



**Roderick D Burns**

Clerk to the Moray Local Review Body

The Moray Council  
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*Contact:* Mr Ritchie  
*Our Ref:* RR/LRB/Case 007  
*Your Ref:*  
*Date:* 5 May 2010

*Direct Dial:* 563015  
*E-mail:* [ritchir@chief.moray.gov.uk](mailto:ritchir@chief.moray.gov.uk)

Dear Sir/Madam

**Town and Country Planning (Schemes of Delegation and Local Review Procedure)**  
**(Scotland) Regulations 2008**  
**Request for Review : Planning Application 09/00247/FUL – Planning permission for the**  
**erection of two 800kw wind turbines at Myreton Crossroads, Keith**  
**Procedure Notice relative to New Evidence**

I refer to my letter of 30 April 2010 and attach for your attention an amended extract from the 2010 Scottish Planning Policy on Renewable Energy. I apologise for this error and any inconvenience caused.

Given the error to the procedural notice I would advise you that the response times have been amended and, in terms of Regulation 15 (2), you are now required to send your response to the Moray Local Review Body (MLRB) within 14 days of the above date ie Wednesday 19 May 2010. In terms of Regulation 15 (3) you are also required to forward a copy of your response to the MLRB to the other parties specified in the Schedule appended to the Notice issued on 30 April, copy attached.

On receipt of a copy of a response to the MLRB to the Notice from any of the parties specified in the Schedule appended to the Notice you have, in terms of Regulation 15 (4), 14 days in which to respond thereon to the MLRB. The expiry date for such responses will be Friday 7 June 2010. Should you submit such a response you are also required to send a copy to those specified in the Schedule appended to the Notice.

Should you require any clarification in regard to the terms of this notice please contact Mr Ritchie on 01343 563015 or by email at [ritchir@moray.gov.uk](mailto:ritchir@moray.gov.uk).

Yours faithfully

Clerk to the Local Review Body

## SCHEDULE OF DETAILS OF APPLICANT, APPOINTED OFFICER & INTERESTED PARTIES

Applicant/Agent :

Oliver Penney  
Seren Energy  
1 High Street  
Clydach  
Swansea

[oliverpenney@serenenergy.co.uk](mailto:oliverpenney@serenenergy.co.uk)

Appointed Officer

Appointed Officer  
Environmental Services Department  
Moray Council  
Council Office  
High Street  
Elgin  
IV30 1BX

[development.control@moray.gov.uk](mailto:development.control@moray.gov.uk)

Interested Parties :

Environmental Health Manager Environmental Services Department Moray Council High Street Elgin IV30 1BX  <a href="mailto:ehplanning.consultations@moray.gov.uk">ehplanning.consultations@moray.gov.uk</a>	Transportation Manager Per Mr R Gerring Direct Services Environmental Services Department Moray Council High Street Elgin IV30 1BX  <a href="mailto:roadsdevelopmentcontrol@moray.gov.uk">roadsdevelopmentcontrol@moray.gov.uk</a>
Contaminated Land Environmental Health Environmental Services Department Moray Council High Street Elgin IV30 1BX  <a href="mailto:contaminated.land@moray.gov.uk">contaminated.land@moray.gov.uk</a>	Regional Archaeologist Aberdeenshire Council Woodhill House Westburn Road Aberdeen  <a href="mailto:archaeology@aberdeenshire.gov.uk">archaeology@aberdeenshire.gov.uk</a>

<p>Development Plans Development Services Environmental Services Department The Moray Council High Street Elgin IV30 1BX <a href="mailto:donald.lunan@moray.gov.uk">donald.lunan@moray.gov.uk</a></p>	<p>Scottish And Southern Energy FAO Graeme Gill 200 Ashgrove Road West ABERDEEN AB16 5NY  <a href="mailto:graeme.gill@scottish-southern.co.uk">graeme.gill@scottish-southern.co.uk</a></p>
<p>Scottish Natural Heritage Ms Jennifer Heatley 32 Reidhaven Street Elgin  <a href="mailto:elgin@snh.gov.uk">elgin@snh.gov.uk</a></p>	<p>Scottish Environment Protection Agency Ms Clare Pritchett Planning Co-ordinator Greyhope House Greyhope Road Aberdeen AB11 9RD  <a href="mailto:planningaberdeen@sepa.org.uk">planningaberdeen@sepa.org.uk</a></p>
<p>National Air Traffic Systems Limited NERL Safeguarding Mailbox 27 NATS CTC 4000 Parkway Solent Business Park Whiteley  <a href="mailto:nerlsafeguarding@nats.co.uk">nerlsafeguarding@nats.co.uk</a></p>	<p>RSPB Scotland Dr Ian Francis Area Manager NE Scotland RSPB Scotland 10 Albyn Terrace Aberdeen AB10 1YP  <a href="mailto:esro@rspb.org.uk">esro@rspb.org.uk</a></p>
<p>Ministry Of Defence Safeguarding &amp; Byelaws Section Defence Estates Kinston Road Sutton Coldfield WEST MIDLANDS  <a href="mailto:safeguarding@de.mod.uk">safeguarding@de.mod.uk</a></p>	<p>Strathisla Community Council Ms Fiona Wallace Limeburn Farmhouse Edingight Grange AB55 6SY  <a href="mailto:fionawallace21@yahoo.co.uk">fionawallace21@yahoo.co.uk</a></p>
<p>Ofcom Wind Farm Enquiries 02-49 Ofcom Riverside House 2a Southwark Bridge Road LONDON  <a href="mailto:windfarmenquiries@ofcom.org.uk">windfarmenquiries@ofcom.org.uk</a></p>	

