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## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title: REPORT ON CALLED-IN PLANNING APPLICATION**

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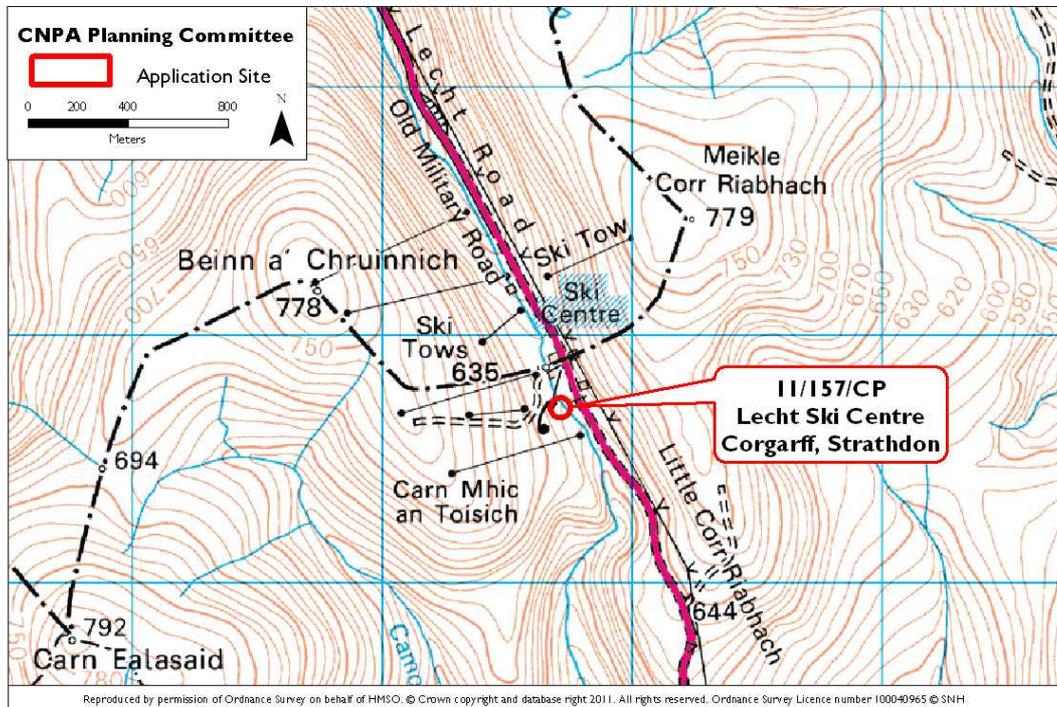
**DEVELOPMENT PROPOSED: PROPOSED ERECTION OF 1x NORDTANK 150KW, 32.5M HIGH (HUB) WIND TURBINE AT THE LECHT SKI CENTRE**

**REFERENCE: 11/157/CP**

**APPLICANT: LECHT SKI COMPANY LTD**

**DATE CALLED-IN: 27 MAY 2011**

**RECOMMENDATION: APPROVAL**



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. The site is located at the edge of the Lecht Ski Centre car park on the south facing (Aberdeenshire) side of the ski centre (see fig 1).
2. The site on which the turbine would be located is approximately 40 metres to the west of the southern end of the car park at the Lecht on a degraded area of moorland. This results in a requirement of a 40 metre long section of track to the turbine site. The applicant approached the CNPA a number of years ago for pre-application advice on siting a turbine on the hillside above the line of the pylons. The applicant was advised by officers at the time to site the turbine lower down the hillside nearer to the ski centre, hence this application.
3. A single tri-bladed turbine is proposed with a hub height of 32.5 metres and blade tip height of 43.4 metres when the blade is in the vertical position. The turbine will be mounted on a concrete base. The turbine will be brought to the site by standard articulated lorry, the tower being in two 15 metre sections.
4. The main reason for the project is to provide electricity for the ski centre to off-set the cost of electricity used at the site. Much of the electricity generated would be consumed at the Lecht (especially in winter) but there will be some limited opportunity for electricity export (see background info attached to this report).
5. The background statement also contains information on landscape and ecology issues - this statement is attached at the back of this report.



