

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
20 May 2014

Agenda Item	5.8
Report No	PLS/039/14

14/00644/FUL: Allt Carach Wind Farm Ltd
Land SW of Urchany and Farley Forest, Struy, Beaully

Report by Area Planning Manager - South

SUMMARY

Description : Erection of temporary 80m high meteorological mast & associated fencing for temporary period of 5 years in relation to the proposed Allt Carach Wind Farm.

Recommendation - GRANT

Ward : 13 - Aird and Loch Ness

Development category : Local

Reason referred to Committee : 5 or more objections from members of the public

1. PROPOSED DEVELOPMENT

- 1.1 The proposal involves the erection of an 80 metre anemometer mast on land to the south-west of Urchany and Farley Forest. It will be required for a period of up to 5 years to determine the feasibility of the site, including wind speeds, in connection with a proposed wind farm which may be the subject of a separate application at a later date. The mast will be used to mount anemometers (wind measurement devices) and will be held in place by stay lines at four points around the mast.
- 1.2 The site will take access from the A831 close to Erchless Castle by way of an existing farm track on the estate to Lochan Fada and Loch nan Cuilc. The mast will be located to the north-west of these lochs.

2. SITE DESCRIPTION

- 2.1 The site lies to the south of Beinn a'Chlaonaidh and occupies an elevated position bounded by a mature plantation to the south-east. The immediate area surrounding the proposal is predominantly rural in character. The location and height of the proposed anemometer mast will however mean that it will be visible from the surrounding landscape.

3. PLANNING HISTORY

- 3.1 None.

4. PUBLIC PARTICIPATION

4.1 Advertised : not required.

Representation deadline : 17.03.14

Timeous representations : 278 (276 against; 2 in support)

Late representations : None

4.2 Material considerations raised are summarised as follows:

- No need for the mast as objections to the windfarm are overwhelming. The mast is a precursor to a subsequent application for wind turbines and this is the wrong location.
- Located at the entrance to Glen Strathfarrar which is a wilderness area. Will have detrimental impact on natural habitats (such as peats) and species. Close to the boundary of SNH's Wild Land Core Area 24 (located to the west). Damage to birdlife, flora and fauna.
- No economic or environmental benefit for the local area as a whole. Detrimental impact on tourism and local businesses.
- Visual impact is out of character with the landscape. No attempt to assess and mitigate the effects on local receptors (viewpoints). Ministry of Defence requirements for infra-red lights will draw attention to the mast.
- Concern for aviation safety.
- Application period of 5 years is considered an excessive period for collection of meteorological data. Proposed temporary nature irrelevant to its determination.
- Development Plan and national policy mitigate against wind farm at this location so a met mast should not be approved. Proposal is contrary to the following policies of the Highland-wide Local Development Plan: 28, 55, 58, 61, 67.
- Highland Renewable Energy Strategy & Planning Guidelines and Interim Onshore Wind Energy Supplementary Guidance are relevant material considerations.
- Interim Supplementary Guidance for Small Scale Wind Turbines is a material consideration. Recommends a 50m height. The height proposed at 80m is a concern. Even if the wind farm is not located within the area to be afforded significant protection, the adverse effects will extend into that area and it will have an impact on other sensitive receptors.
- The site is in close proximity to the recently refused Druim Ba windfarm.
- Request members undertake a site visit.

In addition, two letters of support have been submitted and these comments identify that the mast is necessary to collect information for a possible wind farm and the data has to be collected over a sensible period.

