

**THE HIGHLAND COUNCIL**

**SOUTH PLANNING APPLICATIONS COMMITTEE  
24 February 2015**

Agenda Item	<b>7.5</b>
Report No	<b>PLS/013/15</b>

**14/04385/FUL: Airvolution Energy Ltd  
Land 645M West of Cloughmor, Farr**

**Report by Area Planning Manager - South**

**SUMMARY**

**Description:** Erection of a temporary (24 months) 60m anemometer mast

**Recommendation: GRANT**

**Ward:** 13 - Aird And Loch Ness

**Development category:** Local

**Reason referred to Committee:** More than 5 objections.

**1. PROPOSED DEVELOPMENT**

- 1.1 The proposal involves the erection of a single 60 metre high anemometer mast on land at Carr Ban Woods approximately 2.5 km from Inverarnie. The mast will be constructed of 150mm diameter galvanised steel with seven stabilising ropes which connect to four anchor points. Three anemometers will be placed at 40m, 50m and 60m. The top of the mast will contain a low intensity obstacle light. The applicant is seeking a temporary consent for two years.
- 1.2 Access to the site will be via the existing access to Dinichean House, which adjoins the B861. Thereafter existing tracks and off-road vehicles will be used.
- 1.3 The application was accompanied by a Design Statement, bird deflector details and a mast brochure.
- 1.5 **Variations:** None.

**2. SITE DESCRIPTION**

- 2.1 The site is located within coniferous woodland on the high ground between Inverarnie and Loch Ashie. Although within the woodland, the site itself is in an open area and no tree felling is necessary. More generally, the site is within 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.

### 3. PLANNING HISTORY

3.1 None.

### 4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Representation deadline: 19.12.2014

Timeous representations: 128

Late representations: 4

4.2 Material considerations raised are summarised as follows:

- Contrary to policies 28, 61 and 67 of the Highland wide LDP due to impact on landscape, scenery, individual and community residential amenity. Does not demonstrate sensitive siting.
- Detrimental to tourism.
- An unnatural feature in the landscape.
- Potential light pollution from obstacle light.
- Potential impact on wildlife, particularly from guy ropes.
- Too high for surrounding landscape.
- Distraction to drivers.
- Potential noise.
- Cumulative visual impact with other man-made structures.
- Impact on road network.
- Impact on prehistoric/historic landscape.
- Overall detrimental impact to Strathnairn.
- Should use data from other masts.
- Potential impact on biodiversity.
- Lack of benefit to the community.

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 **Strathnairn Community Council** : **Object** on the basis that the proposal is contrary to policies 28, 61 and 67 of the Highland-wide Local Development Plan in that it would have a significantly detrimental impact on landscape, scenery individual and community residential amenity and does not demonstrate sensitive siting.

5.2 **National Air Traffic**: No objection.

- 5.3 **HIAL:** No objection subject to use of warning light.
- 5.4 **Civil Aviation Authority:** No comment.
- 5.5 **Ministry of Defence:** No comment.
- 5.6 **RSPB:** 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
- 43 Tourism
- 57 Natural, Built and Cultural Heritage
- 61 Landscape
- 67 Renewable Energy Developments.

### 6.3 **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

### 7.2 **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**

Scottish Planning Policy is clear that planning must help enable the transition to a low carbon economy and facilitate development of renewable energy technologies. Within Highland, Policy 28 (Sustainable Design) of the Highland-wide Local Development Plan (HwLDP) aims to ensure that development is sustainable and identifies a number of criteria against which proposals must be assessed. Developments which are judged to be significantly detrimental in terms of the

criteria will not be supported. The key criteria in this instance are impact upon individual and community residential amenity and demonstrating sensitive siting and high quality design in keeping with local character. Policy 61 states that new developments should reflect the landscape characteristics and special qualities identified in the Scottish Natural Heritage Landscape Character Assessments. Policy 67 on Renewable Energy Developments is more generally related to turbines, wind farms and hydro energy proposals but since this is a potential precursor to a future renewable energy development it is arguable that it is applicable. 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 policy also identifies a number of criteria against which proposals must be assessed.

