light. This is secured by condition.

8.5 **Other Considerations – not material**

Many objections received in relation to the proposed development note that a planning application for the wider site, comprising the erection of three wind turbines, allows for provision of a permanent met mast. In this respect the need for this separate application is questioned by objectors. Under planning regulations the number of planning applications that can be submitted for a particular site is not limited. Whilst the concerns of the objectors in this regard are noted, the application requires to be assessed solely against the development and all other applicable material considerations as detailed above.

8.6 **Matters to be secured by Section 75 Agreement**

N/A

9. **CONCLUSION**

- 9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. **RECOMMENDATION**

Action required before decision issued N

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons / notes to applicant:

1. Planning permission is hereby granted for a temporary period only and shall cease to have effect on 30th April 2018 (the 'cessation date'). Prior to the cessation date, the application site shall be cleared of all development approved under the terms of this permission and reinstated in accordance with a scheme approved in writing by the Planning Authority under condition 2 of this permission.

Reason: In recognition of the temporary nature of the proposed development, to enable the Planning Authority to reassess the impact of the development after a given period of time.

2. No development shall commence until full details of a scheme for restoring the application site to its condition prior to the temporary development being carried out, have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the site shall be reinstated in accordance with these approved details prior to the cessation of this permission.

Reason: To ensure that restoration of the site is carried out in an appropriate and environmentally acceptable manner.

3. No development shall commence until details of aviation lighting have been submitted to, and approved in writing by, the Planning Authority. The development shall thereafter progress in accordance with the approved details. For the avoidance of doubt this shall include a steady red omnidirectional obstacle light minimum intensity 25 candela omni-directional flashing red light or equivalent infra-red light at the highest practical point of the mast.

Reason: In the interests of air safety.

4. No development shall commence until details bird diverters have been submitted to, and approved in writing by, the Planning Authority. Thereafter the development shall progress in accordance with the approved details. The diverters shall be inspected before the bird breeding season (April to July) each year and prior to the wintering season (November) each year.

Reason: In order to reduce the collision risk to birds and to ensure that the bird markers are effective for the lifetime of the development.

5. No development shall commence until written evidence has been submitted to the Planning Authority which demonstrates that the applicant has submitted the following information to the Defence Estates MOD Safeguarding Officer (icgdgc-aero@mod.uk), D-UKDVOF & Power Lines, Air Information Centre, Defence Geographic Centre, DGIA, Elmwood Avenue, Feltham, Middlesex, TW13 7AH:-

- Precise location of development;
- Date of commencement of construction;
- Detail of completion of construction;
- The height above ground level of the tallest structure;
- The maximum extension height of any construction equipment;

Reason: In the interests of air safety.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