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. SUPPORTING INFORMATION

- 5.1 Access Track - The mast will arrive in sections for assembly and erection at the proposed site with delivery by light 4x4 or tracked vehicle. The route will be from the existing forest access track off the A831 opposite Erchless Castle as far as the north end of Loch Fada. From there 4x4 and tracked vehicles will use the existing formal estate tracks and no new access tracks will be formed. Bog matting will be used where soft ground conditions exist to prevent rutting of any disturbed ground.
- 5.2 Aviation Safety - No objections were received from the Ministry of Defence, National Air Traffic Control Services or Highlands and Islands Airports. Infra-red lights will be fitted as advised by MOD. These emit light which is not visible to the naked eye. Updating of the aeronautical charts and mapping records required by the MOD will ensure all aviation interests are aware of the location of the mast.
- 5.3 Birds - Applicant has completed 2 years of ornithological survey in the vicinity of the mast and the wider surrounding area. Findings indicated that there are protected species and this information has been made available to SNH on a confidential basis. The ornithological consultants advise the mast should not cause any significant effect on birds including the more iconic species such as Golden Eagle, Osprey or Black Grouse. The applicant has agreed to fix bird deflectors to the guy wires.
- 5.4 Visual and cumulative effects - Proposed location will ensure visibility is restricted by local landform and forestry, such that views of the mast from the A831 and the wider area should be limited. Visibility of the entire structure would be restricted to the infrequently used Struy to Muir of Ord hill track and the hills above.
- 5.5 Duration of consent and need for the mast - The purpose of the mast is to monitor meteorological data particularly wind speed and direction. The data collected will enable an assessment to be made of the wind resource to determine the type, size and number and location of any turbines. The longer the period over which the data is collected the more accurate the understanding of the wind resource will be. The applicant indicates that a period of 5 years would give maximum flexibility and enable collation of a robust data set. A reduced period of 3 years would be accepted if considered more appropriate. The supporting information identifies that the results of the data collection may indicate that the wind resource is insufficient to warrant a wind energy project.
- 5.6 Supporting information - The submission of ZTV's (Zones of Theoretical Visibility mapping) and impact assessments for a mast the subject of this application would be very unusual and would serve little practical purpose in this case.

- 5.7 Tourism - There are no studies that demonstrate the mast would have an adverse impact on tourism within the area. The applicant has met the owners of the Eagle Brae and Aigas Field Centre to discuss their concerns and the applicant has indicated that they will work closely with all existing businesses throughout the relevant stages to ensure associated activities are kept to the lowest level possible.
- 5.8 Comparison with Druim Ba Wind Farm proposal - The open location of the Druim Ba application site and of the associated lower met mast differs and is distant from this met mast site.
- 5.9 Planning Policy Support - The site is located outside any area designated for nature conservation (including "wild land") while lying within a "Stage 3 area of search" for wind farms as identified in the Council's Onshore Wind Energy Interim Supplementary Guidance. Any future proposal for a wind farm at this location will require detailed environmental analysis before any decision can be made. The applicant is undertaking the baseline environmental surveys for this purpose and should the wind resource, as measured by the proposed met mast, prove suitable for a wind farm development, an application may be lodged.
- 5.10 Determination of the application - Comparison of a met mast with a wind turbine for the purposes of this application is unhelpful as a wind turbine has markedly different physical attributes to that of a met mast. The planning system requires that each application must be determined on its own merits and the application for the met mast must be determined on the basis of the particular characteristics of the proposed structure.

6. CONSULTATIONS

- 6.1 **Kilmorack Community Council:** Raise concerns regarding the fact that the mast is a very large structure which will be out of proportion to any other feature in the landscape. There is concern about the impact on birds and no bird impact prevention markers are shown on the drawings. Five years is considered too long a period for readings and it cannot as a result be considered temporary. Two years should be the maximum period for the mast. There is concern that this is an area which experiences low level flying and there are concerns about the potential impact on flight safety. Concern about the visual impact and the lack of information on this. No assessment of the archaeology of the area has been made.
- 6.2 **SNH:** Do not normally offer advice on meteorological masts and therefore have no comments to make.
- 6.3 **MOD:** No objections - condition recommended.
- 6.4 **HIAL:** No objections.
- 6.5 **National Air Traffic Control Services:** No objections.
- 6.6 **RSPB :** No comments.

7. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

7.1 Highland-wide Local Development Plan 2012

28	Sustainable Design
43	Tourism
55	Peat and Soils
57	Natural, Built and Cultural Heritage
58	Protected Species
61	Landscape
67	Renewable Energy Developments

7.2 Inverness Local Plan (as continued in force)

BP3	Remote Land
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8. OTHER MATERIAL CONSIDERATIONS

8.1 Highland Council Supplementary Planning Policy Guidance

Highland Renewable Energy Strategy & Planning Guidelines (May 2006)

Interim Onshore Wind Energy (March 2012)

Interim Small Scale Wind Turbine Proposals (November 2012)

8.2 Scottish Government Planning Policy and Guidance

SPP

9. PLANNING APPRAISAL

9.1 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.

9.2 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.

9.3 Development Plan Policy Assessment

Impact on Amenity: Policy 28 (Sustainable Design) of the Highland-wide Local Development Plan (HwLDP) 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”.

