

THE HIGHLAND COUNCIL

PLANNING APPLICATIONS COMMITTEE – 18 February 2014

Agenda Item	6.8
Report No	PLN/017/14

**13/04226/FUL : Mr Denys Greenhow
Land 110M SW Of 13 Lower Milovaig, Glendale**

Report by Area Planning Manager

SUMMARY

Description : Erection of 10kW wind turbine (18.5m to hub, 22.25m to tip), underground cable and electrical cabinet.

Recommendation - GRANT

Ward : 11 - Eilean A' Cheò

Development category : Local Development

Pre-determination hearing : n/a

Reason referred to Committee : Five objections from 5 addresses.

1. PROPOSED DEVELOPMENT

- 1.1 This application seeks full planning permission for the erection of a 10KW wind turbine in an elevated position on croftland to the southern, inland side of the scattered crofting township of Lower Milovaig.
The turbine has a hub height of 18.5m and features a triple bladed rotor of 7.5m in diameter, giving a total height of 22.25m. As such, it falls within the category of 'small scale' wind turbine development provided by the Council's Interim Supplementary Guidance: Onshore Wind Energy, approved by Committee in March 2012.
- 1.2 Informal pre-application advice was provided in April 2013 highlighting the need for any application to address the issues of noise impact on neighbours and visual impact in respect of seaward views within the North-west Skye Special Landscape Area.
The proposal was also made the subject of a request for an EIA screening opinion (13/04011/SCRE) which was provided on 7 January 2014 and concluded that this was not EIA development.
- 1.3 Access to the site is from the existing croft house access from the township road. Turbines of this scale do not require the creation of new roads for construction traffic.

1.4 The application has been submitted with a supporting statement which includes a noise report, landscape assessment and visualisation analysis.

1.5 **Variations:** Further wireframe images submitted at the request of the case officer.

2. SITE DESCRIPTION

2.1 Lower Milovaig sits on a small peninsula which forms the southern side of Loch Pooltiel. In general the Smooth Stepped Moorland character of this peninsula slopes down towards the sea from higher land at the centre. The turbine site is about halfway down this irregular decline to the coast and is thus in a prominent and elevated position relative to some neighbouring properties to the north-east and north-west.

2.2 However, the folded nature of this sloping landform in combination with the scattered crofting settlement pattern which has developed within it, means that the turbine site is shielded from the immediate view of many of the properties of Lower Milovaig and neighbouring Upper Milovaig to the east.

3. PLANNING HISTORY

3.1 13/04011/SCRE - Erection of 10kW wind turbine on 18m tower, 22.25m to tip and equipment cabin (Screening request under EIA Scotland Regulations 2011) – Not EIA development – 07.01.2014

3.2 13/04526/PIP - Erection of house, formation of access and installation of septic tank and soakaway – Approved – 15.01.2014

4. PUBLIC PARTICIPATION

4.1 Advertised : Unknown neighbour
Representation deadline : 13.12.2013

Timeous representations : 3 from 3 households

Late representations : 3 from 3 households

4.2 Material considerations raised are summarised as follows:

- Turbine is out of keeping with the landscape character and scenic value of the special landscape area
- Sits in a prominent position close to the skyline and will be seen from long distance
- Out of scale with other development
- Will damage tourist potential
- Will have a high visual impact from the Lon Ban property
- Poses a threat to Sea Eagles and Buzzards and other species
- Noise from the turbine will be a problem for nearby residents and will be of a greater magnitude (average wind speed is 15% higher) than presented because of localised high winds
- High wind speeds could damage the turbine
- Alternative siting would reduce visual and noise impact

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 **TECS – Environmental Health** : No objection in respect of noise emission impact

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland-wide Local Development Plan 2012

Policy 28	Sustainable Design
Policy 29	Design Quality and Place-Making
Policy 34	Settlement Development Areas
Policy 57	Natural, Built and Cultural Heritage
Policy 58	Protected Species
Policy 61	Landscape
Policy 67	Renewable Energy Developments

6.2 West Highland and Islands Local Plan

Policy 2	In respect of land allocations and designations
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7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

N/a

7.2 Highland Council Supplementary Planning Policy Guidance

Interim Supplementary Guidance: Onshore Wind Energy – March 2012

7.3 Scottish Government Planning Policy and Guidance

SPP

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the

Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 **Development Plan Policy Assessment**

The property falls within the Settlement Development Area for Upper and Lower Milovaig and so Policy 34 of the Highland-wide Local Development Plan applies. Policy 34 supports development proposals within Settlement Development Areas if they meet the Design for Sustainability requirements of Policy 28. There is also a requirement to judge proposals in terms of how compatible they are with the existing pattern of development and landscape character and how they conform with existing and approved adjacent land uses. Policy 29 repeats this emphasis on good design in terms of compatibility with the local settlement pattern. Policy 61 further emphasises the need for development to respect the landscape character of their surroundings.

