

THE HIGHLAND COUNCIL

**SOUTH PLANNING APPLICATIONS COMMITTEE
19 August 2014**

Agenda Item	6.2
Report No	PLS/056/14

**13/03463/FUL: Mr Steve Fox
Land 320M SE Of Carnoch Farm, Ardgour**

Report by Area Planning Manager - South

SUMMARY

Description : Erection of a single Harbon HWT Wind Turbine (29.95m to blade tip)

Recommendation - GRANT

Ward : 22 - Fort William and Ardnamurchan

Development category : Local Development

Pre-determination hearing : None required

Reason referred to Committee : Receipt of an unresolved objection from a statutory consultee (Sunart Community Council), where the objection cannot be addressed by conditions.

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for a 60kW single wind turbine, 29.95m in height (98 feet), to the south east of Carnoch Farm near Strontian, Ardgour. The turbine would be mounted on a tubular pole 21.35m in height and the turbine blades would have a sweep diameter of 15.8m (7.9m radius).

The wind turbine would be in Glen Tarbert to the east of the village, on the A861 east of the turning to Lochaline. The proposed position of the turbine has been amended by approximately 60m from a position that was closer to the floor of the valley, to a position further south, closer to the side of the valley.

It would stand on a concrete base 7 x 7m square. The turbine would be a standard three bladed design, off white in colour with the Harbon logo (a round green arrow) on the nacelle. A short section of access track leading from an existing farm track would be required to provide construction access.

The wind turbine generator has an expected useful life of at least 20 years. It would require one annual maintenance visit. The proposed decommissioning and restoration would include the removal of the above and below ground structures, restoration of topsoil, re-vegetation and seeding.

- 1.2 No pre-application advice sought. Not mandatory.

- 1.3 The existing access to the farm and Carnoch House is off the A884 Lochaline Road. This would be the access for construction purposes. The turbine would be brought to site in 3 sections, and assembled prior to its erection.
- 1.4 A Supporting Statement, Noise Assessment and Decommissioning Plan have been submitted.
- 1.5 **Variations:** The position of the turbine has been moved in response to initial concerns about its prominence in the landscape. It has been moved by approximately 60m to the SSE, on to rougher grazing land towards the edge of the valley floor. The bottom of the glen is the better quality sheep grazing land. The revised position is approximately 5m higher than the original position, and closer to the existing telecoms mast and to the previously approved position for a wind turbine.

2. SITE DESCRIPTION

- 2.1 The proposed site, as amended, is approximately 3½km east of Strontian. The wind turbine would be approximately 300m west of the farm house and buildings at Carnoch Farm, and 370m from Carnoch House. There is a scheduled cairn monument approximately 250m to the NNE of the site on the other side of the river. There are no trees on the site. It would be approximately 170m NE of a site previously approved for a wind turbine, and 220m NE of an existing mobile phone mast. The area has no landscape or nature conservation designations. It is within the wider countryside.

3. PLANNING HISTORY

- 3.1 00/00207/OHLLO: Installation of 33kV electric spur line SW of current site - granted permission Aug 2000
- 05/00462/S36LO: Construction of hydro electric scheme - granted permission Jan 2006
- 09/00382/FULLLO: Erection of a 20kW wind turbine 23m in height (18m to hub plus 5m radius blades) on land 235m south east of Carnoch Farm - granted permission 3 December 2009 - not implemented - permission now lapsed.
- 13/04684/SCRE: Hydropower schemes - Application for Screening Opinions prior to submission of Green and Black Corrie schemes in 2014 - not EIA development.
- 14/02124/FUL: Black Corrie hydropower scheme - current application - not yet determined
- 14/02138/FUL: Green Corrie hydropower scheme - current application - not yet determined

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Schedule 3 development
Representation deadline : 02.07.2014 (amended location)
- Timeous representations : 1
- Late representations : 0

4.2 Material considerations raised are summarised as follows:

- The applicant is trying to secure permission for a larger scale of turbine (60kW) on the back of the previous permission which was for a smaller scale wind turbine (20kW)
- The purpose of this turbine is to secure payments under the feed-in tariff, and not improve security of supply as originally intended
- The photo visualisations are misrepresentations of scale and perspective - this would be almost 100 feet high - equivalent to a ten storey building
- Glen Tarbert is devoid of any buildings between Inversanda to the east and Achnalea to the west; applications for housing in the glen have previously been rejected as being intrusive to the unspoilt landscape
- The proposal would be the "thin end of the wedge" and lead to further desecration of this unspoilt area
- Detrimental to the visual amenity of Glen Tarbert
- The need to stop the industrialisation of the glen is reinforced by the two most recent applications by the same applicant for two hydro schemes in the same area - the schemes cash in on public subsidies and are excessive

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 **Sunart Community Council:** Object – same representations as in 4.2 above

5.2 **Roads:** No response

5.3 **Archaeology:** No response

5.4 **Environmental Health:** Awaited

5.5 **MOD (Defence Infrastructure Organisation):** No objection. If granted they wish to be advised so the information can be plotted on flying charts.

