

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
23 June 2015

Agenda Item	7.6
Report No	PLS/049/15

15/01784/FUL: Mr John Appleton, RES
Land at Carn Ghriogair, Aberarder Estate, Aberarder, Inverness

Report by Area Planning Manager

SUMMARY

Description: Erection of a 50m guyed mast to facilitate meteorological measurements and community broadband, relating to the proposed Aberarder Wind Farm (temporary for 24 months).

Recommendation - GRANT

Ward: 13 – Aird and Loch Ness

Development category: Local Development

Pre-determination hearing: n/a

Reason referred to Committee: Community Council objection and objections from 5 or more addresses.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for the temporary erection of a mast with an overall height of 51.5m on land at Aberarder Estate, around 5km southeast of the B851. The mast will consist of a 22cm diameter central pole, stabilised by guy wires, with anemometer equipment located at 15m, 30m, 45m and 50m. A community broadband enclosure will also be attached to the central pole.
- 1.2 Access to the site will be via the public road. Thereafter existing tracks and off-road vehicles will be used.
- 1.3 **Variations:** None.

2. SITE DESCRIPTION

- 2.1 The site is located around 6km south of East Croachy, within the Monadhliath mountain range, between the hills of Coille Mhor and Carn Chriogair. The surrounding landscape is undulating with areas of upland moorland, natural grassland, scrubland and woodland. The nearest residential property is situated some 4.3km from the site.

3. PLANNING HISTORY

- 3.1 15/00737/FUL - Erection of 12 wind turbines (130m in height) including associated works (pending consideration).

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Schedule 3 Development; 05.06.15

Representation deadline : 05.06.15

Timeous representations : 6 representations from 5 households

Late representations : 0

- 4.2 Material considerations raised are summarised as follows:

- Contrary to HwLDP Policy 28 due to its impact on landscape, scenery and individual and community residential amenity and visual amenity; a distraction to walkers.
- Contrary to HwLDP Policy 67 as it doesn't demonstrate sensitive siting and would have an adverse impact on community and residential amenity; it will be another unnatural feature in the Monadhliath mountains.
- Contrary to HwLDP Policy 61 as it will have an adverse impact upon the landscape of the area.
- Do not understand the reference to the mast aiding community broadband given its temporary nature. Inducements from developers of this type are unacceptable.
- Cumulative impact on visual amenity and loss of habitat in Strathnairn area.
- Negative impact on tourism in the area.
- Recent on-shore Wind Energy Consultation identifies the Monadhliaths as having a substantial degree of protection from wind farm developments
- Contrary to HwLDP Policy 59 due to impact on protected species, birds of prey and danger to wildlife. Despite having bird deflectors there is concern it will result in a collision risk for birds.
- Increased carbon emissions due to removal of peat

- 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 **Strathnairn Community Council:** Object on the grounds that the proposal is effectively part of the planning application for the Aberarder Wind Farm and should not be considered in isolation; further intrusion in the landscape when viewed cumulatively with approved wind farms in the area (contrary to HwLDP policies 28, 61 and 67); community broadband statement erroneous given that the permission sought is temporary.

- 5.2 **HIAL:** Does not object as the structure will not infringe the safeguarding surfaces for Inverness Airport, but recommends an aviation light is fitted.
- 5.3 **Civil Aviation Authority (CAA):** Does not object subject to conditions to ensure that the mast is visually conspicuous.
- 5.4 **Ministry of Defence (MOD):** Does not object subject to conditions ensuring that the mast is fitted with aviation warning lighting and that information is supplied to allow the updating of the Defence Geographic Centre's records.
- 5.5 **NATS:** Does not object.
- 5.6 **National Police Air Services:** No comments received.
- 5.7 **Defence Infrastructure Organisation:** No comments received.

