

THE HIGHLAND COUNCIL

NORTH PLANNING APPLICATIONS COMMITTEE
11th November 2014

14/03570/FUL: Wind Prospect Development Ltd.
Land 1500M West Of Craggiemore, Rogart

Report by Area Planning Manager - North

Agenda Item	7.4
Report No	PLN/081/14

SUMMARY

Description : Operation of an anemometer mast for a further temporary period of one year

Recommendation - GRANT

Ward : 05 – East Sutherland and Edderton

Development category : Local Development

Pre-determination hearing : n/a

Reason referred to Committee: 5 or more objections from members of the public.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for a further 12 month extension to the siting of an existing wind monitoring mast on land around 6.5km to the north of Rogart Station at an altitude of c.180m. The wind monitoring mast consists of tubular sections of 3m length with an outer diameter of approximately 155mm. The mast is supported by six sets of guy wires attached to four steel reinforced ground anchors at a radius of approximately 33m from the base of the mast. It will be in position for a further temporary period of 12 months to allow for the recording of wind data.
- 1.2 There was no pre-application consultation on the proposal.
- 1.3 Access to the site is from an unclassified single track road to the north west of East Langwell then off-track across open hill ground. Other than occasional maintenance and the final removal of the structure, it is expected that minimal access will be required.

2. SITE DESCRIPTION

- 2.1 The site is on open ground at East Langwell. There are a number of properties located throughout the wider surrounding area with the closest approximately 1.4km to the south at Achnahue. There are no statutory natural heritage designations covering the application site although it is 2.5km northeast of the Strath Carnaig and Strath Fleet Moors SSSI/SPA. There are examples of historic structures in the wider surrounding area including stone and hut circles.

3. PLANNING HISTORY

- 3.1
- 12/03893/FUL - Erection 60m high anemometer mast for a temporary period of two years. Permission granted 29.11.2014.

4. PUBLIC PARTICIPATION

4.1 Advertised : n/a

Representation deadline : n/a

Timeous representations : 11 letters from 8 households including Rogart Community Council

Late representations : n/a

4.2 Material considerations raised are summarised as follows:

- Impact on visual amenity - red light fixed to the top of the mast is visible from residential properties; visible from public roads
- Any wind turbines would be even more visible and are likely to have noise implications
- Prelude for unwanted wind turbines - Tressady wind farm has been refused (13/02749/FUL) and it is considered there is no requirement for further wind data and therefore the anemometer mast should be refused
- Cumulative impact of wind developments on quality of life

Rogart Community Council: Expressed concern regarding the proposal:

- any extension for the siting of the met mast at the location is inappropriate due to the refusal of the Tressady Wind Farm
- motives behind the extension remain unclear
- the Community Council disagree with the applicant's assertion that dismantling the mast now would cause damage to the land
- are aware of a number of objections to the proposal and consider that the proposal will create uncertainty with regards to future application for wind turbines

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 **CAA:** No safeguarding objections to the application. Orange markers should be attached to guy wires.

5.2 **SNH:** No comments to make.

5.3 **MOD:** No safeguarding objections to the application.

5.4 **NATS:** No objections as the proposal does not conflict with safeguarding criteria.

5.5 **Historic Environment Team:** No historic environment concerns.

5.6 **Crofting Commission:** General policy response, no objections.

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

61 Landscape

6.2 Sutherland Local Plan (as continued in force)

n/a

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance SPP

7.2 Scottish Government Planning Policy and Guidance

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

Impact on Amenity: Policy 28 (Sustainable Design) of the Highland-wide Local Development Plan (HwLDP) aims to ensure that development is sustainable and states that proposals should be assessed on the extent to which they “impact upon individual and community residential amenity” and “demonstrate sensitive siting and high quality design in keeping with local character”.