Policy 67 (Renewable Energy Developments) of the HwLDP states that the Council will support proposals where it is satisfied that they are located, sited and designed such that they will not be significantly detrimental overall, either individually or cumulatively with other developments. In terms of the requirements of Policy 67, the proposal does not impact upon any environmental, landscape or heritage designation. It is not located on prime agricultural land, is unlikely to have a significant impact on tourism/recreational interests and will not interfere with radio signals or aircraft activity.

The proposed structure is 80m high, and is therefore likely to be visible from the surrounding area. However, it is a very slender structure consisting of a narrow, central pole tethered to the ground by eight guy wires which are anchored into the ground at various points (42m from the central pole at the widest point). The insubstantial form of the structure, combined with the temporary nature of the proposal, means that its impact on individual and community amenity will be very limited, and well within acceptable limits.

Although it will be readily visible from the surrounding landscape given its height and elevated position, its modest width means that it is considered that the surrounding landscape has sufficient capacity to absorb the development and that the level of visual impact would be acceptable. 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 67 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 5 year period.

9.4 **Material Considerations**

MOD: Have requested that an aviation warning light is attached to the development. This can be addressed through a planning condition.

Natural Heritage: The site is not within or nearby any designated natural heritage sites and SNH have not objected.

Impact on Landscape: The mast will be visible from the public road but will be viewed against the backdrop of mature trees. While it will be taller than the tree canopy the structure is insubstantial in form and its impact on the landscape is not considered to be significant.

Third Party comments: Objection letters were received from different addresses within the wider area and also from further afield. The material considerations raised include:

- **Mast as a precursor to a windfarm** - This is not an application for a windfarm and the mast must be treated on its own merits.
- **Impact on protected species and proposed wilderness area** - The SNH's Wild Land Core Area 24 (as proposed) is located further to the west of this site. This is an application for a met mast only and for a temporary period. Its design is such that it is unlikely to have a major visual impact. The low key nature of the construction phase, coupled with the fact that there are no moving parts proposed during the operational phase, means there will be no significant threat to protected species as a direct result of the development.

As per the standard advice from SNH/RSPB in relation to mast developments, the use of bird deflectors on guys will be imposed as a condition.

- **Impact on tourism and local economy and no economic/environmental benefit** - There will be no significant detrimental impact on tourism as a direct result of this application. This application relates to the erection of a single anemometer mast and for a temporary period only.
- **Visual impact** - This has been addressed in Section 9.3 of this report. The infra-red lights are a requirement of the Ministry of Defence.
- **Aviation safety** - The relevant bodies of the MOD, HIAL and the National Air Traffic Control have not objected to the proposal.
- **Length of time for mast** - 5 years is considered a reasonable period to collect data and the temporary period will be imposed as a condition.
- **Contrary to development plan and supplementary guidance** - The mast cannot be considered as a turbine and is viewed as complying with policy for the reasons stated in Section 9.3 of this report.
- **Request for site visit** - This is an application for an anemometer mast for a temporary period and is not for a wind farm as suggested. The requirement for a site visit is considered unnecessary in that context. Previous consents have been granted for anemometer masts without the need for a site visit.

9.5 Other Considerations – not material

A number of the objections relate to the assumption that the proposal is a precursor to a future wind turbine/wind farm development. This has raised concerns on visual and amenity grounds (both individually and cumulatively).

It must be stressed that this application is **not** for a wind turbine development and must be considered on its own merits. The granting of consent for a monitoring mast does not in any way imply that a wind turbine/farm development would be acceptable in this location. Any future application for a wind turbine development would be determined on its own merits, following the usual notification, advertisement and consultation procedures.

10. CONCLUSION

- 10.1 This application is for a temporary meteorological monitoring mast. It must be considered solely on its individual merits rather than wider consideration of any developments which may be pursued at a future point in time.

The mast is tall, but very slender, and will therefore have very little impact on the surrounding landscape or amenity of nearby residents during the 5 years it will be erected. Planning conditions will ensure that it is removed and the ground reinstated at the end of this period.

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.

11. RECOMMENDATION

Action required before decision issued N

Notification to Scottish Ministers N

Notification to Historic Scotland N

Conclusion of Section 75 Agreement N

Revocation of previous permission N

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

1. On completion of the mast and prior to it becoming operational, the mast shall be fitted with a minimum intensity 25 candela omni-directional flashing red light or equivalent infra red light fitted at the highest practicable point of the structure.

Reason : In the interests of air safety.

