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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

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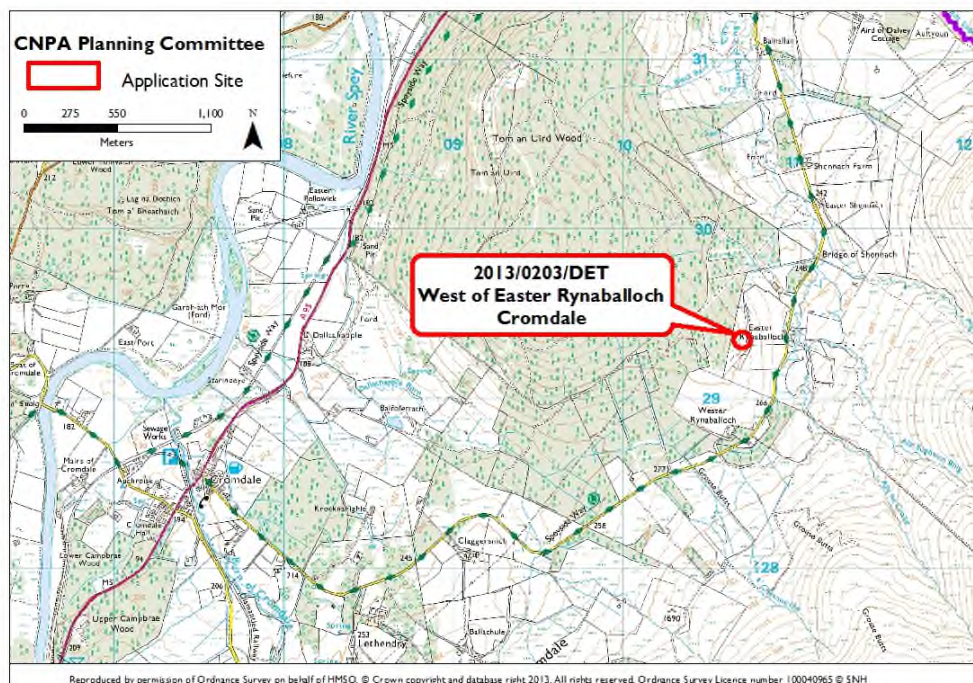
**DEVELOPMENT PROPOSED: ERECTION OF ONE 50 KW (26.5 M TO TIP) WIND TURBINE AND INSTALLATION OF UNDERGROUND CABLE AT 245 METRES WEST OF EASTER RYNABALLOCH, CROMDALE**

