

**THE HIGHLAND COUNCIL**

**SOUTH PLANNING APPLICATIONS COMMITTEE**  
**1 April 2015**

Agenda Item	6.4
Report No	PLS/020/15

**15/00349/FUL and 15/00350/FUL: Ourack Wind Farm LLP**  
**Land 3010m West of Larig Hill and Land 2265m East of Dava Farm Cottage**  
**Grantown-On-Spey**

**Report by Area Planning Manager - South**

**SUMMARY**

**Description:** Installation and erection of two anemometry masts up to 90 metres in height, guyed with a lattice tower.

**Recommendation: GRANT**

**Ward:** 21 – Badenoch and Strathspey

**Development category:** Local

**Reason referred to Committee:** Five or more objections

**1. PROPOSED DEVELOPMENT**

- 1.1 The proposal is for the erection of 2 lattice masts with guy wires and ground attachments, supporting anemometry equipment, on 2 sites (approximately 4 km apart) in moorland east of Dava, north of Grantown-on-Spey.
- 1.2 No pre-application consultation was sought. Consultation is not mandatory for local developments.
- 1.3 The sites are some distance from the nearest public road although estate hill tracks run to within a kilometre (straight line distance) of both sites. There is no conveniently located mains electricity supply; anemometry kit and aviation warning lights would be supplied by a battery fed by solar cells.
- 1.4 No supporting documents were submitted.
- 1.5 **Variations:** None

## **2. SITE DESCRIPTION**

- 2.1 The two sites lie in a lower lying area of peaty grouse moorland between the Knock of Braemoray and the Carn na Loine - Larig Hill - Carn Kitty ridge on the Highland/Morayshire boundary north of Grantown-on-Spey. The area contains the headwaters of tributaries of the River Divie and the Dorback Burn. The westmost of the 2 sites is near the watershed between these 2 tributary systems, while the site west of Larig Hill is near the foot of the hill's slopes between the Ourack Burn and the Allt Dearg.

## **3. PLANNING HISTORY**

- 3.1 None

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised: Schedule 3 and unknown neighbour. Expiry date 26/2/15  
Representation deadline: 26/2/15

Timeous representations: 15/00349/FUL – 27 from 21 households plus 2  
Community Councils and 1 organisation

15/00350/FUL – 32 from 25 households plus 2  
Community Councils and 1 organisation

Late representations: 15/00349/FUL – 1  
15/00350/FUL – 1

- 4.2 Material considerations raised are summarised as follows:

- EIA should accompany application
- Visual intrusion
- Harmful to/incompatible with character of area
- Light pollution and distraction to drivers
- Impact of materials transport on local roads
- Harmful to tourism
- Possible contamination/loss of private water supplies
- Impact on habitats and species
- Part of process of wind farm development
- Contrary to SNH guidance on planning policies
- Cumulative damage to sensitive landscape already downgraded from candidate wild land status.

- 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](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

## **5. CONSULTATIONS**

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

5.2 **SNH:** Below consultation threshold.

5.3 **MoD:** No objection. Warning lights to be installed.

## **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
55	Peat and Soils
57	Natural, Built and Cultural Heritage
58	Protected Species
61	Landscape
67	Renewable Energy Developments

### **6.2 Badenoch and Strathspey Local Plan**

No relevant policies

### **6.3 Highland Council Supplementary Guidance**

Interim Onshore Wind Energy

March 2012

## **7. OTHER MATERIAL CONSIDERATIONS**

### **7.1 Draft Development Plan**

Not applicable

### **7.2 Scottish Government Planning Policy and Guidance**

SPP June 2014

### **7.3 Other**

Highland Council/SNH Assessment of Highland Special Landscape Areas LDP background paper (2011)

Onshore Wind Energy Supplementary Guidance Consultation Draft (2015)

SNH Carbon and Peatland Map and supporting information – Consultation draft (2015)

## **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 developments require to be assessed against HwLDP Policy 28's support for development which promotes and enhances the social, economic and environmental wellbeing of the people of Highland subject to consideration of impacts on individual and community residential amenity, habitats, species, freshwater systems, landscape, cultural heritage and scenery; contribution to the social and economic development of the community; and demonstration of sensitive siting in keeping with local character, historic and natural environment. The characteristics of the area require consideration in terms of Policy 55 (avoidance of unnecessary disturbance, degradation or erosion of peat); Policy 57 (impacts on natural heritage features of local, national or international importance); Policy 58 (effect on protected species); Policy 61 (reflection of landscape character of the area); and Policy 67 (renewable developments not to have significant detrimental impact on listed interests including landscape, amenity and tourism interests).

The proposed masts have a height of 90 metres overall (including reading equipment) guyed to the ground with a Y-plan series of guy wires to ground fixing points at 30, 45 and 60 metres distance from the bases of the masts (see plans). The sites are some distance from the nearest estate roads so a low ground pressure tracked excavator would be utilised to dig the holes for the anchoring points and mast supports, with materials being taken in by a 4x4 or low pressure low impact ATV. Guy line anchors and the mast bases would be railway sleepers buried in the ground. The masts would be delivered in prefabricated sections and assembled/erected at the sites. No grid connection is required as equipment including MoD-specified warning lights would be powered by a solar panel and battery.

