

## Development Management

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**Our Ref:** *09/00247/FUL RKS/LH*

**Your Ref:**

**Web Site:** *www.moray.gov.uk*

18th May 2010

Mr R Ritchie  
Clerk to the Moray Local Review Body  
The Moray Council  
Council Office  
High Street  
Elgin IV30 1BX

Dear Mr Ritchie

### **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 your letters of 30 April and 5 May 2010 seeking the appointed officer's views on the Renewable Energy Section of the 2010 Scottish Planning Policy (SPP) and the Council's recent Policy Interpretation for Wind Turbine Developments, approved at the meeting of the Council's Planning & Regulatory Services Committee on 6 April 2010, which became material considerations after the application was determined.

The new SPP reaffirms Scottish Government's support for renewable energy projects as part of its commitment to increasing the amount of electricity generated from renewable sources in response to climate change and in order to meet national targets for the reduction of green house gas emissions. This includes support for wind farms of over 20 megawatts and smaller scale developments such as the current appeal proposal providing impacts can be satisfactorily mitigated and sets out specific guidance for local authorities on how to develop a spatial framework to facilitate such development.

The recent Policy Interpretation for Wind Turbine Developments, approved at the meeting of the Council's Planning & Regulatory Services was prepared to take this section of the SPP into account and to aid consideration of the increasing number of applications for small scale wind turbine developments (i.e. up to 3) which are not of the same scale as conventional wind farms (i.e. over 20 megawatts).

The approved interpretation at para. 4.1 confirms that the current Policy/Supplementary Planning Guidance provisions should be applied to proposals of over 20 megawatts, and a different interpretation applied to smaller developments, to allow consideration of individual turbines outwith the wind “farm” category. This essentially translates to a less restrictive approach to smaller scale developments outwith the Preferred Search Area (PSA) where there is no environmental impact.

In relation to these smaller developments, the interpretation states at para 4.3 that “single or small groupings of up to 3 turbines for “commercial” purposes under policy should be located within PSA (Preferred Search Area). Developments outwith PSA will be treated as Departures, but in light of the more recent Government advice being taken into account as a material consideration, will not be “presumed against” but considered “on their merits” depending upon impact on the landscape and other environmental criteria. Cumulative impact will be of particular significance, and will take account of existing wind farms and those which have permissions. New proposals will be considered on a “first come” basis.”

Turning to the current appeal proposal for two turbines each with a generating capacity of 800 kW for commercial purposes, these are outwith the PSA and therefore remain a departure to policy ER1. It is considered that their scale and position is such that any impact will be mitigated to a satisfactory degree in accordance with the above mentioned SPP advice and guidance. As such and in light of the more recent Government advice being taken into account as a material consideration that such developments will no longer be “presumed against” but considered “on their merits” depending upon impact on the landscape and other environmental criteria, it is considered that a departure to policy ER1 can be justified in this case.

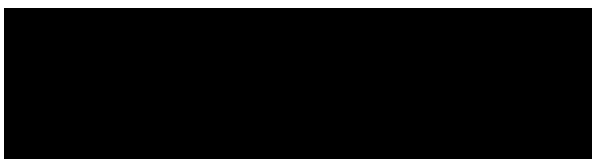
In terms of cumulative impact, whilst this will still occur to some extent, the general shift in emphasis towards supporting developments of this scale where there is no significant adverse impact on landscape character, the introduction of a threshold of up to 3 being considered “on their merits” and the ‘first come’ basis would indicate that the appeal proposal would accord with the above guidance.

In light of the above, given the positive thrust of the new SPP and the Council’s recent policy interpretation I consider that the outcome of the application would have been different had it been determined after these documents came into effect and became material considerations.

Should the appeal be allowed, conditions should be attached to the consent issued covering the issues raised by both internal and external consultees returned during the consideration process of the planning application.

Finally I can confirm that I have distributed this response to the other parties listed in the schedule attached to your letter, as directed by Regulation 15(3).

Yours sincerely



**Richard Smith**  
**Appointed Officer**

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

Applicant/Agent:	<p>Oliver Penny Seren Energy 1 High Street Clydach Swansea</p> <p><a href="mailto:oliverpenny@serenenergy.co.uk">oliverpenny@serenenergy.co.uk</a></p>
Appointed Officer	<p>Appointed Officer Environmental Services Department Moray Council Council Office High Street Elgin IV30 1BX</p> <p><a href="mailto:development.control@moray.gov.uk">development.control@moray.gov.uk</a></p>

### Interested Parties:

<p>Environmental Health Manager Environmental Services Department Moray Council High Street Elgin IV30 1BX</p> <p><a href="mailto:ehplanning.consultations@moray.gov.uk">ehplanning.consultations@moray.gov.uk</a></p>	<p>Transportation Manager Per Mr R Gerring Direct Services Environmental Services Department Moray Council High Street Elgin IV30 1BX</p> <p><a href="mailto:roadsdevelopmentcontrol@moray.gov.uk">roadsdevelopmentcontrol@moray.gov.uk</a></p>
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