**REFERENCE: 2013/0203/DET**

**APPLICANT: JAMES MACDONALD**

**DATE CALLED-IN: 01 JULY 2013**

**RECOMMENDATION: REFUSE**

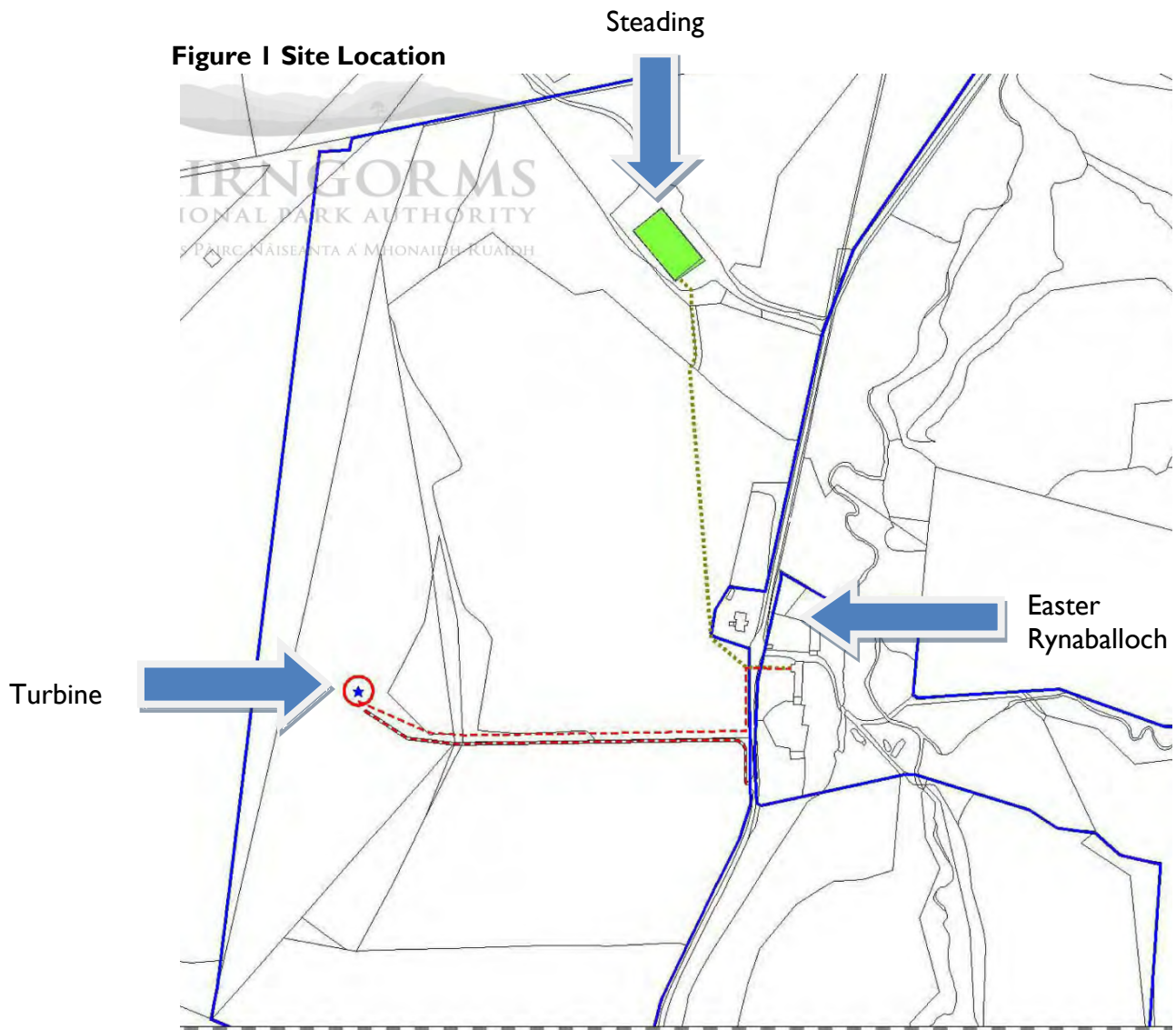


**Grid reference: 310705 E 829348 N**

**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. This application seeks planning consent for the erection of a 26.5 metre high (to tip) wind turbine as described in the supporting information. (The supporting diagrams indicate a height to tip of 27.05 metres with height to hub would be 18.8 metres with 16.5 metre rotor diameter.) Output would be 50 kilowatts.
2. The site is located at Rynaballoch, located within the Burn of Dalvey glen, some 3 km the north east of Cromdale. Rynaballoch is located at the back (west) of Tom an Uird wood, which separates this area from the A95 trunk road. A minor public road leads round this area, heading 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 itself is located some 225 metres to the south west of Easter Rynaballoch, which is a traditional farm house outwith the applicant's control. It is part of an agricultural field which slopes down towards Easter Rynaballoch and occupies an elevated position in the landscape, sitting on a ridge running along this western slope up to the woodland. A farm steading belonging to the applicant lies on the opposite (east) side of the public road from Easter Rynaballoch, and some 350 metres to the far north, at a lower level to the application site lies a more modern agricultural building which is also in the applicant's control. This relationship is illustrated in **Figure 1** below.



4. 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.
5. Supporting information has been submitted which includes a planning statement outlining why the site is considered to be acceptable. This highlights that due to existing forestry plantations direct views of the turbine will be limited and also explaining that this site enables an unobstructed, viable air flow from prevailing south westerly winds to power the turbine. It is also submitted that there is a visual relationship with farm buildings where the energy will be primarily be used in order to power automatic cattle court scrapers and barley crushing. Delivery of the turbine parts will take place over a few days and a temporary access track only will be required across the field. This supporting statement also covers matters such as shadow flicker and cultural heritage.

6. An ecology report and habitat survey has been provided which considered the impacts upon protected animal species, habitats and designated sites, and bird, These reports conclude overall that due to the location of the proposed turbine and its small footprint there is unlikely to be any adverse ecological impacts in this case. Generic noise information in the forms of an acoustic performance test for this particular wind turbine type has also been submitted.
7. 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.
8. In terms of planning history there has been some pressure for single wind turbines in this wider area. 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.
9. 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.
10. Finally prior to submission of this 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. In response to this advice the site was moved further north when submitting the application but still a considerable distance uphill from these buildings.

## **DEVELOPMENT PLAN CONTEXT**

### **National policy**

11. **Scottish Planning Policy (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It sets out that 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 and has the basic aim “to achieve the right development in the right place.” 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.

12. A key topic in this case is renewable energy which contains a section on wind farms. This sets out the Scottish Government’s commitment to increasing the amount of electricity generated from renewable sources and identifies hydro and wind energy as the main sources of supply. Policy stresses the importance of carefully considering siting to ensure landscape and visual impact is minimised, and sets out the range of issues to be considered. This is reinforced in Planning Advice for onshore wind turbines. Also Scottish Natural Heritage guidance on wind energy, which all provide guidance on assessment of wind energy proposals. The importance of particular landscapes such as National Parks is highlighted.