2. No development shall commence until notification has been made to UK DVOF & Powerlines at the Defence Geographic Centre with the following information:

- Precise location of development
- Date of commencement of construction
- Date of completion of construction
- The height above ground level of the tallest structure
- The maximum extension height of any construction equipment
- Details of aviation warning lights fitted to the structure

For the avoidance of doubt, this information should be sent by email to icgdgc-aero@mod.uk or posted to D-UKDVOF & Powerlines, Air Information Centre, DGIA, Elmwood Avenue, Feltham, Middlesex, TW13 7AH.

Reason : In the interests of air safety.

3. Planning permission is hereby granted for a temporary period only and shall cease to have effect 5 years from the date that the erection of the mast is completed, such date to be notified in writing to the Planning Authority within one week of completion. Within one month of the end of this 5 year period, the application site shall be cleared of all development approved under the terms of this permission (including any subsequent ancillary works, infrastructure and fixtures) and the ground reinstated to a condition comparable with that of the adjoining land, to the satisfaction of the Planning Authority.

Reason : In order to ensure that the equipment is removed and ground reinstated in a timely manner.

4. No development shall commence on site until a plan showing details of the guyed supports with additional bird deflector tags clearly marked is submitted to, and approved by, the Planning Authority. For the avoidance of doubt, the bird deflectors should be sufficient to ensure that all species of birds are adequately protected from bird strike. The bird deflectors, as approved, shall be attached to the guyed supports immediately following erection of the mast and shall be retained in situ throughout the duration of the permission hereby granted.

Reason : In order to minimise the risk of birds colliding with the guyed supports of the anemometer mast.

5. Where ground conditions specifically require it, the mast, areas of hardstanding and tracks may be micro-sited within the application site boundary. However, unless otherwise approved in writing by the Planning Authority (in consultation with SEPA and SNH), micro-siting is subject to the following restrictions:
- i. No foundation shall be positioned higher, when measured in metres Above Ordinance Datum (Newlyn), than the position shown on the original approved plans;
 - ii. No mast, hardstanding or track shall be moved:
 - a. more than 25m from the position shown on the original approved plans;
 - b. so as to be located within 250m (for mast foundations) or 150m (for hardstanding, tracks or trenches) of Groundwater-dependent Terrestrial Ecosystems;
 - c. to a position within 50m of any watercourse or, where it outlines a lesser distance, to a position within a watercourse buffer zone identified within the approved plans;
 - d. to a position within an area identified within the approved plans as having a gradient constraint, being deep peat (that is peat with a depth of 1.5m or greater) or having a peat landslide hazard risk of 'significant' or greater;
 - iii. No mast, hardstanding or track shall be moved where a change to its position, location or route has been proscribed under a condition of this permission.

Reason : To enable appropriate micro-siting within the site to enable the developer to respond to site-specific ground conditions.

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.

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 & 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

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

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.