There is also a requirement to judge proposals in terms of their impact upon the natural, built and cultural heritage features identified by Policy 57. The site falls within the North-West Skye Special Landscape Area in respect of which Policy 57.1 states that developments will be supported where they can be shown not to have an unacceptable impact upon the identified protected amenity and heritage resource.

Policy 58 states that where there is good reason to believe that a protected species may be present on site or may be affected by a proposed development, we will require a survey to be carried out to establish any such presence and if necessary a mitigation plan to avoid or minimise any impacts on the species, before determining the application.

Policies 67 states that the Council will support proposals where it is satisfied that they are located, sited and designed such that they will not be significantly detrimental overall, either individually or cumulatively with other developments.

8.4 **Material Considerations**

Design, Appearance and Landscape Impact – small scale turbines of this type are now seen quite frequently within the highland landscape. From this experience it is clear that they can have a significant visual impact at close ranges but also that this impact diminishes rapidly with increasing distance of view as their scale and massing begins to be seen within the context of a wider landscape setting.

This application has been submitted with a set of five photomontage sets based around five viewpoints. Three of these viewpoints have been chosen to illustrate long views from the extensive settlements of Glendale beyond the head of Loch Pooltiel to the east. Two provide visual impressions of the turbine from much closer range within the Lower Milovaig settlement itself. Such visualisations can only be used as one tool in making a landscape impact assessment, but they have been found to be a particularly useful one in making assessments of single turbines such as this.

For clarity, in this report, the viewpoints will be analysed from west to east (increasing distance from turbine) and not in the order they appear in the submitted document;

Lon Ban viewpoint – 279m to the north-west of the turbine – in this view, taken

from the most westerly road within the settlement, the turbine sits at the top of a rising landform which slopes up from the southern side of the road. In this sky-lined position its visual impact is maximised and the case officer concurs with the applicant's analysis that the machine has a Moderate rather than a Major overall impact from this direction. Its impact is mitigated by two factors;

- (a) The 75mm focal length image indicates that although the turbine is very visible it is still set within a large, wide and open landscape which serves to diminish its overall visual significance and effect
- (b) The primary orientation and views of the houses along this road are to the north and out to sea. This serves to diminish the real visual impact of the development on these residents and other users of the road.

13 Lower Milovaig viewpoint – 194m to the north-west of the turbine – this view is taken from the roadside frontage of croft 13 and, again, the turbine is in a prominent and elevated position at the top of the landform which also rises steeply from the rear of the croft house. It will be in clear view of road users travelling in either direction around the Milovaig 'loop' road and the blade tips will still be in view from the elevated Upper Milovaig road to the east. For those travelling up hill round the loop this view will be straight ahead for a short section of the road. Consequently, the case officer disagrees with the applicant's analysis of the visual impact from this perspective and would classify the overall impact as Moderate rather than Minor/Moderate with the magnitude of the visual effect being as 'high' as the previous viewpoint. However, it is also recognised that, in terms of numbers, the actual impact on neighbouring households and passing traffic volumes is going to be comparatively low.

Ferrinquarre viewpoint – 2253m due east of the turbine on the northern side of Loch Pooltiel – in this much more distant view of the proposal, the wide open landscape location of the turbine provides a contextual setting in which the scale and massing of the machine becomes much less significant. Furthermore, it is back-dropped against rising land to the west and the scattered crofting pattern provides a built development scene into which it is comfortably absorbed – even when taking account of its rotational movement. The case officer agrees with the Minor/moderate overall impact assessment.

Glendale viewpoint – 3493m south-east of the turbine – from this perspective the greater range merely accentuates the conclusions drawn above. A Minor/moderate overall assessment is considered to be correct.

Fasach viewpoint – 4263m south-east of the turbine – this represents the first view of the wider settlements around Loch Pooltiel for those travelling into Glendale from the Dunvegan direction. Once again, increased distance has further emphasised the absorption of the visual impact of the turbine within the scale of the surrounding landscape. However, it is considered that the raised elevation of this viewpoint and the position of the turbine within the centre of the natural view out over Loch Pooltiel, serves to increase the prominence of the turbine and make its movement more noticeable. Consequently, the case officer would argue that a Minor/moderate overall effect rather than a Negligible one should be concluded.

From the above analysis, it can be concluded that the overall visual effect of the turbine is acceptable. Even taking the sensitivity of its Special Landscape Area setting into account, the landscape impact of the turbine can be seen to be small.