Figure. 2- Distant view of site from the A939 above Corgarff



Figure. 3- View of site from A939 to the south of the Lecht



Figure. 3- View of site from the south end of the Lecht car park

## DEVELOPMENT PLAN CONTEXT

6. **Scottish Planning Policy<sup>1</sup> (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
- The constraints and requirements that planning imposes should be necessary and proportionate;
  - The system should .....allow issues of contention and controversy to be identified and tackled quickly and smoothly; and
  - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.

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<sup>1</sup> February 2010

7. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the Government’s central purpose of increasing sustainable economic growth.” Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.” Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.
8. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
9. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics include rural development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
10. Rural development : Para. 92 of **Scottish Planning Policy** states in relation to rural development that the “aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality.” All new development is required to respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards.
11. Landscape and natural heritage : The **Scottish Planning Policy** document recognises the value and importance of Scotland’s landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.
12. Renewable Energy: The document sets out the Scottish Government’s commitment to increase the amount of electricity generated from renewable resources as a vital part of the response to climate change. Paragraph 183 considers that there is potential for communities and small businesses in urban and rural areas to invest in ownership of renewable energy projects or to develop their own projects for local benefit. Planning Authorities should support communities and small businesses in developing such initiatives in an environmentally acceptable way.

13. **Scottish Planning Policy** concludes with a section entitled ‘Outcomes’ in which it is stated that the “planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets.” Planning authorities are required to be clear about the standard of development that is required. Quality of place not only refers to buildings, but also how the buildings work together as well as the relationships between buildings and spaces. Design is highlighted as an important consideration and planning permission may be refused solely on design grounds.<sup>2</sup> Finally it is stated that the planning system should be “judged by the extent to which it maintains and creates places where people want to live, work and spend time.”

### **Cairngorms National Park Plan (2007)**

14. The Cairngorms National Park Plan sets out the vision for the park for the next 25 years. The plan sets out the strategic aims that provide the long term framework for managing the National Park and working towards the 25 year vision. Under the heading of ‘conserving and enhancing the special qualities’ strategic objectives for landscape, built and historic environment include maintaining and enhancing the distinctive landscapes across the Park, ensuring that development complements and enhances the landscape character of the Park, and ensuring that new development in settlements and surrounding areas and the management of public spaces complements and enhances the character, pattern and local identity of the built and historic environment.
15. Under the heading of ‘Conserving and Enhancing’ Strategic Objectives seek to ensure that all management and development in the Park should seek to make the most sustainable use of natural resources, including energy and water. Under ‘Energy’ objectives seek to contribute to national targets for greater renewable energy production. Strategic objective b) under ‘Energy’ seeks to help communities, businesses and households to obtain the information, expertise and support they need to reduce energy consumption and increase renewable generation.

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<sup>2</sup> Para. 256.

## Local Plan Policy Cairngorms National Park Local Plan (2010)

16. The Cairngorms National Park Local Plan was formally adopted on 29<sup>th</sup> October 2010. The full text can be found at : <http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
17. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
  - Chapter 3 - Conserving and Enhancing the Park;
  - Chapter 4 - Living and Working in the Park;
  - Chapter 5 - Enjoying and Understanding the Park.
18. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
19. Policy 2- National Natural Heritage Designations: development that would adversely affect the Cairngorms National Park, a Site of Special Scientific Interest, National Nature Reserve or National Scenic Area will only be permitted where it has been demonstrated that: a) the objectives of designation and overall integrity of the designated area would not be compromised; or b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance and mitigated by the provision of features of commensurate or greater importance to those that are lost.
20. Policy 4 Protected Species: development which would have an adverse effect on any European Protected Species will not be permitted unless there are imperative reasons of overriding interest, including public health or public safety; there is no satisfactory alternative solution; and the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. The policy is intended to ensure that the effects of development proposals on protected species are fully considered by the planning authority. Developers will be required to undertake any necessary surveys for species at their own cost and to the satisfaction of Scottish Natural Heritage and the planning authority.

