
CAIRNGORMS NATIONAL PARK AUTHORITY

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

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DEVELOPMENT MANAGEMENT)**

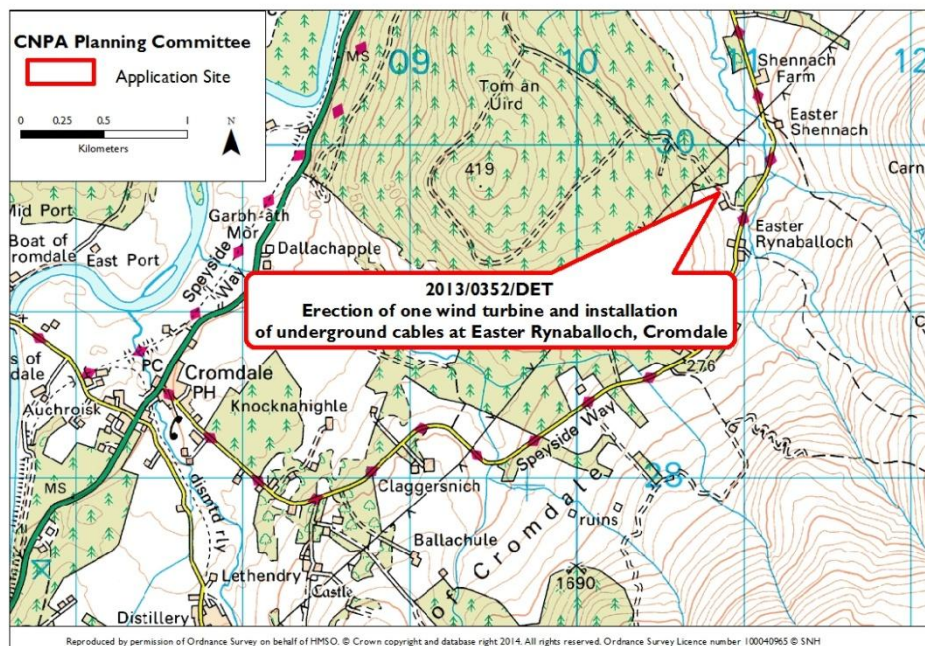
DEVELOPMENT PROPOSED: Erection of one 20kW (27.13m to tip; 20.58m to hub; 2.69m blade rotor) wind turbine and installation of underground cables to provide source of renewable energy at Easter Rynaballoch, Cromdale

REFERENCE: 2013/0352/DET

APPLICANT: Mr James MacDonald

DATE CALLED-IN: 11 November 2013

RECOMMENDATION: **APPROVAL SUBJECT TO
CONDITIONS**



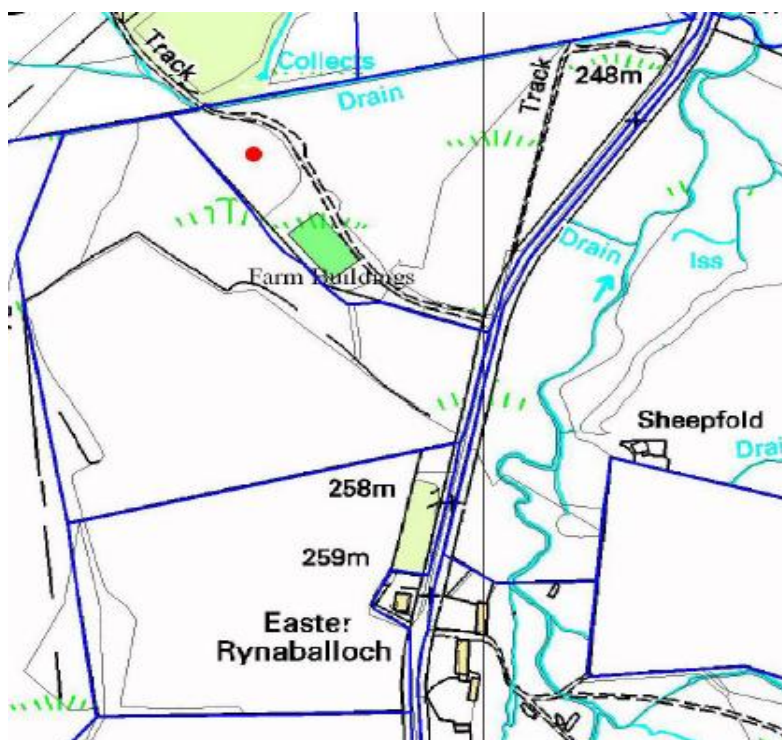
Grid reference: (E/ 311104, N/ 832149)

Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This application seeks planning consent for the erection of a 27.13 metre high (to tip) wind turbine. Height to hub would be 20.58 metres and rotor diameter 13.1 metres. Proposed output is 20 kilowatts and the turbine is of standard three blade design.
2. The site is located near Rynaballoch, located within the Burn of Dalvey glen, some 3 km the north east of Cromdale. Rynaballoch is located at the back (east) of Tom an Uird wood, which separates this area from the A95 trunk road. A minor public road leads round this area, heading north from Cromdale and serving a number of rural properties to then connect back onto the A95 Cromdale to Aberlour trunk road. This is a secluded and attractive rural landscape set between the wooded hill to the west and the more open Cromdale hills to the east.
3. The site is located to the north of Easter Rynaballoch and some 50 metres to the rear (north west) of a modern agricultural building belonging to the applicant and relating to his farming enterprise. The nearest residential property is Easter Rynaballoch, a traditional farm house some 360 metres to the south. This property is outwith the applicant's control. A further residential property lies some 500 metres to the north at Easter Shennach.
4. The site lies on rough grazing land adjacent to a larger field which slopes northwards down from Easter Rynaballoch. To the rear (north and west) lies woodland which is some 35 metres distant at the closest point. An electricity line and pylon lies to the west also. A small agricultural former sand quarry lies between the proposed site and the farm building mentioned earlier. This layout is shown in **Figure 2** below. Access is shared with the farm building.

Figure 2 – Site Layout



5. This landscape is characterised by scattered rural houses and farmsteads set along the roadside with agricultural land predominating on the west of the road and wilder land leading to the Cromdales on the eastern side. There are no particular environmental designations covering this site. (The Tom an Aird wood which is designated as ancient woodland lies to the west.)
6. Supporting information has been submitted which includes a planning statement outlining why the site is considered to be acceptable, forming a visual relationship with farm buildings. This statement also explains that energy will be primarily be used in order to power automatic cattle court scrapers and barley crushing at the adjacent agricultural building. Delivery of the turbine parts will be in one load on a standard articulated flat bed trailer and an existing access track will be used to reach the site with parking available beside the agricultural building, and a temporary access only will be required to reach the site. Construction is anticipated to take a few days and thereafter minimal traffic will be generated for maintenance
7. This supporting statement covers matters such as shadow flicker, cultural impacts and noise.
8. An ecology report and a phase I habitat survey were also submitted which covered matters such as protected mammals and birds. This information concludes that there should be no adverse impacts upon ecological interests subject to construction practises ensuring that measures such as closing off open pipework at night are followed, and the bird breeding season is avoided particularly in relation to any disturbance for sand martins which are nesting in the adjacent sand quarry area.
9. Given the proximity of the site (within 50 metres) to woodland to the north and west, further information on the potential impact upon bats and their habitats/foraging habits was sought by this Service. This was provided in the form of a bat activity survey. This recorded activity by Common Pipistrelle bats within 200 metres of the proposed turbine site. Their activity was restricted to the woodland to the north west, and it was concluded that the turbine site is too exposed for foraging bat activity. It was also concluded that bats “commuted” along the existing tree lined track to the woodland, where the level of flying is well below the height of the proposed turbine.
10. Site assessment information has also been provided including photomontages to show the anticipated impact of the proposed turbine from a number of viewpoints in the locality, together with zone of theoretical visibility (ZTV) maps which also considers the cumulative impact with the existing turbine at Lethendry to the far south. The conclusion of these studies is that there will be no adverse impacts arising from the development.

Planning History

11. Members may recall that an application for a wind turbine around 400 metres to the south of this site, and to the west of Easter Rynaballoch (reference 2013/0203/DET), was considered at the CNPA Planning Committee meeting

of 28 November 2013. This application was refused on the grounds of the adverse landscape impact due to its prominent hillside location. Prior to submission of that application in February 2013, the agent asked for input from CNPA officers who advised that a site closer to the modern agricultural buildings to the north should be considered as this would allow the turbine to relate visually to existing development and sit better in the landscape. The applicants have taken this advice on board with the current submission.