The special qualities of this landscape are not considered to be compromised or demonstrably damaged by this development.

It should be noted that, during the course of the application, the case officer asked for a further set of wireframe diagrams to help illustrate the degree to which the turbine would be visible from other viewpoints within the Lower and Upper Milovaig settlements. The wireframe diagrams received confirm that the turbine will be obscured from view by a large proportion of the dwellings within the area by the intervening landforms. This is considered to strengthen the case in favour of the development by indicating that the extent of the local (close proximity) visual impact of the turbine is small.

Neighbour amenity, noise and shadow flicker – the application has been submitted with a noise impact assessment based around standard methodologies. This has been assessed by TECS-Environmental Health and the officer has stated that with the nearest noise sensitive location - identified as 12 Lower Milovaig - at an approximate distance of 132m from the proposed turbine site, the assessment indicates the noise level at this location to be 35dB(A) which is below the screening standard of 40dB(A). The edge of the 40dB(A) margin is 75m around the turbine, placing 13 Lower Milovaig some 57m beyond this boundary. This figure is arrived at using the methodology described in the British Wind Energy Association document “Small Wind Turbine Performance and Safety Standard 29 Feb 2008. The 40dB(A) margin lies 75m from the turbine.

A number of third party comments have suggested that the average wind speed is higher than that quoted in the report. In their consultation response Environmental Health have stressed that these calculations are based on “.....*wind speed data obtained from the Department of Energy & Climate Change national wind speed database. It must be understood that this data is based on a topographical model and the accuracy of such information cannot therefore, be verified without actual wind monitoring data. However, to be of use any on site wind monitoring would require to be undertaken over several months.....*”. As with other similar applications, Environmental Health are not recommending that such wind monitoring be carried out and the planning authority considers that to do so would be unacceptably onerous given the large distance between the nearest noise sensitive location and the outer boundary the 40dB(A) margin.

In terms of shadow flicker, there are no properties within 10 blade diameters (75m) of the turbine and so this effect is not a material consideration for this application.

Ecology – a number of third party objections suggest that the turbine could have a detrimental impact upon local populations of birds of prey. During the EIA screening application - 13/04011/SCRE – a consultation response was received from SNH stating that no specific protected species populations were known in the area and that, consequently, SNH did not wish to be consulted on any subsequent application.

Consequently, it is not considered that this development will have any detrimental impact upon local bird populations or any other protected species.

Archaeology – the statement submitted with the application states that a desktop survey of archaeological finds in the area indicates that this development will not disturb any underground remains.

National policy - One third party letter raised a number generic objections to wind

turbine energy production and national policy. While some challenge the rationale of the UK and Scottish Government policy on renewable energy, particularly the extent to which turbines and on-shore wind farms are promoted, it is not the role of the Planning Authority to review the adequacy of national planning policy or guidance here. This policy and guidance is, however, a material consideration in the determination of this application.

8.5 Other Considerations – not material

None

8.6 Matters to be secured by Section 75 Agreement

None

9. CONCLUSION

9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. RECOMMENDATION

Action required before decision issued N

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons:

1. This planning permission shall expire and cease to have effect after a period of 30 years from the date of this decision notice. Upon the expiration of a period of 25 years from the date of this decision notice, the wind turbine shall be decommissioned and removed from the site, with decommissioning and restoration works undertaken in accordance with the terms of the Decommissioning and Restoration Plan approved under condition 2 of this permission.

Reason: Wind turbines have a projected lifespan of 25 years, after which their condition is likely to be such that they require to be replaced, both in terms of technical and environmental considerations. This limited consent period also enables a review and, if required, reassessment to be made of the environmental impacts of the development and the success, or otherwise, of noise impact, species protection, habitat management and mitigation measures. The 30 year cessation date allows for a 5 year period to complete commissioning and site restoration work.

2. No development shall commence until a draft Decommissioning and Restoration Plan (DRP) for the application site has been submitted to, and approved in writing by, the Planning Authority in consultation with SNH and SEPA.

Thereafter, and no later than 12 months prior to the decommissioning of the development, a detailed DRP, based upon the principles of the approved draft plan, shall be submitted to, and approved in writing by, the Planning Authority, in

consultation with SNH and SEPA.

For the avoidance of doubt, the DRP shall include the removal of all above-ground elements of the development, the treatment of ground surfaces, management and timing of the works, environmental management provisions and a traffic management plan to address any traffic impact issues during the decommissioning period. The detailed Decommissioning and Restoration Plan shall be implemented as approved.

Reason: To ensure that the decommissioning of the development and restoration of the site are carried out in an appropriate and environmentally acceptable manner.

