

This is the appeal case referred to in AE Associates' appeal dated 15 Feb 2018 against Moray Council's decision to deny planning consent for a Wind Turbine at Mains of Pitlurg, subject of planning application number 17/01546/APP. The application was denied on three grounds as set out below. The visualisations and figures provided by the Applicant have not been disputed and we will refer to them in making our case. This appeal is addressed to the Local Review Body.

Refusal Ground 1: unduly prominent feature in the landscape

The turbine proposed at Mains of Pitlurg would be situated approximately 500m South of the B9115 road which links the hamlet of Drummuir to the A96 between Keith and Huntly. This road is little-used as road traffic between (1) Aberlour and Keith, (2) Dufftown and Keith and (3) Dufftown and Huntly is all served by quicker and shorter 'A'-roads and by the B9014.

The turbine would be visible from both the B9115 and the B9014.

From the B9115 the turbine would appear as visualised in the undisputed visualisation E provided by the applicant (figure 1 below)

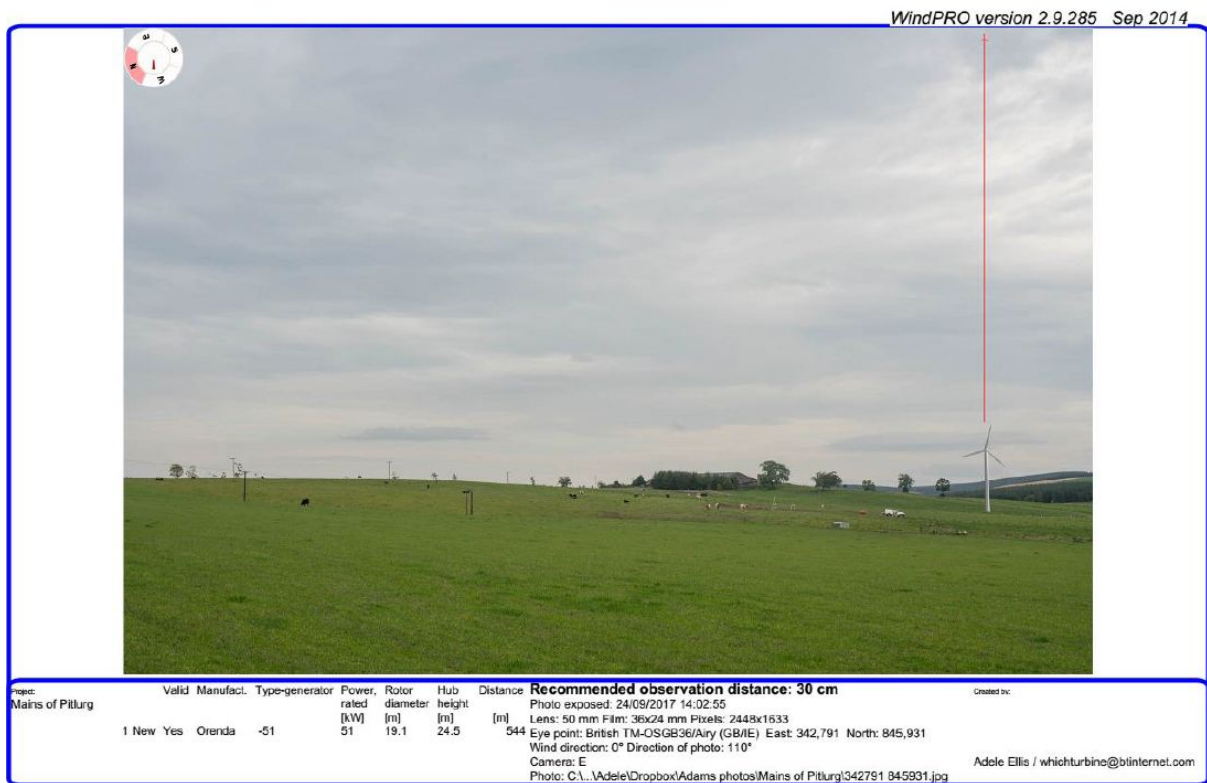


Figure 1 - visualisation E, with proposed turbine in foreground

As the visualisation shows, the scale of the proposed turbine is commensurate with the scale of trees and other existing vertical structures visible from this viewpoint.

From the B9014 the turbine would appear as visualised in the undisputed visualisation D provided by the applicant (figure 2 below).