The **proposal** is for the continued (temporary) siting of the existing wind monitoring on the site for a further year. The mast is 60m high and is visible from surrounding properties and from public roads. However, it is a very slender structure consisting of a central pole tethered by six central guy wires which are attached to four steel reinforced ground anchors. The central pole is very narrow, the insubstantial form of the structure, combined with the temporary nature of the proposal, means that its impact on individual and community amenity will be very limited, and well within acceptable limits.

8.4 Material Considerations

Natural/Built Heritage: The site is approximately 2.5km northeast of the Strath Carnaig and Strath Fleet Moors SSSI/SPA. SNH have not indicated that they have no comment to make on the application. There are examples of historic structures in the wider surrounding area including stone and hut circles but these are not considered to be affected by the development.

Impact on Landscape: The mast is visible from surrounding properties and public roads. While it will be taller than surrounding structures the mast is insubstantial in form and its impact on the landscape is not considered to be significant.

Due to the type of structure and its temporary nature, it is considered that the development will generate little **traffic** other than that required during its removal, with an off-road All Terrain Vehicle required for routine inspections and removal of the mast. Due to method of construction and fastening (using guy wires separately anchored into the ground) it is considered that removal of the mast will not result in excessive ground disturbance. In order to make the mast (and in particular its guy wires) visible bird deflectors need to be maintained on the mast and this can be controlled by condition. Planning conditions will ensure that the structure is removed and ground reinstated at the end of the 12 month period.

Third Party comments: 11 Objection letters were received from 8 different addresses within the wider Rogart area; the Community Council has also made representations. The material considerations raised include:

- Impact on visual amenity; visible from residential properties and from public roads – *Planning Comment* - The mast is visible from surrounding properties and public roads. The closest properties are 137 East Langwell approximately 1.4km south, Craggiemore approximately 1.5km east, and 132 West Langwell approximately 1.6km west. The closest roads are the adopted U2227 Brae Grudie Road adjacent to the Strath Brora approximately 1.1km north east of the mast and the adopted U2257 East Langwell Road approximately 900m south west of the mast. The C1022 Brora to Rogart Road is located 3km to the south east. While it will be taller than surrounding structures the mast is insubstantial in form and its impact on the landscape is not considered to be significant. Furthermore, the application seeks permission for a further year and accordingly any visual impact will be for a temporary period.
- Impact on visual amenity at night as the red light fixed to the top of the mast is visible from residential properties and from public roads – *Planning Comment* – This is a technical requirement from the original application which was dealt with under delegated powers.

8.5 Other Considerations – not material

- Precursor to wind turbines which would be even more visible and are likely to have noise implications; Tressady wind farm has been refused it is considered there is no requirement for further wind data – *Planning Comment* – The application is for an anemometer mast only and no wind

turbines are part of this proposal. If an application for wind turbines was received then it would be assessed on its own individual merits. The granting of consent for a monitoring mast does not in any way imply that a wind turbine/farm development would be acceptable in this location.

9. CONCLUSION

- 9.1 This application is for the extension of time for a temporary meteorological monitoring mast for a further year. It must be considered solely on its individual merits; any other proposal, such as for a windfarm, would be assessed on its own merits.

The mast is tall, but very slender and will therefore have little impact on the surrounding landscape or amenity of nearby residents during the further 12 months it will remain on site. Planning conditions will ensure that it is removed and the ground reinstated at the end of this period.

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. Planning permission is hereby granted for a temporary period of 12 months only and shall cease to have effect on 11.11.2015 (the 'cessation date'). Within one month of the cessation date, the application site shall be cleared of all development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended)) and reinstated to a condition comparable with that of the adjoining land, to the satisfaction of the Planning Authority.

Reason : In order to ensure that the equipment is removed and ground reinstated in a timely manner.

2. Bird markers shall be fitted to all guy wires at regular intervals for along the full height of the mast. The diverters shall be inspected before the bird breeding season (April to July) each year and prior to the wintering season (November) each year.

Reason : In order to reduce the collision risk to foraging moorland birds and to ensure that the bird markers are effective for the lifetime of the development.

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.