3. The developer shall, at all times after the date when electricity is first exported from the approved wind turbine, record information regarding the monthly supply of electricity and retain the information for a period of at least 12 months. The information shall be made available to the Planning Authority within one month of any request by them. In the event that the wind turbine, once installed and commissioned, fails to supply electricity for a continuous period of 6 months, then the wind turbine in question shall be deemed to have ceased to be required. Under such circumstances, the wind turbine, along with any ancillary equipment, fixtures and fittings not required in connection with retained turbines, shall, within 3 months of the end of the said continuous 6 month period, be dismantled and removed from the site and the surrounding land fully reinstated in accordance with the Decommissioning and Restoration Plan produced in accordance with condition 2 above.

Reason: To ensure that all wind turbines and associated development is removed from site should the wind farm become largely redundant; in the interests of safety, amenity and environmental protection.

4. The development hereby approved shall not be carried other than utilising the Aircon 10S model identified within the submitted Noise Report.

Reason : In the interests of neighbour amenity

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Mud & Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Signature:

Designation: Area Planning Manager North

Author: Mark Harvey

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 – Amended Location Plan

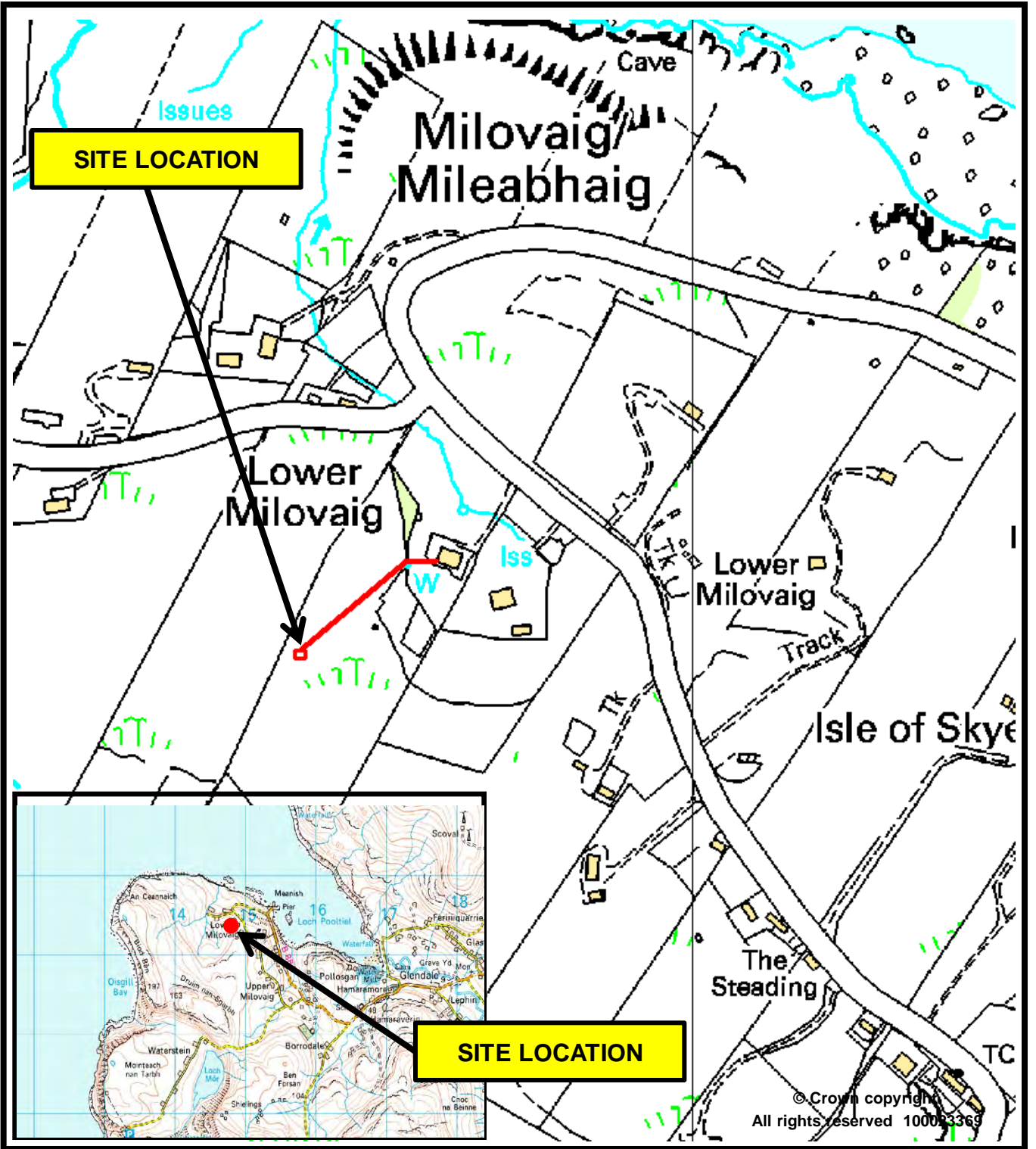
Plan 2 – Site Layout Plan

Plan 3 – Elevation Plan

Plan 4 – General Plan

Appendix – Letters of Representation

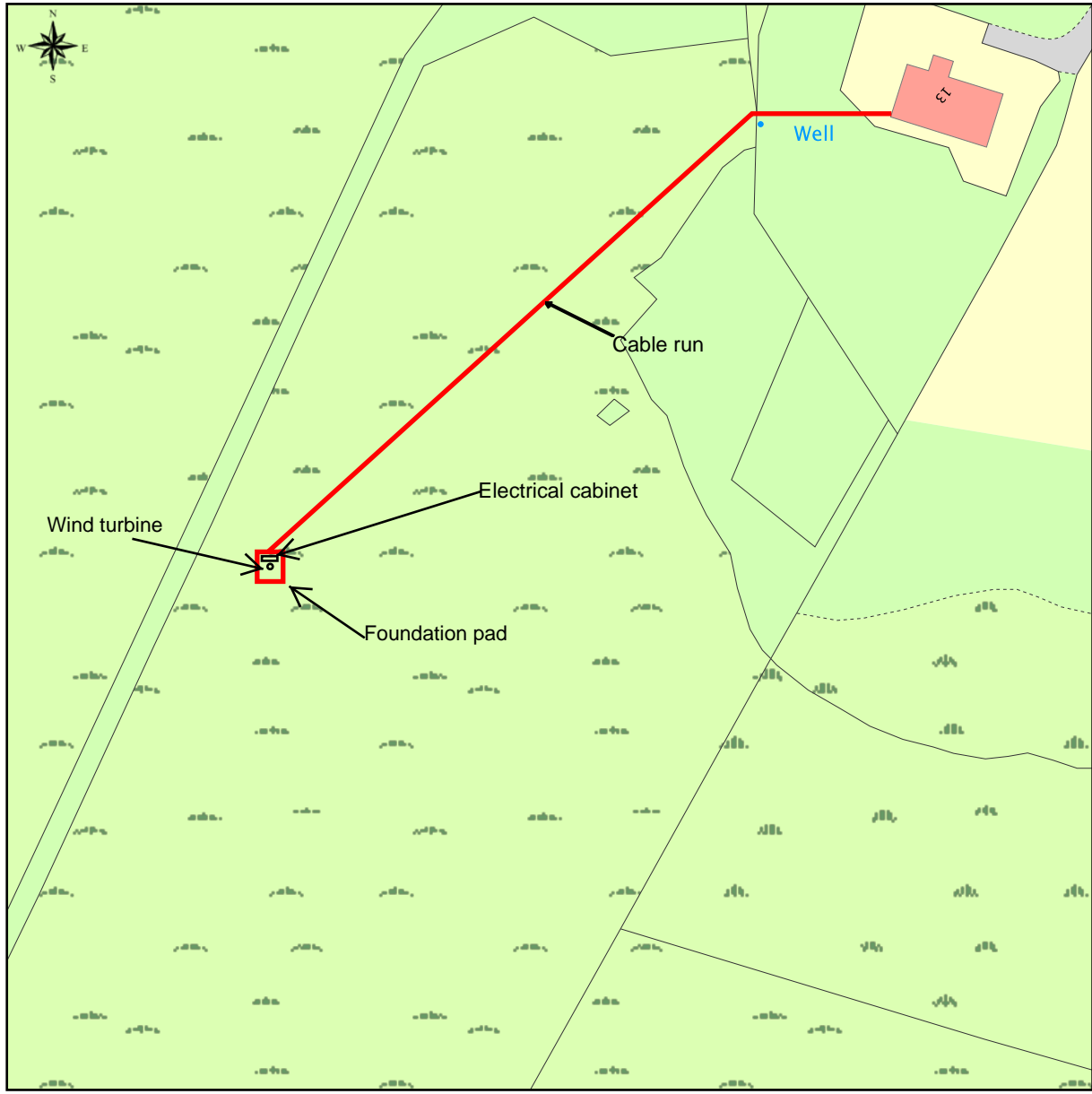
Name	Address	Date Received	For/Against
Mr Andrew Vivers	Arniefoul, Glamis, Forfar DD8 1UD	20.11.2013	Against
Mr and Mrs Ian and Catherine Ann Blackford	Lon Ban, 17 Lower Milovaig, Glendale	09.12.2013	Against
Ron and Glenda Sutton	15 Lower Milovaig, Glendale	11.12.2013	Against
Miss Kathleen Lindsley	10 Lower Milovaig, Dunvegan	16.12.2013	Against
Alan Dickson	The Wooden House, 12 Lower Milovaig	17.12.2013	Against
Mr Peter Allan	12 Lower Milovaig, Glendale	17.12.2013	Against



13/04226/FUL:

Erection of 10kW wind turbine (18.5m to hub, 22.25m to tip), underground cable and electrical cabinet.