5.6 **CAA:** No objection

5.7 **OFCOM:** No response

5.8 **Historic Scotland:** Initial comments: A kerb cairn lies to the north of the proposed site. While the impact on the setting of the monument is not sufficient to warrant an objection for our historic environment interests, we do consider however that there will be an impact on the monument, and that a reduction in the height of the turbine would help to mitigate this.

Further comments following amended siting: Welcome the fact that the wind turbine would be approximately 100m further away from the cairn [than initially proposed]. Historic Scotland remain of the view that there will be an adverse impact and that a reduction in the height of the turbine would help to further mitigate this.

5.9 **SNH:** Awaited

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland-wide Local Development Plan 2012

28	Sustainable Design
57	Natural, Built and Cultural Heritage
61	Landscape
67	Renewable Energy Developments
72	Pollution

6.2 West Highland and Islands Local Plan - as continued in force

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Interim Supplementary Guidance: Small scale wind turbine proposals - approved Nov 2012

Sustainable Design Guide

7.3 Scottish Planning Policy

Para 155: Development plans should seek to ensure an area's full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regards to relevant environmental, community and cumulative impact considerations.

7.4 Other

Highland Renewable Energy Strategy

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 proposed turbine would be defined as "small scale" for the purposes of the Council's Supplementary Guidance (Micro is for turbines less than 15m in height and less than 50kW in capacity, whilst small scale is for up to 3 turbines that do not exceed 40m in height).

A Screening Opinion has been undertaken for the proposal under the EIA Regs, and this concluded that the proposed development is not EIA development.

The Council is supportive of renewable energy developments that contribute towards meeting renewable energy generation targets, provided they are located, sited and designed such that they will not be significantly detrimental overall either individually or cumulatively with other developments having regard to effects on the following:

- Natural, built and cultural heritage features
- Species and habitats
- Visual impact and landscape impact
- Amenity of residents and visitors
- Safety
- Impact on the water environment
- Impact on air and defence operations
- Other communications installations and TV reception
- Access, tourism and recreation
- Traffic impacts

In all cases the Council will seek to secure the removal of the development and associated equipment and the restoration of the site at the end of its life.

The Council's Interim Supplementary Guidance: Small scale wind turbine proposals also deals with small scale proposals such as this.

As a small scale scheme, the proposal would generally accord with national and local policy in providing renewable energy, subject to the above constraints being satisfied.

8.3.1 Impact on landscape

The submitted visualisations are for the scheme as initially proposed. The main public views would be from the A861 from Ardgour to Strontian, on the approach to and from the head of Loch Sunart. It would also be seen from the A884 Lochaline road, from the bottom of the driveway to the farm. There is an existing group of buildings around the farm, which is sited fairly centrally on the valley floor, on the south side of the river. There is an existing telecoms mast to the SE of the farm which is sited at the side of the valley floor, where the land starts to rise, and it is viewed against a backdrop of rising land behind. The infrastructure associated with the S36 hydro scheme is not particularly prominent - apart from the recovering scar on the hillside from the construction of the zig zag access track up the valley side to the intake, which is to the east of this site.

The scheme as initially submitted was considered to present a relatively tall structure close to the centre of the valley floor. This position was felt to be too disruptive of the impressive views along the glen, which is otherwise characterised by its openness.

The amended location to the south of that initially proposed is closer to the site previously approved (not implemented) and it is off the floor of the glen, on slightly rising ground at the side of the valley. Here it would be viewed from most situations against the valley sides, with a backdrop of the hill behind. The proposed off white colour is standard for most turbines. This may stand out against the hillside, and consideration should be given to colouring it brown or green so that it would better blend into the landscape. This could be a condition of approval, if desired. A condition is recommended regarding the colour and that there be no logo on the nacelle of the machine in order to minimise its visual impact. In comparison with the proposal however, the existing telecoms mast, which is a grey lattice structure, is not particularly prominent. In views from the bottom of the driveway the farm houses and buildings mainly draw the eye, and the proposed turbine, together with the existing mast, would be seen off to one side behind this group. There is also a prominent line of telegraph poles crossing the bottom of the valley close to the bottom of the driveway and in front of the farm.

