

Agenda Item	6.5
Report No	PLS-031-21

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 27 April 2021
Report Title: 20/05073/FUL: Vento Ludens Limited
Land 2180M SE Of Challenger Lodge, Tomich, Cannich
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Temporary siting (5 years) of meteorological mast
Ward: 12 – Aird and Loch Ness

Development category: Local

Reason referred to Committee: More than 5 objections

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.

Recommendation

Members are asked to agree the recommendation to **Grant** Planning Permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 This is an application for the siting of a meteorological mast. The mast has a total height of 101.6m.
- 1.2 The mast will collect meteorological data about the wind resource including speed, direction, air pressure and temperature, for a period of 5 years after which the mast is to be removed from the site. The following meteorological measurement instruments would be installed to the tower:
- 5 x Anemometers at varying heights (101.6m, 97.6m, 2 x 80m, 60m,)
 - 2 x Wind Vanes at varying heights (1 x 97.6m, 1 x 60m)
 - Environmental Sensors:
 - 1 x temperature / humidity sensor
 - 1 x temperature sensor
 - 1 x pressure sensor
- 1.3 The wind monitoring mast consists of tubular sections of 3m length in a triangular plan form. The mast is supported by sets of guy wires secured to the ground by anchor blocks extending outwards to a radius of 60m. A lighting rod will be located at the top of the mast to protect against any potential lightning strikes.
- 1.4 Other than installation, occasional maintenance, and removal of the mast, it is anticipated that minimal access will be required.
- 1.5 The mast is only required for a 5-year period following which it will be dismantled and removed from the site.
- 1.6 Pre Application Consultation: Informal discussion with Council.
- 1.7 Supporting Information:
- Supporting statement
- 1.8 Variations: None

2. SITE DESCRIPTION

- 2.1 The site is located 2.1km south east of Challenger Lodge at Tomich, to the southwest of Cannich; and 1km east of the Beauly to Denny 275kV and 400kV overhead transmission line; and approximately 8km south of Cannich. It is located in a former forestry block and at an elevation of approximately 350m.
- 2.2 The site is located between 1km and 1.4km SE and ENE of the closest points of the Glen Affric National Nature Reserve with its Long Established Woodland.
- 2.3 Access to the site is achieved from an existing forestry access.

3. PLANNING HISTORY

- 3.1 21 Sep 2019 19/05046/SCOP – Fasnakyle Wind Farm - CLOSED
Construction of wind farm comprising of 46 turbines (height to blade tip 149.9m)
- 3.2 09 July 2015 14/01731/FUL – Beinn Mhor Wind Farm - Planning
Erection of 6 turbines, height 119.5m (rated at Permission
up to 3MW each) & associated infrastructure. Refused
Site approximately 700m north of (Dismissed on
20/05073/FUL. Appeal)

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour and Schedule 3

Date Advertised: 05.03.2021

Representation deadline: 05.03.2021

Timeous representations: 140

Late representations: 1

- 4.2 Material considerations raised are summarised as follows:

- a) Adverse visual impact
- b) Peat bog
- c) Wildlife and protected species
- d) Access arrangements

- 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.

5. CONSULTATIONS

- 5.1 **Strathglass Community Council:** Object to the proposal for the following reasons:

- substantial and intrusive construction in an area of wild countryside overlooking Tomich Conservation Area
- highly visible from the Glen Affric NSA, a number of Core Paths and the Tweedmouth Memorial, and is adjacent to RSPB Corrimony
- structure will be highly visible to residents and visitors from a number of local viewpoints and will not be of a sympathetic or sensitive nature
- note the mast will be situated on an area of deep peat with a depth of 1.0 - 1.5.m, but has failed to offer any mitigation or a peat slide risk assessment
- mast is 101.6m high with guywires and anchors to a radius of 60m and is situated on a site 356m above sea level (and is likely to require illumination at night) - we contend the development will be highly detrimental to the visual amenity
- development should not be approved just because it is time limited
- small site area and temporary application means that the impact on natural, built and cultural heritage will be highly significant

- no Landscape Character Assessment undertaken - a 101.6m high structure situated at the site height will clearly have a major impact on landscape character
- justifications for the refusal of the Bheinn Mhor wind farm relevant to any future wind farm proposals for the same site. This would mean that this application is both irrelevant and unnecessary
- application will result in a large, intrusive and unnatural construction that will have an adverse impact upon landscape, cultural, heritage, tourism and residential amenities and should therefore be refused. Any data obtained following construction will be irrelevant because the site has already been designated as unsuitable for a wind farm.

5.2 **Access Officer:** Proposal will take access along part of a Core Path [IN05.07], up part of the wider path network and across another Core Path [IN05.03] which is also a public right of way [HI9]. The site itself is off a forest road over which public access rights apply. Condition recommended in relation to access to the site, including along part of the Core Paths [IN05.07] and [IN05.03] / Public Right of Way [HI9], remaining open and free from obstruction or encroachment before, during and on completion of the development.

5.3 **NatureScot:** Proposal does not lie within, and is unlikely to affect, any designated sites for nature conservation.

5.4 **HIAL** confirms that, at the given position and height, the development would not impact the safeguarding criteria for Inverness Airport. HIAL has no objection.