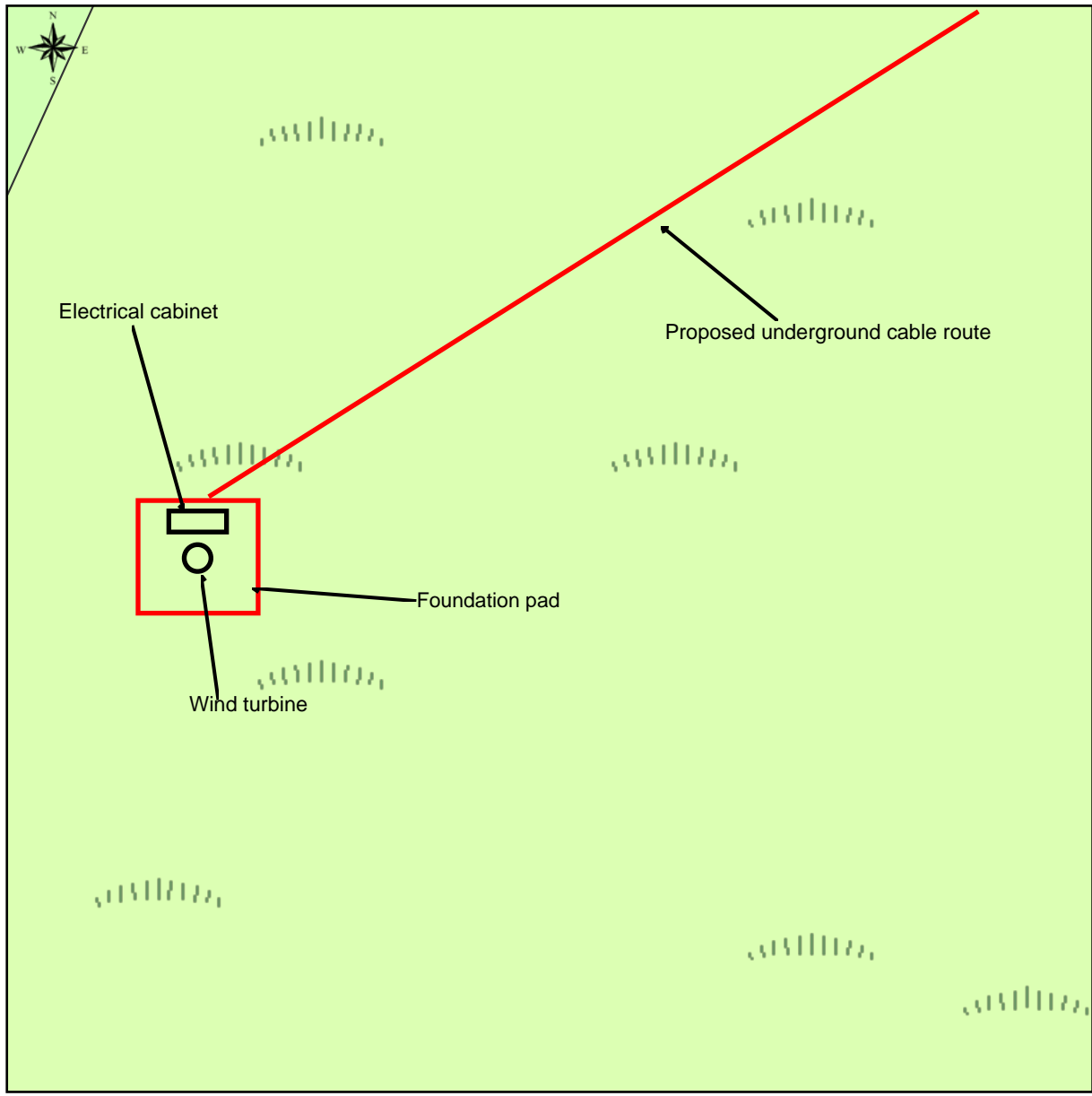




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10m 20m 30m 40m 50m 60m 70m

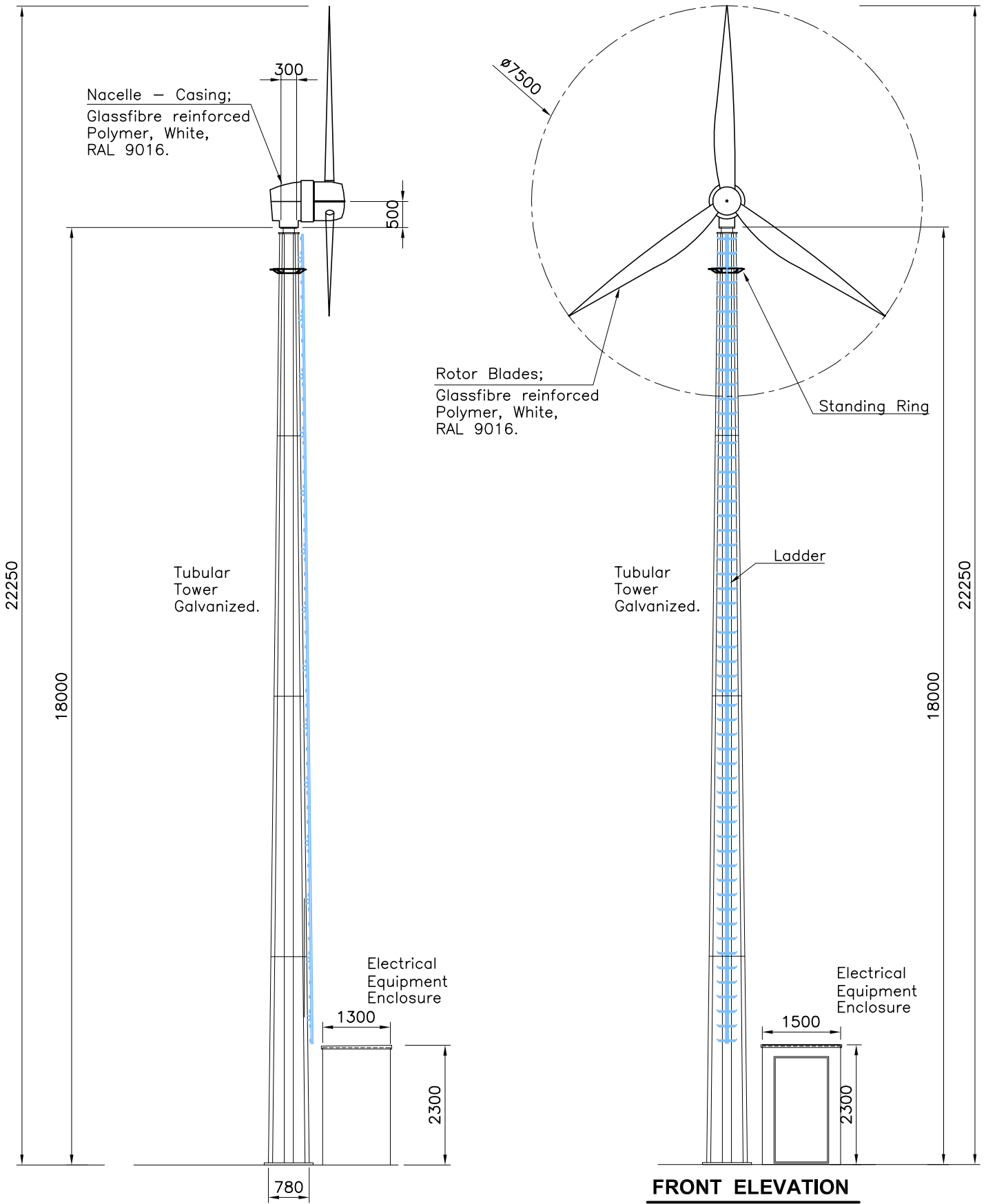
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Scale: 1:250, paper size: A4



SIDE ELEVATION
scale 1 : 100

FRONT ELEVATION
scale 1 : 100

U.N.O. All Dims. in millimetres . Do not scale dwg. - use figured dims only.

Rev	Date	Description	
June 2012	PPower	Gene Hourihane	
Dwg. Scale	1:100 on A4 Sheet	Rev. Mk	Rev. Date

AIRCON GmbH & Co. KG

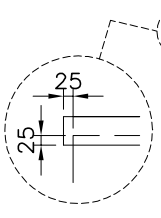


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with Electrical Equipment Enclosure.