The significant sensitivities appear to be the presence of peat soils, the proximity of the Moidach More blanket bog SSSI/SAC, the landscape character of the immediate environs of the sites, and visual impact over the wider area which lies in the eastern part of the Drynachan, Lochindorb and Dava Moors Special Landscape Area. This last is a "feature of local/regional importance" for the purposes of Policy 57.

## 8.4 Material Considerations

The developments involve an insignificant degree of disturbance of peat soils and are therefore not likely to have any material harmful effect on water quality or the characteristics of the nearby SSSI/SAC. Although the visual weight of the lattice masts and guys will be relatively “light”, the structures will appear anomalous in the landscape of the trough, which has a relatively remote feel due to its enclosure by hills, relatively flat topography, moorland vegetation and absence of man made features other than those associated with sporting use (vehicle tracks, butts and a lunch hut). The impact in the wider landscape is less significant, due to a combination of location away from roads and intervening topography. The masts will be sited around the 320 metres and 310 metres contours respectively, putting the top of the mast nearest to Dava at around the same height as the small “top” Carn Biorach (418 metres, 1 km east of Dava Station). Thus even in views from the A939/A940 only the uppermost part of this mast will be visible. From the south-west (the most comprehensive viewing orientation) views from the road are confined by changes in ground levels and groups of trees in the foreground and views from houses in the surrounding area will be similarly constrained. The most open and long duration views are those available from the Dava Way but even from this direction impact will be mitigated by distance (nearly 2 km to the nearer of the 2 masts), hill background, and the presence in the distance of the Berry Burn wind farm. In relation to protected species bats and birds of prey are mentioned in objections but the area is not typical of bat foraging territory and although the area is understood to be used by wading species of birds, and hen harriers and short eared owls, the risk of bird strikes in such development can be adequately mitigated by the provision of deflectors on the guy wires.

The most significant material consideration is that any impacts, as well as being relatively minor and affecting a limited range and number of receptors, are transient. The purpose of the development is the collection of wind speed and direction data over a limited period. For these reasons the impact of the proposed developments is considered acceptable in terms of HwLDP Policy 57. Because of these characteristics (minor adverse/limited receptors/short term/reversible) it has also been judged that an Environmental Impact Assessment is not required and a Screening Opinion to that effect placed on the Planning Register.

## 8.5 Other Considerations – not material

Many of the objections associate the development with a future wind farm development. While there can be little doubt that the anemometry exercise is intended to provide data to support the design of and business case for a wind farm, this is not the development being considered. Equally there can be little doubt that the potential natural heritage, amenity and landscape impacts (including cumulative impacts) of a wind farm in this area would be of a different and much higher order of significance in relation to Development Plan Policies and to the special landscape qualities and sensitivities described in the Special Landscape Areas assessment. However it would be inappropriate to refuse permission on the basis that the masts are associated with a future wind farm development or to equate the impacts of the former with those which might arise from the latter.

## 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

<b>Action required before decision issued</b>	No
Notification to Scottish Ministers	No
Notification to Historic Scotland	No
Conclusion of Section 75 Agreement	No
Revocation of previous permission	n/a

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

1. No development shall commence until notification has been made to the Defence Geographic Centre with the following information:
  - i. The precise location of the development;
  - ii. The date of commencement of construction;
  - iii. The date of completion of construction;
  - iv. The height above ground level of the tallest part of the structure;
  - v. The maximum extension height of any construction equipment;
  - vi. Details of aviation warning lighting fitted to the structure.

**Reason:** In the interests of air safety.

2. No development shall commence on site until a plan and elevation showing details of the guy supports fitted with clearly marked bird deflector tags are submitted to and approved by the Planning Authority. For the avoidance of doubt, the bird deflectors should be sufficient to ensure that all species of birds are adequately protected from bird strike. The bird deflectors as approved shall be attached to the guyed supports immediately following erection of the mast and shall be retained in situ throughout the duration of the permission hereby granted.

**Reason:** In order to minimise the risk of birds colliding with the guyed supports of the anemometry mast.

3. Where ground conditions specifically require it, the mast may be micro-sited within the application site boundary. However, unless otherwise approved in writing by the Planning Authority (in consultation with SEPA and SNH), micro-siting is subject to the following restrictions:
- i. No foundation or anchoring point shall be positioned higher, when measured in metres Above Ordnance Datum (Newlyn), than the position shown on the original approved plans;
  - ii. The mast shall not be moved:
    - a. More than 25m from the position shown on the original approved plans;
    - b. So as to be located within 250m (for mast foundations) or 150m (for hardstanding, tracks or trenches) of Groundwater-dependent Terrestrial Ecosystems;
    - c. To a position within 50m of any watercourse;
    - d. To a position within an area of deep peat (that is peat with a depth of 1.5m or greater) or having a peat landslide hazard risk of significant or greater;
  - iii. The mast shall not be moved where a change to its position, location or route has been proscribed under a condition of this permission.