5.5 **NATS:** "The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ('NERL') has no safeguarding objection to the proposal."

5.6 **MoD (Defence Infrastructure Organisation):** No safeguarding objections.

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
- 29 - Design Quality & Place-making
- 36 - Development in the Wider Countryside
- 57 - Natural, Built and Cultural Heritage
- 58 - Protected Species
- 61 - Landscape

6.2 Inner Moray Firth Local Development Plan 2015

No specific policies apply

6.3 **Highland Council Supplementary Planning Policy Guidance**

Trees, Woodlands and Development (Jan 2013)

7. **OTHER MATERIAL POLICY CONSIDERATIONS**

7.1 **Scottish Government Planning Policy and Guidance**

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.

Determining Issues

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.

Planning Considerations

8.3 The key considerations in this case are:

- a) compliance with the Development Plan and other planning policy
- b) siting, design, landscape and visual amenity
- c) impact on peat
- d) impact on protected species
- e) access and road infrastructure
- f) air safety
- g) any other material considerations.

Development plan/other planning policy

8.4 The site lies within the Wider Countryside therefore requires to be primarily assessed against Policy 36 of the Highland wide Local Development Plan which outlines that proposals will be assessed to the extent to which they are acceptable in terms of siting and design, are sympathetic to existing patterns of development, are compatible with landscape character, and can be adequately serviced.

8.5 Policy 28 requires proposals to be assessed against the impact on individual and community residential amenity, landscape and scenery, the environment and existing infrastructure. Policies 57, 58 and 61 are also relevant and need to be given appropriate weight.

8.6 Providing that the proposals are acceptable in terms of their siting and design, would have no significant adverse impact on individual and/or community residential amenity, existing infrastructure or the natural environment the development would comply with the Development Plan.

Siting, Design, Landscape and Visual Amenity

- 8.7 The temporary mast is located in an area which was previously commercial woodland plantation prior to its felling. The location of the mast and its required ground anchoring is unlikely to have any significant impact on the replanting of the area. The proposal is for the mast to be located on site for a period of 5 years in order to provide a representative sample of climatic and wind data for the site.
- 8.8 The mast is tall, with a total overall height of 101.6m. The applicants have advised that the higher the mast the more accurate the assessment of wind resource and that this height of mast is the shortest that will give suitable results for the likely scale of any future wind turbines on the site. The design of the mast is of a triangular plan form and it is a lattice metal structure. This has a relatively slender profile, with each face of the triangular plan form having a width of only 350mm. The site does not lie within any landscape designations, nor adjacent to one. With the nearest road approximately 2.2km to the northwest at Tomich at around 120m elevation, other popular visual receptors such as Glen Affric Corbetts and Munros at least 7km to the north/northwest/west, and proximate Dundreggan hill tops at least 3.3km to the southeast/south/southwest, and given its design, it is considered that the installation of a lattice meteorological mast is unlikely to have a significantly adverse impact on the landscape as a visual resource.

Impact on peat

- 8.9 The supporting statement submitted with the application outlines that the proposed location avoids areas of deep peat and that this was informed by peat probing on site. The supporting statement identifies that a 50m micro siting radius has been drawn for the mast to be positioned within. This positioning can be controlled by condition.
- 8.10 The mast is tethered to the ground by 16 guy wires and anchors. The anchors are bedded but no concrete or permanent fixings are required. The mast and its anchor points will result in minimal ground disturbance and therefore not impact significantly on the peat resource. Access from the existing track will be by low pressure ground vehicles that will not impact the peat. The supporting statement indicates that the excavation, placement and back-filling of dig-in temporary anchors would be undertaken using a wide track machine for ground protection. Data will be gathered using a data logger and accessed remotely using mobile or satellite connectivity, reducing the need for site visits to only inspection and maintenance.

Protected Species

- 8.11 NatureScot has advised that the site does not lie within, and is unlikely to affect, any designated sites for nature conservation. However, as a tall structure the mast poses a potential collision risk to birds. In order to make the guy wires visible to birds and to reduce the risk of collision, it is considered appropriate to have bird flight deflectors fitted to all guy wires, and that this can be secured by condition. Therefore, the risk to protected species will be low.
- 8.12 The closest sites designated for their habitats and species interests are the Glen Affric to Strathconon SPA, and Glen Affric SSSI, which, at their closest are 3.1km to

the north west. The SSSI is notified for native pinewood habitats and associated lichen and bird assemblages.

Access and road infrastructure

- 8.13 The applicants submitted plans indicate that access to the site would be from an existing forestry track immediately to the south. This forestry access is reached from estate roads and the public road network to the northwest (U1423) close to Tomich. This route will be utilised for installation, maintenance and removal of the mast. The supporting statement indicates that the installation is expected to take one to two weeks depending on weather conditions, with delivery to the site using existing access tracks, and that no new tracks would be required. The supporting statement identifies that the works will require 6 people, with the transport of approximately 3 tonnes of tools and equipment, the mast sections, guys, anchors, and instruments.