12. In terms of the planning history in the wider area here, there has been some pressure for single wind turbine applications in this part of the National Park. Of particular relevance is an application for a 20 metre high (to tip) turbine at Lethendry Farm which lies some 3 km to the south west of the application site (reference 2012/0270/DET) The siting of this turbine was the subject of considerable discussion between officers and the applicants resulting in agreement being reached with the applicant to site it to the rear of the farm where it related well to both the farmstead and to the existing infrastructure on site consisting of hydro pylons and poles. The application was approved by the CNPA Planning Committee at the October 2012 meeting and is now built.
13. Also of relevance is a planning application for a wind turbine at Balmenach some 1.2 km further west of the Lethendry site, on lower lying ground nearer to the distillery. This application was approved by the CNPA in 2011 (reference 11/0171CP) and was for a 27 metre high (to tip) three bladed turbine.

DEVELOPMENT PLAN CONTEXT

National policy

14. **Scottish Planning Policy** (SPP, revised 2014) sets out national planning policies that reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land. Under planning law, planning applications must be determined according to the development plan unless material considerations indicate otherwise. The content of SPP is a material consideration in planning decisions that carries significant weight. The SPP promotes consistency in the application of policy across Scotland while allowing sufficient flexibility to reflect local circumstances.

The SPP sits alongside four other Scottish Government planning policy documents:

- The **National Planning Framework** (NPF) which provides the statutory framework for Scotland's long term spatial development. The NPF sets out the Scottish Government's spatial development policies for the next 20 to 30 years;
- **Creating Places**, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design;

- **Designing Streets**, a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
- **Circulars**, which contain policy on the implementation of legislation or procedures.

Strategic Policies

Cairngorms National Park Partnership Plan (2012-2017)

15. The Cairngorms National Park Plan sets out the vision and overarching strategy for managing the Park and provides focus and priorities at a time of limited financial resources. The Plan also provides a strategic context for the Local Development Plan and shows how the four aims of the National Park can be achieved together. It sets out the strategic direction and priorities for the Park.

Three long term outcomes for the Park are set out as follows:

- (a) A sustainable economy supporting thriving businesses and communities;
- (b) A special place for people and nature with natural and cultural heritage enhanced; and
- (c) People enjoying the park through outstanding visitor and learning experiences.

16. These outcomes address the interaction of the three main characteristics of the National Park these being that the Park is an internationally important area for nature conservation; a fragile rural economy, and an internationally known tourism destination. Recognising the relationship of these outcomes is at the heart of the National Park. A series of work programmes to help deliver the outcomes is set out in the Plan

17. Policy 1.3 of this Plan states that large scale commercial wind turbines (defined as more than 1 turbine, and more than 30m in height) are not compatible with the special qualities of the National Park and are not considered to be appropriate within the National Park or where outside the Park they affect its landscape setting. Policy 2.3 of the Plan also seeks to conserve and enhance the special landscape qualities of the Park with a particular focus on wildness. Policies 2.4 and 2.5 seek to conserve and enhance the habitat quality and connectivity and also the species for which the Park is important.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

18. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at: <http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265> The Local Plan contains a range of policies and new development

requires to be assessed in relation to all policies contained in the Plan. Key planning policies in this case are as follows.

19. Policy 15 - Renewable Energy Generation sets out that developments for small scale renewable energy generation which support the aims of the National Park will be favourably considered where they contribute to minimisation of climate change and complement the sustainability credentials of the development. The need to ensure there is no adverse impact upon residential amenity or upon the environment is set out including the need for development to be sited and designed to have no significant adverse visual or landscape impact including cumulative impact.
20. Policy 6 – Landscape sets out that there will be a presumption against any development that does not complement and enhance the landscape character of the Park. Where development does not complement and enhance the landscape character, any significant adverse effects must be clearly outweighed by social and economic benefits of national importance and all adverse effects must be minimised and mitigated. This is reinforced within the CNPA's Landscape Toolkit which provides information on siting of wind turbines and assessment of landscape character.
21. Policy 16 - Design Standards for new development applies which sets out the design standards to be met with new development and is supported by supplementary planning guidance in the form of sustainable design guide.
22. Policy 5 - Biodiversity sets out the importance of ensuring there is no adverse impact upon habitat or species identified in the local biodiversity action plan.
23. Policy 4 – Protected Species sets out that any development which would have an adverse effect on any European Protected species (e.g. bats) will not be permitted unless there are reasons of public health, safety or overriding public interest and beneficial environmental consequences and no other satisfactory alternatives available.

Other policies relating to transport and water resources also apply in terms of servicing.

