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Richard Smith  
Planning Officer,  
Environmental Services Department,  
The Moray Council,  
Council Office,  
High Street,  
Elgin. IV30 1BX

16th<sup>th</sup> October 2009

Dear Mr Smith,

**Re: Planning Application 09/00247/FUL. 2 wind turbines at Myreton, Grange, Keith.**

Thank you for your email dated 9<sup>th</sup> October and for sending the letter granting an extension of time for the decision for a further month. There are several issues brought up in your e mail which I have responded to in this letter.

**Television Reception**

Section 61 in Pan 45 states; 'There may be a particular concern that turbines will interfere with television reception. Considerable experience has shown that when this occurs it is of a predictable nature and can generally be alleviated by the installation or modification of a local repeater station or some cable connection. The interference effects can also be reduced by local site plan changes and this possibility should be discussed with the transmitter operators'.

Our client would be happy to have planning condition requiring a baseline TV reception study to be undertaken prior to installation. This is often included as a planning condition for wind turbine schemes, and would include the identification and implementation of any mitigation measures required. This would include the provision of an alternative digital or satellite service if necessary. The 12 properties identified by the BBC is a relatively small number; the number of potentially affected houses is often in the 100s.

**Recommendation**

I am disappointed to hear that you feel you are likely to recommend this application for refusal. You have stated that this is due to several reasons which I explore below.

**Preferred Search Area**

One of your principal concerns is that the proposal is not located within any of the preferred search areas for commercial wind turbines. Maps of these proposed search areas have been produced by Moray Council for large, medium and small wind farms. The map produced for small wind farms, is for wind farms of up to 10 wind turbines. Modern wind farms will usually involve much larger wind turbines of >2MW in generating capacity. We do not feel that it is reasonable to consider the three 800kW wind turbines, providing a wind farm with a total capacity of 2.4MW, at Myreton, in the same category as a 10 wind turbine wind farm with turbines with a capacity of up to 25MW.



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We feel that the type and scale of the development at Myreton could be considered to be located outside of these preferred search areas, as long as no detrimental effects on the surrounding area/properties/amenities are implemented by the proposal and as long as the proposals effect on the local landscape character are not considered dominating or damaging.

You mentioned 'MLP 2008 policy ER1' which states that 'commercial wind energy developments should be located in a preferred search area'. It should be emphasised that whereas commercial projects are usually undertaken by large multi national energy companies, in this case the project will be owned and run by a local farmer, and any income generated by the scheme will thus remain in the local economy. By only allowing small developments such as this within the preferred search areas, many local land owners with sites suitable for small schemes will be prevented from developing their land for wind energy and diversifying from the traditional farming income. An additional income stream will be welcomed by many farmers as the profitability of their land deteriorates due to competition from abroad.

### **Precedent**

I notice that you have mentioned this scheme may well 'create a dangerous precedent from a local and strategic standpoint', but in usual planning situations, each and every scheme should be reviewed on its individual merits. If this approach is taken, then all schemes of 2 or more turbines, located outside the preferred search areas will be refused in Moray which will not work toward the Scottish and UK governments renewable energy targets, especially as much of Moray is very sparsely populated in comparison to other large areas of the country.

Although Scottish national legislation (PAN 45) doesn't specifically mention the precedent issue, the English equivalent (PPS 22) states on that 'Each planning application should be considered on its own merits, and the argument that granting permission might lead to another application is not sufficient grounds for refusal'. It is likely the principle of each case being considered on its own merits is also likely to apply in Scotland, and we are confident that any planning inspector will not consider the 'dangerous precedent' argument valid.

### **Visual Impact**

As stated in the 'Wind Energy Proposals in Moray – Supplementary Planning Guidance', section 2.3.2, 'general perception of a wind farm in open landscape from a distance of 5 - 15km is only considered prominent in clear visibility'. Using the 5km diameter ZVI diagrams for the Myreton project as reference, it can be seen that the nacelles of the proposed Myreton wind turbines can only be seen from approximately 40% or less of the land area surrounding the site. There are no large settlements within this 5km radius and that the views of the wind turbines will be almost completely blocked to the north by the topography of the land.

### **Cumulative Impact**

Your letter mentions cumulative impact as grounds for recommendation for refusal of the proposal. The cumulative impact assessment provided to the council included two wind farms that have not been granted permission, one of them very large with thirteen, 2MW



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wind turbines. Although these wind turbines were added to the photomontages, it may be the case that these never receive planning permission and so the proposed Myreton project would have been judged on criterion that will never exist.

Also, as discussed in a previous phone conversation with yourself, individual wind projects have to be assessed on a first come first served basis with regards to cumulative impact. With this in mind, including the two proposed 2MW wind turbines at Nethertown in our cumulative impact assessment as we did, which are located very close to the Myreton project, was considered inappropriate. This is because these two turbines make the Myreton project appear as if they were part of a larger five turbine wind farm which I can see could be considered inappropriate in this local landscape area, particularly as the Nethertown turbines are larger in size. The Nethertown project was actually registered on the 15<sup>th</sup> June, 4 months after the registration of the Myreton project on the 16<sup>th</sup> February. If a decision had been made on the Myreton project within the allocated 13 weeks, the Nethertown project would not have been registered as valid until after the decision date.