8.3.2 Cumulative impact on landscape

The wind turbine would be seen with the existing telecoms mast, which is the only other significant vertical structure in the landscape. It is considered preferable for the proposed wind turbine to be closer to the telecoms mast, rather than further away, as originally proposed. The existing hydro scheme is not considered to add any significant additional visual impact. The proposed hydro schemes will be assessed in landscape terms taking into account the outcome of this application.

8.3.3 Amenity and noise

The proposed wind turbine would be approximately 300m from the nearest noise sensitive property, the farm house. A noise assessment has been undertaken using the same turbine model on another site as a comparison, and at this distance it would not present a risk in terms of noise to the residents of that property.

The wind turbine would also be sited more than 10 times the rotor diameter (158m) from the nearest sensitive receptor. At this distance shadow flicker is not normally an issue. In addition, its proximity to the hill side, which would be to the south of the turbine, would significantly limit the time that the sun would be behind it.

8.3.4 Archaeology

In moving the position of the turbine away from the centre of the valley, it would also take it further away from the scheduled kerb cairn. This feature is not visually very prominent from the main public vantage points on the main roads. The impact on the scheduled cairn is now considered acceptable. It is not considered that a reduction in the height of the wind turbine, as suggested by Historic Scotland, would make an appreciable difference.

8.3.5 Nature Conservation

The site would be in an area devoid of trees, hedges, bushes or other habitat that would be likely to be particularly good habitat for protected species. Its amended position away from the centre of the valley floor would be less likely to affect birds flying up or down the glen to or from the loch. The nearest nesting golden eagles are sufficiently distant not to be affected.

8.3.6 Other: MOD, CAA, OFCOM

The height of the proposed turbine is such that it would not present an obstacle. The model proposed presents no known interference with other electrical equipment including telecoms, radio or TV equipment.

8.3.7 Policy Conclusion

For the reasons discussed above the proposal accords with national and local policy with regard to renewable energy proposals, and in particular the proposal is considered to accord with Policies 28, 57, 61, 67 and 72 of the Highland-wide Local Development Plan and the associated supplementary planning guidance on small scale wind turbine proposals.

8.4 **Material Considerations**

The previous decision to allow a similar wind turbine, 23m in height rather than just under 30m as proposed, 170m from the site currently proposed is a material consideration. There have been no significant changes in circumstances since that approval that would affect the consideration of this application.

8.5 **Other Considerations – not material**

The applicant's motivation for the scheme in claiming Feed in Tariffs, as claimed by objectors, is not a material planning consideration.

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
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. 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. The 30 year cessation date allows for a 5 year period to complete decommissioning 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.

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.

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. No development shall commence until full details of the access track to the site hereby approved have been submitted to and approved in writing by the Planning Authority. The track shall thereafter be installed in accordance with the approved plans.

Reason : To ensure the design and surfacing of the track are of a scale commensurate with the small scale of turbine proposed, and uses materials that are suitable in terms of visual impact considerations.

4. No development shall commence until the developer has provided the Ministry of Defence (MoD), the Defence Geographic Centre (AIS Information Centre), and National Air Traffic Services (NATS) (copied to the Planning Authority) with the following information in writing:

- i. The dates that construction will commence on site and will be complete;
- ii. The maximum height of the wind turbine;
- iii. The latitude and longitude of the wind turbine;
- iv. The number of rotor blades on the wind turbine.

Thereafter, the wind turbine shall not be commissioned until full details of any changes to information previously provided in relation to parts (i) to (iv) above have been submitted in writing to the MoD, Defence Geographic Centre, and NATS.

Reason : To ensure that the MoD and NATS are aware of the details of the development, in the interests of aviation safety.

5. The wind turbine shall be finished, and thereafter maintained, in a non-reflective green, brown or grey colour, the specific RAL code (or similar) of which shall first be approved in writing by the Planning Authority, and no symbols, signs, logos or other lettering shall be displayed on any part of the wind turbine nor any other buildings or structures within the application site unless required by law or as otherwise approved in writing by the Planning Authority.

Reason : In the interests of visual amenity to integrate the turbine into its landscape setting and to ensure that the turbine is not used for advertising.

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 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

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

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.

