

THE HIGHLAND COUNCIL

CAITHNESS SUTHERLAND & EASTER ROSS PLANNING APPLICATIONS COMMITTEE – 9 November 2010

Agenda Item	4.8
Report No	PLC/048/10

**10/02404/FUL : The Committee Rhue Stoer Community Hall
Land 90m SE of Rhue Stoer Hall, Stoer, Lochinver**

Report by Area Planning and Building Standards Manager

SUMMARY

Description : Installation of 6kW wind turbine on 15m mast with underground cable to Stoer village hall.

Recommendation - GRANT

Ward : 01 - North, West and Central Sutherland

Development category : Local

Pre-determination hearing : None

Reason referred to Committee : More than 5 representations as per Scheme of Delegation.

1. PROPOSED DEVELOPMENT

1.1 The application is being made by the Committee which runs the community hall to provide power to offset the costs of running and heating the hall.

The proposal is for the erection of a single 6kW wind turbine on a 15m mast with an underground cable. The turbine blades (two) have a diameter of 5.6m.

The site of the proposed turbine is approximately 90m to the south-east of the hall on poor quality peat-covered moorland. The site sits above the hall on a rise in the ground and has an open aspect.

The site is approximately 90m from the closest point on the public road.

1.2 Brief informal discussions with Planning Service over procedural and fee matters relating to the application.

1.3 No existing infrastructure.

1.4 Supporting statement has been submitted with the planning application.

1.5 No variations to the proposal.

2. SITE DESCRIPTION

- 2.1 The site is set to the east of the main single track road at Stoer and to the south east of the hall and to the north east of the new Albyn Houses at Lochend. The ground is poor quality grazing with peat and poor vegetation. It is around 130m south of The Smithy House, 140m east of The Cottage and approximately 150m north east of the Albyn houses.
- 2.2 The chosen location is the optimum to secure effective energy production, to achieve the required minimum separation distance from any building, and to be at a safely acceptable distance from the public road.

3. PLANNING HISTORY

- 3.1 There is no planning history to the application site itself. However, the following applications are of relevance –
1. 08/00162/FULSU Erection of meeting room and associated parking; installation of septic tank and mounded soakaway system; and formation of new access onto B869 Stoer/Drumbeg public road by the Assynt Crofters Trust. Granted 25 August 2008. This lies adjacent to the hall, between it and the Albyn houses.
 2. 09/00475/FULSU Installation of a 6kW Wind Turbine mounted on a 15m column at Stoer Primary School. Granted by the Caithness, Sutherland and Easter Ross Planning Applications Committee on 20 April 2010. The site lies to the west side of the school, within the playground area, and is approximately 570m NW of the hall and 700m NW of the proposed turbine site.

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Neighbour notification and Schedule 3
Representation deadline : 09.07.2010
- Timeous representations : 6 against including petition with 15 signatories, the majority of whom have also written individually
- Late representations : 7 against
- 6 individual letters in support
- 4 standard letters in support
- Letters from four parties enclosing respectively 8, 60 and 19, 10, and 12 standard letters in support, albeit many have individual comments appended.
- 4.2 Material considerations raised are summarised as follows:
- Against
- Lack of consultation with community
 - Visual impact
 - Noise impact

- Set a precedent for more wind turbines
- Planning process and procedures

Support

- Project will benefit the whole community for many years to come
- Small community development to help support a vital community asset
- Domestic scale turbine will not impact on tourism
- Reduces public building use of fossil fuels

4.3 All letters of representation can be viewed online www.highland.gov.uk, at the Area Planning Office and for Councillors, will be available for inspection immediately prior to the Committee Meeting.

5. CONSULTATIONS

5.1 **Assynt Community Council** : No response received.

5.2 **SNH** : Following the submission of further requested information in relation to the landscape and visual impact assessment of the proposal, SNH withdrew their original holding objection. SNH do not object to the proposal as it is unlikely to adversely affect the integrity of the Assynt-Coigach National Scenic Area, although it is likely to have some localised adverse landscape and visual impacts in the Stoer area.

The site lies nearly 4km from an SPA or SSSI. SNH know of no data showing protected species breeding in the area. SNH would not expect this development to have a detrimental impact on birds at the national or international level.

