

THE HIGHLAND COUNCIL

**CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING
APPLICATIONS AND REVIEW COMMITTEE – 23 October 2007**

Agenda Item	4.3
Report No	26/07

07/00251/FULCA: Renewal of permission for erection of 70 metre high anemometer mast on forestry land to the north of Loch of Toftingall, Spittal, Highland

Report by Area Planning and Building Standards Manager

SUMMARY

Seven letters of objection, five from separate addresses, have been received from members of the public and local residents in the area. The grounds of objection do not merit refusal. This proposal accords with Policies G2, E2 and T6 of the Highland Structure Plan and the application is therefore recommended for approval.

The recommendation is to GRANT planning permission.

Ward Number 4 –Landward Caithness

Applicant: Gamesa Energy UK Ltd, Rowan House, Hazell Drive, Newport, NP10 8FY

1. PROPOSAL

1.1 This application is for the renewal of planning consent for the erection of a 70 metre high anemometer mast on land to the north of Loch of Toftingall, near Spittal, Wick

2. PLANNING HISTORY

2.1 05/00207/FULCA: Erection of 70 Metre High Anemometer Mast - approved by the Caithness Planning, Development, Europe and Tourism Committee on 27 June 2005, the permission being issued on 1 July 2005 for a two year period.

3. PUBLIC PARTICIPATION

3.1 The application was advertised under Section 34 of the Act with a 14 day period allowed for representations to be made.

3.2 Seven letters of objection have been received, from five separate addresses. The grounds of objection can be summarised as follows:

- Anemometers are accepted as precursors for wind farms.
- The existing mast has been up for more than enough time to obtain all the technical data required for the submission of a wind farm application.
- Unacceptable visual impact on the prominent landscape feature of the Loch of Toftingall.
- Cumulative impact of wind farm developments in the area.
- Unacceptable impact of the proposal on wildlife and birds including geese, whooper swans, herons and ospreys which fish in the vicinity.
- The proposal is contrary to Highland Structure Plan policies G1, G2, G3 and N1 and Contrary to Article 8 of the Human Rights Act.
- The applicant is a Spanish company. Why should they be allowed to carry out work in the area?

3.3 The letters of representation are available in the Area Office and will be available at the Committee meeting. The names of those making representation are listed at the end of this report

4. CONSULTATIONS

4.1 **Highland Council Archaeologist** (Previous Application 05/00207/FULCA): No objection subject to the applicant being reminded that any finds of significance be reported to the Council's Archaeologist.

4.2 **Defence Estates** (Previous Application 05/00207/FULCA): No safeguarding objections.

4.3 **Highlands and Islands Airports Ltd** (Previous Application 05/00207/FULCA): No objections.

4.4 **Scottish Natural Heritage**: No objections.

5. POLICY

5.1 The following policies are relevant to the assessment of the proposal

Highland Structure Plan (2001):

- G2 Design for Sustainability
- E1 Distributed renewable energy developments
- E2 Wind energy developments
- T6 Scenic views

Caithness Local Plan

The Caithness Local Plan allocates the site under Primary Policy PP3 where the Council will presume against development particularly where there is significant damage to heritage, amenity or public health.

5.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP); National Planning Policy Guidelines (NPPG); and Planning Advice Notes (PAN).

- SPP1 – The Planning System
- SPP6 – Renewable Energy

6. PLANNING APPRAISAL

6.1 **Determining issues** – 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.

6.2 The proposal requires to be assessed against the appropriate policies of the Development Plan, supplementary guidance and National Planning Policy and Guidelines as referred to in the Policy section. In particular, the proposal requires detailed assessment of the following fundamental issues:

- whether the principle of development is appropriate in terms of policy
- whether the layout of development is appropriate
- the impact on the amenity of the area and residents
- other material issues raised by the objectors

6.3 The application is for the renewal of planning consent for the erection of a 70 metre high anemometer mast. The proposed anemometer mast is designed to obtain meteorological data at the site for a period of 24 months. The data would be used by the developers to assess the suitability of the site for potential wind energy developments. Any such wind energy development would be subject of a separate planning application and environmental assessment.

6.4 The mast is a metal lattice structure tethered to the ground by guy wires and fixed to the ground by means of anchors. There is relatively little impact on the ground of with the base sitting on a plate on top of the ground.

6.5 The issues raised by this proposal are:

- the impact on natural heritage in relation to habitat and protected species during construction and operation.
- the impact on visual amenity and landscape character.
- public objection.
- the impact on tourism, visitors and other land users.
- the compatibility with the Development Plan and Government and European Policy.

6.6 The impact on natural heritage: Scottish Natural Heritage do not object to this proposal.

- 6.7 The impact on visual amenity and landscape character: Generally the view has been taken that anemometer masts are acceptable for a temporary period. The renewal of consent for another two years is considered acceptable.
- 6.8 The impact on tourism, visitors and other land users: The proposed mast is visible from the A9 public road, from houses and from the wider countryside. However, as the mast is not a permanent structure its impact on tourism and visitors is limited. The mast has a low ground disturbance and does not interfere with any other users.
- 6.9 Public objection: The objections relate to wind farm developments in broad national or Highland area context. However, this application is for the renewal of consent for an anemometer mast to assess wind and weather conditions in the locality. There is no evidence that anemometer masts affect the value or ability to sell property.

7. CONCLUSION

- 7.1 The proposal, which is temporary in nature, accords with Structure and Local Plan policies.
- 7.2 Given all the above I would recommend this application be approved. In granting renewal of consent, this does not imply that a wind farm development would be acceptable at this location.

RECOMMENDATION

Grant planning permission subject to the following conditions:

1. The permission hereby granted shall endure for a period of two years from the date of this permission within which period, unless with the express approval in writing of the Planning Authority, the site shall have been cleared, including the removal of the anemometer mast and associated meteorological equipment, and thereafter re-instated to the satisfaction of the Planning Authority in consultation with Scottish Natural Heritage.