Supplementary Planning Guidance

24. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted. Key for the current proposal is guidance on natural heritage. This guidance sets out how the natural heritage of the National Park will be taken into account when considering development proposals. Also relevant is the landscape toolkit mentioned earlier

CONSULTATIONS

25. **Highland Council Roads Service** recommend that the site access be upgraded with bellmouth and surfacing to accommodate the largest vehicle

requiring access to the site. This would involve a bellmouth of 6 metre radii with throat width of 5.5 metres for at least 15 metres back from the edge of the public road, with the first 6 metres surfaced in a hard surface. Visibility splays would also be required.

26. **The Ministry of Defence** was consulted in relation to aviation interests and has no objections.
27. **NATS and Ofcom** were consulted and at the time of writing no comments have been received.
28. **Highland Council Environmental Health Service** has not provided any comments to date. However they had no objections to the previous application to the south which was closer to housing.
29. **Cromdale Community Council** has been consulted and at the time of writing no comments have been received.
30. **Scottish Natural Heritage** highlight that, under the terms of their agreement with the CNPA, they advise only on specific natural heritage matters. In this case their comments relate to European protected species, these being capercaillie with bats to be considered by the CNPA. They advise that the site is close to 5 Special Protection Areas designated for capercaillie and lies within the Strathspey metapopulation area with capercaillie present in Tom an Uird woods to the west. The Capercaillie Project Officer does not consider that capercaillie in this wood will be affected, either directly or indirectly, by the proposals and SNH have no further comments.
31. **CNPA's Ecology Officer** advised with the previous application to the south that any revised application for a site closer to the agricultural building as now proposed, would need to consider fully bird and bat issues. Information was duly submitted with this application, but there was not a site specific bat survey carried out and this was sought. The officer advises that the information now submitted is sufficient to conclude that there is unlikely to be a significant adverse impact on foraging bats as a result of the proposed turbine.
32. With regard to other issues the officer originally sought further clarification on any impacts upon sand martin nesting in the adjacent sand quarry and impacts upon existing trees and vegetation with mitigation required if any aspect was affected. Further information was provided which clarified that the sand quarry would not be affected and that no trees would be affected since no new access/construction tracks are proposed. On this basis the officer has no adverse comments on this proposal.
33. **CNPA Landscape Officer** advises that the proposed site lies within the Burn of Dalvey Glen landscape character area. This is a small scale "hidden" glen set away from the main road with a distinct sense of "entry" in the vicinity of Wester Rynaballoch (travelling from Cromdale) coming in from a larger scale landscape into this upland valley. It displays a number of the

National Park's special landscape qualities, these being the dominance of landform; juxtaposition of contrasting landscapes and a landscape both cultural and natural in which vernacular stone buildings are key features. One of the main signed access points to the Cromdales ascends from Rynaballoch and the Speyside Way follows the public road through the glen.

34. The ZTV maps shows visibility of the turbine from Wester Rynaballoch northwards to Balnallan and up the slopes of the Cromdales with limited visibility from the Strathspey character area. There are two small spots of theoretical visibility from the A95 but this is likely to be blade tip only and barely noticeable. In views from the public road the lower part of the turbine tower will be screened with the upper part seen variously against a backdrop of woods, Cromdales or sky, as you move through the landscape. In views from the glen and the Cromdales the turbine will be seen in conjunction with the farm buildings and nearby pylons. The ZTV area is now compact with the majority of theoretical impact contained within one character area.
35. The CNPA Landscape Toolkit identifies this area as having medium sensitivity with some opportunities for development. The toolkit guidance goes on to advise where to look for turbine sites e.g. where they relate to an aspect of human management, have existing access, relate to shape and size of topography and do not dominate the landscape. They should avoid transitional areas between landscape character areas and areas that are natural gateways between different areas; areas with strong sense of seclusion or wildness, avoid detracting from the appreciation of historic field patterns and avoid skyline locations, and areas where they would intrude into key views from public places. This has been largely achieved with the current submission.
36. The Officer concludes that the site is about 200 metres away from the public road and at a relatively low elevation and whilst it will be visible in the landscape it will not dominate it. Visual impact will be limited to the contained valley of the Burn of Dalvey, around 2 km of unclassified road and the slopes of the Cromdales. The turbine will be closely associated with a large modern farm building and extensive forestry which goes some way to mitigating impacts.
37. Finally, in terms of cumulative impacts it is considered that the cumulative impacts as assessed in combination with the turbine at Lethendry are negligible.
38. In conclusion the Officer considers the proposed development to largely concur with CNPA guidance contained in the Landscape Toolkit and that it will not have an adverse visual and landscape effect.