## **COPY OF PARAGRAPHS 182 TO 191 OF 2010 SCOTTISH PLANNING POLICY (SPP) IN REGARD TO RENEWABLE ENERGY**

182. The commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to climate change. Renewable energy generation will contribute to more secure and diverse energy supplies and support sustainable economic growth. The current target is for 50% of Scotland's electricity to be generated from renewable sources by 2020 and 11% of heat demand to be met from renewable sources. These targets are not a cap. Hydroelectric and onshore wind power are currently the main sources of renewable energy supplies. This is expected to continue but will increasingly be part of a wider renewables mix as other technologies become commercially viable. Other technologies which may contribute include biomass, solar, energy from waste and landfill gas and offshore wind, wave and tidal power generation. Production of heat and electricity from renewable sources will also make an important contribution both at a domestic scale and through decentralised energy and heat supply systems including district heating and biomass heating plants for businesses, public buildings and community/housing schemes.
183. There is potential for communities and small businesses in urban and rural areas to invest in ownership of renewable energy projects or to develop their own projects for local benefit. Planning authorities should support communities and small businesses in developing such initiatives in an environmentally acceptable way.
184. Planning authorities should support the development of a diverse range of renewable energy technologies, guide development to appropriate locations and provide clarity on the issues that will be taken into account when specific proposals are assessed. Development plans should support all scales of development associated with the generation of energy and heat from renewable sources, ensuring that an area's renewable energy potential is realised and optimised in a way that takes account of relevant economic, social, environmental and transport issues and maximises benefits. Development plans should support the wider application of medium and smaller scale renewable technologies such as decentralised energy supply systems, community and household projects. Development plans should also encourage microgeneration projects including those associated with or fitted to existing buildings.
185. Planning authorities should ensure that the development plan or supplementary guidance clearly explain the factors that will be taken into account in decision making on all renewable energy generation developments. Factors relevant to the consideration of applications will depend on the scale of the development and its relationship with the surrounding area, but are likely to include impact on the landscape, historic environment, natural heritage and water environment, amenity and communities, and any cumulative impacts that are likely to arise.

### **Wind Farms**

187. Planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. Development plans should provide a clear indication of the potential for development of wind farms of all scales, and should set out the criteria that will be considered in deciding applications for all wind farm developments including extensions. The criteria will vary depending on the scale of development and its relationship to the characteristics of the surrounding area, but are likely to include:

- landscape and visual impact,
- effects on the natural heritage and historic environment,
- contribution of the development to renewable energy generation targets,
- effect on the local and national economy and tourism and recreation interests,
- benefits and disbenefits for communities,
- aviation and telecommunications,
- noise and shadow flicker, and
- cumulative impact.

The design and location of any wind farm development should reflect the scale and character of the landscape. The location of turbines should be considered carefully to ensure that the landscape and visual impact is minimised.

188. When considering cumulative impact, planning authorities should take account of existing wind farms, those which have permission and valid applications for wind farms which have not been determined. Decisions should not be unreasonably delayed because other schemes in the area are at a less advanced stage in the application process. The weight that planning authorities attach to undetermined applications should reflect their position in the application process. Cumulative impact will largely relate to the scale and proximity of further development. The factors that will be taken into account when considering cumulative impact should be set out in the development plan or supplementary guidance.

189. Planning authorities should set out in the development plan a spatial framework for onshore wind farms of over 20 megawatts generating capacity. Authorities may incorporate wind farms of less than 20 megawatts generating capacity in their spatial framework if considered appropriate. Planning authorities should continue to determine applications for wind farms while local policies are being updated. The spatial framework should identify:

- areas requiring significant protection because they are designated for their national or international landscape or natural heritage value, are designated as green belt or are areas where the cumulative impact of existing and consented wind farms limits further development,
- areas with potential constraints where proposals will be considered on their individual merits against identified criteria, and
- areas of search where appropriate proposals are likely to be supported subject to detailed consideration against identified criteria.

Spatial frameworks should not be used to put in place a sequential approach to determining applications which requires applicants proposing development outwith an area of search to show that there is no capacity within areas of search.

190. When identifying areas with potential constraints on wind farm development, planning authorities should consider the following:

- the historic environment,

- areas designated for their regional and local landscape or natural heritage value,
- tourism and recreation interests,
- likely impacts on communities, including long term and significant impact on amenity,
- impact on aviation and defence interests, particularly airport and aerodrome operation, flight activity, tactical training areas, aviation and defence radar and seismological recording, and
- impact on broadcasting installations, particularly maintaining transmission links.

A separation distance of up to 2km between areas of search and the edge of cities, towns and villages is recommended to guide developments to the most appropriate sites and to reduce visual impact, but decisions on individual developments should take into account specific local circumstances and geography. Development plans should recognise that the existence of these constraints on wind farm development does not impose a blanket restriction on development, and should be clear on the extent of constraints and the factors that should be satisfactorily addressed to enable development to take place. Planning authorities should not impose additional zones of protection around areas designated for their landscape or natural heritage value.

191 Having identified areas requiring significant protection and other potential constraints on wind farm development, planning authorities should identify areas of search where there are no significant constraints on development. Within these areas of search, sites may be constrained by:

- other natural heritage interests, including habitats of high nature conservation value,
- project viability, including wind speed, site access, ground suitability and other environmental factors, and
- grid capacity.

Existing and approved grid capacity should be maximised wherever possible. However, grid constraints should not be used as a development constraint where renewable energy potential exists.