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

6.2 Highland Council Supplementary Guidance

Highland Renewable Energy Strategy & Planning Guidelines (May 2006)
Interim Onshore Wind Energy (March 2012)
Interim Small Scale Wind Turbine Proposals (November 2012)

7. OTHER MATERIAL CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Paras 152-174

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 61 (Landscape) of the HwLDP states that new developments should reflect the landscape characteristics and special qualities identified in the SNH Landscape Character Assessments.

Policy 67 (Renewable Energy Developments) of the HwLDP relates to wind turbines and other renewable energy developments, which this application is not. However it is clear in the description of development that this proposal is linked to the pending wind farm application at Aberarder Estate, therefore Policy 67 is arguably applicable. This 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 mast is a very slender structure consisting of a central pole tethered to the ground by guy wires which are anchored at various points (30m from the central pole at the widest point). The central pole is very narrow, measuring 22cm in diameter. It will, however, be 51.5m high overall, taking into account attached apparatus, and will therefore be visible within the landscape.

That said, the landform in this location and the position of the mast within the landscape are such that there will be little to no visibility of the mast from settlements along the B851 and B862. This is backed up by the visualisations and ZTV theoretical visibility information submitted in support of the pending Aberarder Windfarm application. Theoretically it will be more visible from areas further afield; however its insubstantial form and the added distance will ensure that it will not form a significant feature in the landscape. 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. It should also be noted that the mast will be situated almost 5km from the nearest public road.

Unlike wind turbines there are no noise associations with such monitoring masts; in any case, the nearest residential property is around 4.3km from the position of the proposed mast.

Taking the above into consideration it is considered that the proposal is compatible with Policy 28 of the HwLDP.

The site is covered by the Inverness Landscape Character Assessment, which defines the area as rolling uplands. Generally this landscape is characterised as being dominated by a series of large scale, smooth, rounded hills with summits of similar height which collectively form broad, undulating upland plateaux. In relation to wind developments, the Assessment notes that the location of a wind farm is unlikely to dominate the large scale open areas of this landscape character type, however it will tend to be highly visible within the open surroundings and create focus in the landscape, possibly also affecting the sense of remoteness.

Wind turbine developments tend to be most appropriate within the wide open areas of this landscape type so that the size of the turbines appear inferior to the overall scale of the surrounding space. The Assessment also states that elements will appear most appropriate where they clearly relate to their function - for example, masts on high points and hydro schemes directly relating to rivers.

The mast is a single structure in the landscape, which, at this point in time, is several kilometres from the nearest other vertical structures. Its scale and height are such that it is not considered that it would in any way dominate the landscape. It is relatively close to the consented Dunmaglass windfarm which would introduce other man-made structures of a much greater height to the surrounding landscape although it is not clear if construction at Dunmaglass will begin within the 2 year period for which consent for the mast is sought.

Overall, on the basis of the above, it is considered that the proposal complies with Policy 61.

Whilst Policy 67 of the HwLDP does not specifically relate to masts it contains a number of relevant considerations including landscape, residential amenity, tourism interests, species and habitats, the natural and built heritage and water environments. The proposal includes measures to deter birds (which will be conditioned), and in assessing the proposal against the above criteria, it is considered that it will not have a significant impact on the criteria listed and is compatible with the policy as a result.

8.4 **Material Considerations**

Aviation: MOD have requested that an aviation warning lighting attached to the structure. This can be addressed through a planning condition.

Natural Heritage: The site is not within or nearby any designated natural heritage sites. SNH no longer comment on meteorological mast applications outwith designated areas, however the application includes the use of bird deflectors which is in line with SNH's standing advice. This can also be secured by a planning condition.

Community Council/Third Party comments: Objection letters have been received from the Community Council and from 5 different addresses within the wider Farr area. The material considerations raised include:

- Impact on the landscape and community and residential amenity
- Impact on birds and wildlife
- Negative impact upon tourism
- Wind Energy Consultation report
- Increased carbon emissions due to peat removal

The impact on landscape and visual amenity and on natural heritage/birdlife is discussed in section 8.3 of this report. The Wind Energy Consultation report referred to relates to wind farm developments, and it must be remembered that this is not an application for a wind farm or a wind turbine. Likewise it is not considered that a single mast in this location will have any significant impact upon tourism in the area. The method of construction and fastening of the structure (a central pole with guy wires anchored into the ground) will require minimal ground disturbance.