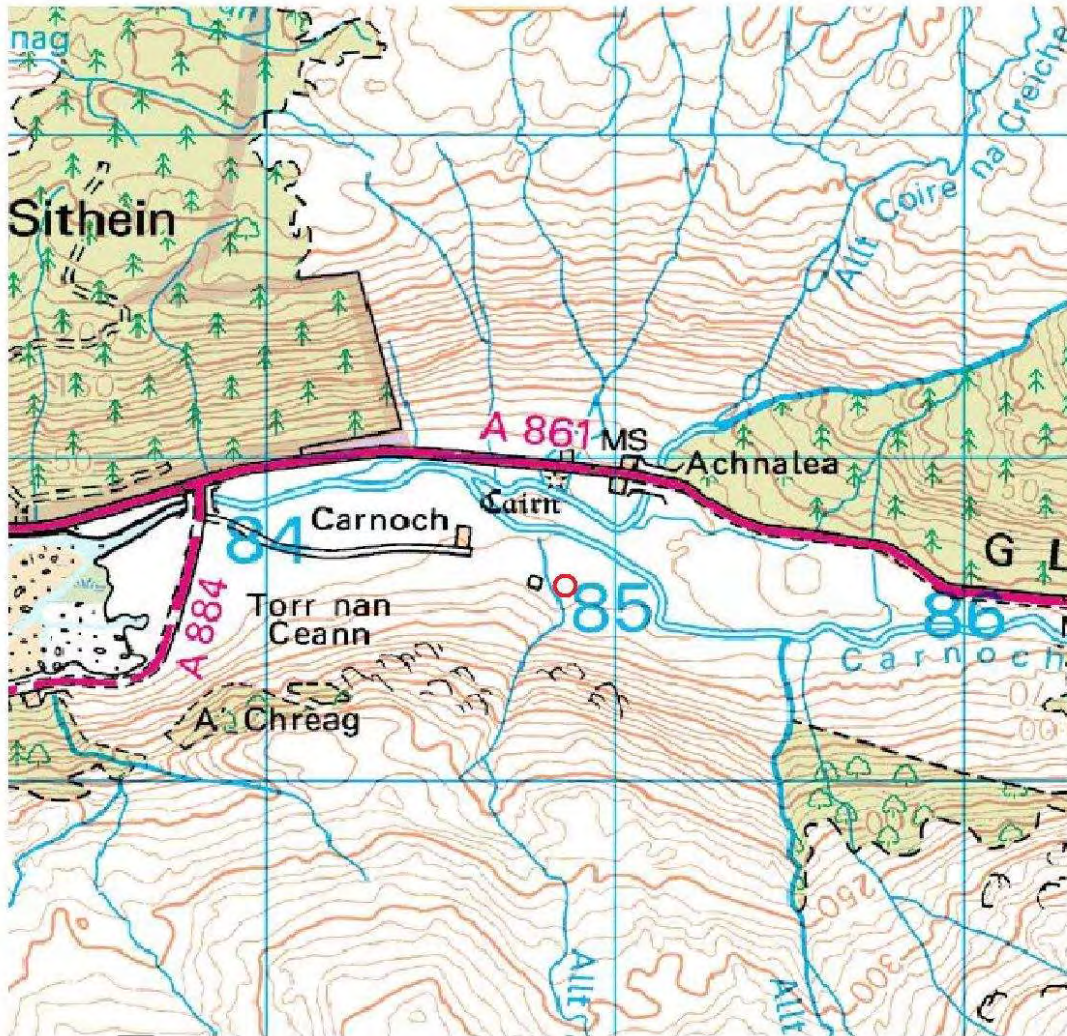
Protected Species - Contractors' Guidance

You must ensure that all contractors and other personnel operating within the application site are made aware of the possible presence of protected species. They must also be provided with species-specific information (incl. guidance on identifying their presence) and should be made aware of all applicable legal requirements (incl. responsibilities and penalties for non-compliance).

Signature: Allan J Todd
Designation: Area Planning Manager - South
Author: Lucy Prins
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan - as amended June 2014
Plan 2 - Turbine Location Plan - as amended June 2014
Plan 3 - Turbine Elevation

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Alan Thomson	The Old Barn, Kilcamb Paddock, Strontian	11 Oct 2013	Against



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 Turbine Location (NM84843 60600)



HARBON

WIND TURBINES

Harbon Wind Turbines

Limited
Registered Office & Works
Gordon Street, Doncaster,
South Yorkshire, DN1 1RS
Tel: 01302 320173