Air Safety

- 8.14 The MOD (Defence Infrastructure Organisation) has been consulted on the application and has advised that there is no safeguarding objection to the proposal. However, in the interests of air safety, it has requested that the mast should be fitted with the minimum intensity 25 candela omni directional red flashing light or equivalent infrared light fitted at the highest practicable point of the structure, which can be addressed by condition.

Other material considerations

- 8.15 There are no other material considerations.

Non-material considerations

- 8.16 Representations raise the recent planning history of wind farms in the area, the Fasnakyle proposed windfarm to the south and east of Tomich/Cannich and Beinn Mhor Wind Farm (6 turbines) to the north of the application site, and question the suitability of the site for a windfarm and the resultant impact on tourism.
- 8.17 It should be noted that the Beinn Mhor Wind Farm was dismissed on Appeal (09.07.2015) and that no application has been submitted for the Fasnakyle project. In any event, these, along with any future development on this site, are not directly relevant to the consideration of this proposal. Each application must be assessed solely on its own respective merits.

Developer Contributions

- 8.18 None

Matters to be secured by Section 75 Agreement

- 8.19 None

9. CONCLUSION

- 9.1 This application is for the installation of a temporary meteorological mast for a period of 5 years. It must be considered solely on its individual merits; any other proposal, such as for a windfarm, would be assessed at the appropriate time on its own merits.
- 9.2 The mast is tall but slender. It is considered that it will have little impact on the surrounding landscape or amenity of the area during this 5-year period. Planning conditions will ensure that it is removed and that the ground is reinstated at the end of this period. On the basis of mitigation, the risk of collision with birds is low and the impact of air navigation lighting significantly reduced. On that basis, it is considered that the proposal is acceptable.
- 9.3 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords generally, although not completely, with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued	N
Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

Subject to the above, it is recommended that planning permission be **GRANTED** subject to the following conditions and reasons:

Conditions and Reasons

1. Planning permission is hereby granted for a temporary period only and shall cease to have effect 5 years from the date of this permission (the 'cessation date'). Prior to the cessation date, the application site shall be cleared of all development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning

(General Permitted Development) (Scotland) Order 1992 (as amended)) and reinstated to a condition comparable with that of the adjoining land, to the satisfaction of the Planning Authority.

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 and secure removal and restoration.

2. The mast shall be fitted with a minimum intensity 25 candela omni directional red flashing light or equivalent infra-red light fitted at the highest practicable point of the structure.

Reason: To ensure that the mast is visible to aircraft in the interest of air safety.

3. Bird deflectors shall be fitted to all guy wires and be spaced evenly at 5m intervals. Stops or clamps shall be fitted to the guy wires to prevent the deflectors from sliding down the wires. The mast shall be regularly maintained to ensure the deflectors remain in place. Prior to the commencement of each bird breeding season (April), the developer shall check over each guy wire to confirm that the bird diverters are in place and replace any missing diverters as necessary.

Reason: In order to make the guy wires more visible and thus reduce the risk of collision from birds and to ensure that the bird markers are effective for the lifetime of the development.

4. No development shall commence on site until the developer shall have notified the UK DVOF & Powerlines at the Defence Geographic Centre with the following information:
 - a) Precise location of development.
 - b) Date of commencement of construction.
 - c) Date of completion of construction.
 - d) The height above ground level of the tallest structure.
 - e) The maximum extension height of any construction equipment.
 - f) Details of aviation warning lighting fitted to the structure(s)

Reason: In order to safeguard aeronautical safety.

5. The development is to be located at OS NGR 231219 824247, or micro-sited within a 50m radius of this point.

Reason: In order to confirm the exact positioning of the development.

6. The access to the site including along part of the Core Paths [IN05.07] and [IN05.03] / Public Right of Way [HI9] shall remain open and free from obstruction or encroachment before, during and on completion of the development.

Reason: In order to uphold public access rights.

REASON FOR DECISION

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.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within **THREE YEARS** of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

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 and 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.

Ministry of Defence

UK DVOF and Powerlines at: dvof@mod.gov.uk or post it to:

D-UKDVOF and Power Lines
Air Information Centre
Defence Geographic Centre
DGIA

Elmwood Avenue
Feltham
Middlesex
TW13 7AH

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area 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/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

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.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please

contact env.health@highland.gov.u for more information.

Protected Species – Halting of Work





You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: <https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-protected-species>