5.3 **Environmental Health** : No objections subject to appropriate noise condition being imposed.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Structure Plan 2001

- | | |
|----|---|
| G2 | Design for sustainability |
| E2 | Wind energy developments |
| E8 | Small community renewable energy projects |

6.2 Sutherland Local Plan

- | | |
|------------|--------------------------------------|
| Policy 4.2 | Natural, Built and Cultural Heritage |
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7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Highland Renewable Energy Strategy and Planning Guidelines

7.3 Scottish Government Planning Policy and Guidance

- Scottish Planning Policy
- PAN 45 Annex 1 – Planning for Micro Renewables: Annex to Renewable Energy Technologies

7.4 Other

The site lies within the Assynt-Coigach National Scenic Area.

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

Structure Plan policy E2 (Wind energy developments) states that “Wind energy proposals will be supported provided that impacts are not shown to be significantly detrimental”. For the reasons discussed below, the proposal is not considered to present any significant adverse impacts in terms of visual impact or impact upon residential amenity. Therefore, the proposal is considered to comply with Structure Plan policy E2.

The proposal also complies with the principle of Structure Plan policy E8 (Small community renewable energy projects) wherein the Council views small-scale community projects as particularly appropriate for the Highland area, especially for remoter settlements in the west and north. Whilst this policy relates to the supply of electricity for local residents or communities, the present proposal follows the spirit of that policy in providing power to a community building.

The proposal is located within an area designated as being of national importance. Therefore, the application has to be assessed against policy 4.2 (Natural, Built and Cultural Heritage) of the Sutherland Local Plan. Policy 4.2 states that “For features of national importance we will allow developments that can be shown not to compromise the amenity and heritage resource”. The proposal is not considered to have any significant impact upon the natural, built or cultural features of the area. Therefore, the proposal is considered to comply with policy 4.2.

8.4 Material Considerations

The turbine is sited within the Assynt-Coigach National Scenic Area. The proposed turbine will occupy a prominent position within the immediate local landscape, set on higher ground. On account of the separation distance from the hall, from most viewpoints, it is considered that the turbine will not appear closely associated with the hall. The wind turbine will therefore appear somewhat isolated and incongruous in the local landscape as a result. The proposed wind turbine will have a limited cumulative effect with the school turbine due to their same function, their proximity and being seen within the same settlement and landscape character type.

In my view, the proposed wind turbine will have some adverse landscape and visual impacts on the landscape character of the area and views within the vicinity. Nevertheless it is judged that these impacts will be localised and not of a scale that would affect the integrity of the Assynt-Coigach National Scenic Area.

The developer has submitted a supporting statement with the application. This has highlighted the following issues:

- The tower is of an unstayed design, roughly the thickness of the existing electrical supply poles in the area.
- The colour finish of the turbine and tower is a light grey (RAL 7035) which is considered to offer minimal contrast against Assynt's dominant light coloured rock.

Members will note that **representations on the application are both for and against the proposal**. In response to these:

- Visual impact – It is considered that there will be local landscape and visual impacts on both the landscape character of the area and views within the vicinity. Nevertheless it is judged that these impacts will be localised and are, on balance, acceptable.
- Noise impact – Environmental Health have assessed the noise data from the proposed turbine and have confirmed that it is within acceptable standards.
- Set a precedent for more wind turbines – Members will note that each application is assessed on its individual merits and that approval for any individual application does not set a precedent for approval of a similar proposal in the future.
- Planning process, procedures, community consultation

Certain categories of development are classified as Major in terms of the Planning Regulations. For developments of that scale, community engagement is required prior to a planning application being submitted. Otherwise, there is no statutory requirement for pre-application consultation, and it is a matter for an individual developer to decide whether or not to consult the community in advance of a planning application being made.

Single wind turbines of the scale proposed here are not classed as Major developments.

I understand that opinion was canvassed among a number of community user groups, local politicians and Assynt Community Council by the developer prior to the submission of the application. Letters of support were received from a number of these organisations and these were submitted with the application for funding.

