

**THE HIGHLAND COUNCIL**

**NORTH PLANNING APPLICATIONS COMMITTEE**  
**22 March 2016**

Agenda Item	6.1
Report No	PLN/015/16

**13/04194/FUL: Wind Harvest Ltd**  
**Land at Hill of Lychrobbie, Dunbeath**  
**Supplementary Report No 1**

**Report by Area Planning Manager**

**SUMMARY**

**Description:** Erection of 3 no 800kw wind turbines, with a height to tip of 74m, height to hub of 50m and a rotor diameter of 24m

**Recommendation - REFUSE**

**Ward:** 4 – Landward Caithness

**Development category:** Local

**Pre-determination hearing:** No hearing required

**Reason referred to Committee:** Supplementary report to Committee – continued item.

**1. INTRODUCTION**

1.1 Members will recall this application was previously brought to Committee in April 2015 with a recommendation to refuse. At that meeting the Committee Clerk recommended that the application was deferred to allow consideration of the decision making process detailed in the Council's Scheme of Delegation and whether it was appropriate for the application to be brought to Committee under the Planning Manager's discretion.

**2. UPDATE**

2.1 Following investigation the Clerk has confirmed that it is considered appropriate for the application to be discussed and determined by the North Planning Applications Committee.

2.2 Further to the Committee meeting of 28<sup>th</sup> April, a meeting was held with the applicants and the agent in July 2015 to discuss the options available and identify opportunities for development that could be supported by the Planning Authority. Several options were discussed with a view to establishing how the planning concerns could be resolved including:

- Consideration of a reduction in height of the proposed turbines (with a potential increase in the number of turbines)

- Alternative siting of the turbines at a lower elevation or further inland
- Continued resolution to explore and address the MOD objection

- 2.3 It was acknowledged that both options would require submission of a fresh application due to a material change in the proposal. The applicants advised that they would look into the size and position of the turbines along with the preparation of revised visualisations for each of the options for review by the Planning Authority. Regrettably to date no visualisations have been received. It is evident therefore that the applicant wishes the application to be determined in its current format.
- 2.4 In addition, the applicant submitted an amended Minute of Agreement between themselves and the agent in January 2016. The amended Minute stipulates that a proportion of the future income generated by the turbines will be shared between the Community Councils covering the areas of Berriedale, Dunbeath and Latheron, this has widened the scope of area that could benefit financially from the proposal.
- 2.5 It is evident that the parameters of the proposal have been widened such that Policy 68 of the Highland-wide Local Development Plan ('Community' Renewable Energy Developments) is now relevant to the assessment of the application. The policy states that the Council will apply the tests of acceptability for a community project as it would to a commercial proposal however where a community wishes to take forward a proposal (and where it is the only community that would be significantly impacted upon) then the Council will view this as a *material consideration*. Taking this into account in assessing the application, the concerns of the Planning Authority remain outstanding; both in terms of landscape and visual impact in addition to the impact on air safety (detailed in the following paragraphs). Furthermore, given the extent of the Community Council area, the Planning Authority remains concerned that there are alternative solutions, that potentially could be considered acceptable, that have not been fully explored by the agent.
- 2.6 Notwithstanding the concerns regarding visual impact, the MOD objection remains outstanding. Since the Committee meeting of April 2015 and in response to concerns noted at that meeting, the Planning Authority has provided the agent with a significant amount of additional time in which to try and resolve this issue. In January 2016 the agent submitted a further report to the MOD, to which they have responded to advise that they continue to maintain their objection for technical and operational reasons. The MOD have stated previously that in order to overcome their objection a radar mitigation solution must be presented for review. No such solution has been submitted by the agent. Instead the agent has provided the MOD with a report that questions the need for a mitigation solution to be presented. It is evident that a difference of opinion exists between the applicant and the MOD as to whether the proposed turbines will impact on the operation of the radar service at RAF Lossiemouth. In this instance the MOD objection to the planning application must be taken at face value, and whilst the applicant disagrees with the position set out by the MOD, its objection must still be treated as a serious and significant concern which remains unresolved. In particular it is noted that the MOD have stated that the development has been given the utmost scrutiny and that the objection has been thoroughly considered. As such it is evident that the air safety issues have not been resolved.

2.7 The MOD also detail that only circumstances where an acceptable mitigation solution has been presented, can they remove their objection. In this instance, without a viable solution being presented and accepted by the MOD, it is not considered that the matter can be addressed via a suspensive condition.

2.8 Notwithstanding the MOD objection, the application cannot be supported by virtue of its landscape and visual impact which is considered to be significantly detrimental when assessed against the terms of the development plan. The Planning Authority is supportive in principle of renewable energy developments and in particular would be keen to support a development on behalf of the community. As noted previously discussions have taken place with the agent and applicant with a view to arriving at a scheme that could be considered mutually acceptable. It is regrettable that no alternative options have been examined or presented.

### **3. RECOMMENDATION**

3.1 Members are asked to note the points outlined above. As outlined in the full report to Committee, it is recommended that planning permission is refused for the reasons detailed in the original committee report.

Signature: Dafydd Jones

Designation: Area Planning Manager North

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