- 8.4 In terms of visual amenity and landscape impact, the mast will be located on higher ground to the west of Inverarnie and will rise well above the surrounding trees. Given this location it will be visible from a number of locations, notably Inverarnie itself, although this is some 2- 2.5 km distant. However, the fact that the mast is visible does not automatically mean that its impact would be significant or unacceptable. The existing landscape does offer a degree of mitigation to reduce the landscape and visual impacts, for example roadside trees and trees on the margins of settlements and around individual houses. Moreover, it is a very slender structure consisting of a narrow, central pole tethered to the ground by seven guy wires which are anchored into the ground at various points (42m from the central pole at the widest point). The insubstantial form of the structure, combined with the temporary nature of the proposal (24 months), means that its impact on the landscape is unlikely to be significant. In relation to impact on residential amenity, the nearest properties are some 600 – 900 metres distant around Mains of Gask. Views of the site from these properties are restricted by existing tree planting. It will be seen from other, more distant, locations but it is not considered that the mast would be so visually dominant or obtrusive that it would have a significant impact on individual and community residential amenity. In these circumstances it is considered that the proposal is compatible with Policy 28 of the Highland-wide Local Development Plan.
- 8.5 The site is covered by the Inverness Landscape Character Assessment, which defines the area as a flat moorland plateau with woodland. Generally, it is a flat, open landscape with woodlands on the margins. The Assessment notes that any built development in this landscape will tend to be highly visible as vertical structures contrast with the horizontal emphasis of the landscape. It notes, however, that single features can be readily accommodated as their size tends to be inferior to the large scale surroundings. The mast is a single structure in the landscape, several hundred metres from the nearest other vertical structures. On the basis of the above, it is considered that the proposal complies with Policy 61.
- 8.6 Whilst Policy 67 of the HwLDP is not specifically about 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. In assessing the proposal against these criteria, it is considered that it will not have a significant impact on the criteria listed and is compatible with the policy.

## 8.7 **Material Considerations**

Members will note that a range of representations were submitted, covering a number of issues. These are addressed below.

**Detrimental to tourism** - 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 for a temporary period only.

**Potential light pollution from obstacle light** – NATS requires that the mast has a safety light. This is small and of low intensity and will not lead to light pollution.

**Potential impact on wildlife/biodiversity** – there have been no comments on the proposal from SNH or RSPB.

**Distraction to drivers** – the mast is a stationary object in the landscape some 900 metres from the nearest public road and is most unlikely to distract drivers.

**Potential noise** – the mast is several hundred metres from any property and, although those walking close to the mast may hear the wind passing the guy ropes, the overall impact of noise is considered negligible.

**Cumulative visual impact with other man-made structures** – the mast would be a single feature in the landscape. Other man-made structures are several hundred metres distant and it is unlikely that a single, narrow mast will have a significant cumulative impact.

**Impact on road network** – the mast is delivered in sections and no heavy vehicles will be required. The few necessary deliveries will not have a significant impact on the road network.

**Impact on prehistoric/historic landscape** – whilst there are remains in Strathnairn, there are none in the immediate vicinity.

**Overall detrimental impact to Strathnairn** – Strathnairn covers a large area and it is considered that a single slim mast will not be significantly detrimental to the overall ambience of the strath, particularly as it is temporary only.

**Should use data from other masts** – the applicant advises that the location of the mast has been determined to ensure that accurate and representative measurements can be taken. Masts in other locations are unlikely to provide this data given the variation in the landscape, wind speeds etc. There may also be issue of commercial confidentiality.

## 8.8 **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. 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 future application for a wind turbine development would be determined on its

own merits, following the usual notification, advertisement and consultation procedures. For Members interest an application has been submitted for the erection and operation of up to 7 wind turbines, together with associated hardstandings, a substation and control building, on land 475 metres NW of Cloughmor Farr (14/04805/FUL). Several representations referred to the impact of the proposal on property prices. Members will be aware that this is not a material planning consideration.

## 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 not, therefore, have a significant impact on the local area in terms of the development plan policies. Moreover Scottish Government policy makes clear that Planning Authorities should be supportive of proposals which help create a low carbon economy. Overall, therefore, it is considered that the proposal should be supported.

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

**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 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, 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. 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.