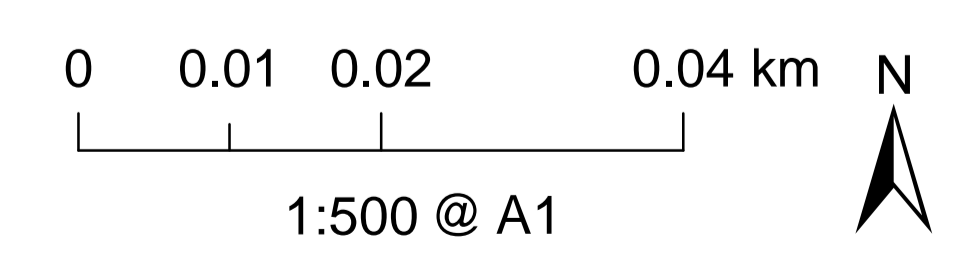
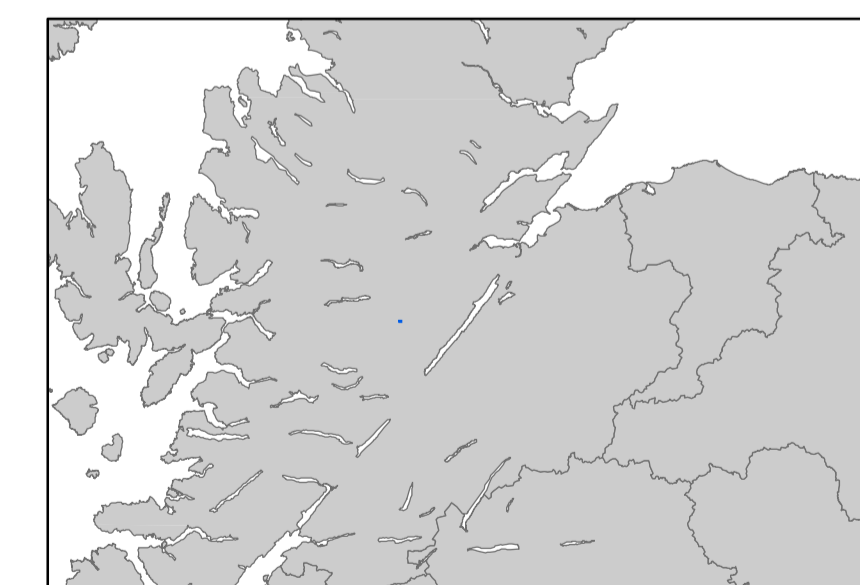
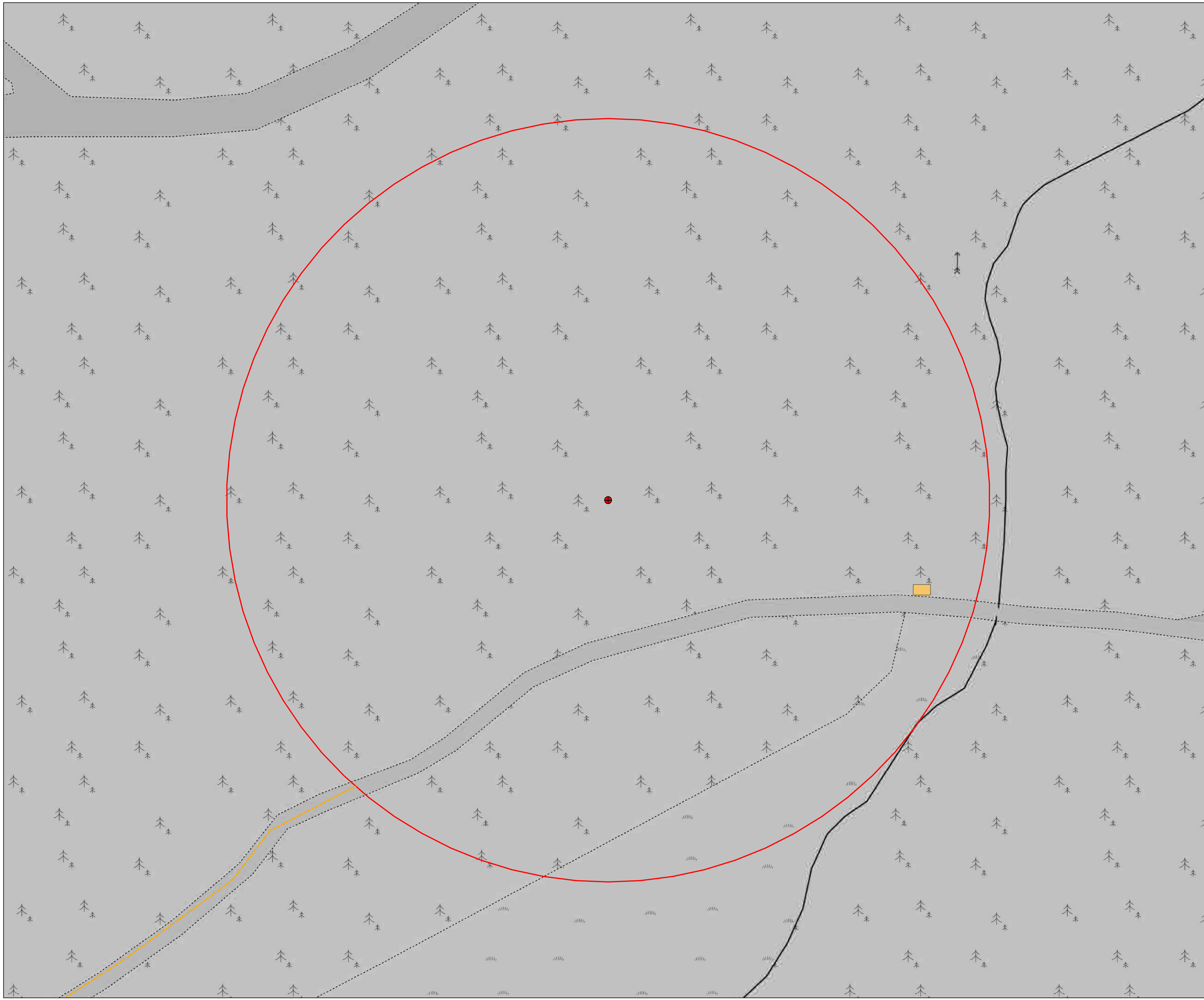
Designation: Area Planning Manager – South
Author: Bob Robertson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 001 Location Plan – Met Mast Layout Plan (amended)
Plan 2 CP1716-200 REV C General Plan
Plan 3 001 Location Plan
Plan 4 001 Location-Site Layout Plan – Met Mast