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>

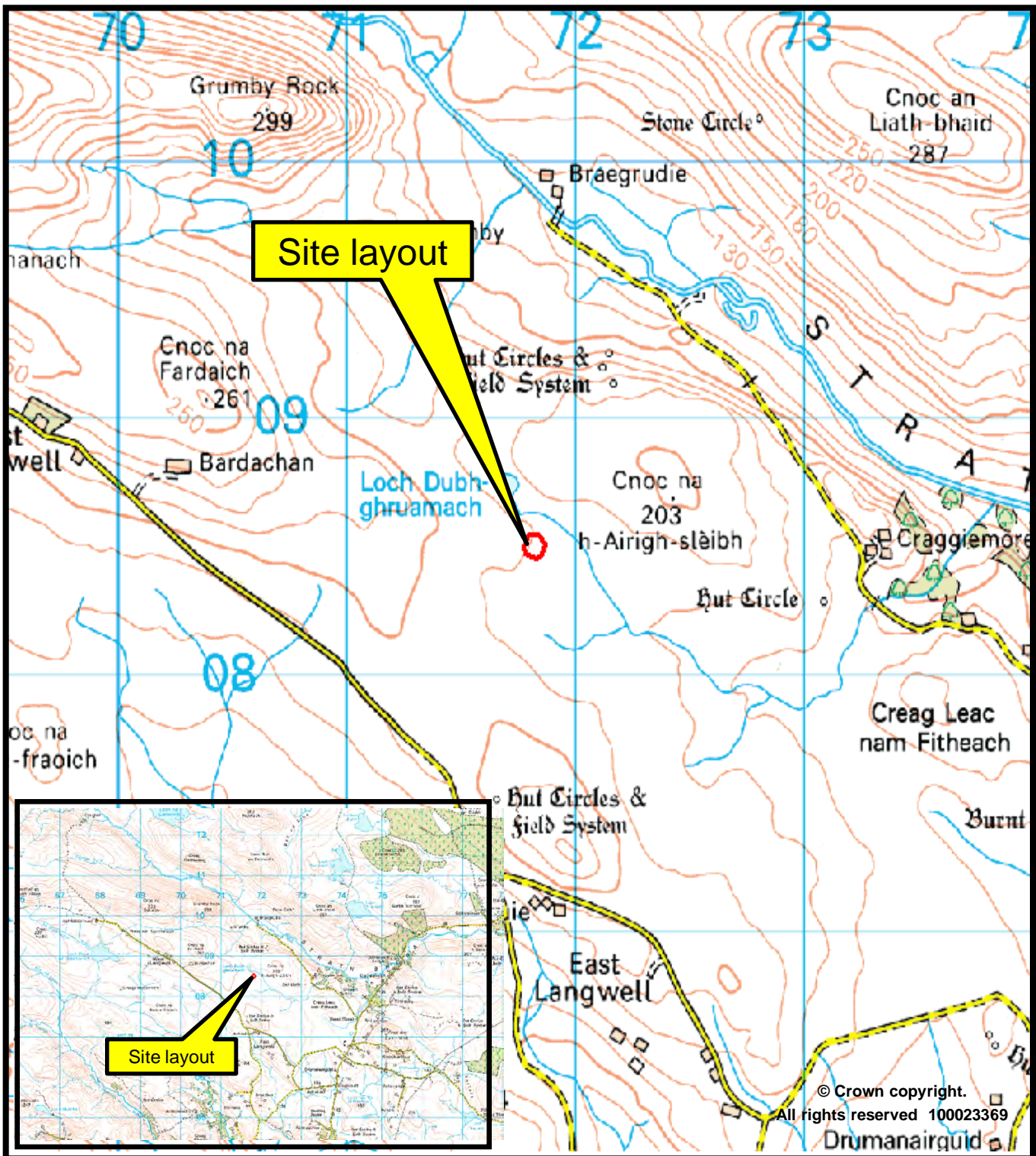
Mud & Debris on Road

