

PLANNING APPLICATION: 11/01384/APP

In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

The Proposal

- This application seeks planning approval for the erection of 1 no. 500 kW wind turbine on agricultural land at Followsters Farm, Newmill, Keith. The base to tip height of the turbine would be 78m and blade diameter, 56m. It would comprise a single tower and 3 blades, and would have a light grey finish.
- Associated works include the construction of concrete foundations for the mast, formation of an access track, hard standing, installation of a transformer cabin and cabling to the national grid.

The Site

- The turbine would be sited on arable land, 3km to the northeast of Newmill. It would occupy an elevated position which falls gently to the west, and would be surrounded by agricultural land and scrub, with plantation woodland further to the north. The B9016 road lies 1.7km to the west with the A96(T) 2.8km to the south west.
- The site is not located within any landscape designation or Preferred Search Area as currently defined in the Moray Local Plan 2008. There are no other local or national environmental designations to protect wildlife or habitat within the vicinity of the site.
- The nearest houses to the proposal (noise sensitive) are Whitestones and Cherrybrae which lie 670m and 790m to the northeast and south respectively

Policy / Objections-Representations / Consultations - See Appendix

History

For the site:

11/00212/SCN - Screening opinion issued in relation to 1 no. wind turbines confirming that an Environmental Impact Assessment is not required.

For the area:

10/00706/APP - Planning application to erect 2 no. wind turbines (66m to tip) at Upper Drakemyers, Keith (currently pending consideration). This lies approx. 2.6 km to the west of the current proposal.

11/01963/APP – Planning approval to construct 1 no. wind turbine (46m to tip) at Craigiebank, Keith. This lies approx. 3.2 km to the southwest of the current proposal and has yet to be constructed.

07/02375/EIA – Planning application (currently pending consideration) to erect 13 no. wind turbines (110 tip heights) at Aultmore Wind Farm. These would be sited within plantation woodland which lies approx. 5 to 7 km to the northeast of the current proposal.

04/02472/FUL – Planning approval (following an appeal to the Scottish Ministers) to construct 1 no. wind turbine (70m to tip height) at Balnamoon, Crossroads, Keith. This is operational and lies approx. 6km to the east of the current proposal.

Advertisement

The application has been advertised under neighbour notification procedures and as a departure from the development plan.

Observations

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the approved Moray Structure Plan 2007 and the adopted Moray Local Plan 2008 unless material considerations indicate otherwise. In this case the main planning issues are considered below.

Main determining issues:

Impact of proposed turbines - Moray Structure Plan 2007 policy 2 (l) and Moray Local Plan 2008 policies ER1 Renewable Energy Proposals, IMP1 Development Requirements, EP5 Surface Water Drainage, EP8 Pollution and T2 Provision of Road Access. Policy Interpretation Note and Safeguarding Guidance (approved April 2010 and June 2011), SPP 2010 and Scottish Government web based renewables advice.

Visual Impact:

Structure Plan policy 2 (l) promotes “sensitive” renewable development. Assessment of this involves consideration of visual impact and any cumulative impact having regard to any other consented turbines in the area. Under Local Plan policy ER1, as a commercial development outside a preferred area, the proposal is a departure and has been statutorily advertised on this basis. In accordance with the Policy Interpretation approved by the Planning and Regulatory Services Committee on 6 April 2010 to reflect Scottish Government guidance on renewable development (SPP 2010), proposals involving up to three turbines can however be considered on merit, depending upon impact on landscape, environmental criteria and any other material considerations (including those detailed within ER1 and IMP1). The interpretation also confirms that cumulative Impact will be a prime consideration.

In terms of the other requirements of policy ER1, the site does not impact upon any environmental, landscape or heritage designation. It is not located on prime agricultural land, is unlikely to have a significant impact on tourism/recreational interests and will not interfere with radio signals or aircraft activity. These aspects are discussed below.

Consideration is therefore focused mainly upon visual impact, including any cumulative impact with any other consented turbines in the area. The criteria for making such an assessment is detailed within the Scottish Government’s web based renewables advice. This outlines that the landscape and visual impact of wind turbines is influenced by land form and landscape

characteristics, number, size and layout of turbines, how the turbines relate to the skyline, design and colour, access tracks; and ancillary components such as power lines and sub-stations.

Assessment of the proposal and accompanying supporting landscape and visual impact information has established that the turbine, by virtue of its height and elevated position, will appear as a manmade 'skyline' feature within the landscape, when viewed from all directions. However, any visual impact or impact on the wider landscape is likely to be minimal due to its substantial distance from the main road network (A96 2.8km to the southwest and B9016 1.7km to the west) and settlements and the surrounding undulating topography. In considering the acceptability of this visual impact it is also acknowledged that the proposal would be sited on upland farmland that is attractive but not identified as being of particular landscape value.