Fasnakyle, Highlands

Met Mast Location Layout

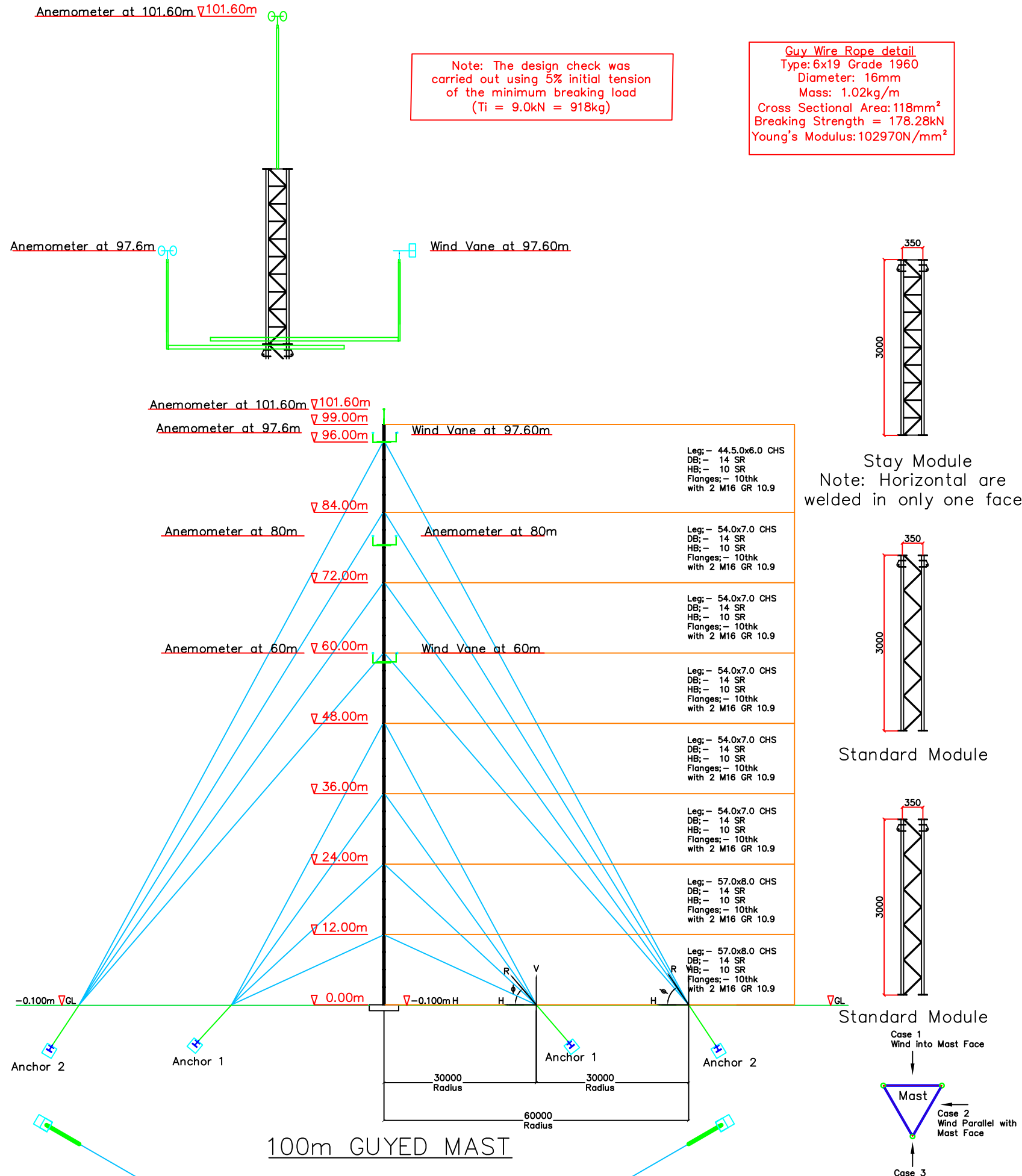
Legend

-  Met Mast Location
-  Application Site (inc micro siting)
-  Access Route
-  Parking