However, a condition will be included to ensure that the ground is reinstated at the end of the 2 year period.

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. Any current or future application for a wind turbine development will be determined on its own merits, following the usual notification, advertisement and consultation procedures.

Reference is also made to the provision of community broadband, which was included in the description of development. It has been noted by the Community Council and a number of objectors that this has not been requested by or discussed by the community and given that the proposal is for a temporary 2 year period, any benefit gained would be lost when the mast was removed. This is not considered to be a material consideration and has not been taken into account in the assessment of this application.

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

None.

9. **CONCLUSION**

9.1 This application is for a temporary meteorological mast, and must be considered solely on its own merits rather than wider consideration of any current or future developments.

The mast is relatively tall, but very slender and insubstantial in nature, which, along with its position within the landscape will not result in any significant impact on the landscape or individual or community amenity during the 2 years that it will be erected. Planning conditions will ensure that it is fitted with suitable aviation warning lights and bird deflectors, and that it is removed and the ground reinstated at the end of the 2 year 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. Prior to 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.

2. No development shall commence until notification has been made to UK DVOF & Powerlines at the Defence Geographic Centre with the following information:

- Precise location of development
- Date of commencement of construction
- Date of completion of construction
- The height above ground level of the tallest structure
- The maximum extension height of any construction equipment
- Details of aviation warning lights fitted to the structure

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

Reason : In the interests of air safety.

3. Planning permission is hereby granted for a temporary period only and shall cease to have effect 24 months 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 24 month 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 the ground reinstated in a timely manner.

4. Bird flight diverters shall be attached to the structure as per the approved drawings prior to the structure becoming operational. The diverters shall be inspected at least once a year to determine if any diverters are damaged or missing. Should any diverter be found to be damaged or missing that diverter shall be replaced by the developer within 28 days of the inspection. If this period falls within the main bird breeding season of April to July inclusive the diverters shall be replaced within 28 days of the conclusion of this period.

Reason : In order to minimise the risk of birds colliding with the guyed supports of the anemometer mast and to minimise any potential adverse impact on birds and wildlife from damaged or missing diverters.

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

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.