Members will note that once a planning application has been received, there are statutory requirements for neighbour notification and advertisement of planning applications in certain circumstances. Where there are premises situated on neighbouring land to which the notice can be sent, the planning authority is required to notify the owner, lessee or occupier of such premises by sending a notice addressed to “the Owner, Lessee or Occupier”. Where there are no such premises, we have to publish a notice in a newspaper circulating in the locality.

For the purposes of the Regulations, “neighbouring land” means land which is conterminous with or within 20 metres of the boundary of the land for which the development is proposed.

The planning application was advertised in the Northern Times, on 25 June 2010, with a 14 day period allowed for representations to be made, all in accordance with the Regulations. Plans were made available locally for inspection at the Service Point in Lochinver, with details also available on the Council’s website.

Whilst I note the concerns raised about the adequacy of public consultation and engagement in relation to the application, I am satisfied that statutory procedures were correctly followed.

Support

- Project will benefit the whole community for many years to come – The development of a turbine will help to empower the hall and reduce its energy costs in the future.
- Reduces public building use of fossil fuels
- Small community development to help support a vital community asset
- Domestic scale turbine will not impact on tourism

8.6 **Matters to be secured by Section 75 Agreement**

None

9. CONCLUSION

- 9.1 The proposal is for single small scale wind turbine helping to power a community hall. It is set within a relatively enclosed localised area within the Assynt-Coigach National Scenic Area. Whilst it will be visible within the immediate area of the hall/school/Lochend, it will have little further distinct landscape impact. In my assessment, the localised visual and landscape impacts are acceptable and no wider significant impact will be made on the Assynt-Coigach National Scenic Area. It is therefore considered that the proposal accords with Development Plan policies.

Approval is recommended.

10. RECOMMENDATION

Action required before decision issued n

Notification to Scottish Ministers n

Notification to Historic Scotland n

Conclusion of Section 75 Agreement n

Revocation of previous permission n

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

- (1.) The development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice.

Reason: In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

- (2.) No development shall start on site until the completed Notice of Initiation of Development (NID) form attached to this decision notice has been submitted to and acknowledged by the Planning Authority. From the date of acknowledgement, the Site Notice attached to it shall be posted in a publicly accessible part of the site until the development is completed.

Reason: In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

- (3.) Upon completion of the development the completed Notice of Completion form attached to this decision notice shall be submitted to the Planning Authority.

Reason: In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

(4.) 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 docquetted 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.

(5.) The wind turbine and supporting mast shall be finished in a light grey (RAL 7035) colour, or as may otherwise be agreed in writing with the Planning Authority prior to the commencement of development.

Reason: As the site lies within the Assynt-Coigach National Scenic Area and in the interests of visual amenity.

(6.) Noise arising from the wind turbine shall not exceed an LA90,10min of 35 dB at the nearest neighbouring noise sensitive property. This shall apply at wind speeds not exceeding 10m/s, as measured at a height of 10m above ground level at the wind turbine. In the event of audible tones being generated by the wind turbine a 5dB(A) penalty for tonal noise shall be added to the measured noise level. Any measurement and assessment of noise from the wind turbine shall be carried out in accordance with The Assessment and Rating of Noise from Wind Farms (ETSU-R-97)(Available from ETSU, Hartwell, Oxfordshire, OX11 0RA). In the event of noise levels exceeding the permitted level the turbine shall be shut down and not operated again until mitigation measures to reduce the noise levels to below the permitted level have been submitted by the developer, agreed in writing by the Planning Authority and thereafter implemented by the developer.