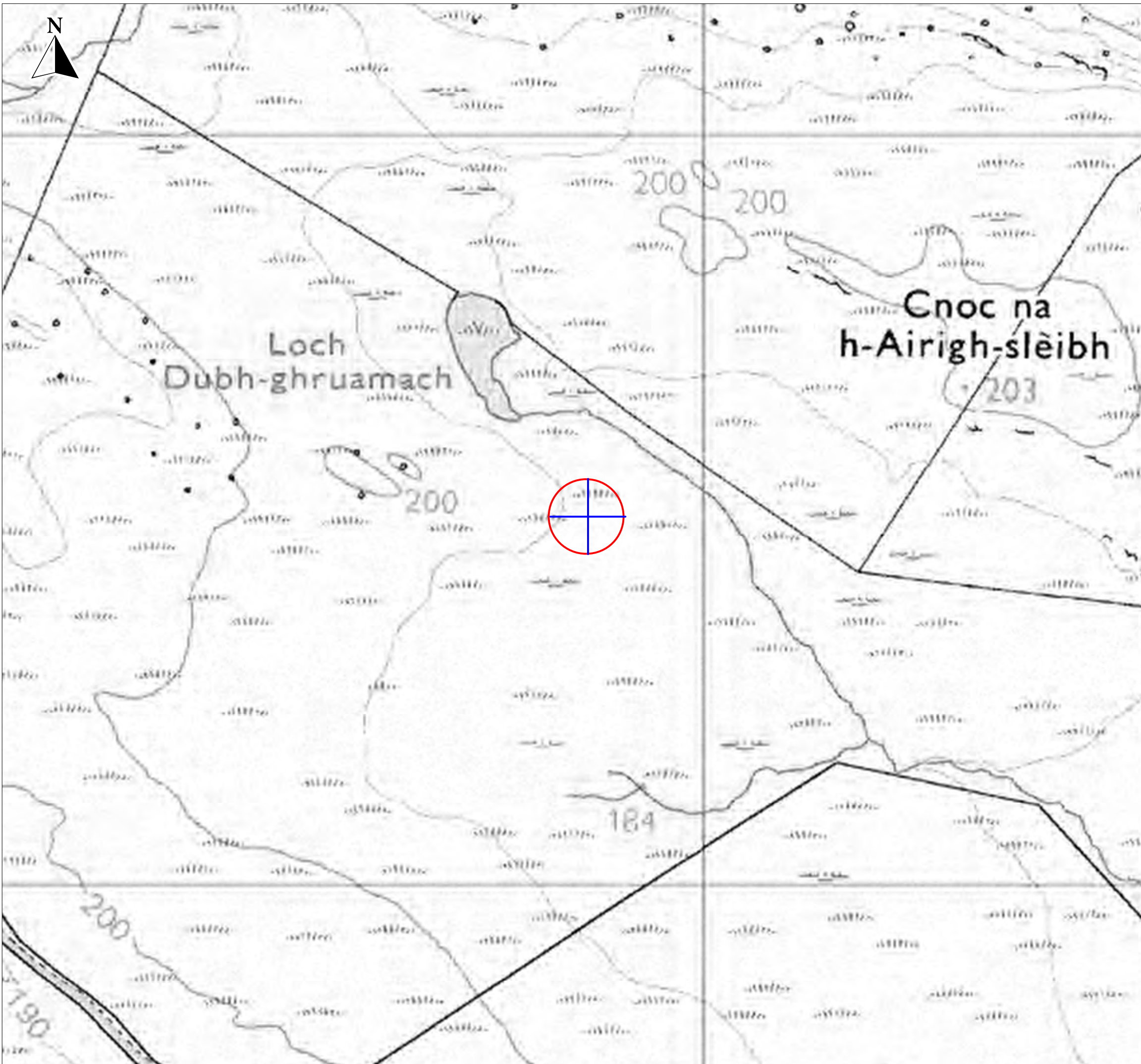
Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on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