**Reason:** To enable appropriate micro-siting within the site to enable the developer to respond to site-specific ground conditions.

4. On completion of the mast and prior to its becoming operational the mast shall be fitted with a minimum intensity 25 candela omni-directional flashing red light or equivalent infra-red light fitted at the highest practicable point of the structure.

**Reason:** In the interests of air safety.

5. Planning permission is hereby granted for a temporary period only and shall cease to have effect two years from the date on which the erection of the mast is completed, such date to be notified to the Planning Authority within one week of the completion. Within one month of the end of this two 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.

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

## **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**

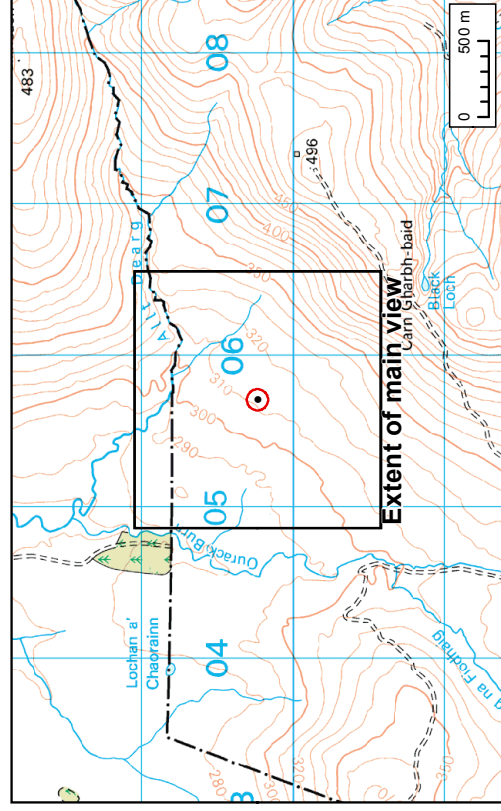
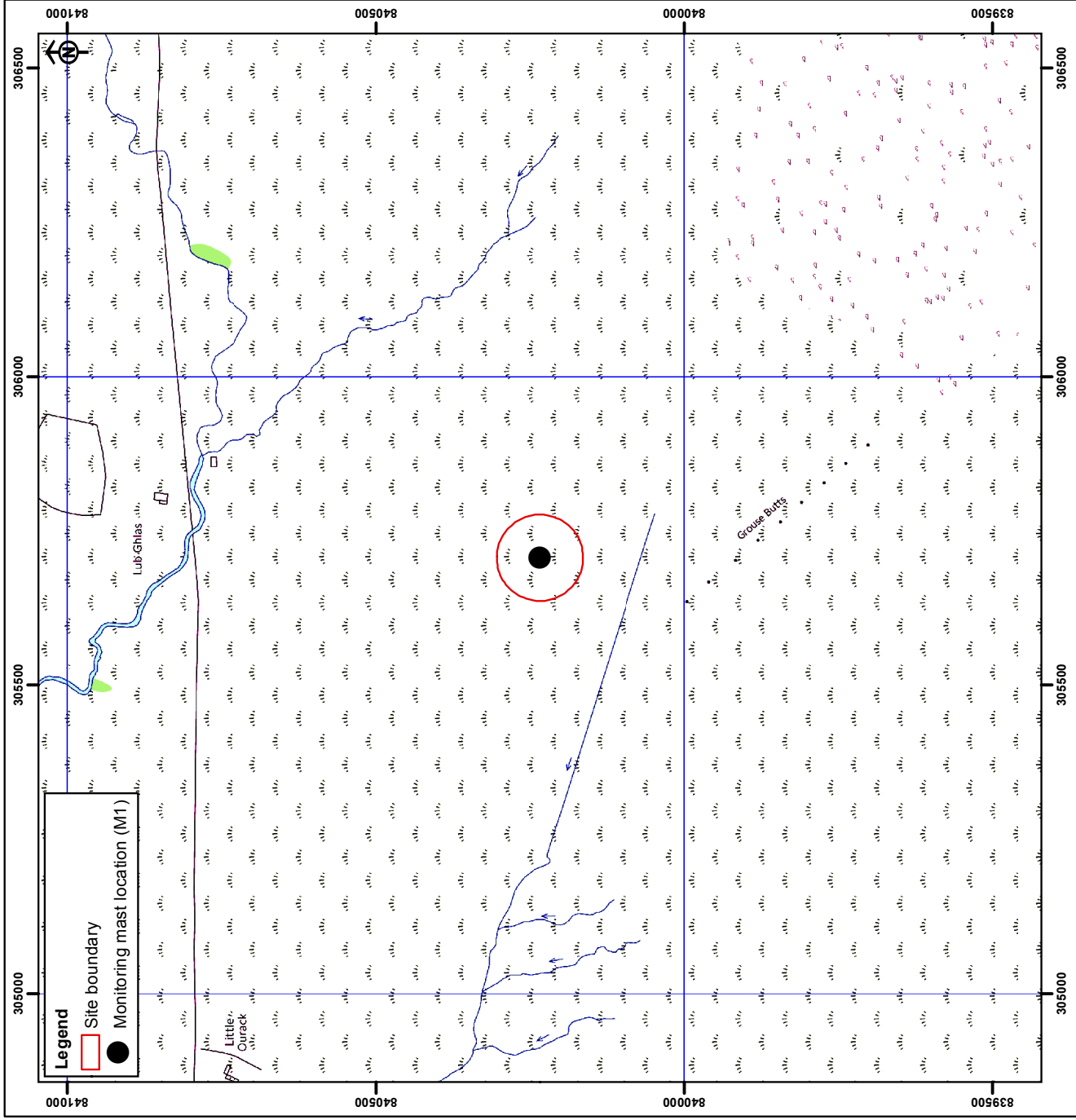
You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building 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.