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>

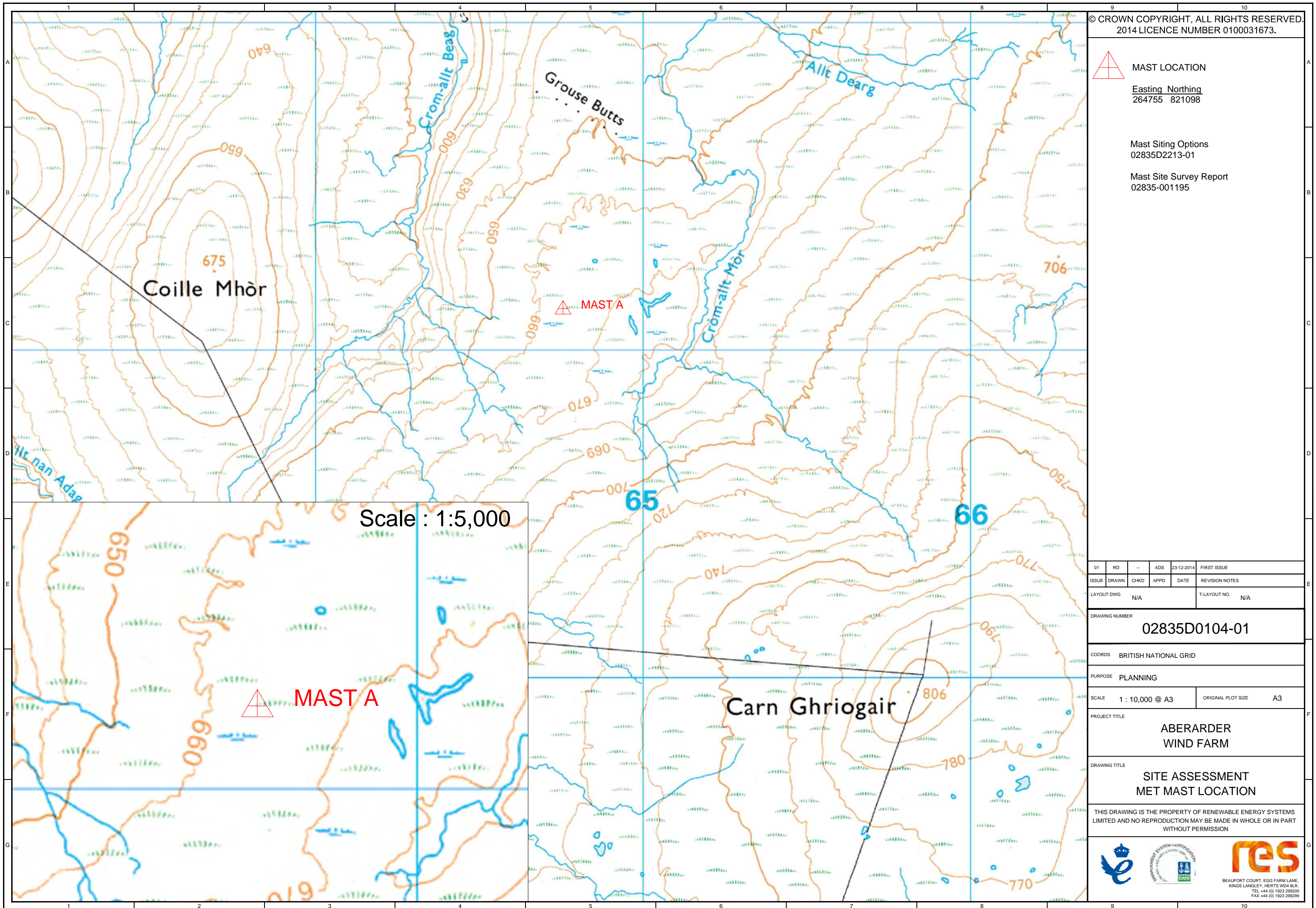
Application forms and guidance notes for access-related consents can be downloaded from:

<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:	Allan J Todd
Designation:	Area Planning Manager - South
Author:	Christine Macleod
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Location Plan 02835D0101-01 Plan 2 – Elevation Plan 02835D5401-01