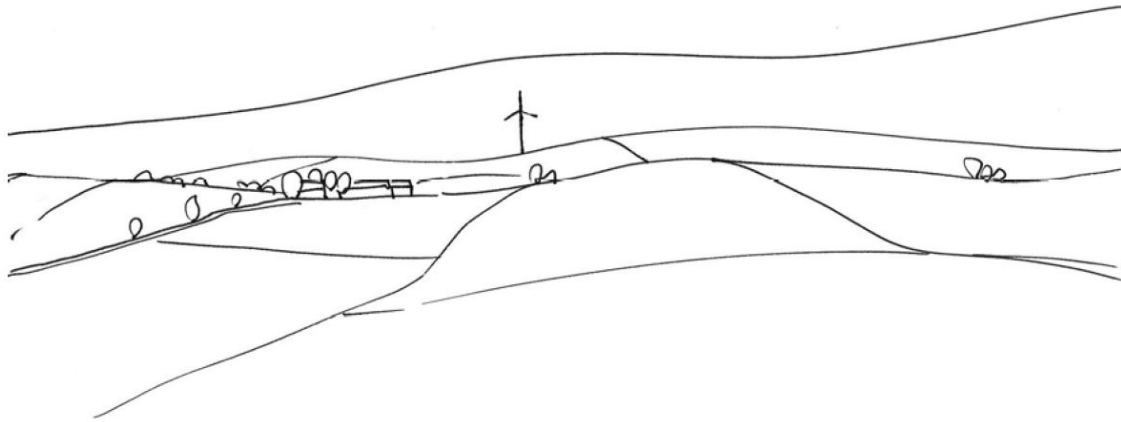


Figure 2 - visualisation D, with proposed turbine in foreground and existing Edintore wind farm turbines on the horizon

Contrary to what is stated in the Schedule of Reasons for Refusal (“the Schedule”), the proposed turbine is not on a sloping ridgeline. As figure 2 demonstrates, it was unreasonable to describe the position of the proposed turbine as on a ridgeline. The ridgeline visible in figure 2 is the higher ground behind the proposed turbine where the much more prominent Edintore Wind Farm turbines are located.

In fact from this perspective the proposed turbine is on rising ground which provides an immediate backdrop to farmed lowland areas and which is back-dropped by the larger hills on which the more prominent Edintore wind farm turbines are situated. This is precisely the type of setting described in the Moray wind Energy Landscape Capacity Study by Carol Anderson Landscape Associates including Updated and Revised Final Appendix Report July 2016 (“The Guidance”) as capable of providing a good fit for this scale of turbine (“*Turbines of this size could be accommodated on... the rising ground which provides the immediate backdrop to the farmed lowland areas and valley floors, especially if they are back-dropped by larger hills.*”)

A sketch (figure 3) is included in the Guidance to illustrate the relative scales of the turbine and the undulations being described and shows that the scale of the turbine envisaged as acceptable relative to the surrounding landforms is similar to what is being proposed.



**Image 8 – Landscape scale and size of features:** A ‘small typology’ (20m – 35m) turbine located on a low-lying ridgeline set back from but still associated with the pattern of settlement. In this location, the turbine is linked to the scale of the landform and there are no features in the immediate proximity against which to judge turbine height. It is sited at a slight dip in the ridge, and back-dropped in this view by higher ground. It is located away from the house, to avoid overwhelming the buildings in terms of scale.

Figure 3 - Image 8 from the Guidance, Appendix Report, with caption

In summary, refusal ground 1 mischaracterises the proposal and ignores the council’s own guidance. The notion that the turbine would be an unduly prominent feature is pure assertion and is not based on the facts of the proposal or on the Guidance. It is very clear from the facts of the proposal and relevant detail from the Guidance as set out above that it would be unreasonable to refuse the application on this ground and that a reasonable assessment would conclude that the proposal is in line with the Guidance on this point.