### **Schedule 3 Development Site Notice**

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

Signature: Allan J Todd  
Designation: Area Planning Manager - South  
Author: Andrew McCracken  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – Location plan 15/00349/FUL  
Plan 2 – Location plan 15/00350/FUL  
Plan 3 – Site plan 15/00349/FUL  
Plan 4 – Site plan 15/00350/FUL  
Plan 5 – Elevation plan (common to both applications)



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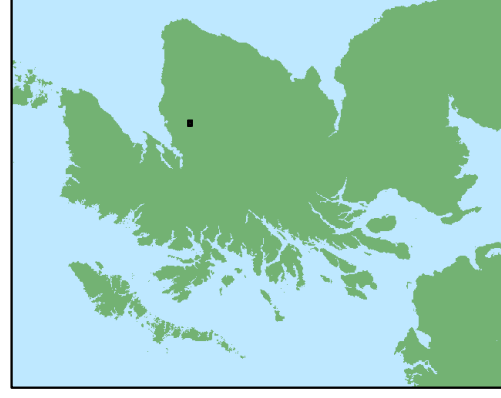
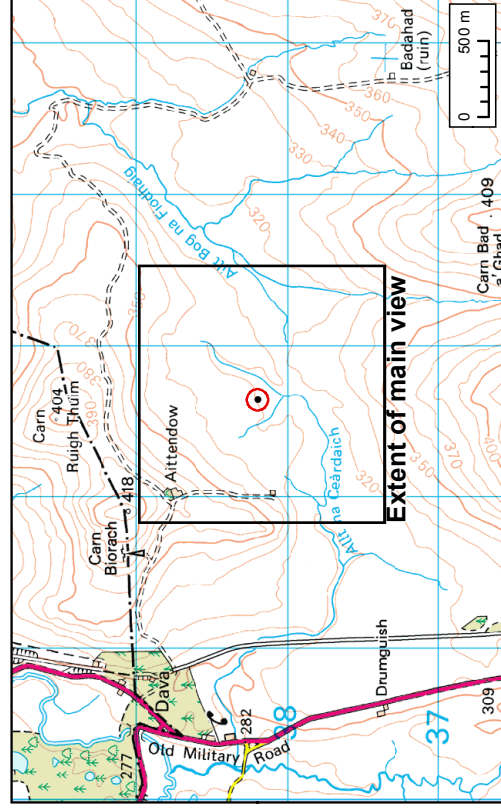
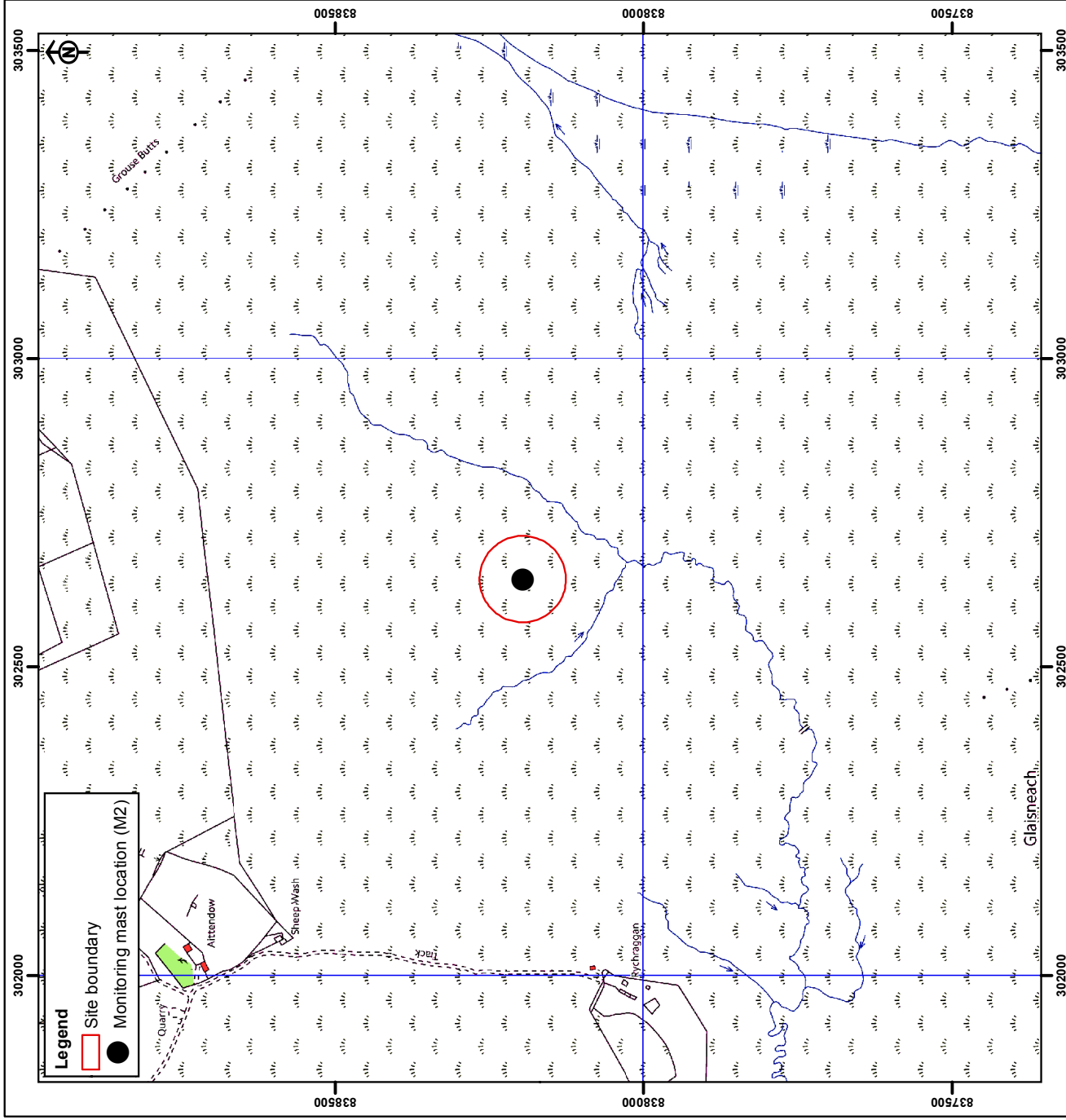
# Ourack Wind Farm