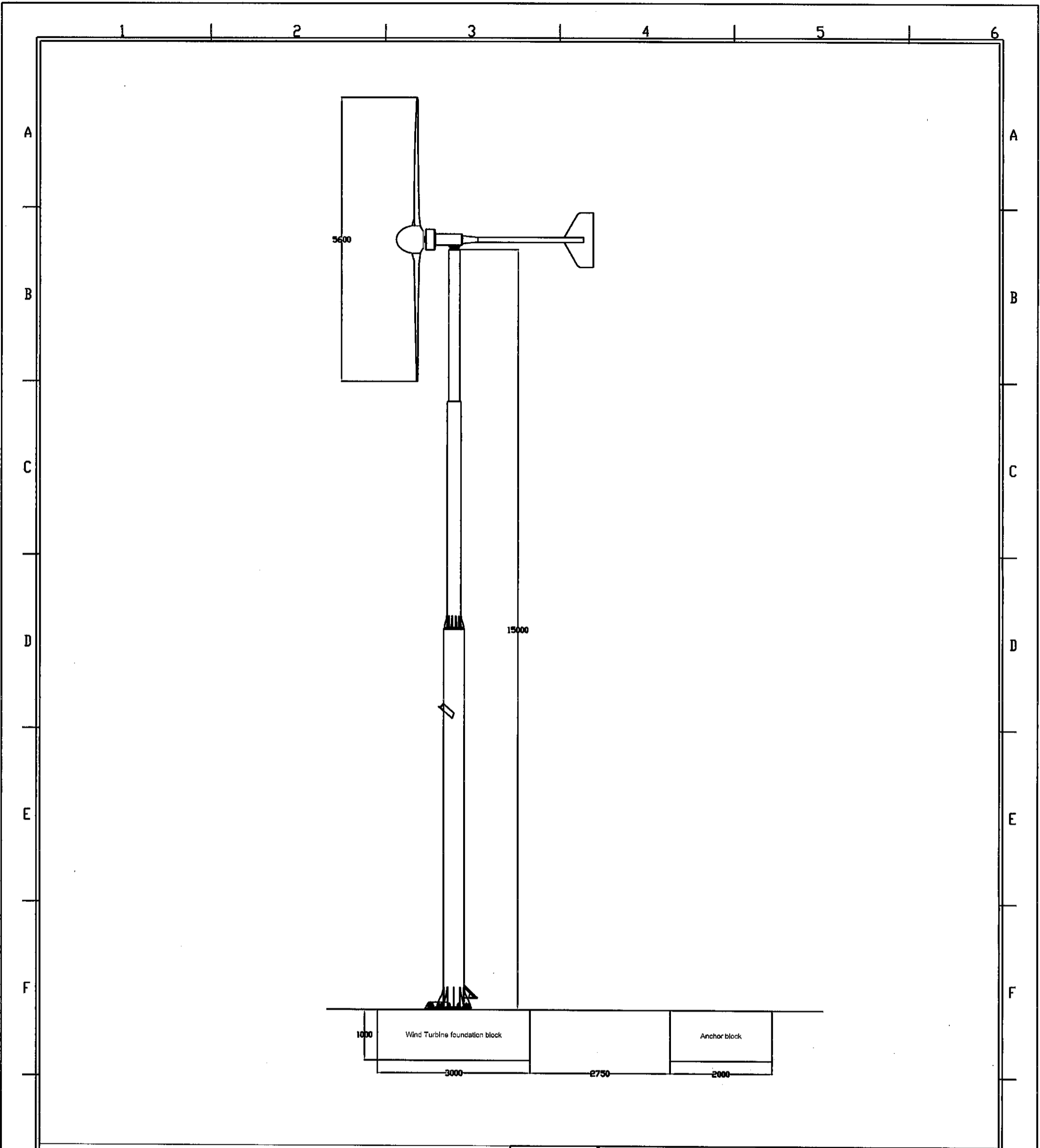
Reason: In the interests of amenity.

Signature: Allan J Todd
Designation: Area Planning & Building Standards Manager
Caithness, Sutherland and Easter Ross
Author: Bob Robertson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Elevations 010463-1
Location Plan 000001
Supporting Information



10/02404/FUL
 Installation of 6Kw wind turbine on 15m mast with underground cable to
 Stoer village hall at Land 90m East of Rhue Stoer Hall, Stoer.

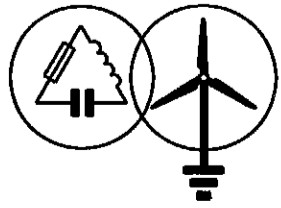
The Committee Rhue Stoer Community Hall
 per Mrs M Mackenzie
 Bordan
 190 Balchladich
 Lochinver.



Scale: 1:100 @ A4
All dimensions in mm

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D	
C	
B	
A	First issue 14/10/08

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Client
Project Scirocco 6kW Drawing No 010463-1
Drawing Title
15m tower Elevation