21. Policy 5 – Biodiversity : development that would have an adverse effect on habitats and species identified in the Cairngorms Biodiversity Action Plan, UK Biodiversity Action Plan, or by Scottish Ministers through the Scottish Biodiversity List, will only be permitted where:
- (a) The developer can demonstrate that the need and justification for the development outweighs the local, national and international contribution of the area of habitat or population of species; and
  - (b) Significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is avoided, or minimised where harm is unavoidable, and appropriate compensatory and / or management measures are provided and new habitats of commensurate or greater nature conservation value are created as appropriate to the site.
22. Policy 6 – Landscape: there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
23. Policy 15- Renewable Energy Generation : developments for small scale renewable energy schemes which support the aims of the National Park and the National Park Plan Strategic Objective regarding energy production, will be favourably considered where they contribute positively to the minimisation of climate change, and where they complement the sustainability credentials of development. Development, including any ancillary works. Will be sited and designed to have no significant adverse visual or landscape impact, including any cumulative impact, caused as a result of energy generation, transmission or distribution measures, and will not have any adverse impact on the amenity of neighbouring properties or any unacceptable impact on the environment
24. Policy 16- Design Standards for New Development : design of all development will seek where appropriate to: a) minimise effect on climate change; b) reflect and reinforce the traditional pattern and character of the surrounding area and reinforce the local vernacular and distinctiveness, whilst encouraging innovation in design and materials; c) use material and landscaping that will complement the setting of the development; d) demonstrate sustainable use of resources; e) enable storage and segregation of recyclable materials; f) reduce need to travel; g) protect neighbouring amenity; h) accord with Sustainable Design Guide.
25. The CNP Local Plan is the subject of an appeal under section 238 of the Town and Country Planning (Scotland) Act 1997 against the decision of the CNPA to adopt the CNP Local Plan 2010. The Appeal will be decided by the Court of Session and is a material consideration. Therefore, account has been

taken of the Appeal in the determination and recommendation made in respect of this application.

## CONSULTATIONS

26. **Scottish Natural Heritage (SNH)** are of the view that it is unlikely that the proposal will have a significant effect on any qualifying interests of the Ladder Hills special area of conservation either directly or indirectly.
27. The proposal has been discussed with the **CNPA Landscape Officer** had some initial concerns about the height of the turbine proposed at this location and requested further landscape and visual information to allow the proposal to be properly assessed. The applicant has produced two photomontages from the south including one from the Corbett known as Brown Cow Hill. The assessment of these suggests that as a consequence of its location and siting the extent of the area likely to be affected by the adverse landscape and visual effects of this proposal is limited. However in an area that extends between the Well of Lecht and 1.5km south of the Lecht Centre, the proposed wind turbine is likely to have significant visual impact and localised but significant impacts on landscape character.
28. The **Landscape Officer** further states that the proposed turbine would avoid areas of wind land, key views, sensitive land uses and the skyline. Its location helps to contain more extensive landscape and visual effects and it is unlikely that further micro-siting would improve matters. In common with the majority of wind turbines it is recommended that the turbine is a matt light grey colour to reduce reflectivity and glare.
29. **CNPA Ecology Officer** comments that no bird activity survey has been undertaken and SNH has not requested such surveys. If the application is successful the turbine should be monitored for bird strikes and if required mitigation implemented. The mitigation outlined in the ecological appraisal should be covered by planning condition. Some form of ecological enhancement should be required.
30. **Aberdeenshire Council Environmental Health** has carried out an assessment of the application and comments as follows: In the absence of a noise impact assessment Environmental Health has used available noise data from similar sized turbines and notional background noise levels as comparable evidence in the assessment of the application. This assessment suggests that there is likely to be a significant adverse noise impact at the nearest dwelling. The applicant states that the nearest house referred to has a financial interest in the development. ETSU Guidance suggests where this is the case the limit for noise can be extended from 40dB(A) to 45 dB(A) However, in the absence of a noise impact assessment, or submitted information about the noise levels emitted by this model of turbine Environmental Health have referred to information from similar sized turbines and also data referred to in other planning applications relating to unspecified models of Nordtank turbine, freely available on the internet. This

suggests that neither Aberdeenshire Council's limit of 40dB(A) nor the ETSU limit of 45 dB(A) are achievable at this nearest dwelling.