### **Strategic Policies**

#### **Cairngorms National Park Partnership Plan 2012-2017**

13. 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.
14. 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
15. Policy I.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

## Local Plan Policy

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> 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.
17. Policy Policy 15 - Renewable Energy Generation which 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.
18. Policy 6 – Landscape which 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.
19. 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.
20. Policy 5 - Biodiversity which sets out the importance of ensuring there is no adverse impact upon habitat or species identified in the local biodiversity action plan.
21. 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, developer contributions and water resources also apply in terms of servicing.



## Supplementary Planning Guidance

22. 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

23. **Highland Council Roads Service** recommends 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.
24. **The Ministry of Defence and NATS** were consulted in relation to aviation interests and have no objections.
25. **NATS and Ofcom** were consulted and at the time of writing no comments have been received.
26. **Highland Council Environmental Health Service** have no objections
27. **Cromdale Community Council** has been consulted and at the time of writing no comments have been received.
28. **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 and bats. They conclude that the capercaillie present in the Tom an Uird wood to the west of the site are unlikely to be directly or indirectly affected by the proposal. With regard to bats they highlight that the relationship between bats and wind turbines is not fully understood and collisions can occur in particular if the turbine is close to a bat roost or within 50 metres of a known roost, or located within a bat flyway. They have no information that there are bats present in this location and have no further comment to make.
29. **CNPA's Ecology Officer** advises that there are some discrepancies between the various plans supporting the application in terms of proximity to the woods at Tom an Uird, with the application site plan showing the turbine to be located around 70 metres east of the woods, and another plan showing the turbine around 50 metres from the wood, yet the ecology reports referring to the turbine being some 100 metres away from the woodland. This introduces confusion to the conclusions. Notwithstanding this situation the officer considers that there are unlikely to be any significant impacts upon vegetation or birdlife in this case other than the potential displacement of a

pair of curlews which is identified in the Ecology Report. This could be compensated for by the creation of compensatory wader feeding habitat, such as a wet scrape, elsewhere on the estate which would provide good feeding habitat for wader species, especially redshank and lapwing.

30. The officer notes that the nature of the development (a relatively small, single turbine) in open farmland away from the woodland edge, coupled with the apparent lack of nest sites and associated intensive use of the area, indicates the collision risk to diurnal raptor species would be insignificant.
31. It is further noted that the turbine's location would not be adjacent to buildings or a linear feature such as a hedge, watercourse, or woodland edge, and is unlikely therefore to pose a significant risk to bats. However, it is unclear exactly how far from the woodland edge the turbine would be. Locating the turbine at 100m or more from the woodland edge would reduce the collision risk for bats.
32. Finally in relation to alternative locations closer to the farm buildings would need to consider the risk of collisions with bats and birds, e.g. barn owls. Such species, which are often associated with the built environment, should be surveyed for any revised application so as to assess the likely impacts upon them.
33. **CNPA Landscape Officer** advises that the proposed site lies within the Burn of Dalvey Glen landscape character area. This is a small scale 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 throughout the glen and up onto the slopes of the Cromdales, and this extends into the adjacent Haughs of Cromdale landscape character area and character areas along the Spey. Actual visibility will be reduced by forestry planting but this is under active management and is not a permanent feature. From within the glen many of the views will be of the full turbine and blades, with the turbine sitting on convex field slopes in an elevated and pivotal position with respect to landform and the way the landscape is experienced. This prominence would be increased by the form, colour and movement of the blades.
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 not been achieved with the current submission.

36. It is concluded that this turbine would have a significant adverse effect because of the prominence of the site, and how it would dominate the character and experience of this landscape, altering the balance of key characteristics within and between landscape character areas. It would not therefore comply with landscape policies.
37. It is further concluded that the turbine should be located where it would be perceived as part of/related to the built infrastructure in the glen with a location close to the agricultural shed to the north being more appropriate in landscape terms.
38. Finally, in terms of cumulative impacts it is considered that the cumulative impacts as assessed in combination with the turbine at Lethendry are not significant due to the distance and tree cover in this case.

## REPRESENTATIONS

39. The application has been advertised and three representations have been received. One party has requested the opportunity to be **heard** at Committee. These representations are attached as **Appendix I**. The key points of objection can be summarised as follows:
  - Detrimental impact on landscape
  - Alternative site beside existing farm buildings would have less landscape impact
  - Detrimental impact upon wildlife in area including birds and bats foraging in woods beside site as well as plant life on the site itself
  - Low flying aircraft in the area could be adversely affected with information provided to demonstrate that this area is frequented by low flying aircraft
  - Property will be devalued with information provided to demonstrate that this would be the case
  - *Note – property devaluation is not a material planning consideration although the impact upon residential amenity will be considered when assessing the application.*
  - Related to the above point a neighbouring property (Easter Rynaballoch) will be adversely affected in terms of their business which involves sporting income from falconry operations.