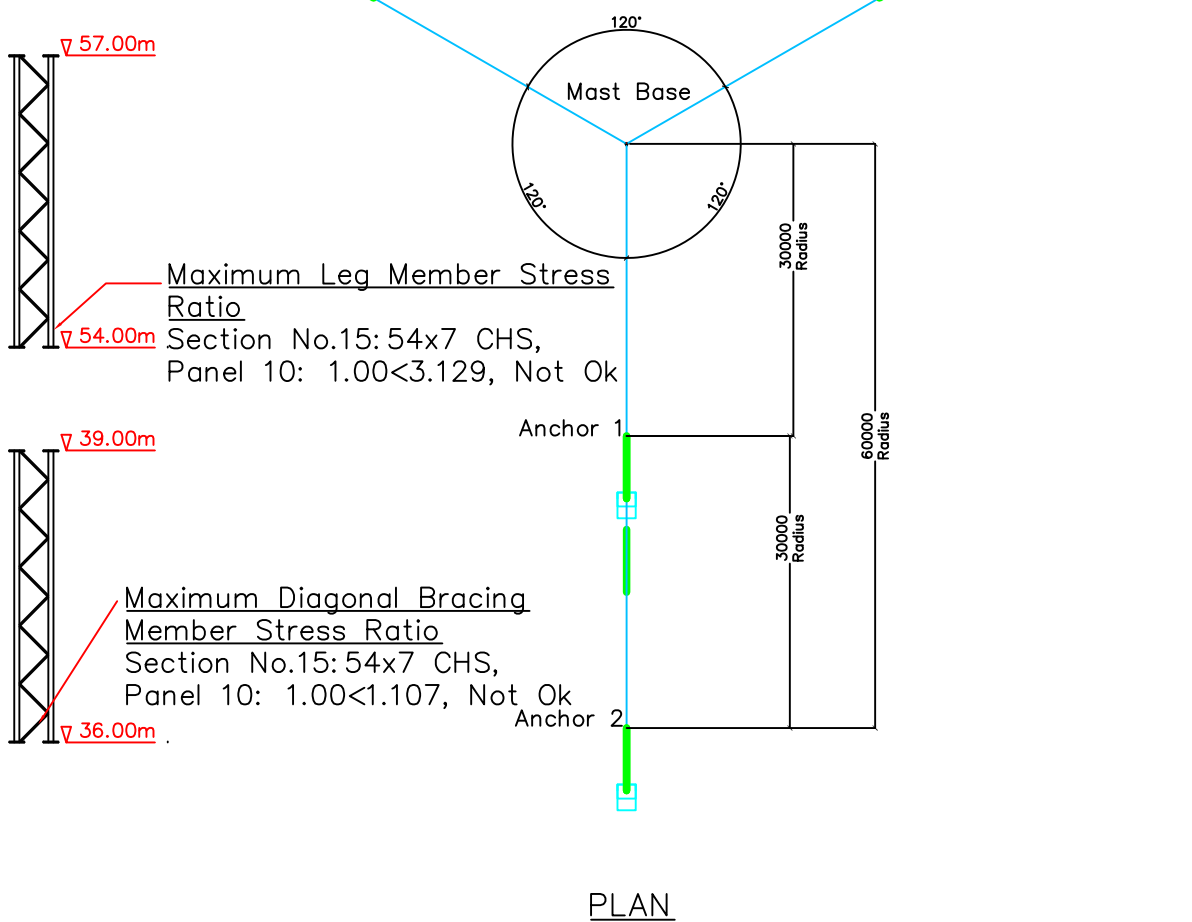


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- NOTES:
1. The mast column is triangular lattice construction with circular hollow section legs and solid round diagonal bracing members.
 2. Wind loading and design in accordance with Eurocode Standards (NA UK).
 3. Site reference fundamental basic wind velocity, $V_{b,map}=27.50\text{m/s}$ and design life of 5 years as permanent condition.
 4. Usage; Meteorological.
 5. Reliability Class 1.
 6. Maximum site altitude; 358m above mean sea level.
 7. Ice Loading; 30mm radial ice in conjunction with wind and 80mm radial ice in still air condition.
 8. Mast deflection; Not Critical.
 9. Without knowing the soil condition the mast base and the ground anchors shown on drawing are indicative only and should be designed at contract stage once soil investigation report is available.
 10. The exact foundation loads and reaction forces for the ground anchors are provided on this drawing for 3 major wind directions.



LOAD TABLE FOR MAST BASE & ANCHOR BLOCKS

Case-1

FORCES	Vert (V) kN	Horz (H) kN	Result (R) kN	Angle (φ)°
Anchor 2	169.07	137.84	218.14	50.81
Anchor 1	105.04	83.25	134.03	51.60
FORCES	FZ (kN)	Shear (kN)	Moment (kN.m)	Torque (kNm)
Max Comp	504.73	7.20	14.75	14.75
Max Torq	504.73	7.20	0	14.75

Case-2

FORCES	Vert (V) kN	Horz (H) kN	Result (R) kN	Angle (φ)°
Anchor 2	147.53	158.83	216.78	49.49
Anchor 1	104.93	112.24	153.65	51.63
FORCES	FZ (kN)	Shear (kN)	Moment (kN.m)	Torque (kNm)
Max Comp	500.90	6.88	9.91	9.91
Max Torq	482.71	6.88	0	9.91