REPRESENTATIONS

39. The application has been advertised and one representation has been received which is attached as **Appendix I**. The key points of this objection can be summarised as follows:

- Previous legal rulings are such that there should be a moratorium on all wind farm applications
- Increased carbon emissions from wind turbines and their construction
- Harmful to health of wildlife and humans including bats
- Inefficient and costly form of energy
- Adverse effect on tourism
- Information on extent of wind turbine coverage in Scotland is inaccurate.
- Inadequate measures to inform public of such proposals and enable them to comment.

Note – in respect of this above point the application was advertised in the local press.

APPRAISAL

Principle

40. National and local planning policies support the principle of small scale renewable energy proposals such as this, providing they are suitably sited and subject to meeting other relevant policies of the Local Plan. To date this has been achieved with wind turbine proposals within the Park and it is important to ensure that this continues to be the case. Key issues to be considered are set out below.

Technical Issues

41. Access to the site can be obtained using an existing access track with no new tracks proposed. Access will only be required for a very short term construction period (less than a week) which is little different from normal agricultural operations. On this basis it is not considered there will be any adverse impacts, nor is it considered appropriate or proportionate to seek the level of access improvements recommended by the Roads Service in this case given this limited level of additional use.
42. Due to the small scale of the development and the site's location within a agricultural field there is also unlikely to be any particular issues with drainage.
43. The final technical issue which has been considered is any potential conflict with aviation interests. The MOD has confirmed that they have no objections to the proposal so it is considered that there are no particular issues in this regard.

Economic and Sustainability Issues

44. In the context of national planning policy the proposed turbine will contribute to Government policy promoting sustainable renewable energy. Both national and local planning policy support economic development and in terms of provision of locally sourced renewable energy the proposal is generally in line

with policy whilst also proving an income source and energy for the adjacent farm buildings which it will relate to.

Residential Amenity

45. The nearest house to the application site (Easter Rynaballoch) lies more than 10 times the rotor diameter of the turbine from the application site. (This distance is considered in Government guidance to be the kind of area beyond which issues such as shadow flicker are unlikely to arise) It is considered that the operation of the turbine is unlikely to pose a particular problem in terms of residential amenity in respect of noise and shadow flicker issues.

Cultural Impacts

46. There is evidence of some ruins in the wider area at Rynaballoch, but these will not be disturbed by the proposal which takes up a very small footprint in this instance and there are no listed buildings within the immediate vicinity whose setting would be impacted upon, whilst the impact on the Cromdale Battlefield site is not considered to be significant given the location of the proposed turbine and distances involved. Overall the turbine location relates visually to a modern agricultural building and is not considered to raise any particular issues relating to cultural impacts.

Ecology

47. The site is around 50 metres from woodland and located on rough farmland with the appropriate survey information for this type of location submitted. These surveys/reports indicate that there should be no adverse impacts upon wildlife or ecology including bats. This view is shared by the CNPA Ecology Officer subject to the works proceeding with no damage/disturbance to trees and to nesting sand martins in the adjacent sand quarry.

Landscape Issues

48. The key remaining issue with this application is that of landscape impact. The supporting information for this application, in terms of zone of theoretical visibility map and photomontages, satisfactorily demonstrate the localised impact of the proposal.
49. However, wind turbines, of any scale, are inevitably obvious in the landscape and cannot be hidden. The key planning issue is the level of their impacts in the landscape. In this case the proposed turbine will be viewed in context with existing buildings and other built infrastructure such as the electricity line to the rear. Existing woodland provides a backdrop to the site and there is also woodland screening from various directions. In addition, the site is relatively low lying within this attractive glen.
50. The combination of these factors results in this being a suitable site which will enable the turbine to sit well in the landscape and relate well visually to

where some of the energy will be used. As noted by our Landscape Advisor it is not considered that the development will have an adverse impact upon the landscape.

Other Issues – Objections Raised

51. Concerns raised by the objector in relation to wildlife and residential amenity have been fully considered with this submission. Other concerns relating to the wider principles of wind energy are noted, but set against these concerns is Government and local planning policies which seek to support renewable energy proposals on suitable sites. In such circumstances it is considered that there are no material issues raised by the objector which would justify refusal of this application.