31. The house referred to is the bungalow at the Lecht occupied by the applicant who is the manager of the development. This bungalow is tied to the ski centre by planning condition and can only be occupied by someone employed or last employed in the business of the adjacent ski facility, or dependents of such persons. **Environment Health** were re-consulted with this information but their position remains the same and they point out that this is based upon national policy and guidance.
32. The **Royal Society for the Protection of Birds** at this stage has no major concerns regarding this proposal although it may be worth noting that there are moderately sized common gull colonies nearby, in addition to breeding waders and grouse.
33. The **Defence Estate** has no objection to the application.
34. **Aberdeenshire Roads** note that this development should not involve the movement of abnormal loads. The additional HGV movements generated by this development should not have any adverse impact on the surrounding public road network. The site will be accessed from the existing ski centre car park which is acceptable.
35. **Donside Community Council** has been consulted but no response has been received.
36. A number of technical consultations with regard to radio communications and airspace have been carried out but no objections have been received.

## REPRESENTATIONS

37. The proposal has been advertised and a single objection has been received by e-mail, this is attached at the back of the report and raises concerns with regard to cumulative impact and precedent.

## APPRAISAL

38. In determining this planning application regard is to be had to the development plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise.
39. The principle of small scale renewable energy development (including single wind turbines) is supported by Policy 15 Renewable Energy Generation of the CNP Local Plan and by the Scottish Government's emphasis upon renewables. The proposal raises three key issues the first is the proposals fit with the local landscape, the second is the potential effects upon ecology around the site and the third relates to whether the proposal could result in

any disturbance to neighbouring amenity that would warrant refusing the proposal, this is with particular regard to noise, an issue raised by Aberdeenshire Council Environmental Health. Technical issues are summarised at the end of this appraisal section.

### **Landscape and Visual Effects**

40. The CNPA Landscape Officer had some initial concerns about the height of the turbine at this location. This was in part because of the very limited landscape and visual information supplied with the application. A meeting was held with the applicant who agreed that further visual information would be supplied including photomontages from two points on the hills to the south of the Lecht. From both viewpoints the visualisations show the tower and blades of the turbine to be clearly visible. The turbine appears to sit on an intermediary landform horizon with rising ground behind giving a backcloth. Land cover at this distance is undifferentiated with no strong pattern. In both views elements of the ski development are discernible.
41. The Landscape Officer has considered the supplied information and concludes that in the area around the ski centre the turbine would be experienced as part of the ski development infrastructure where buildings and light industrial structures, movement of cars people and chairlifts are commonplace. Within this area the effect on landscape character will not be significant (medium sensitivity, low magnitude). While beyond the area most obviously influenced by ski infrastructure the turbine will be experienced in a variety of landscape contexts as a moving feature in views both framed by landform and more open. The appearance and context of the turbine will change as one travels through the Lecht landscape character area, and with varying light, weather conditions and distance it will be more or less prominent.
42. In some locations the turbine will dominate other characteristics and there will be a significant effect on landscape character. However, owing to the location of the turbine in a depression in the landform the extent over which these significant landscape character effects could be experienced is limited. Within this area the effect on landscape character will be localised and significant (high sensitivity, medium magnitude).
43. Its location and siting the extent of the area likely to be affected by the adverse landscape and visual effects of this proposal is limited. However in an area that extends between the Well of Lecht and 1.5km south of the Lecht Centre, the proposed wind turbine is likely to have significant visual impact and localised but significant impacts on landscape character. However in spite of the local but significant impacts the proposed wind turbine would be acceptable.

## Ecology

44. SNH considers that the proposal is unlikely to have any significant effects on the Ladder Hills Special Area of Conservation. The CNPA Ecologist has looked at the information submitted and raises no fundamental concerns. However, should permission be granted it is important that monitoring measures for bird strikes are put in place and that should these occur mitigation measures should be in place. While the development footprint is small there should be a requirement for an enhancement of habitat. With regard to this it is recommended that enhancement be provided by requiring the improvement of the habitat around the immediate environs of the turbine which is not part of a ski run or an area used for uplift infrastructure.