Case-3

FORCES	Vert (V) kN	Horz (H) kN	Result (R) kN	Angle (φ)°
Anchor 2	177.55	178.03	251.43	47.92
Anchor 1	122.57	126.38	176.05	44.12
FORCES	FZ (kN)	Shear (kN)	Moment (kN.m)	Torque (kNm)
Max Comp	522.92	7.04	14.75	14.75
Max Torq	522.92	7.04	0	14.75

Rev.	Date	Description of Revision or Amendment	Made by	Checked by	Design App.	Client App.
C	20-11-20	Site name & Client's logo added	SS	SD	MM	
B	21-09-20	Booms Level Amended	SS	SD	MM	
A	17-09-20	First Issue	SS	SD	MM	

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DATA STRUCTURES | **SLX** | **SLX** | **SLX** | **SLX**

EXPERTS IN ELEVATED ENGINEERING | MET MASTS | TELECOM TOWERS | RADIO MASTS | MONOPOLES

100m Met Mast
 Fiodhag Wind Farm, Scotland




Drawing No.	Issue	Date	Drawn by	Scale
CP1716-200	C	20-11-20	SS	Do Not Scale

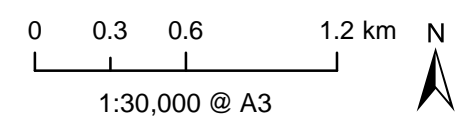
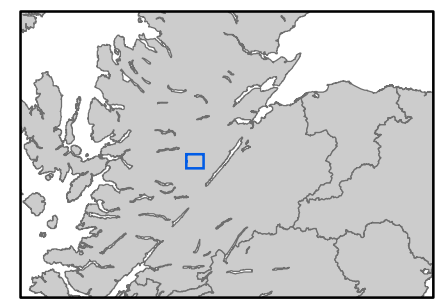
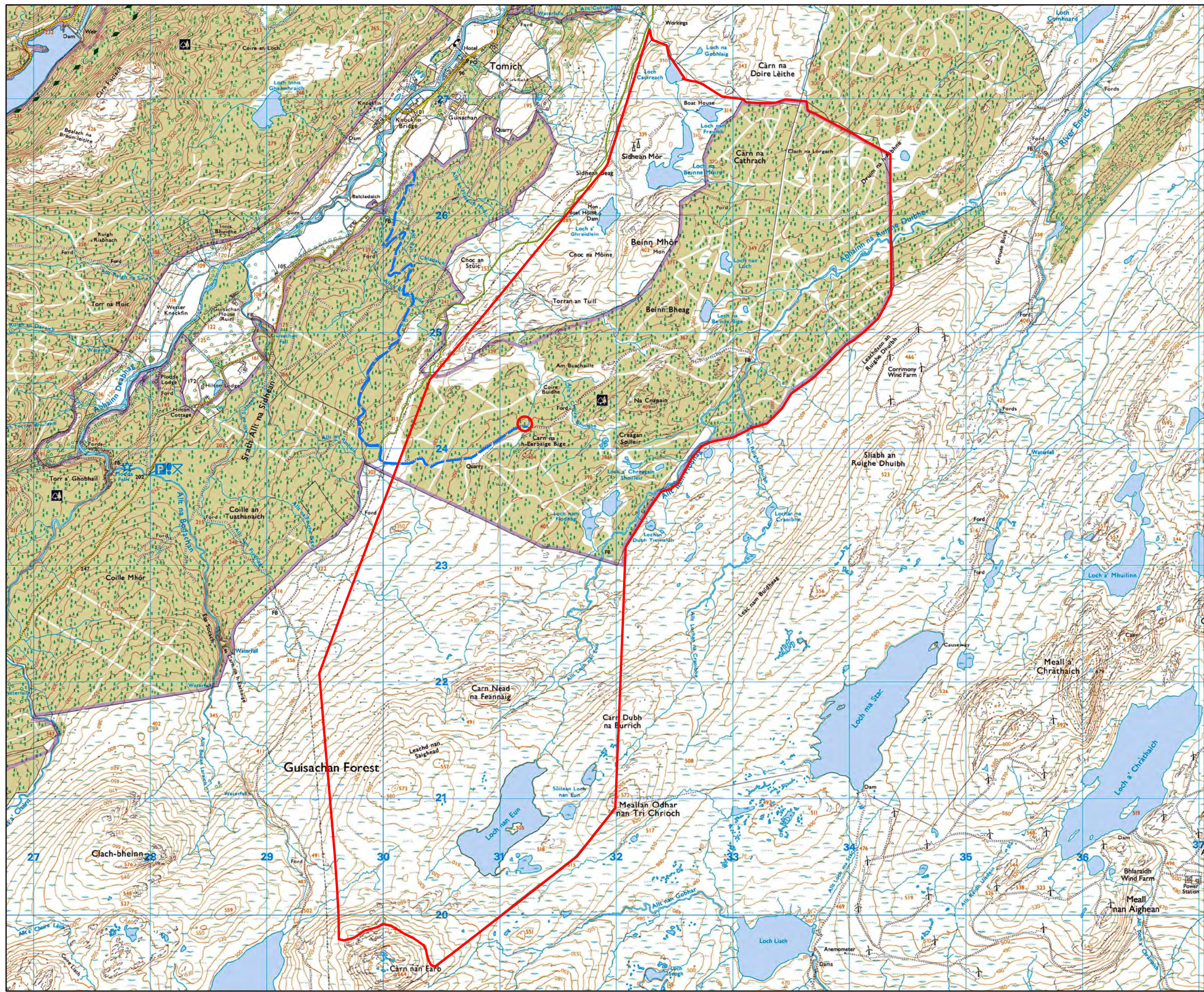
Fiodhag