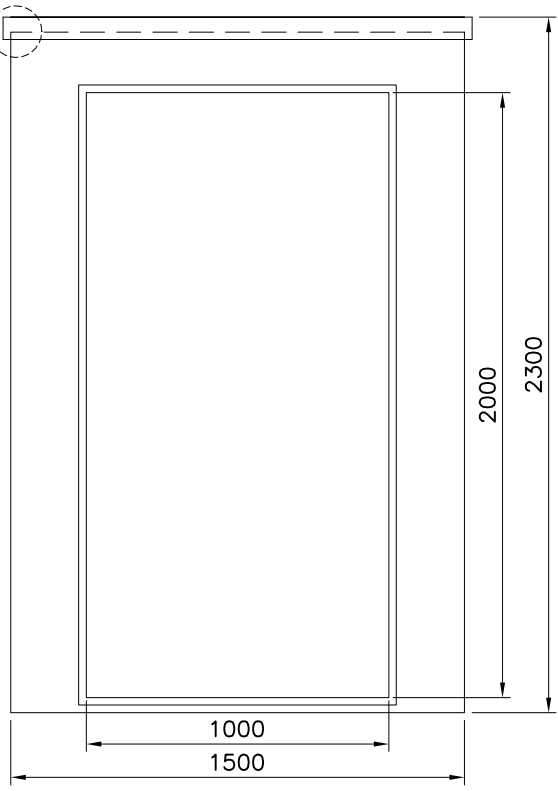
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ELEVATIONS - General Arrangement.

Dwg. No.
A10-18T-1

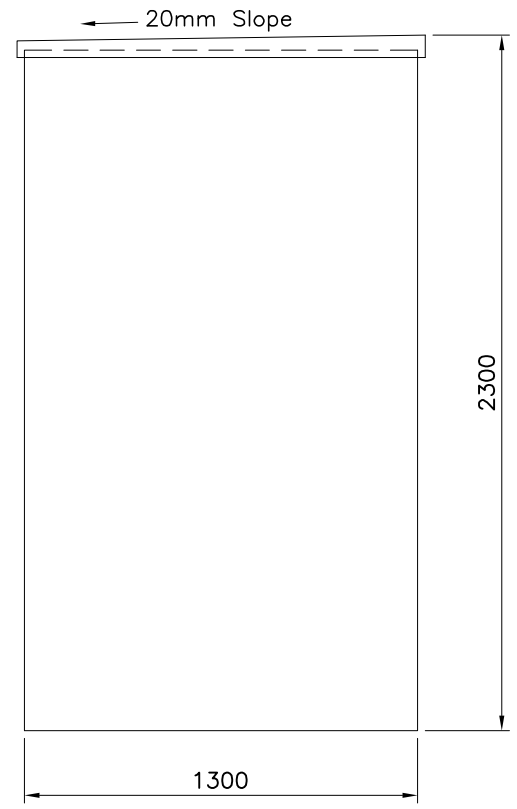
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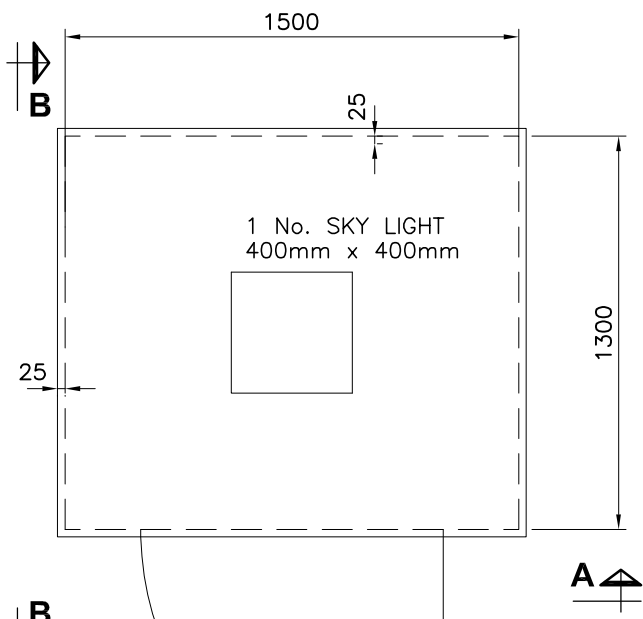
Detail A
scale 1 : 20



FRONT ELEV. A-A
scale 1 : 25



SIDE ELEV. B-B
scale 1 : 25



PLAN VIEW
scale 1 : 25

U.N.O. All Dims. in millimetres . Do not scale dwg. - use figured dims only.

Rev	Date	Description		
Date		Made by.	Checked By	
June 2012		PPower	Gene Hourihane	
Dwg. Scale		Rev. Mk	Rev. Date	
As shown on A4 Sheet.		.	.	

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Title
Aircon 10 18m Tubular Tower
Electrical Equipment Enclosure.
Dwg. Ref.
PLAN & ELEVATIONS - General Arrangement.
Dwg. No.
A10-18T-2
Sheet No.
2