

REPORT OF HANDLING

Ref No:	09/00247/FUL	Officer:	Richard Smith
Proposal Description/ Address	Install two 800kw wind turbines at Myreton Crossroads Keith Moray		
Date:	10.12.09	Typist Initials:	NW

RECOMMENDATION

Approve, without or with condition(s) listed below		
Refuse, subject to reason(s) listed below		x
Legal Agreement required e.g. S,75		
Notification to Scottish Ministers/Historic Scotland		
Hearing requirements	Departure	
	Pre-determination	

CONSULTATIONS		
Consultee	Date Returned	Summary of Response
Transportation Manager	26/03/09	No objection subject to conditions/informatives regarding access.
Regional Archaeologist	05/03/09	No objection.
Scottish Natural Heritage	15/04/09	Recommends submission of a cumulative impact assessment, and if approved, the conditioning of a construction method statement.
Scottish Environment Protection Agency	30/03/09	No objection. Condition construction method statement.
Scottish Natural Heritage		No objection subject to design/siting amendments and condition regarding construction method statement.
Development Plans	22/06/09	Proposal departs from development plan.
Scottish And Southern Energy	15/06/09	No objection.
National Air Traffic Systems Limited	10/06/09	No objection. Proposal does not conflict with safeguarding criteria.
RSPB Scotland	09/10/09	No objection.
Contaminated Land	23/02/09	No objection. Standard informative advice.
Ministry Of Defence Safeguarding & Byelaws Sect	06/07/09	No objection subject to omni-directional red lighting being fitted to top of mast.
Strathisla Community Council	06/07/09	Concerned about cumulative impact of proposal.
Ofcom	09/10/09	Provides frequency band operator information (these operators have raised no objection)
Environmental Health Manager	11/05/09	No objection. Condition turbine details, noise levels, complaints procedures etc
Development Plans	09/10/09	Proposal departs from development plan.

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
Whole of Policy 1	Y	
Policy 2(a) & Policy 2(b)	Y	
T2: Provision of Road Access		
BE1: Scheduled Ancient Monuments		
ER1: Renewable Energy Proposals	Y	
IMP1: Development Requirements	Y	

REPRESENTATIONS		
Representations Received		NO
Total number of representations received		
Names/Addresses of parties submitting representations		
Name	Address	

Summary and Assessment of main issues raised by representations
Issue:
Comments (PO): No objections/representations received.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal

- Application for planning permission to erect two wind turbines for commercial use i.e. selling electricity to the national grid on ground at Myreton, Crossroads, by Keith. The turbines would be in addition to a single turbine, which was granted planning consent in Feb 2008 (ref 07/01102/FUL) on adjoining ground to the north/northeast.
- The turbines would have hub heights of 55 and 65 metres and a rotor diameter of 48 metres, giving overall heights of 79 and 89 metres.
- Associated works include installation of 1.5km of overhead power lines (poles), which would connect to the existing 275kv electricity line on pylons to the west.
- The site is on ground to the north east of Myreton, on the south western shoulder of Lurg Hill.
- The proposed turbines are on an open section of the hillside, which lies within the applicant's ownership. The hillside comprises plantations of coniferous trees and rough pasture. There are 8 houses within 1km of the site.
- Access is to be via an extended access track, consented in July 2009, which joins onto B9018 Keith-Cullen road to the west.

History

For the site: None.

For the area:

09/00966/FUL Permission granted July 2009 to construct access track for the delivery and maintenance of the consented wind turbine (07/01102/FUL) at Myreton, Crossroads.

09/00763/FUL Application for 2 wind turbines (with overall heights of 92.5m) at Netherton of Windyhills submitted April 2009, currently pending consideration. This site lies on ground approx. 500m to the west of the current application site.

07/02375/EIA Application for wind farm comprising 13 wind turbines at Aultmore submitted 110m, currently pending consideration. This site lies approx. 3 – 6 km to the west of the current application site.

07/01102/FUL Permission granted Feb 2008 for a single wind turbine (with an overall height of 77m) at Myreton, Crossroads. The site lies on ground approx. 200m to the north/northeast of the current application site.

04/02472/FUL Permission granted Oct 2005 for a single wind turbine (with an overall height of 70m) at Balnamoon, Crossroads by Scottish Ministers following an appeal against non-determination. The site lies 2.5km to the southwest of the current application site.

Main Determining Issues

Impact of wind turbines in the open countryside

Moray Structure Plan 2007 – policy 2 (b) and 2 (l)

Structure Plan policy 2(b) seeks to protect the wider natural environment from inappropriate development. Structure Plan policy 2(l) promotes opportunities for the sensitive development of renewable energy. Moray Local Plan policy ER1 relates specifically to renewal energy proposals and sets out various criteria against which these should be assessed. These include (amongst others) the requirement that proposals should be compatible with policies to safeguard and enhance the natural environment, that they do not result in an unacceptable impact in terms of visual appearance, landscape character and that they do not result in unacceptable cumulative impact. The policy also states that commercial wind developments should be located within a Preferred Search Area identified in Supplementary Planning Guidance. These have been established to avoid a proliferation of ad-hoc commercial wind turbines across Moray. Policy IMP1 seeks compatibility in terms of scale, density and character and requires new development to integrate into the surrounding landscape.