Signature: Dafydd Jones
Designation: Area Planning Manager - North
Author: Roddy Dowell
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Figure 2 – Site Layout
Plan 2 – 000001 REV A – Elevation Plan



Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mr Gordon Magee	397 Drumanairgeid, Rogart	19.09.2014	Against
Mr Michael O'Reilly and Mrs Margaret O'Reilly	Creag Neuk, 89 Inchomney, Rogart	22.09.2014	Against
Mr William Sinclair and Mrs Moira Sinclair	Greenbank, Inchomney, Rogart	22.09.2014	Against
Mr Donald Jones	228 North Tannachy, Rogart	23.09.2014	Against
Mr David Graham and Professor Kirsty Gunn	The Grey House, 70 Dalreavoch, Rogart	24.09.2014	Against
Mr David Walker	Banscol Lodge, Rogart	24.09.2014	Against
Mrs Jean Horseman	Smithy Burn, 227 Tannachy, Rogart	26.09.2014	Against
Dr Alistair Gilchrist	Cnoc an Uachdair, 135 East Langwell, Rogart	03.10.2014	Against
Rogart Community Council	c/o Caroline Lewis, Chairman, Rogart Community Council, 101 Knockarthur, Rogart	03.10.2014	General comment

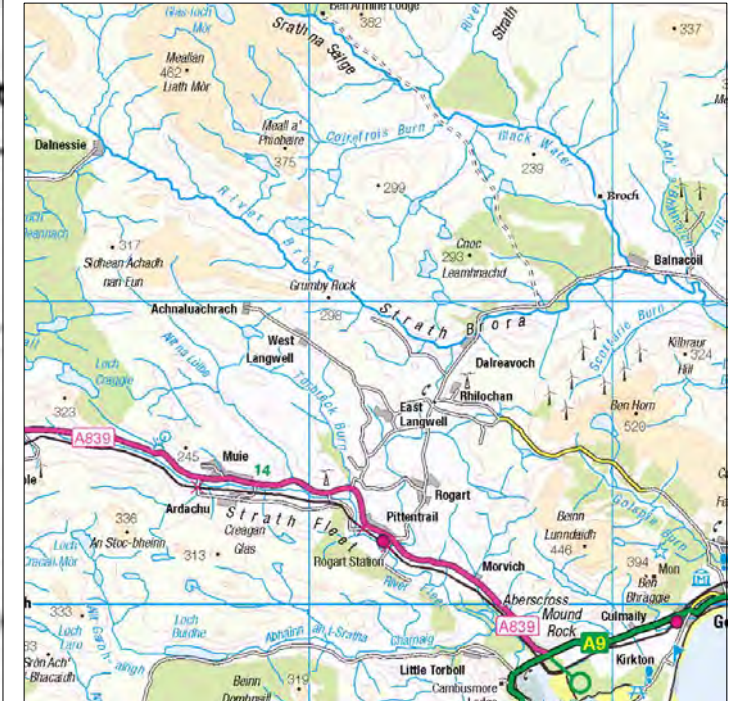




LEGEND

-  Planning Application Boundary
-  Wind Monitoring Mast Footprint

Mast Location:
 E: 271843
 N: 908492



Reproduced from Ordnance Survey digital map data © Crown copyright 2012. All rights reserved. License number 0100031673