The cumulative impact assessment ZVI maps submitted on 21<sup>st</sup> August 2009 demonstrate that the nacelles of the wind turbines in all four wind farms included will only be visible from a very small percentage of the 50km diameter area of land surrounding the Myreton site that was investigated. The photomontages taken for the cumulative impact assessment had to be carefully selected, as there are only a small number of suitable locations where each of the wind farms will be visible. Once at these locations, care had to be taken to ensure no trees or vegetation in the foreground would obstruct the views of the turbines, therefore making the act of preparing these photomontages, to include all of the wind farms, a difficult procedure. These photomontages therefore represent a worse case scenario when it comes to the views of the turbines from the surrounding area.

The 50km diameter ZVI maps of just the proposed Myreton turbines in the cumulative impact assessment also clearly show the small proportion of land in the local area that these proposed turbines will be visible from.

### **Additional Guidance**

The penultimate paragraph of your email mentions 'additional guidance' which is being provided by the Development Plans section, regarding 'this type of proposal'. Although this additional guidance is not available yet and did not even exist when the initial concept for this planning application was being developed and then applied for, it seems it has still influenced the recommendation for the application. We consider this to be unreasonable as the guidance discussed did not exist when this application was submitted, or when its original decision date was passed.

**Unlikely Areas of Windfarm Development**

Section 3.2 of the ‘Wind Energy Proposals in Moray – Supplementary Planning Guidance’ lists areas which are considered unsuitable for wind farm development. A list of these has been provided and their relevance to the project to Myreton has also been included.

| <b>Unlikely Area for Wind Farm Development</b>        | <b>Relevance to Myreton and Approximate Distances from Myreton Site</b>   |
|---|---|
| Settlements with a 1km buffer around them.            | No settlements within 1 km. Nearest settlement is Cornhill (8.5km) then Keith (9km).  |
| Residential properties with a 1km buffer around them. | 5 Houses within 1km. Myreton (involved in project), Nethertown, Over Windyhill, Croylet and Brambleburn. No objections received from any of these houses. |
| RAF bases   | The nearest RAF bases are at Lossiemouth (30km) and Forres (43km).  |
| Sites of Special Scientific Interest                  | Nearest SSSI is 4.8km away  |
| Special protection Area                               | Nearest SPA is 15.8km away  |
| Candidate Special Area of Conservation                | Nearest is >50km away (none in Moray)   |
| Designated Special Area of Conservation               | Nearest is 9.7km away   |
| Sand dunes  | Nearest coastline is 10km away  |
| Golf courses  | Nearest is 9.7km away   |
| Semi natural woodland                                 | Nearest is 3km away   |
| Ramsar sites  | Nearest is 16km away  |
| Countryside around town areas                         | Nearest is 9km away   |
| National Scenic Areas                                 | Nearest 60km away   |
| Areas of Great landscape Value                        | Nearest is 10km away  |

The final category on the list was: Areas of low landscape potential for wind farms identified in the “Landscape Potential for Windfarms in North and East Highland and Moray” produced by Scottish Natural Heritage. Within this document there were two maps of relevance. These were:

*Figure 5.17 (p38): Classification of landscape character sensitivity for a small turbine (<10 turbines) development.*

This gives the Myreton site a category of “Low Sensitivity”.

*Figure 7.3 (p67): Landscape potential for small wind turbine developments.*

This gives the Myreton site a category of “Moderate Potential”.

We therefore feel that as the only category on the entire list of ‘unlikely areas for wind farm development’ that the Myreton development does not conform to is the 5 houses that are within a 1km buffer of the site. As one of these houses is financially involved in the project, and no objections have been received from the other 4, we feel the likely recommendation for refusal for the project is unreasonable.



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### **Wind Farms under 5MW**

As stated in 'Wind Energy Proposals in Moray – Supplementary Planning Guidance', section 1.4, "commercial wind farms in the UK typically consist of 25 – 50 turbines which can be over 100m from ground to blade tip". The proposed project at Myreton is far smaller than this and it is questionable if the project could be classified as a 'commercial wind farm'.

The recent 'Feed-in Tariffs' that have been proposed by the UK government as, "the most appropriate support mechanism for distributed and small-scale electricity" have an upper generation limit of 5MW. This highlights the government's views that renewable energy schemes of 5MW and below, such as the Myreton project, are considered 'small-scale'.

Though reference to this size scheme could not be found in the PAN 45 legislation from the Scottish Executive, the Technical Advice Note (TAN) 8 produced by the Welsh Assembly Government highlights a 5MW limit on schemes outside of the Strategic Search Areas (SSA's) proposed for wind farm developments.

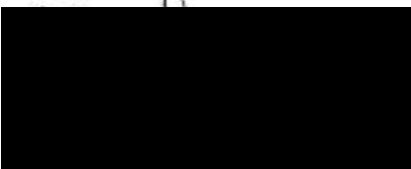
As the proposed Myreton project has a total size of 2.4MW, we feel that it should be considered for approval even though it is not within one of the 'Preferred Search Areas for Small Windfarm Development of 10 Turbines or Less'.

### **Objections**

It is also important to note that not a single objection has been received for the proposal, despite it being put out for objections 3 times, rather than the usual once. This represents the local attitude towards the project and seems to contradict its likely recommendation for refusal.

Thank you for taking the time to read the points put forward in this letter. I hope that you can reconsider your likely recommendation for refusal for this application.

Yours sincerely



Oliver Penney



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