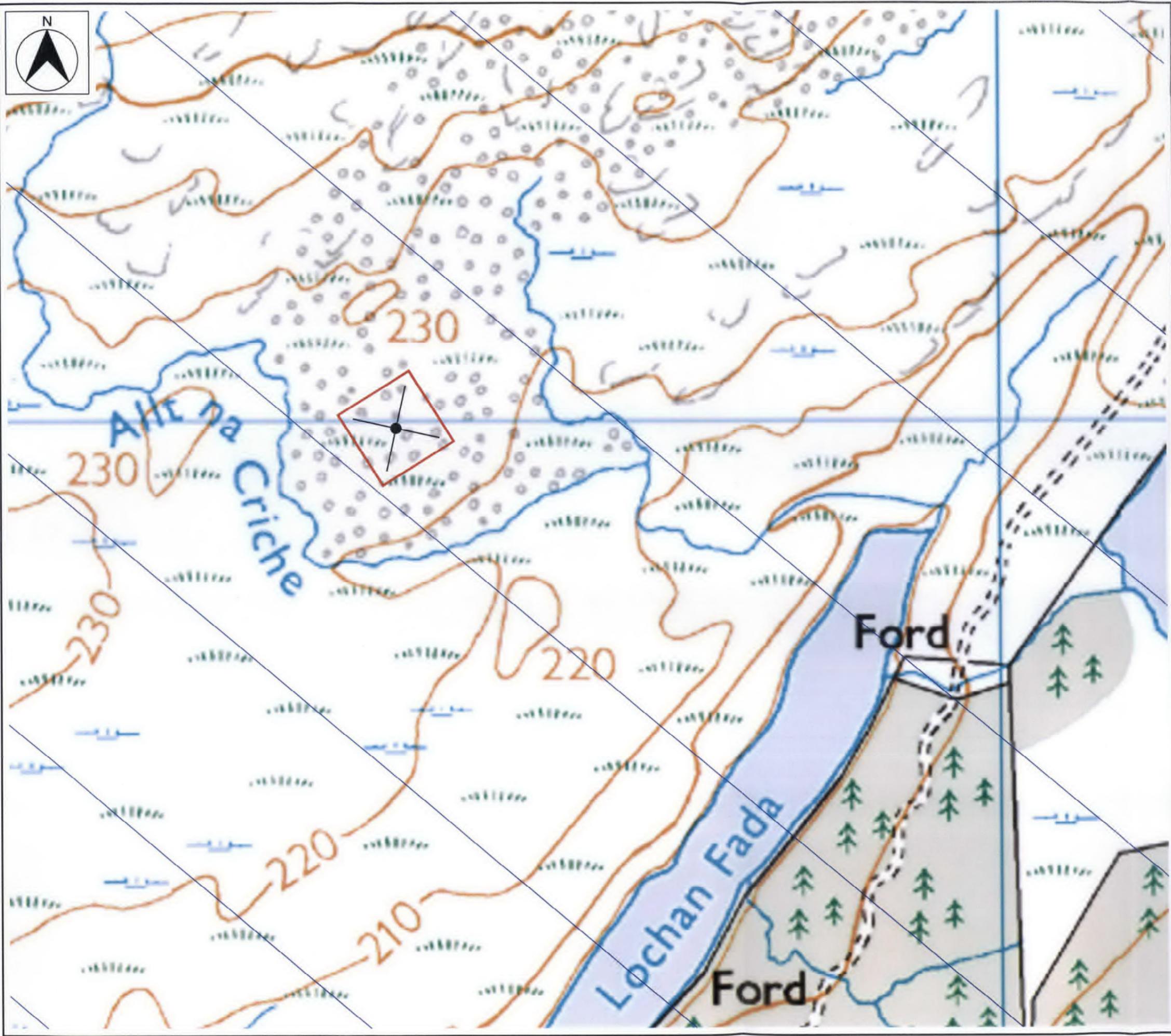
Further information on the Council's roads standards can be found at:
<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:
<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

Mud & 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: Allan J Todd
Designation: Area Planning Manager - South
Author: Keith Gibson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Elevation Plan



ABO Wind UK Ltd
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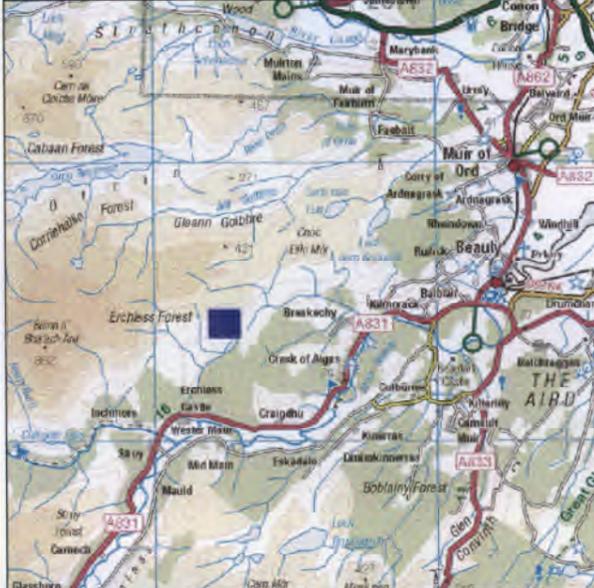


Key:

- Application Boundary
- ✕ Met Mast Centre: X = 242421 Y = 843989
- Other Land in Applicants' Control
- Area Shown on Plan

To be read in conjunction with UK013-P-M02

PLANNING & DEVELOPMENT SERVICE
 DATE RECEIVED:
 17 FEB 2014



General Location Plan, scale 1:250,000

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Rev	Date	Description	By
-	-	-	-

Originator

ABO Wind UK Ltd
The Green House
Beechwood Park North
Inverness, IV2 3BL
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Proj Allt Carach Wind Farm