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MAST LOCATION

Easting Northing
264755 821098

Mast Siting Options
02835D2213-01

Mast Site Survey Report
02835-001195

Scale : 1:5,000

01	RD	--	ADS	23-12-2014	FIRST ISSUE
ISSUE	DRAWN	CHKD	APPD	DATE	REVISION NOTES
LAYOUT DWG	N/A			T-LAYOUT NO.	N/A

DRAWING NUMBER
02835D0104-01

COORDS BRITISH NATIONAL GRID

PURPOSE PLANNING

SCALE 1 : 10,000 @ A3 ORIGINAL PLOT SIZE A3

PROJECT TITLE
ABERARDER WIND FARM

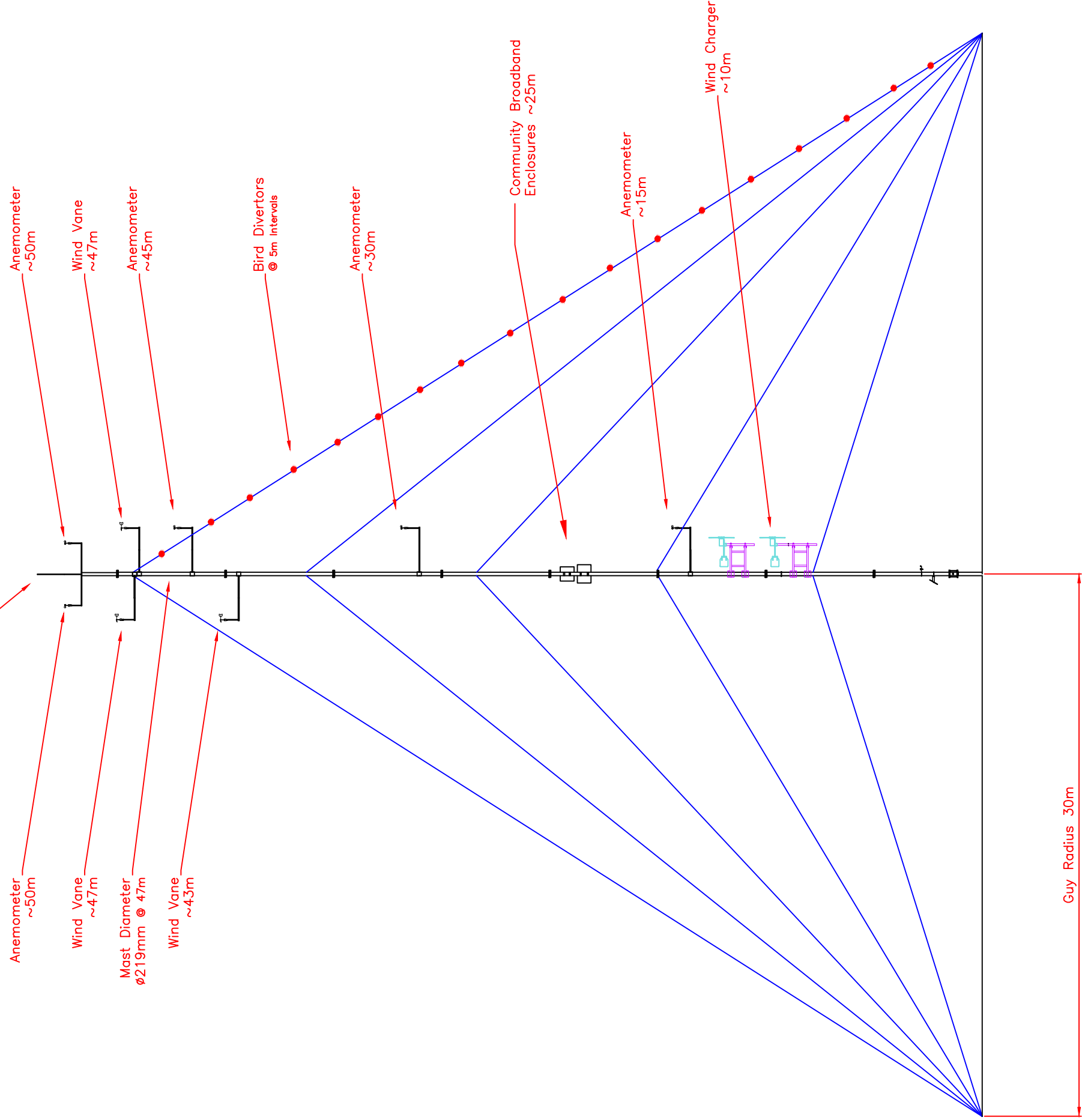
DRAWING TITLE
SITE ASSESSMENT MET MAST LOCATION

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Ø16mm copper finial extends 1.5m above anemometer rotor to give an overall structural height of 51.5m



Guy Radius 30m

ISSUE	DRAWN	CHKD	APPD	DATE	REVISION NOTES
01	GB	..		21-04-2015	FIRST ISSUE

DRAWING NUMBER	02835D5401-01
PROJECT TITLE	ABERARDER WIND FARM
DRAWING TITLE	ABERARDER 50M - ADDITION

PURPOSE	PLANNING	COORDS	N/A
SCALE		ORIGINAL PLOT SIZE	A3
LAYOUT DWG	N/A	LAYOUT NO.	N/A



