

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
20 January 2015

Agenda Item	6.2
Report No	PLS/003/15

14/04301/FUL: Force 9 Energy Partners LLP and EDF Energy ER
Land 2800M NW of Achratagan, Balnain, Drumnadrochit

Report by Area Planning Manager - South

SUMMARY

Description: Erection of 80m high meteorological mast

Recommendation: GRANT

Ward: 13 - Aird and Loch Ness

Development category: Local

Pre-determination hearing: Not applicable

Reason referred to Committee: More than five objections.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for a temporary triangular steel lattice meteorological mast. The mast will be 80 metres in height, stayed by steel guy wires which will be secured to the ground at no more than nine locations. This is one of two masts in this area. The second mast is approximately 1.3km from this location and is the subject of a separate application.
- 1.2 There was no pre-application consultation on the proposal.
- 1.3 The structure will be accessed from the A831 using existing forestry tracks. No new access will be formed and there is no requirement to upgrade any existing tracks. Other than the erection and removal of the structure it is expected that minimal access will be required.

2. SITE DESCRIPTION

- 2.1 The mast is in an area of rocky moorland adjacent to an existing conifer forest. The nearest house is approximately 2.6 kilometres to the south.

3. PLANNING HISTORY

- 3.1 No relevant planning history.

4. PUBLIC PARTICIPATION

4.1 Advertised: N/A

Representation deadline: N/A

Timeous representations: 93 objectors (at time of writing report)

Late representations: N/A

4.2 Material considerations raised are summarised as follows:

- Mast serves no purpose other than as a foreign metal structure in the landscape taller than anything else. It is ugly and intrusive.
- Cumulative effect of Beauly/Denny line and visibility from many miles away.
- Proximity to Glen Affric in an area of outstanding beauty.
- Mast could damage habitat of wildlife like golden eagles, red squirrels, badgers, pine martens and black grouse and could cause the death of birds.
- Constructing the masts will mean the applicant can construct the tracks that could be used for a wind farm application.
- Application involves some tree clearance.
- Impact on business through loss of visitors.
- Contrary to Policy 67 of the Highland-wide Local Development Plan.

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 **HIAL:** No objection.

5.2 **NATS:** No objection.

5.3 **MOD:** No objection, but include conditions re warning light and mapping information.

5.4 **CAA:** No comment.

6. DEVELOPMENT PLAN

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28 Sustainable Design

61 Landscape

67 Renewable Energy Developments

6.2 **Inverness Local Plan (as continued in force)**

N/A

6.3 **Highland Council Supplementary Guidance**

Highland Renewable Energy Strategy & Planning Guidelines May 2006

7. OTHER MATERIAL CONSIDERATIONS

7.1 **Inner Moray Firth Proposed Development Plan**

Not applicable

7.2 **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**

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”.

Policy 67 (Renewable Energy Developments) of the HwLDP 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.

The proposed structure is 80m high, and will therefore be visible above the canopy of the adjacent woodland. However it is a very slender structure consisting of a central triangular steel lattice pole tethered to the ground by up to nine guy wires which are anchored into the ground at various points (56m from the central pole at the widest point). The central pole is very narrow, typically measuring between 30 and 40cm on each side. The mast is around 3.2km from the public road (A831) to the south, 4.5km from the C class public road to the north and considerably higher at around 395m above sea level. 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.

Unlike wind turbines there are no noise associations with such monitoring masts and it is noted that the nearest neighbour is approximately 2.6 kilometres to the south.

Although it will be readily visible from the hill tracks in the surrounding Eskdale Moor, its height, elevated position and modest width means that it is considered that the surrounding landscape has sufficient capacity to absorb the development and that the level of any visual impact would be acceptable. As such it would represent an appropriate form of development which can be accommodated within the landscape. In this respect, it would be compatible with Policies 67 and 61 which seek to safeguard the landscape. In addition, the mast would not be a permanent feature, with any impact being limited to a 3 year period.

8.4 Material Considerations

MOD: MOD has requested that an aviation warning light is attached to the development. This can be addressed through a planning condition.

Third Party comments: Objection letters were received from both the local area and across the UK and beyond. The material considerations raised include:

Mast serves no purpose other than as a foreign metal structure in the landscape taller than anything else. It is ugly and intrusive – the mast will be used to mount anemometers (wind measurement devices) to determine the wind speeds at this location. The structure in the landscape is discussed in 8.3 above.

