

Appeal Decision Notice

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Decision by Michael J P Cunliffe, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2129
- Site address: Land south of West Cloughmor, Farr
- Appeal by Airvolution Energy Ltd against the decision by Highland Council
- Application for planning permission dated 20 November 2014 refused by notice dated 2 March 2015
- The development proposed: Erection of a temporary (24 months) anemometer mast of 60 metre height
- Application drawings: Location Plan (Drawing Number AEL 005 Rev 3), Site Plan (Drawing Number AEL 004 Rev 4), General Plan (Drawing Number 1-60HMC1 (60M Hi-Mast) Rev 2), Elevation (Drawing Number 1-60HMC1 (60m Hi-Mast) Rev 3)
- Date of site visit by Reporter: 23 July 2015

Date of appeal decision: 10 August 2015

Decision

I allow the appeal and grant planning permission subject to the 3 conditions listed at the end of the decision notice. Attention is drawn to the 4 advisory notes at the end of the notice.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. Having regard to the provisions of the development plan the main issues in this appeal are the landscape and visual impacts of the proposed mast.

2. The proposal is for the erection of a single 60 metre high anemometer mast on land at Carr Ban Woods west of the B861 for a temporary period of 2 years. The mast would be constructed of galvanised steel tubing 150 millimetres in diameter with seven sets of stabilising ropes which would connect to four anchor points. The ropes are shown on plan laid in a cross pattern, so that there would be 28 ropes and eight anchor points in total. Three anemometers would be placed at 40, 50 and 60 metre heights. At the top of the mast there would be a low intensity obstacle light. Bird diverters (135 millimetre diameter plastic discs) would be attached to the guy ropes.



3. The site is located in an open area within coniferous woodland north of Loch Bunachton, in a rural landscape with surrounding moorland and agricultural land. This area of Strathnairn has a number of small housing groups as well as a scatter of individual houses. There is a small settlement at Balnafoich about 1.5 kilometres to the south-east, while Inverarnie lies about 2.5 kilometres south-east of the site. There is a small group of houses at Mains of Gask about 1 kilometre to the east. A high voltage power line runs to the east of the site, with pylons prominent in the view from the east and south-east. The closest pylon is about 750 metres from the site.

4. The most relevant policies of the development plan are Policies 28, 61 and 67 of the Highland Wide Local Development Plan 2012. Policy 28 (Sustainable Design) aims to ensure that development is sustainable and identifies a number of criteria against which proposals must be assessed. These include impact upon individual and community residential amenity, and demonstrating sensitive siting and high quality design in keeping with local character. Policy 61 (Landscape) states that new developments should reflect the landscape characteristics and special qualities identified in the Scottish Natural Heritage Landscape Character Assessments. Policy 67 (Renewable Energy Developments) 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.

5. I have viewed the site from locations to the east and south including the vicinities of Balnafoich and Mains of Gask, and the minor road to the south of Loch Bunachton. The landscape is a fairly open one in which tall coniferous trees and electricity pylons provide vertical references. The proposed mast would be taller than the trees but lower than the pylons, and would be far more slender than either. In my assessment, and taking account of my experience of viewing similar masts in other locations, it would not stand out in the view from ranges of 1.5 kilometres and greater, and would be absorbed by the landscape. The landscape impact would therefore be minimal.

6. The appellant has provided a Residential Visual Amenity Study describing the effect on visual amenity at Balnafoich and Mains of Gask. In the case of Balnafoich, partial screening by woodland would mitigate the magnitude of change in the view. The proposed mast and guy supports would be located 1.56 kilometres away at a slightly higher elevation than the receptor but would occupy a very small horizontal and vertical field of view. The mast would be seen in the context of an overhead line. There would be minor visual disharmony associated with the overlapping mast/guy supports and overhead line.

7. From Mains of Gask looking west, there would be slightly oblique views of the mast tip above woodland. The mast and guy supports would be screened or filtered by foreground trees, outbuildings and mid-ground forestry woodland/topography. The mast and guy supports would be located 1.06 kilometres away at a slightly higher elevation than the receptor but would occupy a very small horizontal and vertical field of view. Again, there could be minor visual disharmony associated with the overlapping mast/guy supports and overhead line.

8. In my assessment, there would be only a minor degree of visual impact on these properties. Given the temporary nature of the permission, the screening trees are likely to remain in place for the duration of the consent, but even if they were removed I consider

that the unscreened visual impact of the mast would continue to be acceptable. I also consider that to be the case for other residential properties in the surrounding area. The council has mentioned dwellings at Mains of Bunachton, but these are too far from the site (about 1.8 kilometres) to experience any significant visual impact.

9. In relation to the development plan, I find that the proposal would be in accord with Policy 28 since it would not have a significant impact upon individual and community residential amenity, and its siting and design would not be in conflict with local character. In terms of Policy 61, the Inverness Landscape Character Assessment defines the area as a flat moorland plateau with woodland. The Assessment notes that while any built development in this landscape will tend to be highly visible, single features can be readily accommodated as their size tends to be inferior to the large scale surroundings. The mast would be a single and fairly unobtrusive structure in the landscape, several hundred metres from the nearest other vertical structures. I considered that the proposal complies with Policy 61.

10. Policy 67 supports proposals where they are located, sited and designed such that they will not be significantly detrimental overall, either individually or cumulatively with other developments. I do not consider that the mast would have significant detrimental impacts, either individually or cumulatively. It would therefore accord with Policy 67, and with the development plan as a whole.

11. I have taken into account the considerable number of local objections raised, but in my view these overstate the effects of the proposed mast which would be only 150 millimetres across. They might be motivated by concern about the much greater impact of a wind farm which might follow, or be associated with, the mast. However, the mast must be judged on its own merits, and not as a precursor to other potential developments. I also note that some objections query the need for the mast, given other possible means of assessing wind strength and direction. However, it is not for me to question the appellant's underlying reasons, but simply to deal with the planning merits of the proposal before me.

12. I therefore conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would still justify refusing to grant planning permission. Conditions are necessary to ensure removal of the mast and reinstatement of the site once the temporary permission expires, to ensure that bird flight diverters remain in place and to provide air safety lighting.

Michael J P Cunliffe

Reporter

Conditions

1. Planning permission is hereby granted for a temporary period only and shall cease to have effect 2 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 2 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.

2. The bird flight 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.

3. 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.

Advisory notes

1. **The length of the permission:** This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

2. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

3. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).

4. **Display of notice:** A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013).