Site : CARNOCH
ARDGOUR
HIGHLAND
PH337AF

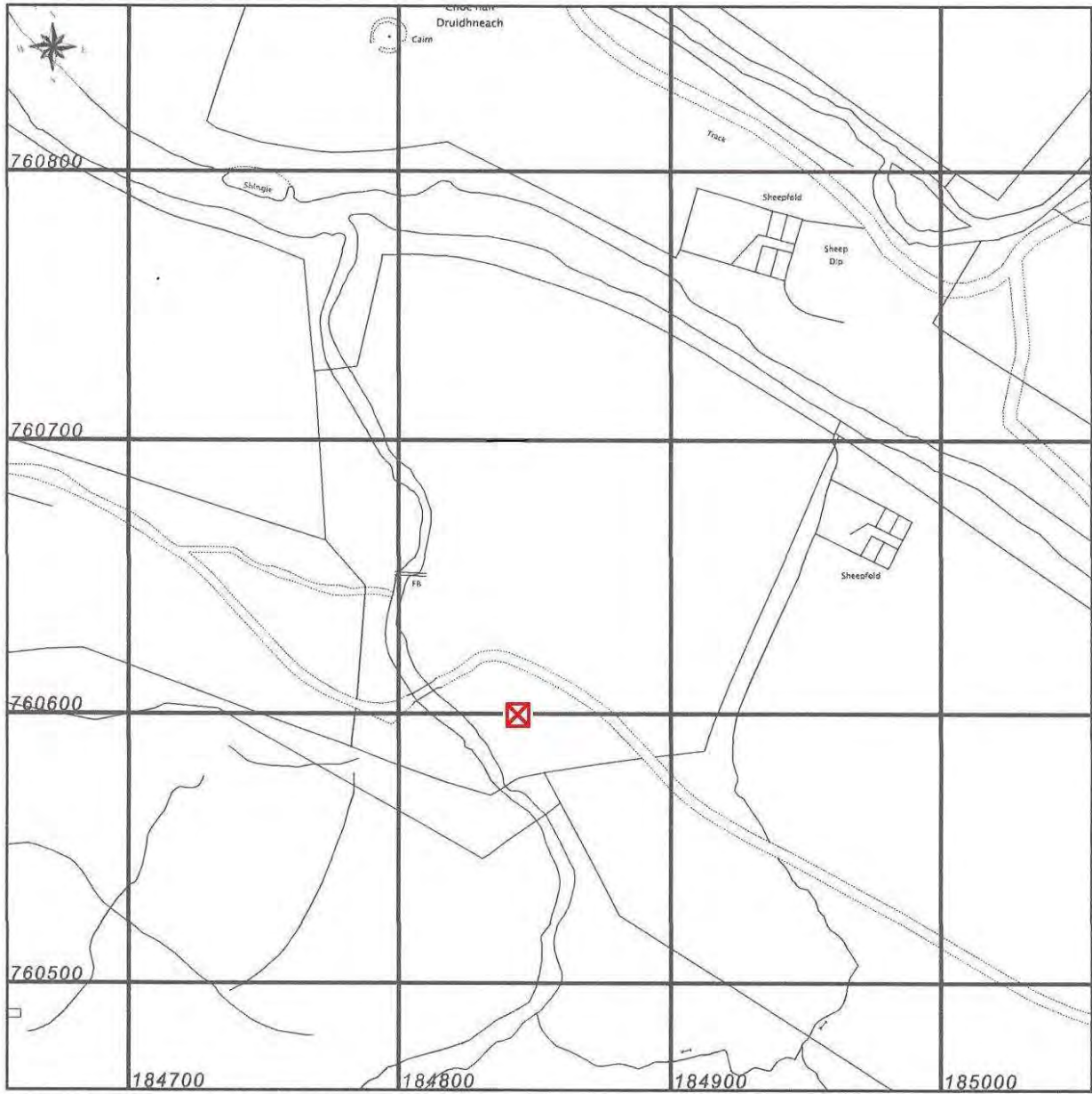
Drawn By: ADM

Date: June 2014

HARBON HWT60 WIND TURBINE


Scale 1:25,000

SITE LOCATION PLAN



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 Turbine Location (NM84843 60600)

HARBON
WIND TURBINES

Harbon Wind Turbines
Limited
Registered Office & Works
Gordon Street, Doncaster,
South Yorkshire, DN1 1RS
Tel: 01302 320173

Site : CARNOCH
ARDGOUR
HIGHLAND
PH337AF

Drawn By: ADM

Date: June 2014

HARBON HWT60 WIND TURBINE

Scale: 1:2,500

TURBINE LOCATION PLAN