### **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.

### **Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

### **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).

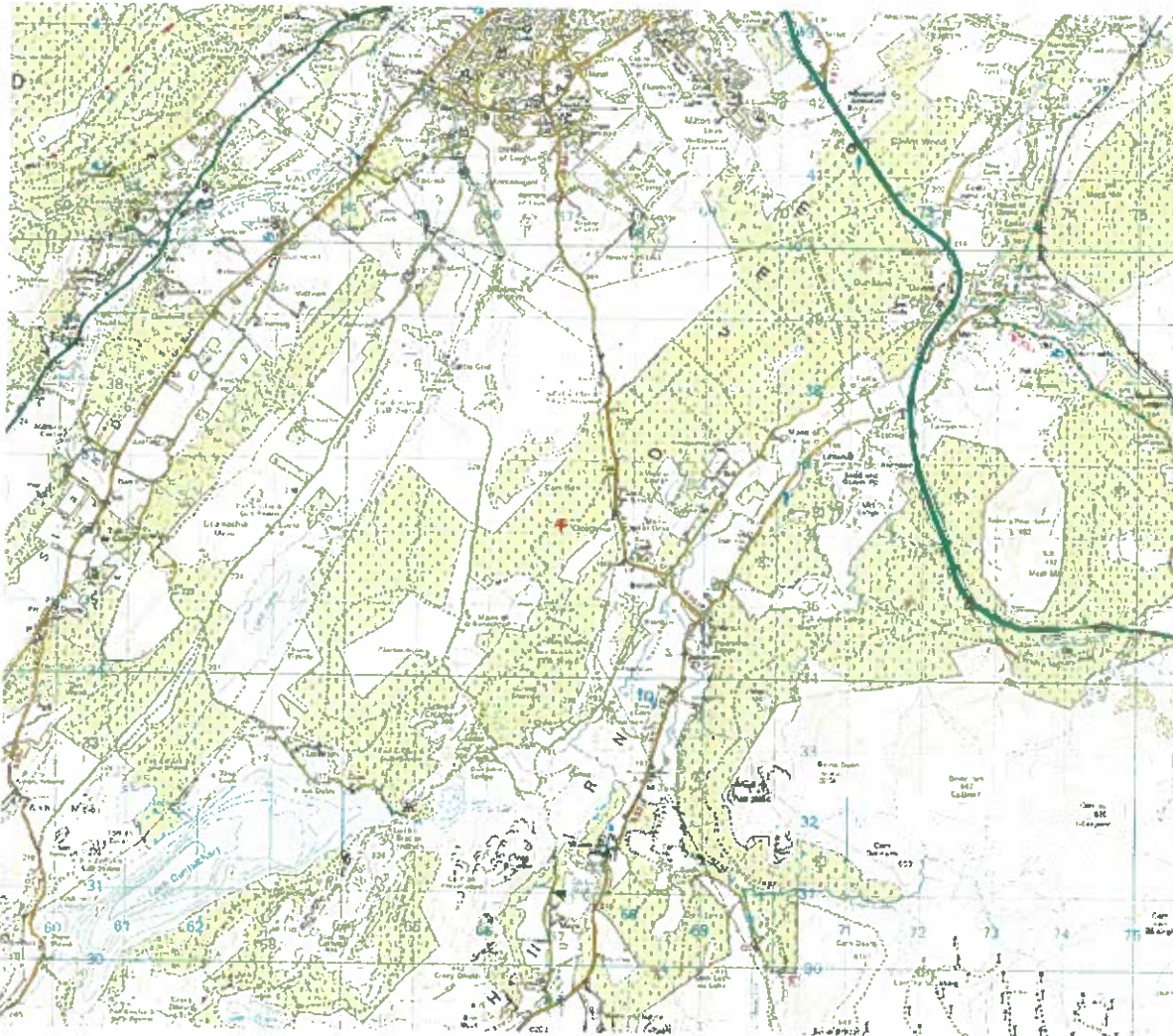
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to 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](mailto: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 [BuildingStandards@highland.gov.uk](mailto:BuildingStandards@highland.gov.uk) or on 01349 886606.

Signature: Allan Todd  
Designation: Area Planning Manager - South  
Author: J. Harbison  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – 000001 REV 03 Mast Elevation Plan  
Plan 2 – 000002 REV 02 Mast Plan  
Plan 3 – AEL 004 Site Layout  
Plan 4 - AEL 004.1 Site Layout  
Plan 5 - AEL 005 Location Plan