Conclusion

52. Local Plan policy supports small scale renewable energy subject to suitable siting. It is essential within the National Park to ensure that wind turbines, which are by their nature visually obvious, are well sited in order to meet Local Plan policy and the aims of the National Park. Advice on how to achieve this is set out in the Landscape Toolkit and these principles have been met with the current proposal, which is considered to fit into the landscape, relating well visually to the adjacent buildings.
53. Advice provided with the previous application to the south has been taken on board and a more suitable location for a wind turbine is now proposed with this submission which is welcomed. It is therefore recommended that planning permission be granted subject to appropriate conditions.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

54. The proposal does not conflict with this aim as it has been demonstrated that it would not have an adverse effect upon the natural heritage of the area. In addition its siting is sympathetic to the locality, relating visually to an existing grouping and to where the energy will be used.

Promote Sustainable Use of Natural Resources

55. Whilst the components of the turbine are unlikely to be locally sourced, there is potential for site construction materials to be locally sourced, whilst the long term benefits of renewable energy are ultimately the sustainable use of natural resources.

Promote Understanding and Enjoyment of the Area

57. Whilst the proposal may not immediately be considered to relate directly to this aim it is considered that poor siting of wind turbines would detract from

the enjoyment of the area in terms of those persons viewing the new turbine in the landscape including persons using the Speyside Way and walks in this area. In this case however the turbine is well sited, and does not conflict with this aim.

58. **Promote Sustainable Economic and Social Development of the Area**
59. The proposed development should help assist the economic development of the applicant's farm by providing a source of finance resulting out of the sale of electricity to the grid which could then be reinvested in the farm as well as provision of locally sourced energy for the adjacent farm building. There is also some potential for construction materials and work to be locally sourced.

RECOMMENDATION

That Members of the Committee support a recommendation to GRANT FULL PLANNING PERMISSION for the Erection of one 20kW (27.13m to tip; 20.58m to hub; 2.69m blade rotor) wind turbine and installation of underground cables to provide source of renewable energy at Easter Rynaballoch, Cromdale subject to the following conditions

1. The height of the turbine hereby approved shall be 20.58 metres to hub and 27.13 metres to tip.

Reason: To ensure the development fits in to the surrounding landscape and setting in accordance with Local Plan policies and as the development has been assessed in relation to this particular height.

2. Unless otherwise agreed with the Cairngorms National Park Authority acting as Planning Authority the turbine shall be matt grey in colour and there shall be no advertising logos on the turbine.

Reason: To ensure the development fits in to the surrounding landscape and setting in accordance with Local Plan policies.

3. Unless otherwise agreed with the Cairngorms National Park Authority acting as Planning Authority there shall be no construction works during the bird breeding season (April to August in any one year)

Reason: To ensure there is no unnecessary disturbance to birdlife (in particular sand martins) in accordance with Local Plan policies on natural heritage

4. During construction no works shall take place which will disturb the exposed face of the adjacent sand quarry where nesting sand martins are located nor shall any trees be disturbed or removed.

Reason: To ensure there is adverse impact upon natural heritage in the area in accordance with Local Plan policies on natural heritage

5. During construction the following measures shall be followed all as set out in the applicants Ecology Report (SAC Consulting dated 07/11/13)
- Security lighting to be directed away from field boundaries
 - Hazardous chemicals to be stored securely
 - Any pipework of more than 200 mm diameter to be closed off at the end of the working day
 - Escape ramps to be provided in any open trenches or pits of greater than 1 metre depth
 - Site to be checked for trapped animals at start of each working day.

Reason: To ensure there is adverse impact upon natural heritage in the area in accordance with Local Plan policies on natural heritage

6. Within 12 months of the turbine no longer generating electricity for a continuous period of 12 months the turbine shall be removed in accordance with a Reinstatement Plan to be submitted to and approved by the CNPA acting as Planning Authority. The Reinstatement plan shall be submitted within three months of the turbine no longer generating electricity as outlined above. The Reinstatement Plan shall include the removal of the turbine, the restoration of disturbed soils and vegetation and a timetable for the proposed works. All reinstatement works shall thereafter be carried out in accordance with the approved plan and timetable.

Reason: To ensure that the turbine is removed in the event of it no longer being in use, in the interests of landscape and visual amenity.

ADVICE NOTES:

1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
2. It is recommended that construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place outwith the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time on Sundays or Bank Holidays in order to minimise disturbance to residents in the area.

Officer Name: Katherine Donnachie

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Date: 24 June 2014

The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.