Anemometer Mast

Site Plan

Legend

-  Mast Install Area
-  Site Boundary
-  Access Route



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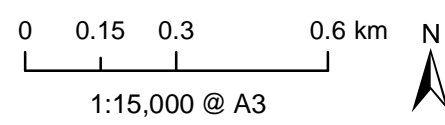
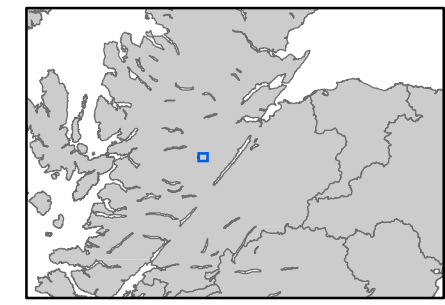
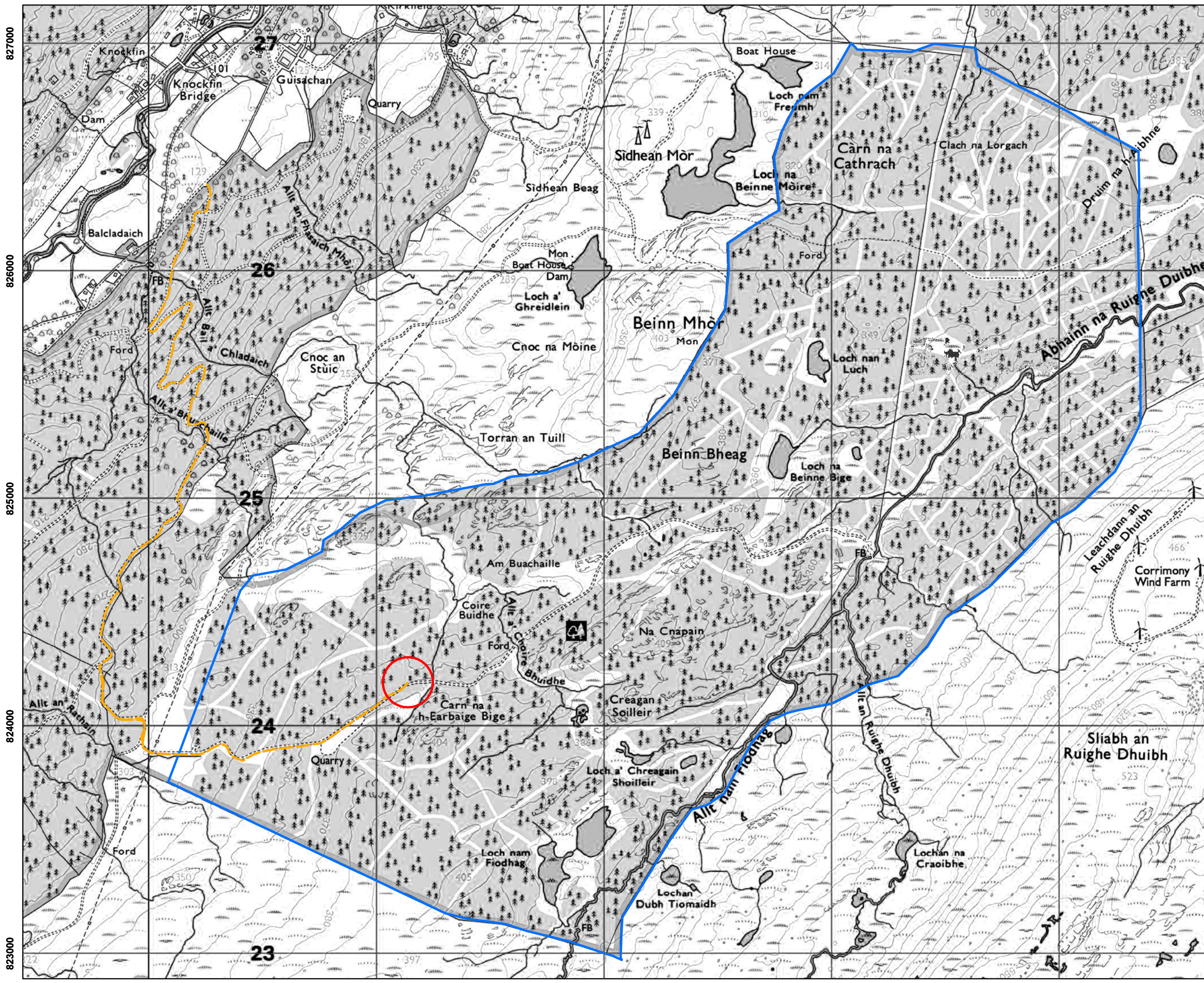
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Fiodhag, Highlands

Met Mast Location Plan

Legend

- Application Site
- Access Route
- Land Ownership Boundary



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