

09/10/2009

Dear Oliver,

Reference your email of 9 Oct I can confirm that this application will be determined under delegated powers in line with the Council's Scheme of Delegation.

A letter granting an extension of time for the decision a further month will be in the post on Monday.

With regard to the attached BBC consultation response that the 2 proposed turbines are likely to affect TV reception in up to 12 dwellings in the surrounding area. I would be grateful to receive your response to this issue and how your client would be prepared to address it, if proven to be a problem i.e. provision of an alternative digital or satellite TV service.

Finally, with regard to the recommendation on the application, I am minded to advise you that this is likely to be for refusal on the grounds that the proposals are not located within any of the preferred search areas for commercial wind turbines, and as such constitute a departure to policy MLP 2008 policy ER1 (http://www.moray.gov.uk/moray_standard/page_57742.html). These areas have been established to avoid a proliferation of ad-hoc turbines across Moray and the approval of this application would create a dangerous precedent both from a local and a strategic standpoint. Further grounds are also likely to include visual impact, harm to the rural landscape character and cumulative impact contrary to MLP 2008 policy IMP1 and wind energy supplementary guidance.

Of note this type of proposal has been raised recently by committee and has resulted in additional guidance being provided by the Development Plans section re-affirming the Council's position with regard to directing commercial wind turbines to preferred search areas.

If you wish to discuss any aspect of the above, please do not hesitate to contact me. I am on leave next week, due back 19 Oct and hope to complete determination thereafter.

Regards,
Richard Smith
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