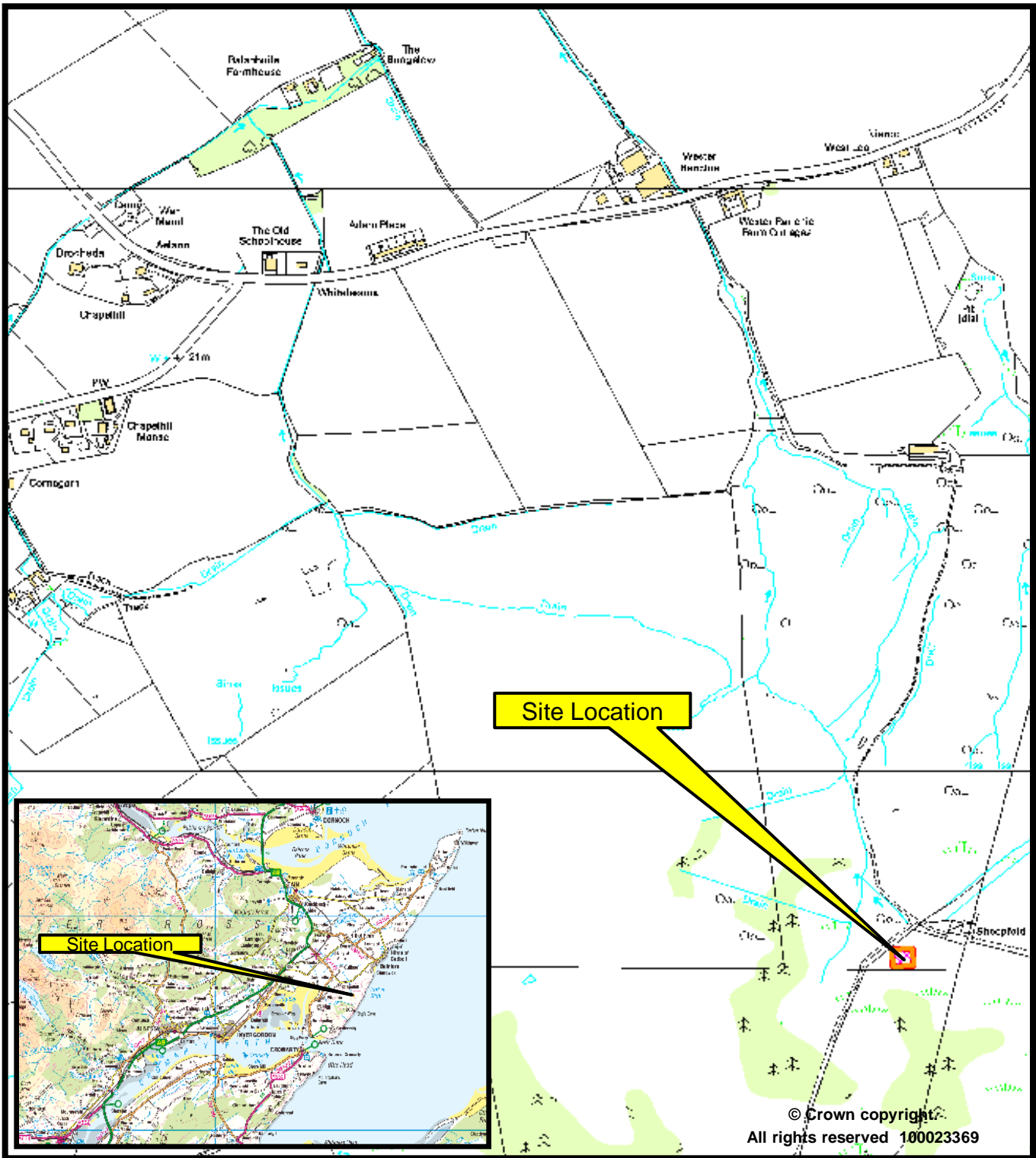
<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

Mud and Debris on Road

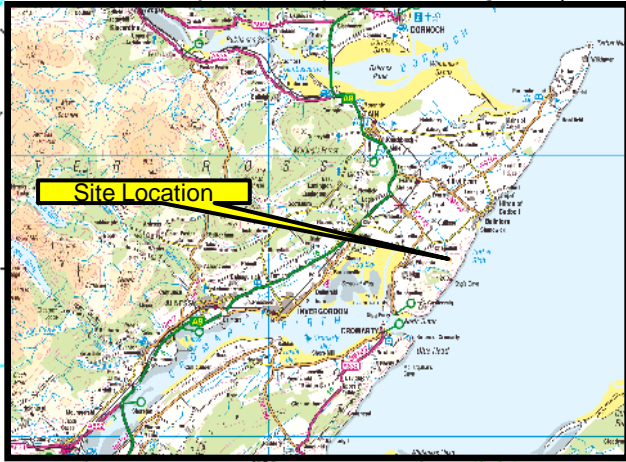
Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Signature: Dafydd Jones
Designation: Area Planning Manager North
Author: Gillian Webster (Golspie – 01408 635219)
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan (1434/MT/068A)
Plan 2 – Site Layout Plan (1434/MT/067A)
Plan 3 – Elevational Plan (1434/MT/069A)

Appendix – Letters of Representation



Site Location



Site Location



The Highland
Council
Comhairle na
Gàidhealtachd

Planning & Development
Service

15/00690/FUL

Erect guyed meteorology mast up to 60m in height
at land to South of Wester Rarichie Farm, Fearn,
Tain.

Date



283700

283800

283900

284000

872800

872700

872600



Hill of Nigg Wind Turbines

westcoastenergy
GDF SUEZ



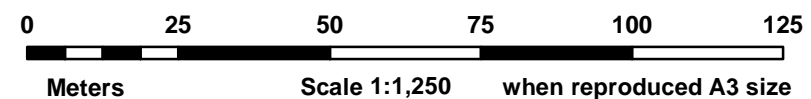
Legend

- Met Mast Planning Application Boundary
- Meteorological Mast E346209, N842405
- Guy Wires
- Ground Anchors

westcoastenergy
GDF SUEZ



Figure 2
Met Mast Location





Hill of Nigg Wind Turbines



Legend




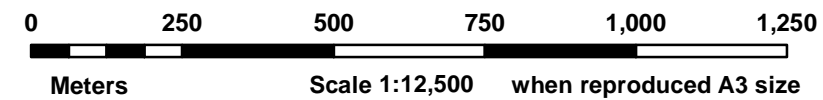
-  Meteorological Mast
E346209, N842405
-  Met Mast Planning
Application Boundary
-  Landowner Boundary