Taking these factors into account, it is considered that that the scale and nature of the proposed turbine is such that it will not be overly intrusive when viewed from a distance and from within a large part of the surrounding area and that the surrounding landscape has sufficient capacity to absorb the development.

In relation to potential cumulative impact with other consented turbines or pending turbine applications, this is unlikely to be significant in this instance as there are currently no approved or constructed turbines of similar size in close proximity, the nearest being an approved 46m high turbine at Craigiebank 3.2 km to the southwest and pending applications 10/00766/APP for 2 no. 66m turbines at Upper Drakemyers 2.6 km to the west and 07/02375/EIA Aultmore windfarm application 5 – 7 km further to the northeast. This is corroborated by a detailed study submitted with the application which predicts no significant effect due to the separation distance of the turbine with these other developments and the limited number of cumulative views of the proposed turbine and these other developments.

Based on the above observations, whilst not located within a preferred search area, the turbine is not considered to detract significantly from the character or appearance of the surrounding area and is regarded as an acceptable departure from the Preferred Search Area requirement.

Ecology

The turbine and associated infrastructure would be on agricultural land that has little bio diversity and a low ecological value. A detailed ecological report (following an on-site habitat/species survey) submitted with the application provides further information on this topic and includes a number of recommendations and best practice guidance to minimise the risk of harm to protected species i.e. badgers and birds and pollution prevention during construction. SNH have assessed this information and are satisfied with its conclusions and recommendations.

Cultural Heritage and Archeology

The proposal would not affect any cultural, historical or archaeological interests. An assessment submitted as part of the application contains similar conclusions in this regard.

Noise:

The Environmental Health Manager has assessed the proposal and supporting noise data and is satisfied that the proposed turbine will not result in unacceptable noise disturbance affecting residential properties in the general locality. Accordingly, the Environmental Health Manager has raised no objection to the granting of permission subject to a condition controlling noise levels.

Shadow flicker i.e. the optical effect caused by the intermittent obstruction of a light source by moving object: Scottish Government Renewables advice and safeguarding guidance approved by the Council in June 2011 recommends that a turbine be no nearer to neighbouring property than ten times the rotor diameter. In the present case this distance would be 560 m. The nearest house is beyond this distance indicating that there would be little or no impact.

Tourism/recreation interests:

The turbine will not affect any designated landscapes or recreational areas and as such, it is considered that any effect on tourism or recreation interests will be negligible.

Electromagnetic interference:

Consultation with the relevant bodies including Ofcom and associated radio operators in the area has confirmed no likely impact on services. Use of the BBC Wind Farm/TV Reception tool has identified possible interference to the TV reception of a number of homes in the area triggering the need for a condition requiring investigation and installation of an alternative digital or satellite service, if this occurs.

Aircraft Activity:

The National Air Traffic Service (NATS) and Ministry of Defence have been consulted on the proposal and have confirmed that there will be no safety risks to aircraft as a result of the development. The MOD has requested the fitting of appropriate lighting and notification of start of works, the maximum height of construction equipment and turbine location information if permission is granted.

Access:

The proposed access delivery route for the turbine will be Macduff Port, along the A98, A96, B9017 and nearby minor roads, travelling through the towns of Banff, Cullen and Fochabers. These elements including necessary vehicle swept path analysis (undertaken by Transport Consultants) are detailed within a preliminary traffic assessment submitted with the application.

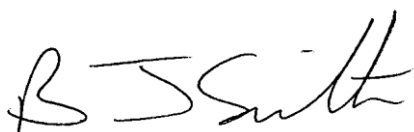
The Transportation Section and Transport Scotland has assessed this information and have raised no objection to the granting of planning permission, subject to various conditions covering delivery of the construction elements (abnormal loads) to the site, submission of a Route Access Report, a Traffic Management Plan (including further detailed swept path analysis), agreement of any accommodation measures/alterations to the road network, an abnormal load trial run, additional surfacing to the minor road where it joins onto the access track to the site, improvements/widening of access and drainage.

Recommendation:

In light of the above observations, the proposal is considered to represent an acceptable form of development and recommended for approval.

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APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2008

Policy 2: Environment and Resources

The Moray Structure Plan Strategy will be supported by: -

- l) promoting opportunities for the sensitive development of renewable energy and promoting renewable energy in new development.