## Neighbouring Amenity

45. The only residential property that would be affected by this development is a bungalow on the summit of the Lecht opposite the main ski centre building. It is located approximately 180 metres away from the site for the turbine.
46. Aberdeenshire Council Environmental Health has objected to the proposal and point out that no noise assessment has been carried out and that there may also be concerns with regard to shadow flicker from the turbine.
47. With regard to noise issues the Council Environmental Health Officer considers that at a distance of 180 metres and using information that they have used on similar turbines there would be a high amenity impact on the bungalow as noise generated would be above the noise limit of 40dB(A). Even if one allows flexibility given that the resident of the bungalow has a financial interest in the application allowing a noise limit of up to 45dB(A) the turbine would still not meet this.
48. The applicant has responded that there are already high levels of noise affecting the bungalow from the noise of cars passing over the cattle grid at the summit of the A939 to the sound of ski tows and snow making machines in winter. The bungalow is also very close to the ski centre workshop. In addition, the applicant stated that the bungalow was tied to persons employed in the skiing business. Research has revealed that planning permission for the bungalow granted in 1982 was subject to an occupancy condition which stated "that the occupation of the bungalow shall be limited to persons employed, or last employed in the business of the adjacent winter skiing facilities and cafeteria (presently Lecht Ski Company Ltd), or dependents of such persons." This clearly ties the use of the bungalow to people involved or last involved in the management of the ski centre. The bungalow is currently occupied by the manager of the ski centre who is the applicant for this proposal. This provides enough comfort to allow what otherwise may be an un-acceptable level of disturbance to the bungalow. This is based upon the logical assumption that if the levels became unacceptable then the applicants themselves can take the decision to switch off the turbine. The same logic can be applied to any concerns regarding

shadow flicker. However, it must be clear that if the bungalow was in effect a separate residence from the business the recommendation on this application would be one of refusal.

### Technical Issues

49. A number of consultations with regard to airspace and radio frequencies have been carried out, no concerns have been raised. The Ministry of Defence has confirmed no objection and Aberdeenshire Council Roads note that the site can be accessed directly off the A939 by using the ski centre car park.

## IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

### Conserve and Enhance the Natural and Cultural Heritage of the Area

50. The proposal has been assessed with regard to ecology and has no unacceptable landscape impacts.

### Promote Sustainable Use of Natural Resources

51. The proposal complies well under this aim by providing renewable energy the majority of which will be used by the ski centre, reducing reliance upon imported energy.

### Promote Understanding and Enjoyment of the Area

52. The proposal should have little impact on this aim.

### Promote Sustainable Economic and Social Development of the Area

53. The proposal works well under this aim as the Lecht is currently constrained by the amount of electricity that can be sourced from the grid. The turbine will save money for the ski centre and open up more opportunities for further development by relieving some of the constraints imposed by the restricted amount of electricity that the Lecht can source from the grid.

## RECOMMENDATION

54. That Members of the Committee support a recommendation to **GRANT PLANNING PERMISSION** for 1 x Nordtank 150kw, 32.5m high (hub) wind turbine at the Lecht Ski Centre, subject to the following conditions:
- I. The development to which this permission relates must be begun within three years from the date of this permission.

**Reason:** To comply with Section 58 of the Town and Country Planning (Scotland) Act, 1997.

2. A scheme for the monitoring of the turbine with regard to potential impacts upon birds including potential mitigation measures shall be submitted to and approved by the CNPA acting as planning authority prior to the erection of the turbine. The turbine shall then be monitored in accordance with the scheme unless otherwise agreed and the CNPA notified immediately in the event of a bird strike being identified.

**Reason:** To ensure that potential impacts upon birds are monitored.

3. The wind turbine hereby approved should be finished in a matt light grey colour unless otherwise agreed in writing with the CNPA acting as Planning Authority.

**Reason:** To reduce the visual impact of the turbine and any potential reflectivity and glare.

4. In the event that the wind turbine becomes redundant or obsolete the turbine shall be removed and the site restored to the satisfaction of the acting planning authority within 6 months.

**Reason:** To ensure that the turbine is removed from the site when no longer required.

5. Prior to the erection of the wind turbine a construction method statement shall be submitted to and approved by the CNPA acting as planning authority. The statement shall include information on foundations, any excavated material, access track and reinstatement and enhancement of any disturbed ground and ground in the triangular fenced area in which the turbine would be sited. Construction/reinstatement/enhancement shall be carried out in accordance with the approved statement.

**Reason:** To ensure that the turbine is installed in an appropriate manner and any ground damage reinstated.

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**23 August 2011**

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