



MORAY LOCAL REVIEW BODY

SUMMARY OF INFORMATION FOR CASE No 007

COUNCILLORS P PAUL (CHAIR), B JARVIS (SUBSTITUTING FOR R SHEPHERD [WARD MEMBER] & J MACKAY.

1. **Ward 2 : Keith & Cullen**

Planning application 09/00247/FUL – Planning permission for the erection of two 800kw wind turbines at Myreton Crossroads, Keith

2. Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 10 December 2009 on the grounds that:

The proposal is contrary to policies 2(b) and 2 (l) of the Moray Structure Plan 2007 and policies ER1 and IMP1 of the Moray Local Plan 2008 for the following reasons:

1. *The proposal to erect 2 large wind turbines (and associated infrastructure including 1.5km of overhead power lines) in a prominent elevated location does not fall within one of the preferred search areas, as identified in the Wind Energy Policy Guidance and as such is 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 sensitively into the landscape.*
2. *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 landscape character. Such an impact would detrimentally affect the character of this part of the countryside to an unacceptable degree.*

3. *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 that seeks to avoid the proliferation of commercial turbines across Moray.*

3. Case submitted to MLRB on 22 April 2010.
(Members are referred to the Case papers previously circulated for the meeting on 22 April 2010)

Following consideration the MLRB agreed, at the meeting on 22 April 2010, that there was insufficient information in order to proceed to determine the request for review and agreed that an unaccompanied site inspection be undertaken, the purpose of which being to view the site in the context of Policies 2(b) and 2(l) of the Moray Structure Plan 2007 and ER1 and IMP1 of the Moray Local Plan 2008. In this regard it was also agreed that the application site be viewed from a number of vantage points within the vicinity taking into account the content of the Report of Handling and the applicant's submissions. The Planning Adviser to be in attendance.

It was also agreed that the appropriate paragraphs within the new SPP and the Council's recent Policy Interpretation for Wind Turbine Developments, approved at the meeting of the Planning & Regulatory Services Committee on 6 April 2010 (para 5 of the Minute refers), would require to be taken into account by the MLRB as material considerations in terms of Section 43(B)(2) of the Planning etc (Scotland) Act 2006. In this regard it was agreed to seek views on these policy documents from the Applicant, the Appointed Officer and Interested Parties, in terms of the written submissions procedure set out in Regulation 15.

It was also agreed that the responses to the written submissions procedure be circulated to members of the MLRB prior to making arrangements for the unaccompanied site inspection.

4. Unaccompanied site inspection to be carried out on Monday 28 June 2010.
5. New evidence documents:-
- (a) Members are referred to the February 2010 Scottish Planning Policy (SPP) guidance, in particular the Introduction paragraphs 1-7, Development Plans paragraphs 10-18, Renewable Energy paragraphs 182-186, Wind Farms paragraphs 187-191 and Outcomes paragraphs 255-257.

- (b) Members are also referred to the Minute and copy of the report relating to the Council's Policy Interpretation for Wind Turbine Developments, approved at the meeting of the Council's Planning & Regulatory Services Committee on 6 April 2010, a copy of which is attached as **Appendix 1**.

- 6. Copies of the responses received to new evidence sought in terms of Regulation 15 'Written Submissions Procedure' are attached as **Appendix 2**