Title 80m Temporary Met Mast Location Plan

File UK010\03\02\UK013-P-M01

Drawn ED	Approved DS	Date 03/02/2014
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Scale 1:3500@A3	Drg No UK013-P-M01	Rev -
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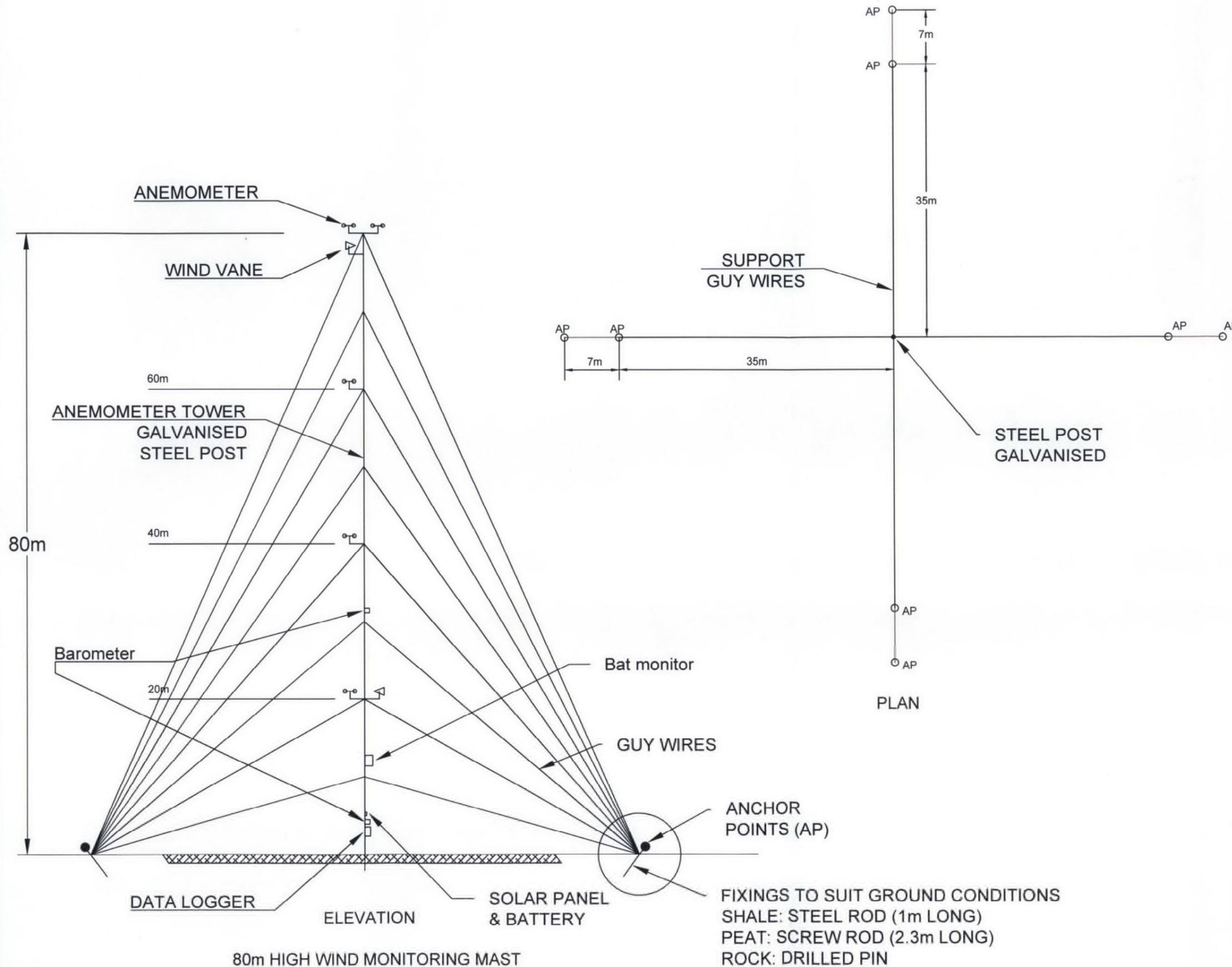


Key:

Instrument installation locations indicative

To be read in conjunction with UK013-P-M01

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-	-	-	-

Originator

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Proj

Allt Carach Wind Farm

Title

80m Temporary Met Mast
Plan and Elevation

File

UK013\03\03\01\UK013-P-M02

Drawn	ED	Approved	DS	Date	03/02/2014
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Scale	1:500 @ A3	Drg No	UK013-P-M02	Rev	-
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