Cumulative effect of Beauly/Denny line and visibility from many miles away – while the mast will be taller than the tree canopy the structure is insubstantial in form and its impact on the landscape is not considered to be significant. This is for a single mast some distance from the Beauly/Denny line and it should not therefore be read in the landscape with the Beauly/Denny line.

Proximity to Glen Affric in an area of outstanding beauty – the site is some 6km from the nearest designated natural heritage site. The slim structure of the mast will not have an impact on the Glen Affric to Strathconon SPA.

Mast could damage habitat of wildlife like golden eagles, red squirrels, badgers, pine martens and black grouse and could cause the death of birds – this is an application for an anemometer mast only and for a temporary period. The low key nature of the construction phase including no requirement for new tracks, coupled with the fact that there are no moving parts proposed during the operational phase, means that there should be no significant threat to protected species as a direct result of the development. As per the standard advice from SNH/RSPB in relation to mast developments, the use of bird deflectors on guys will be imposed as a condition.

Constructing the masts will mean the applicant can construct the tracks that could be used for a wind farm application – the applicant has confirmed that existing forest tracks will be utilised to construct the mast. No new tracks are required. This application simply deals with the anemometer mast. Should any future application for a wind farm be submitted it will be considered on its own merits.

Application involves some tree clearance – the applicant has indicated that this application does not involve any tree removal. Additionally, the Forestry Officer has raised no concerns in regard to the application.

Impact on business through loss of visitors – there will be no significant detrimental impact on tourism as a direct result of this application. This application relates to the erection of a single anemometer mast and for a temporary period only.

Contrary to Policy 67 of the Highland-wide Local Development Plan – the mast cannot be considered as a turbine and is viewed as complying with policy for the reasons stated in Section 8.3 of this report.

8.5 **Other Considerations – not material**

A number of the objections relate to the assumption that the proposal is a precursor to a future wind turbine/wind farm development. This has raised concerns on visual and amenity grounds (both individually and cumulatively).

It must be stressed that this application is **not** for a wind turbine development and must be considered on its own 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. Should any future application for a wind turbine development be submitted this would be assessed and determined on the basis of its own merits and would be subject to the usual public notification, advertisement and consultation procedures.

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

None

9. **CONCLUSION**

9.1 This application is for a temporary meteorological monitoring mast. It must be considered solely on its individual merits rather than wider consideration of any developments which may be pursued at a future point in time.

The mast is tall, but very slender and will therefore have very little impact on the surrounding landscape or amenity of nearby residents during the 3 years it will be erected. 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 / notes to applicant:

1. Planning permission is hereby granted for a temporary period only and shall cease to have effect three years from the date that the erection of the mast is completed, such date to be notified in writing to the Planning Authority within one week of completion. Within one month of the end of this three year period, the application site shall be cleared of all development approved under the terms of this permission (including any subsequent ancillary works, infrastructure and fixtures) and the ground 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 flight deflectors should be fitted, at 5 metre intervals, to all anemometer mast guy wires as shown in the elevation plan 000003. Stops or clamps should be fitted to the guy wires to prevent the deflectors sliding down the wires. The mast should be inspected and maintained annually to ensure the deflectors remain in place.

Reason: To ensure that any potential impacts on birds are minimised in the interests of nature conservation.

3. A red obstacle light will be positioned at the highest point of the mast. This light shall be fitted with a minimum intensity 25 candela omni-directional flashing red light or equivalent infra-red light.

Reason: In the interests of aircraft safety.

4. No development shall commence until the following information has been submitted to the Defence Geographic Centre:
 - a. Precise location of development;
 - b. Date of commencement of construction;
 - c. Date of completion of construction;
 - d. The height above ground level of the tallest structure;
 - e. The maximum extension height of any construction equipment; and
 - f. Details of aviation warning light fitted to the structure.

This information can be sent by email to dvof@mod.uk or posted to D-UKDVOF & Powerlines, Geospatial Air Information Team, Defence Geographic Centre, DGIA, Elmwood Avenue, Feltham, Middlesex, TW13 7AH

Reason: In the interests of aircraft safety.

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

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.

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.

Construction Hours and Noise-Generating Activities: You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Building Regulations: Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at Building.Standards@highland.gov.uk or on 01349 886606.