The proposal seeks to erect 2 large commercial wind turbines (and associated infrastructure including 1.5km of overhead power lines) in a prominent elevated location that is not within one of the preferred search areas, as identified in the Wind Energy Policy Guidance and as such constitutes a departure to policy ER1. The proposed turbines by virtue of their scale and position would also be contrary to policies MSP 2(b), 2(l) and MLP IMP1, as these are not considered to be in scale, or character with the surrounding area nor integrated into the landscape.

Furthermore, the proposal taken together with the consented turbine to the north, the 2 proposed turbines and Aultmore wind farm currently pending consideration to the west and constructed turbine at Balnamoon to the southwest, would be likely to lead to an unacceptable cumulative impact of turbines in the area. The resultant potential number of turbines spread across the valley, which would be visible both together and sequentially from various vantage points in the area, would give rise to a cluttered appearance in contrast to the current simplistic character of the landscape. Such an impact would detrimentally affect the character of this part of the countryside to an unacceptable degree.

Approval of the application would create a serious and undesirable precedent for further ad hoc applications to be submitted in the surrounding area, which would undermine the Council's strategic objectives for directing wind energy development to preferred search areas.

In light of the above, the proposal is considered to represent an inappropriate form of development that is contrary to policies 2(b) and 2(l) of Moray Structure Plan, policies ER1 and IMP1 of the Moray Local Plan and associated guidance contained within Wind Energy Policy Guidance.

No material considerations exist to warrant a departure from policy and in light of the above conclusions the application is being recommended for refusal.

Although a supporting case has been submitted setting out the applicant's financial reasoning for lodging the application, this is not considered to constitute sufficient justification to warrant a departure to the development plan, which is the primary material consideration in this case.

Access/parking (Policies MLP - T2, T5) – The aim of these policies is to ensure that all new development can be provided with a safe and appropriate access from the public roadway. The proposal will be served by an extended track that has been granted consent under 09/00966/FUL. The Transportation Manager has been consulted on the application and has raised no objection subject to conditions covering access, the transportation of construction elements into the site and any associated road improvements.

MLP EP8 Pollution – This provision seeks to ensure that new developments do not create pollution in

the form of run-off into water courses and noise pollution. Policy ER1 and the Wind Energy Policy Guidance provide additional policy comment and guidance in this respect. In relation to water run-off from the development, SEPA has been consulted on the details submitted and has raised no objection to the granting of planning permission subject to a condition requiring submission/approval of a site specific construction method statement. Likewise in relation to noise, Environmental Health has confirmed that the information supplied is satisfactory subject to conditions regarding noise levels and complaints handling procedures in the event of a complaint being received from a residential property. A derelict property, the Loanhead of Myreton stands approx. 100m to the east of the proposed turbine 1, which has an extant consent to be converted into a house. If approved the applicant has agreed to a planning condition preventing its implementation in the event of the current proposal being implemented.

Shadow Flicker – This is the optical effect caused by the intermittent obstruction of a light source by moving object. PAN 45 recommends that a turbine be no nearer to neighbouring property than ten times the rotor diameter. In the present case this distance would be 480m; the nearest house is 560m from the turbines indicating that there would be little or no impact. A shadow flicker analysis has been carried out by the applicant's agent, which confirms that no significant effect from shadow flicker is expected to occur.

Telecommunications/radar interference - With regard to possible telecommunications/radar interference, consultation with the relevant bodies including NATS, MOD, Ofcom and associated operators has confirmed no likely impact on services or safety, with the exception of possible interference to TV reception of 12 homes in the area. The applicant has confirmed that he would be agreeable to a condition requiring installation of an alternative digital or satellite service, if this is proven to be a problem.

There are no natural environment policies, which would apply, the site being outwith any scientific, archaeological or landscape designations. The proposal does not involve prime agricultural land. Consultation with SEPA, SNH, the RSPB has confirmed no ecological; birds or wider biodiversity issues.

Recommendation – In light of the above the application is accordingly recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
	Decision		Date Of Decision	

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Banffshire Herald	Departure from development plan	01/10/09	
Banffshire Herald	Public Interest	09/07/09	

DOCUMENTS, ASSESSMENTS etc. *

* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc

Supporting information submitted with application?

YES

Summary of main issues raised in each statement/assessment/report

Document Name:	<ol style="list-style-type: none"> 1. Additional Planning Information 2. Habitat Assessment 3. Cumulative Impact Assessment 4. Noise Impact Assessment and 5. Letter from agent in response to refusal recommendation.
Main Issues:	<ol style="list-style-type: none"> 1. Outlines the background/characteristics of the proposal and asserts that the application for a further 2 proposed turbines is required to offset the initial infrastructure costs of connecting to the electricity grid to serve the original approved turbine. 2. Identifies potential impact on surrounding ecology and mitigation measures. 3. Identifies cumulative impact of proposal and other turbine developments in the area. Concludes no significant harm to locality. 4. Details background noise survey results and predicted noise levels from turbines. Concludes no significant noise impact. 5. Addresses likely grounds for refusal

S.75 AGREEMENT

Application subject to S.75 Agreement

NO

Summary of terms of agreement:

Location where terms or summary of terms can be inspected:

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)

Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO

Summary of Direction(s)