## Mast 1

### Wind Monitoring Location Plan (1:10k)

Rev	Date	Drawn By	Checked By	First Issue Comment	Datum	Projection	Plot	Scale	Purpose	Layout	Rev	Drg No
A	02/02/15	JJAW	LHOP		OSGB36	OSNG	A4	1:10,000	For information	NA	A	61096-1AG-735-002

Ref: CAST\_EGWI\_Monitor\_002\_150115jaw27700 (MONITORID) = "M1" AND [PLAN\_STATUS] <= "Superseded"; CAST\_BDMC\_Mast01\_002\_150115jaw27700 (MONITORID) = "M1"



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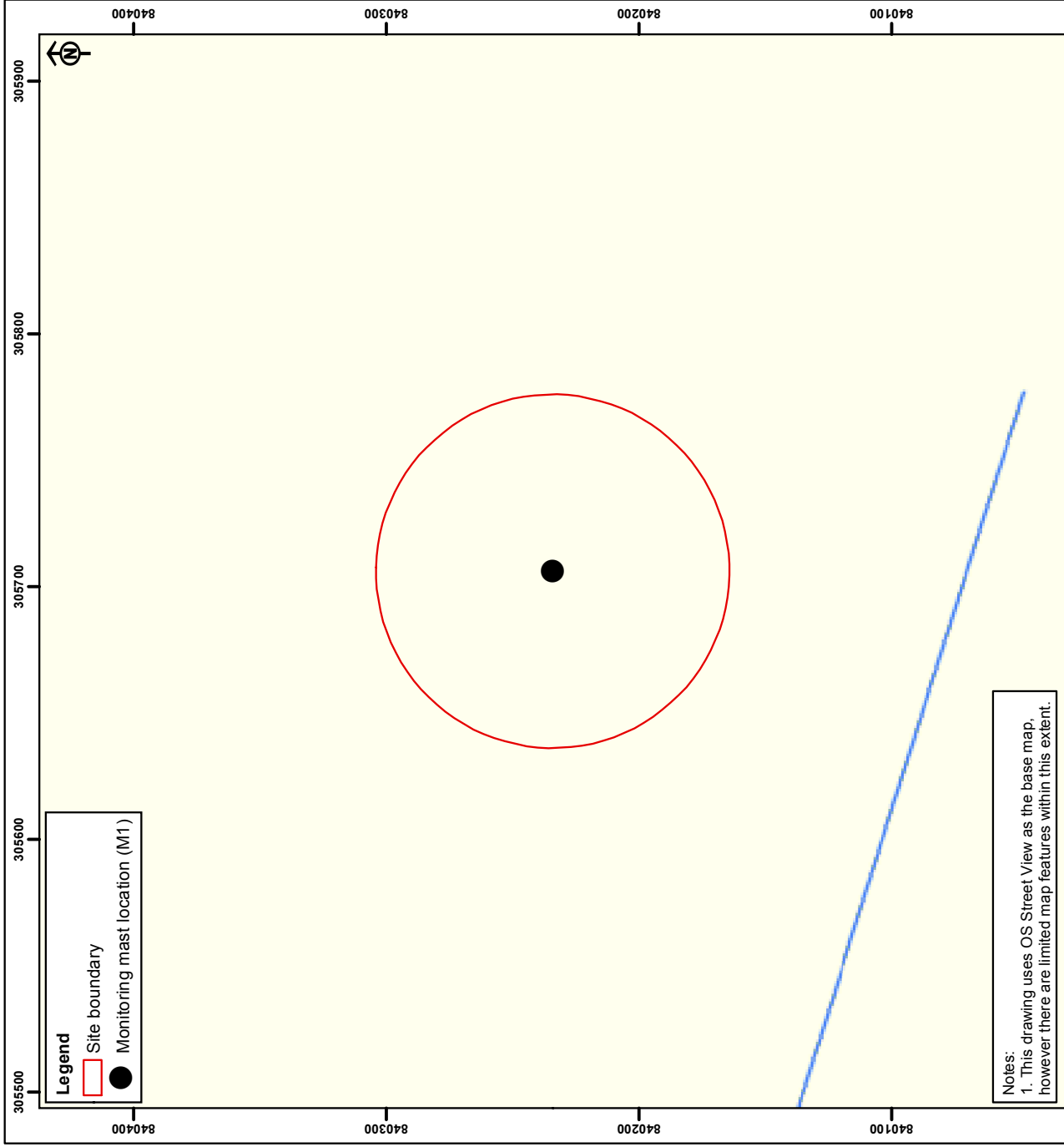