## **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. It is understood from the applicants that they do not propose to form a permanent access to the wind turbine site, but rather to cross the field on a temporary basis to erect the turbine. 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 sloping agricultural field there is also unlikely to be any particular issues with drainage etc
43. The final technical issue which has been considered is any potential conflict with aviation interests. Both the MOD and NATS have 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 benefits**

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 I.

### **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) Environmental Health Officers have no adverse comments to the application and it is therefore 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 area of 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. However as noted by our Landscape Advisor there is a distinct cultural landscape in this glen in relation to the original traditional vernacular buildings and stone walls which adds to the character of the area and which the turbine will not relate to visually. .

## Ecology

47. The site is around 70 east of woodland (although the exact distance is unclear as noted in the officer's comments) and located on rough farmland. Supporting reports from the applicants indicate that there should be no adverse impacts upon wildlife or ecology. This view is shared by the CNPA Ecology Officer subject to compensatory habitat provision for any displacement of waders and also subject to consideration of maximising the distance between turbine and woodland in order to reduce any collision risk for bats – a distance of around 100 metres is suggested. In the event of the application being supported these issues would require to be fully investigated and the impact upon bats accurately assessed in relation to the exact location of the turbine.

## Landscape Issues

48. The supporting information for this application, in terms of zone of theoretical visibility map and photomontages seeks to demonstrate the localised impact. Whilst it is generally agreed that the impact, due to the topography and characteristics of the Glen of Dalvey, may indeed be localised as noted by our Landscape Advisor the turbine would impact upon the transition from one landscape character area into another and would also be readily visible from public walks in the area. It is this overall landscape impact that requires to be assessed.
49. 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 on a hillside location, in the middle of a field and not in combination with existing buildings or any built infrastructure such as telephone or electricity lines. The site is remote from the end user in this case the farm steadings to the north where it would be much less intrusive in the landscape.
50. The application site, as noted by our Landscape Advisor in the detailed landscape assessment, does not achieve policy objectives of enhancing and complementing the landscape and would instead detract from the quality and character of this particular glen and indeed the transition into the glen from other landscape character areas. I would therefore agree with objectors that the site will have a detrimental impact upon the landscape and also as a consequence of this, a detrimental impact upon the residential amenity of

householders in the area. It is therefore considered that this proposal does not comply with policy.

51. During the consideration of this current application officers asked the applicants to reconsider this site and met with both the agent and applicant to suggest alternatives. At the time of writing no response has been forthcoming on the alternatives nor has any supporting information been provided to substantiate the case as to why the applicants cannot reconsider the location. Accordingly the application now requires to be considered as submitted.

### **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 not been met with the current proposal which is not considered to fit into the landscape and would have an adverse visual and landscape impact.
53. There are no other issues of sufficient weight to over-ride this conclusion and consequently it is considered that the proposal does not comply with planning policies or with the aims of the National Park. It is therefore recommended that the Committee refuse planning permission for this proposed development.

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

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

54. The proposal is considered to conflict with this aim as it would have an adverse effect upon the natural heritage of the area, due to its prominent siting and landscape and visual impact.

### **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**

56. 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.

## Promote Sustainable Economic and Social Development of the Area

57. The proposed development could 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. There is also some potential for construction materials and work to be locally sourced. However poorly sited development may also have an adverse effect on economic development by reducing the attractiveness of the area for tourism and other forms of economic development.

## RECOMMENDATION

**THAT MEMBERS OF THE COMMITTEE SUPPORT A RECOMMENDATION TO REFUSE FULL PLANNING PERMISSION FOR ERECTION OF ONE 50 KW (26.5 M TO TIP) WIND TURBINE AND INSTALLATION OF UNDERGROUND CABLE AT LAND 245 METRES WEST OF EASTER RYNABALLOCH, CROMDALE FOR THE FOLLOWING REASONS:**

1. The proposed development is contrary to Policy 15: Renewable Energy Generation (as contained in the Cairngorms Local Plan 2010) as it would have an adverse visual and landscape impact due to the prominent siting which does not fit with the scale and character of the landscape which it is sited in and viewed from, but rather would dominate this landscape area and have an adverse effect upon the special landscape qualities of the park and upon the residential amenity of neighbouring houses. In addition the development does not relate to existing buildings or features in the landscape.
2. The proposed development is contrary to Policy 6 : Landscape ( as contained in the Cairngorms Local Plan 2010) in that, for the reasons outlined in reason 1, it would not complement and enhance the landscape character of the National Park.

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**26 October 2013**

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.