ER1: Renewable Energy Proposals

Renewable energy proposals will be considered favourably where they meet the following criteria:

- a. they are compatible with policies to safeguard and enhance the built and natural environment
- b. they do not lead to the permanent loss or permanent damage to, prime agricultural land,
- c. they are compatible with tourism/recreational interest and facilities, they do not interfere with aircraft activity,
- d. they do not result in an unacceptable impact in terms of visual appearance, landscape character, noise, electro-magnetic disturbance, watercourse engineering, peat land hydrological impacts, pollution, traffic generation or damage to the local ecology, and
- e. they do not result in an unacceptable cumulative impact.

Proposals are required to provide “decommissioning arrangements” to illustrate how the site will be reinstated if and when the plant ceases to operate. This may be enforced through a section 75 agreement.

Commercial wind energy developments should be located within a Preferred Search area identified in the Wind Energy Policy Guidance and meet the above criteria.

IMP1: Development Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It must meet the following criteria:

- a. the scale, density and character must be appropriate to the surrounding area,
- b. the development must be integrated into the surrounding landscape,
- c. adequate roads, public transport, and cycling and footpath provision must be available, at a level appropriate to the development,

- d. adequate water, drainage and power provision must be made,
- e. sustainable urban drainage systems should be used where appropriate, in all new developments
- f. there must be adequate availability of social, educational, healthcare and community facilities,
- g. the development should, where appropriate, demonstrate how it will incorporate renewable energy systems and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria,
- h. provision for the long term maintenance of public landscape and amenity areas must be made,
- i. conservation of natural and built environment resources must be demonstrated,
- j. appropriate provision to deal with flood related issues must be made, including the possibility of coastal flooding from rising sea levels and coastal erosion,
- k. pollution, including ground water must be avoided,
- l. appropriate provision to deal with contamination issues must be made, and
- m. the development must not sterilise significant workable reserves of minerals, prime quality agricultural land, or preferred areas for forestry planting.
- n. where appropriate, arrangements for waste management should be provided.

Policy T2: Provision of Road Access

The Council will require that a suitable and safe road access from the public highway is provided to serve new development and where appropriate any necessary modifications to the existing road network to mitigate the impact of development traffic, and the provision of appropriate facilities for public transport, cycling, and pedestrians. Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

SPP17 details that there will be a presumption against new accesses onto a trunk road, and that the Scottish Executive will consider the case for such junctions where nationally significant economic growth or regeneration benefits can be demonstrated.

Policy EP8: Pollution

Planning applications that are subject to significant pollution such as noise, including RAF aircraft noise, air, water and light will only be approved where a detailed assessment report on the levels, character and transmission of the potential pollution is provided by the applicant to show how the pollution can be appropriately mitigated. Where the Council applies conditions to the consent to deal with pollution matters these may include subsequent independent monitoring of pollution levels.

Policy IMP3: Developer Contributions

Contributions will be sought from developers in cases where, in the Council's view, a development would have a measurable adverse or negative impact on existing infrastructure, community facilities or amenity, and those contributions would have to be appropriate to reduce, eliminate or compensate for that impact.

Where the necessary contributions can be secured satisfactorily by means of planning conditions attached to a planning permission, this should be done, and only where this cannot be achieved, for whatever reason, the required contributions should be secured through a planning agreement.

OBJECTIONS-REPRESENTATIONS

Mr John Fraser, Cherrybrae Croft, Aultmore, By Keith AB55 6QU
Mr Michael Johnston, Balnamoon, Grange, Aberdeen

Lack of Publicity/Neighbour Notification

General concerns regarding lack of local consultation about proposed development and neighbour notification queries.

Comment: The application is a 'local' development as defined in the Development Management Regulations and as such is not subject to pre-application consultation procedures. Neighbour notification procedures have been followed in this case, which has involved placing a statutory advertisement in the local press in accordance with the Development Management Regulations.

Applicant's Response: The statutory local consultation for a development of this scale is either neighbour notification for properties which border the development site, or public advert where neighbouring land does not feature a property.

The neighbour notification process for this application was carried out by Moray Council in accordance with Section 18 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. No neighbour was deemed notifiable for this application and as there were no premises on the neighbouring land, an advert was placed in the locally circulating Banffshire Herald – published on 23/09/2011 - in accordance with Section 20 of the same Regulations.

Public consultation events are generally reserved for major applications as defined by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Due to the scale of the development it is not necessary to undertake public consultation and in instances like this, the onus is placed on interested parties to note the public advert and to make representations as they see fit.

Construction Traffic

The local roads are already experiencing increased traffic due to an increase in farm traffic and house building. Whilst supporting information confirms that a new access track and passing places (along the unmade track to the site) will be formed, no mention is made of improving the local roads or adding passing places as there will be a massive increase in HGV construction traffic.