S097  
Carr Ban Wind Farm  
Highland

005 - Site Location

+ Anvolution Energy met mast

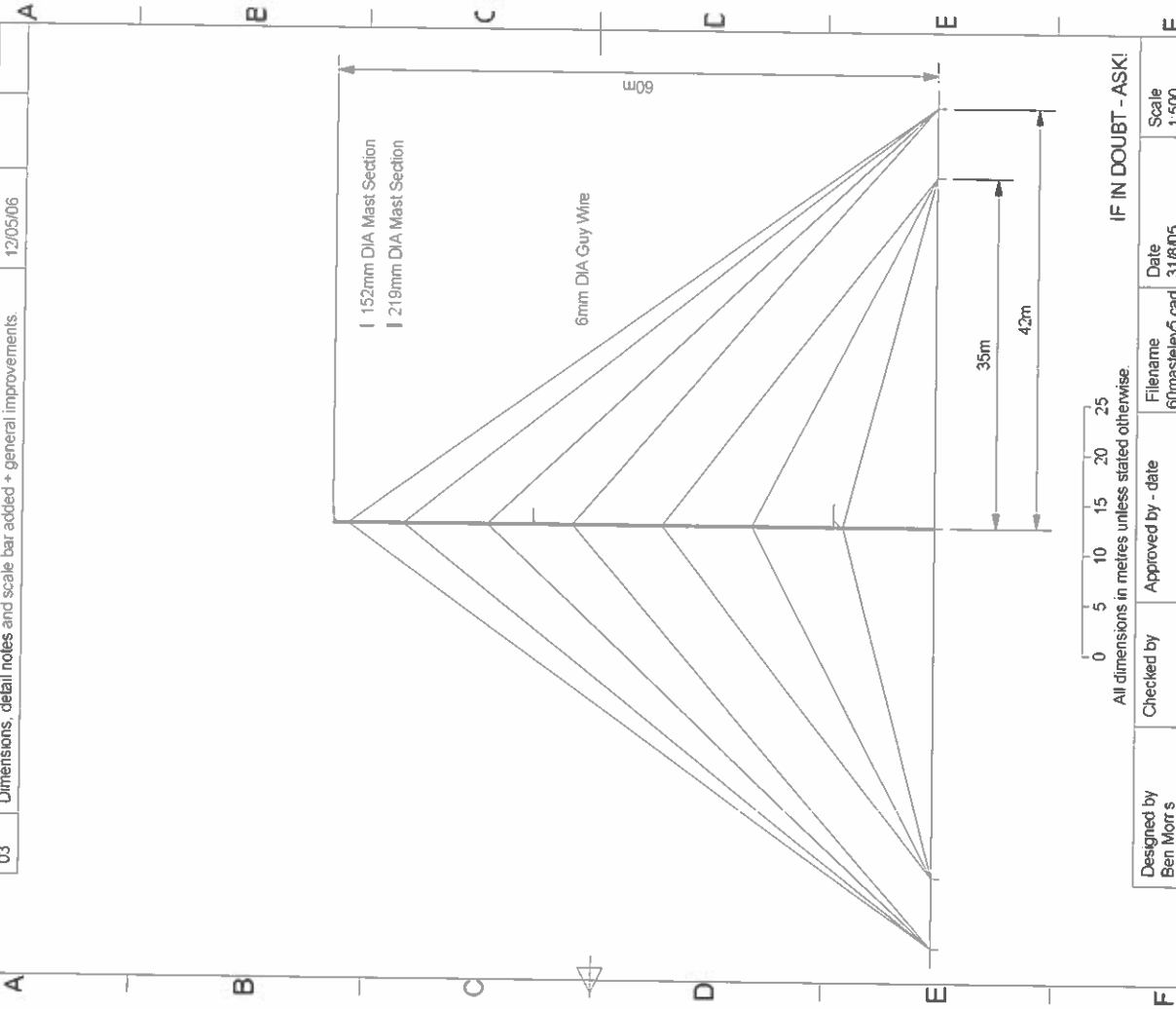
Site Centre: E 266,655 N 836,282	Revision no. R3
Project Number: AEL S097	Drawing Number: AEL 005
Drawn By: AC	Checked By: JTM
Date: 19/11/2014	
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RevNo	Revision note	Date	Signature	Checked
01	Issue of drawing	31/8/05		
02	Updated to Nexgen.	27/9/05		
03	Dimensions, detail notes and scale bar added + general improvements.	12/05/06		



IF IN DOUBT - ASK!

All dimensions in metres unless stated otherwise.

Designed by Ben Morris	Checked by	Approved by - date	Filename 60mastelev6.cad	Date 31/8/05	Scale 1:500
Unit 1, Wallbridge Industrial Estate, Stroud, Glos. GL5 3JU Tel: 01453 759408 Fax: 01453 759416			Title <b>60m ELEVATION 1:500</b>		
Ref: 1-60HMC1 (60m Hi-Mast)			Edition 01		
1			Sheet 1 of 1		
			4		