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## Ourack Wind Farm Mast 2 Wind Monitoring Location Plan (1:10k)

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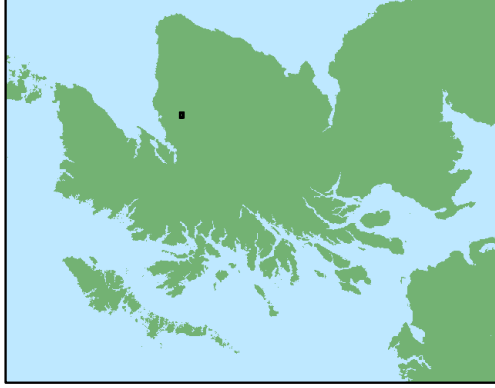
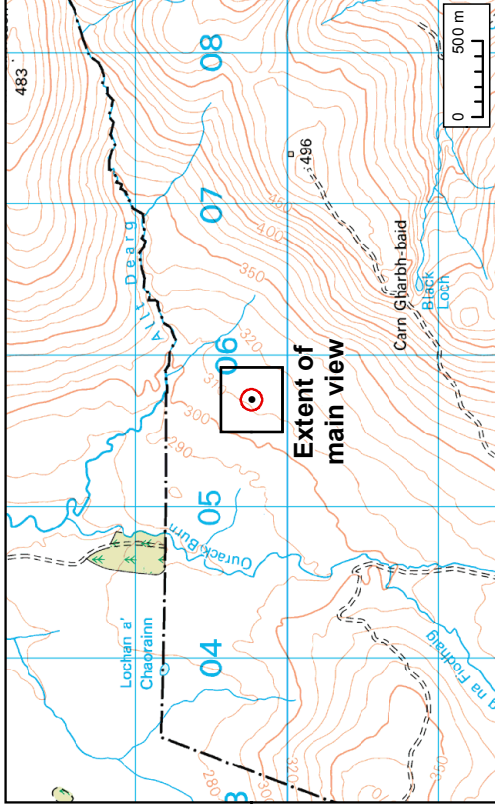
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OSGB36	OSNG	A4	1:10,000

Purpose	Layout	Rev	Drg No
For information	NA	A	61096-1AG-735-004



**Legend**  
 Site boundary  
 Monitoring mast location (M1)

**Notes:**  
 1. This drawing uses OS Street View as the base map, however there are limited map features within this extent.