Signature: Allan J Todd
Designation: Area Planning Manager - South
Author: Elaine Watt
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Elevations
Plan 3 – Site Layout

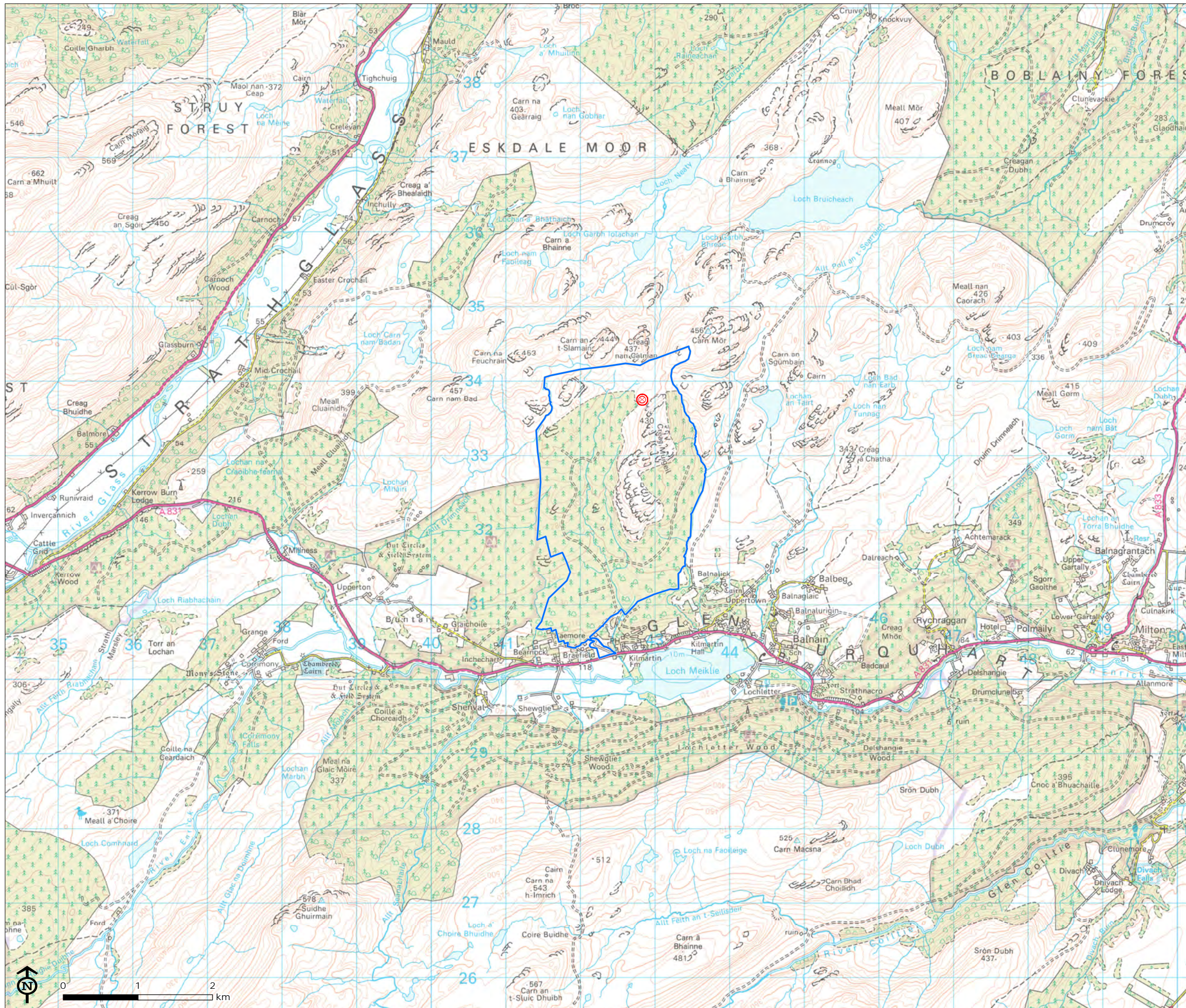





Figure 1: Indicative
Met Mast 1 Location

-  Indicative Met Mast Location
-  Application Boundary
-  Land controlled by the applicant