Comment: Both the Transportation Section and Transport Scotland have assessed the access aspects of the proposal and are satisfied that the network can accommodate the associated HGV traffic, subject to a schedule of conditions. Construction traffic for this single turbine would be a temporary activity with relatively little traffic servicing the turbine thereafter.

Applicant's Response: A preliminary traffic assessment by SKM Colin Buchanan identified that commensurate improvements to the public road network may be required to facilitate the development. Should planning permission be granted then it is expected that a full appraisal will be carried out and approved in writing by Moray Council before the development commences. It is acknowledged that there will be increased pressure on the public road network during the construction phases however it would be a relatively short construction period with relatively minor construction material requirements.

Power Lines

Queries method of connecting power to the national grid i.e. under ground or overhead.

Comment: Supporting information confirms that a connection to the grid is likely to entail excavating a trench and laying a cable to the grid in agreement with Scottish and Southern Energy. A connection via buried cables or poles would be classed as permitted development, as works carried out by an Electricity statutory undertaker.

Applicant's Response: A grid connection application has been submitted to Scottish and Southern Energy - application reference is DUB604 - though a response has yet to be received. Subterranean cabling is the preferred means for connecting to the grid however this will depend on a number of factors outwith our control.

Badgers and Bats

Supporting information confirm that there is no evidence of badgers or bats in the area. Both species have been seen at this location.

Comment: The ecological report submitted with the application includes an assessment of the likely impact upon both species, together with recommendations and best practice guidance to minimise the risk of harm to protected species i.e. badgers which may pass through the site, birds and pollution prevention during construction. SNH considers this information to be accurate and that the recommendations contained within the report to safeguard protected species and habitat are appropriate. Similarly SNH concurs that bats can probably be seen in the wider area but that the turbine location is unlikely to be a high risk area for bats because of its position in open ground.

Noise Impact

As one of the closest neighbours to the proposal we have concern regarding noise impact. Also notes that the application includes no information on 'shut down' procedures in the event of noise affecting neighbours.

Comment: The Environmental Health Section has studied the proposal and supporting noise data and is satisfied that the proposed turbine will not result in unacceptable noise disturbance affecting residential properties in the general locality. A number of conditions covering noise levels and mitigation measures shall be attached to the planning approval.

Applicant's Response: The relationship between the proposed turbine and the nearby residential properties has been assessed in accordance with industry standard ETSU-R-97

methodology. The ETSU-R-97 methodology concludes for the proposed PowerWind 500 turbine that not financially involved properties should be further than 420m from the turbine to avoid adverse effects on amenity. Full noise calculations are detailed in Appendix 3 of the supporting statement submitted alongside the planning application. We are happy to accept planning conditions to ensure that the turbine does not exceed industry standard guidance.

Photo montages and wire line drawings

Queries accuracy of photomontages and wire line drawings

Comment: The agent has confirmed that the submitted photomontages and wire line drawings are accurate and have been prepared following best practice and guidance contained within Scottish Natural Heritage guidance on Landscape and Visual Impact Assessment.

Applicant's Response: Since the submission of the original application, a detailed landscape visual impact assessment (LVIA) has been submitted in support of the application. The LVIA examines the visual impact of the turbine alone as well as on a cumulative basis, taking into consideration other turbines in a set area.

Letter of Support

I would like to offer my full support for this development. It is essential that we take all possible steps to meet the challenges of Climate Change. Low carbon generation like this is ideal and well suited to the local area. It will bring income activity and jobs. It will not affect tourism leisure or agriculture in any way.

CONSULTATIONS

Transportation Manager - No objection subject to conditions covering routing, accommodation measures, improvements to road network and access.

Environmental Health Manager – No objection subject to conditions to protect amenity.

Contaminated Land Section - No objection.

Planning Gain Unit – The proposal attracts no developer contributions.

National Air Traffic Systems Limited - No objection. Proposal does not conflict with safeguarding criteria.

National Roads Directive – No objection subject to conditions regarding abnormal loads, temporary signage and traffic control measures.

SNH – No objection. SNH considers the ecological report findings to be accurate and that the recommendations contained within the report to safeguard protected species and habitat are appropriate.

Ministry of Defence Safeguarding & Byelaws Sect - No objection subject to conditions requiring lighting (omni-directional red lighting or infrared lighting) at top of mast and notification of date of start of works, max height of construction equipment etc.

Strathisla Community Council - Objection Strathisla Community Council are concerned that our area may already have reached its saturation point with regards to turbines and applications for more single turbines in this area will only detract from the surrounding aesthetics of the countryside. There are now many large obtrusive developments seen in our area but single developments are perceived by local people to have no community benefits.

Ofcom – Provides system operator fixed link details. (No objections received from operators).

RSPB – RSPB Scotland does not have any serious concerns about the proposal.