Figure 1
Proposed Anemometer Mast

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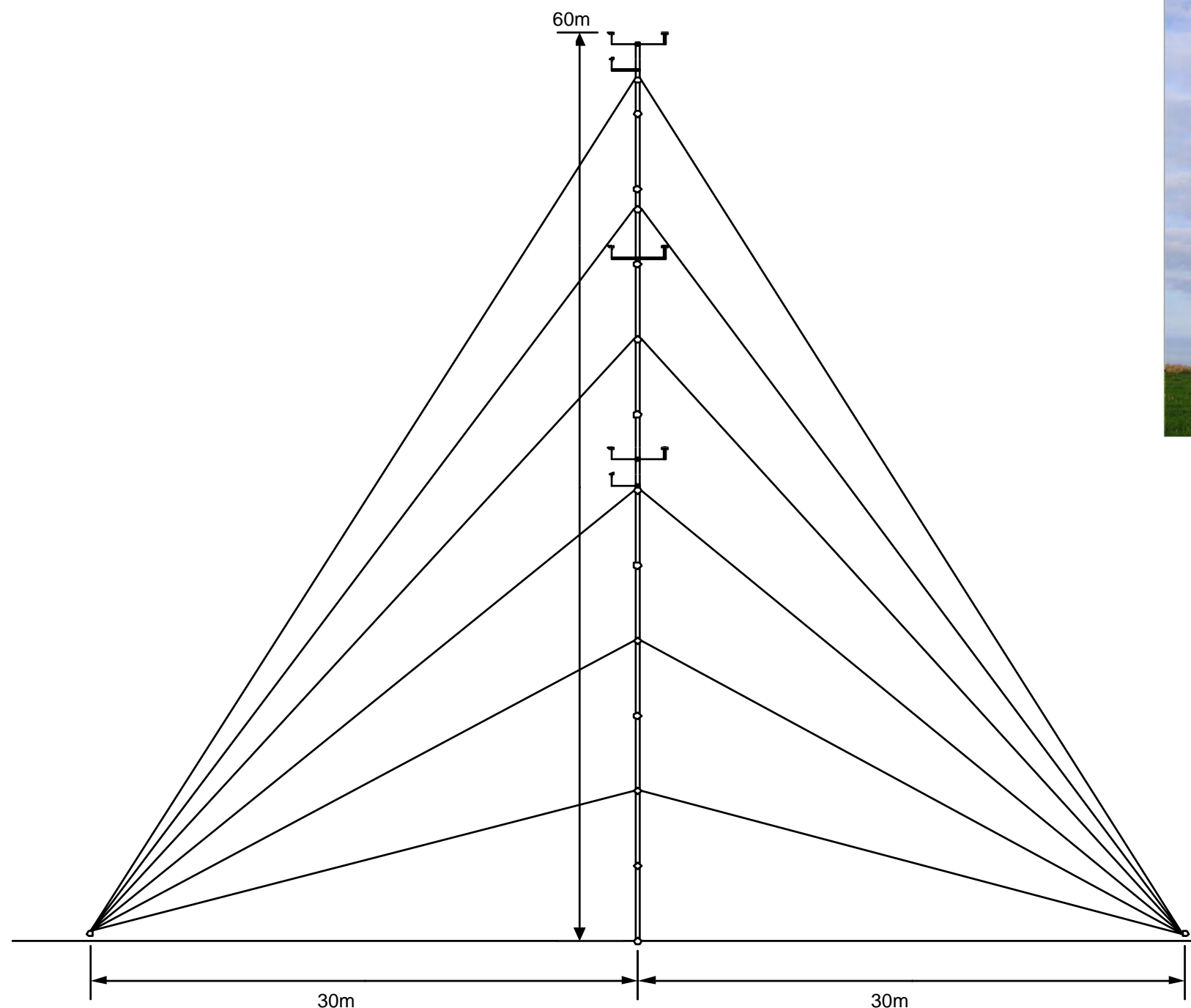


Drawn by: AW
Checked by: AW
Approved by:

25/02/2015
1434/MT/067a

Hill of Nigg Wind Turbines

westcoastenergy
GDF SUEZ



westcoastenergy
GDF SUEZ




UKAS is a member of Register of Standards Issuing Bodies

Figure 3
Typical 60m Anemometry Mast