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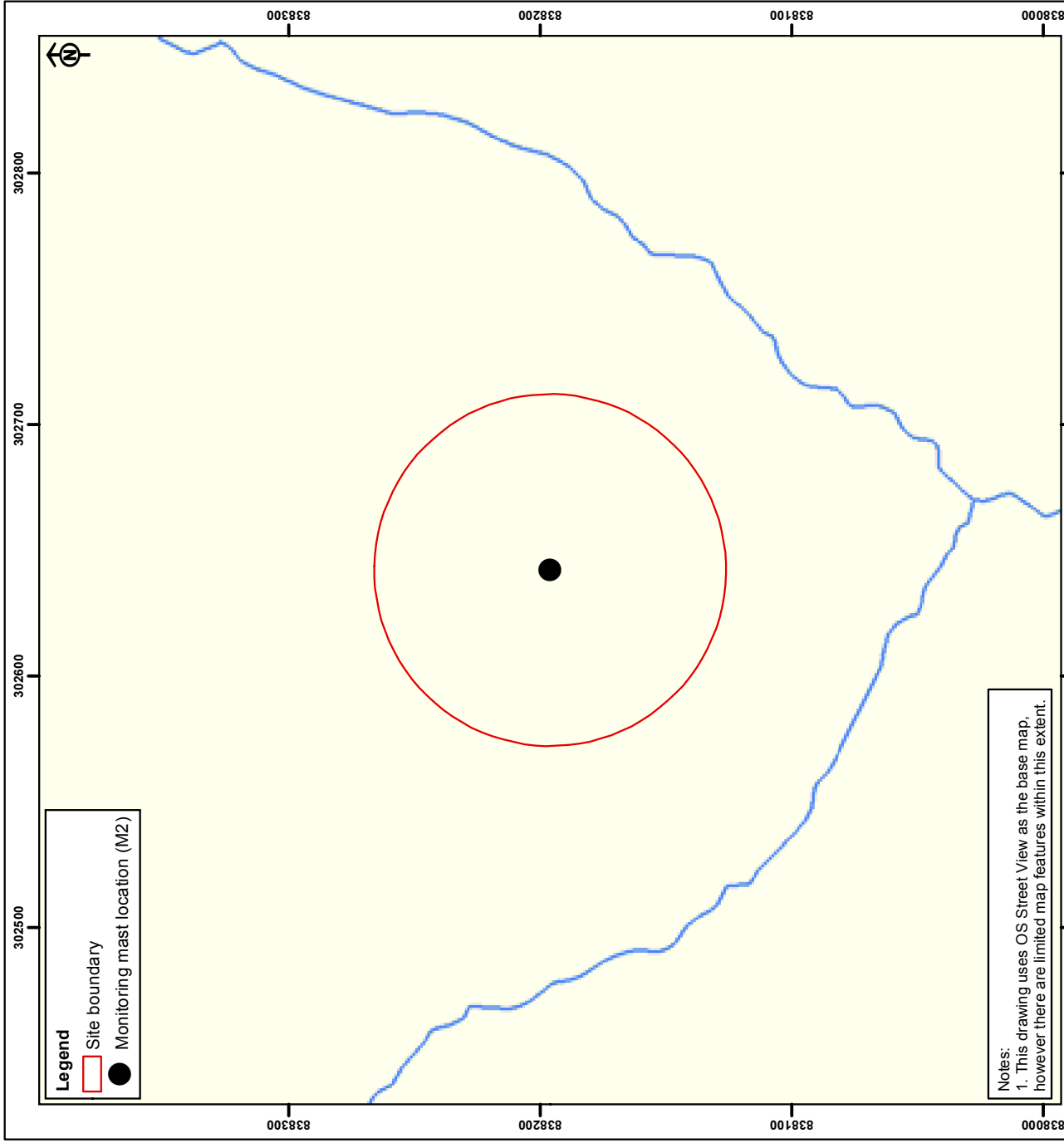
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# Ourack Wind Farm Mast 1 Wind Monitoring Location Plan (1:2500)

Rev	Date	Drawn By	Checked By	First Issue Comment
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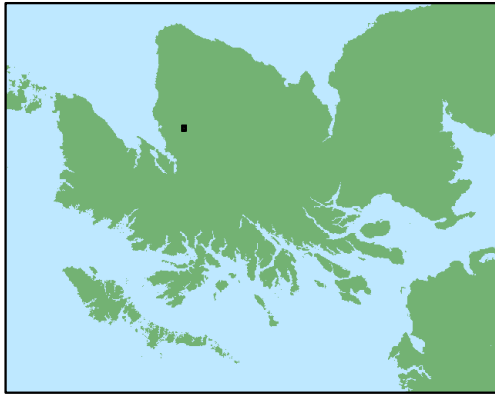
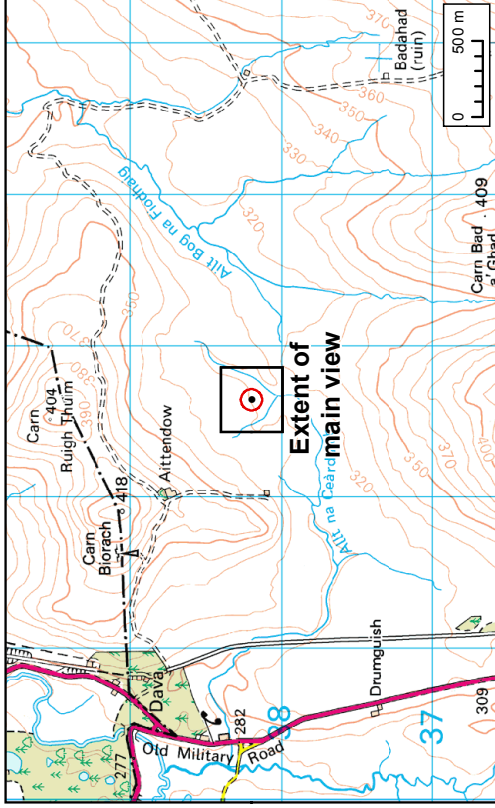
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**Legend**

- Site boundary
- Monitoring mast location (M2)

**Notes:**  
 1. This drawing uses OS Street View as the base map, however there are limited map features within this extent.