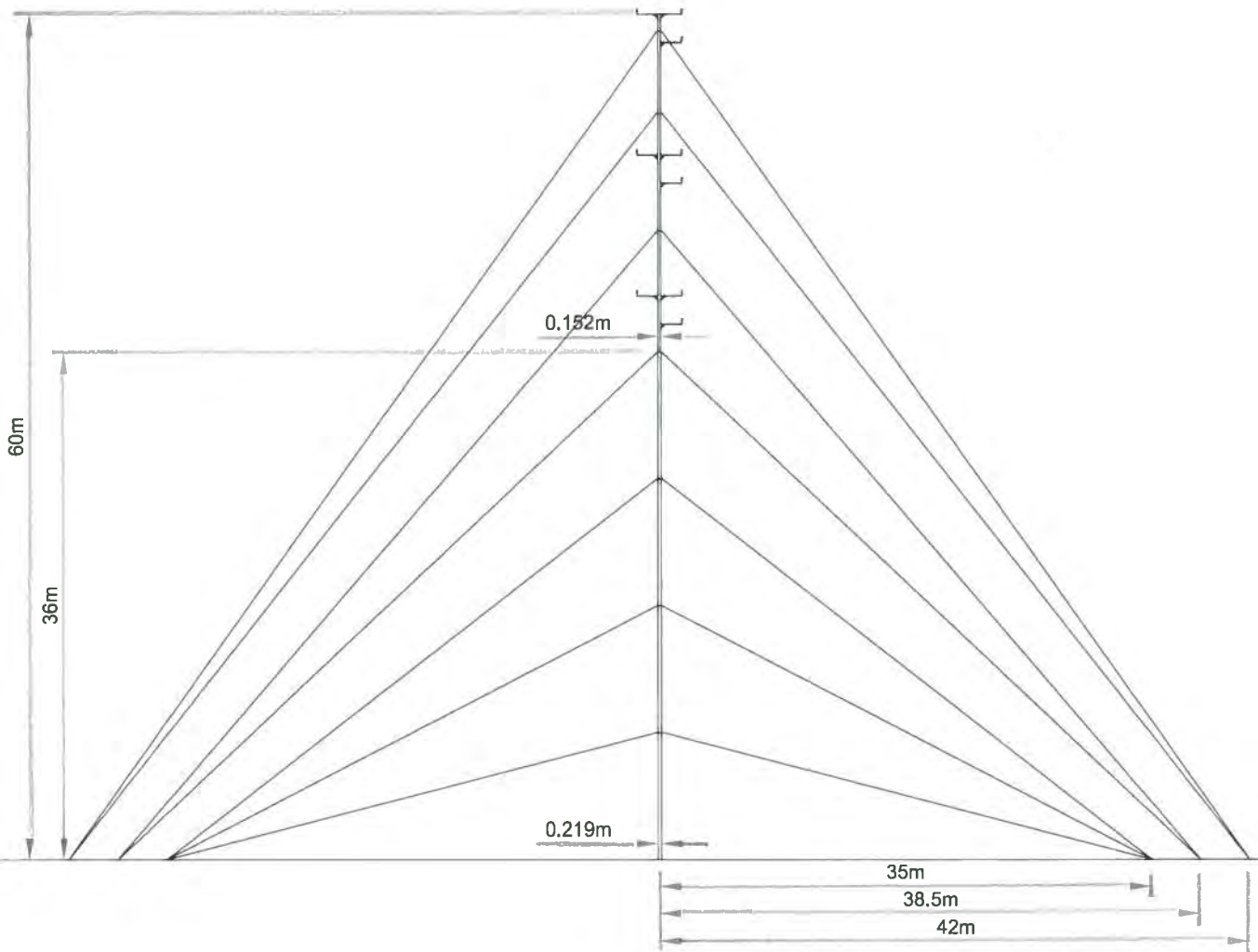


Tressady Wind Monitoring Mast Site Plan

15/09/2014

I: 5 000 @ A3 (1cm = 50m)

Figure 2



NOTES:

Please note that the position of sensors, guys and anchors in this diagram are purely illustrative. The guy and anchor positions will be determined on the day of erection based on a number of local factors including ground condition, though the outer footprint of the mast will not exceed the value indicated here.



Wind Prospect
 13 Rutland Street
 Edinburgh
 EH1 2AE
 0131 225 8545

TITLE

**TRESSADY
 60m ANEMOMETRY
 MAST ELEVATION VIEW**

SCALE

1:500

PAPER SIZE

A4

UNITS

METRES

DRAWN BY

J. CAMPBELL

DATE

15/09/2014