#### Refusal Grounds 2 and 3: adverse cumulative effects

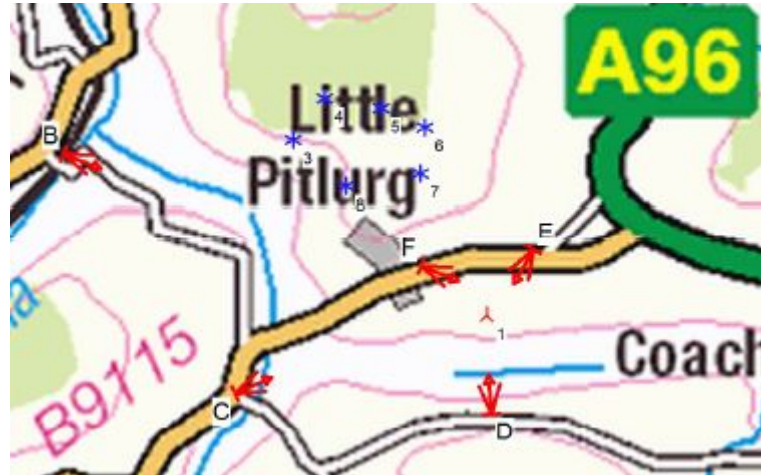
Grounds 2 and 3 for refusal in the Schedule make the same point, namely that - setting aside for a moment the landscape and visual impact of the proposed turbine considered in isolation - it would when taken together with other consented and constructed turbines in the area push the visual amenity of the area over a tipping point from its current state in which cumulative impact of wind turbines in the landscape is acceptable to one in which multiple wind turbine developments clutter people’s views to an unacceptable degree.

Cumulative effects of multiple developments are important and the LRB would be right to uphold refusal in cases where a poorly sited development, or one which threatened to confuse the visual landscape by introducing a discordant note into an otherwise harmonious array of wind turbines were proposed. However this is not the case here and the LRB would struggle to demonstrate that it were acting reasonably if it were to agree with the assessment given in the Schedule which, as for ground 1 for refusal, makes scant reference to the detail of the proposal and no reference to the detail of the Guidance.

The one specific assertion on cumulative impact given in the Schedule is that the proposed turbine would be ‘seen in close juxtaposition with [the Edintore turbines]... from the nearby B9115’. While this is not strictly false it is a misleading statement because the proposed turbine is the other side of the B9115 from Edintore wind farm and would not be seen in

same view from the part of that road where it forms a significant visual feature (figure 4 below). The viewer would have to turn his or her head around from one view to the other in order to take in both the existing group of turbines and the proposed turbine. This stretches the use of 'juxtaposition' beyond its normal use in this sort of circumstance.

Figure 4 - viewpoints map provided by the Applicant. Markers 3-8 show the location of the constructed Edintore Wind Farm, across the road from the proposed turbine shown by marker 1. Capital letters indicate the locations from which the corresponding visualisations were created.



The one viewpoint from which there is truly cumulative visual impact is viewpoint D and as has already been pointed out in the commentary on Figure 2 above, the juxtaposition is acceptable in this landscape context according to the Guidance. The proposed turbine would be in harmony with the existing turbines: they appear of similar size because of their relative perspectives as figure 2 demonstrates, and both are of the upwind type so they rotate in the same direction for a given wind direction.

We remind the LRB that Orenda (proposed) and Enercon (constructed) wind turbines, while being different in size (the on-farm Orenda is less than one third the height of its utility-scale cousin) are of similar design in the sense that both rotors turn much more slowly than those of the much smaller 5 and 10kW turbines frequently encountered in Moray and elsewhere. These small, fast-spinning turbines do sometimes cause visual clutter when sited inappropriately in the same views as wind farms and this may be the type of visual clash that is being referred to in ground 3 of the Schedule which talks about "differing style, sizes of structures and speeds of blade movement". This is not the case in the current proposal in which the proposed turbine has been chosen and sited specifically to avoid creating this type of messy effect.

In summary, the risk of visual clutter is a real one and the LRB would be right to uphold the refusal if there were evidence that the proposed turbine would tip the current character of the area from having an acceptable wind turbine presence to being unacceptably cluttered. However in this case the visualisations put forward by the Applicant, which have not been disputed in the planning process, demonstrate that there is no such risk in this case and there is nothing in the Schedule to suggest otherwise, apart from one specific assertion which as we have demonstrated above stretches any reasonable definitions of what causes and does not cause visual clutter in the landscape. As with ground 1, the Schedule is light

on detail and consists almost entirely of assertion without making any reference to the actual content or detail of the Council's own guidance.

### Conclusion

We have argued that the Applicant has chosen and sited the proposed wind turbine according to the council's own guidance. The decision to refuse the application was based on assertion rather than evidence and there was insufficient examination of the detail of the proposal, the detail of the Guidance and how the two relate.

In this appeal statement we have drawn out relevant detail from the proposal and from the Guidance and demonstrated that, contrary to assertions made in the Schedule, the proposal is in line with the Guidance and that the two reasons given for refusal do not stand up to reasonable scrutiny.

We urge the LRB therefore to overturn the refusal and allow the application.