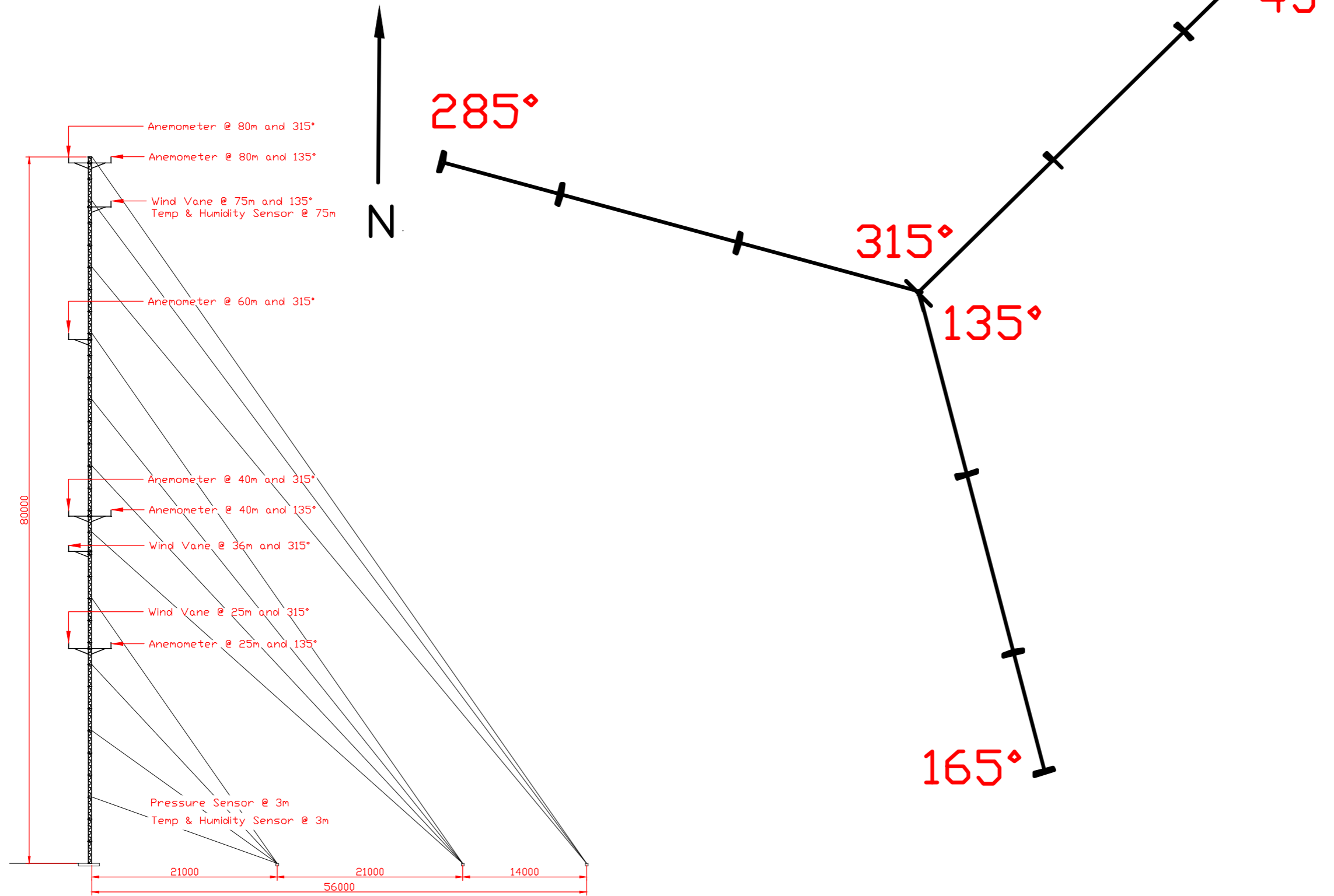
Note:

The application boundary includes maximum guy wire radius of 56m (total construction envelope radius of 60m) plus a 14m radius micro-siting allowance.

Map Scale @ A3: 1:50,000



ORIENTATION



Cnoc an Eas
Wind Farm



Figure 2

TYPE 3 HD MET MAST - 80m

NOTES

- 1) The mast is triangular guyed construction with climbing steps incorporated into one face.
- 2) The mast solidity ratio = 0.239
- 3) Mast and support booms to BS EN 61400-12-1.
- 4) All steelwork is hot dip galvanised after fabrication to BS EN ISO 1461.
- 5) Guywires are pre-stretched, cut to length and are c/w talurit splice, tensioner, shackles and clamps.
- 6) All bolts and nuts to BS 3692, grade 8.8, spun galvanised.
- 7) A full range of site specific accessories and upgrades are available.

This drawing is copyright of Wind Measurement International Limited. Copying and reproduction of the drawing, as a whole or in parts must have written consent of Wind Measurement International Limited.

Map Scale @ A3: 1:500