Reason: In order to allow the Planning Authority to retain effective control over this development.

2. All guy wires supporting the 70 metre anemometer mast shall be rendered visible to flying birds using bird deflectors manufactured by 'Clydesdale' or as may otherwise be agreed in writing with the Planning Authority, in consultation with Scottish Natural Heritage, prior to the commencement of development, and shall be fitted at the time of installation of the masts.

Reason: To protect the natural interests of the site and for the avoidance of doubt.

3. The guy wires shall be fitted with bird deflectors at approximately 5 metre intervals.

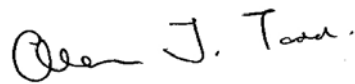
Reason: To protect the natural interests of the site and for the avoidance of doubt.

4. The bird deflectors shall be routinely inspected at the site on a 3 monthly basis and any defective or missing deflectors shall be replaced immediately.

Reason: In order to safeguard the natural heritage interests of the site.

5. Except as otherwise provided by the terms of this permission, the developer shall construct and operate the development in accordance with the plans and supporting information submitted with the application and docketed as relative hereto with no deviation therefrom unless otherwise approved in writing by the Planning Authority.

Reason: In order to clarify the terms of the permission hereby granted and to ensure that the development is implemented as approved.



Signature:

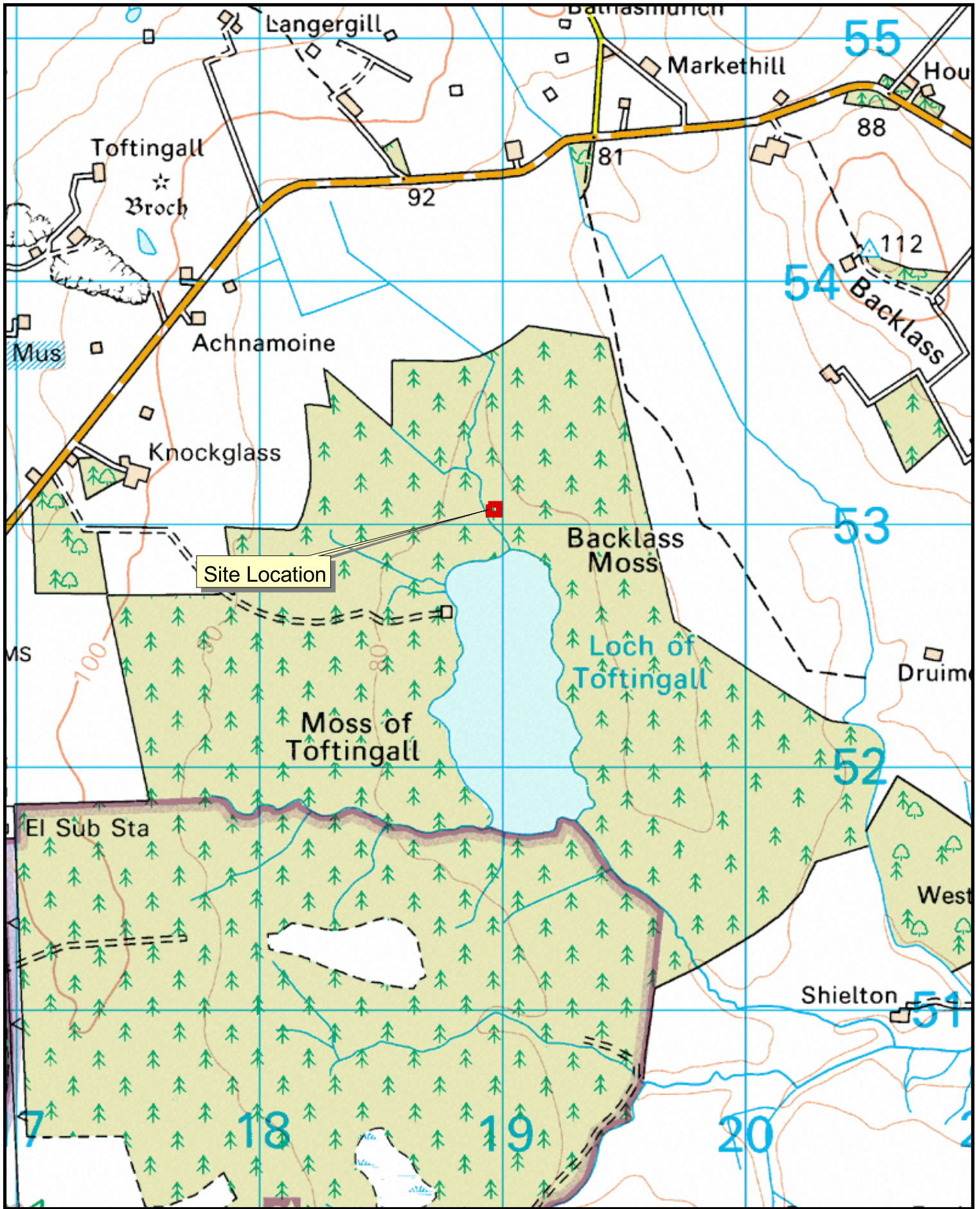


Designation: Area Planning & Building Standards Manager

Author: Andrew Parker (01955) 607754

Background Papers: As referred to in the report above and case file reference number 07/00251/FULCA

Date: 8 October 2007



07/00251/FULCA
Renewal of consent for existing 70 metre anemometer mast at
Forestry North of Loch Of Toftingall, Watten, Wick

Gamesa Energy UK Ltd
Rowan House
Hazell Drive
Newport
NP10 8FY



Date: 08 October 2007

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