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Rev	Date	Drawn By	Checked By	First Issue Comment
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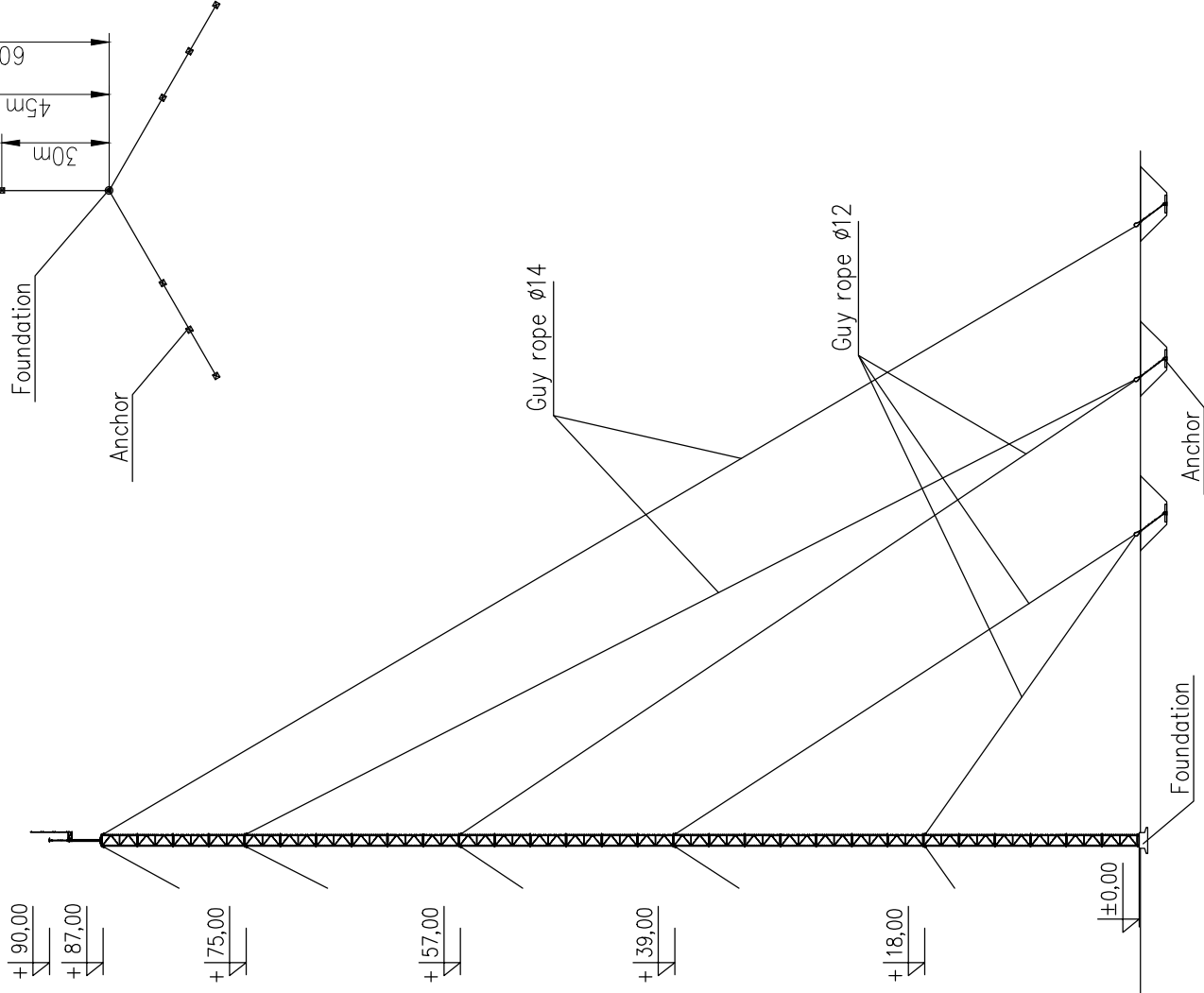
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## Ourack Wind Farm Mast 2 Wind Monitoring Location Plan (1:2500)

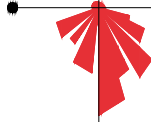
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For information	NA	A	61096-1AG-735-003

# WHTER MKT/900/76.1/5.0 H=90m

Anchoring layout  
Scale 1:2000



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## WHTER MKT/900 90m

Subject:

Mast scheme

DATE: 2015.01.16 SCALE:

1:600 DRAWING NO.:

1