
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT MANAGEMENT)**

**DEVELOPMENT PROPOSED: PROPOSED ERECTION OF 1x
20KW WIND TURBINE AND 1 x
TEMPORARY 20M HIGH WIND
MEASURING MAST, LAND 35M
EAST OF WATERTANK,
FAEBUIE, CROMDALE**

REFERENCE: 11/071/CP

APPLICANT: STRATHDEE PROPERTIES LTD

DATE CALLED-IN: 18 MARCH 2011

RECOMMENDATION: APPROVAL

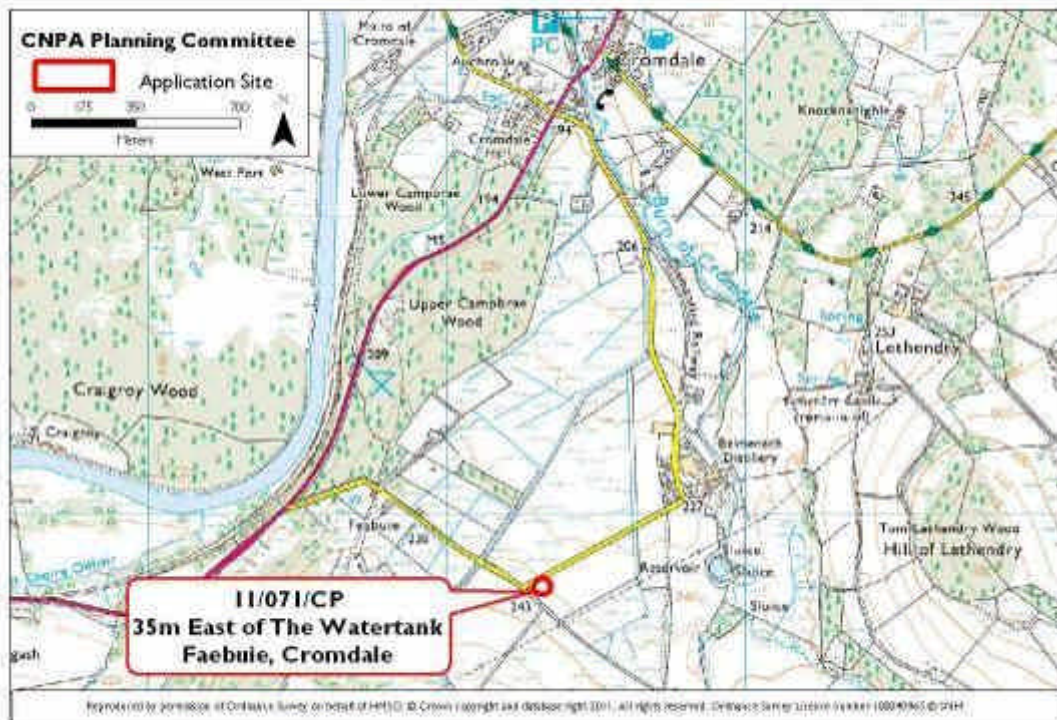


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site lies to the south of Cromdale and to the south west of the hamlet of Balmenach (see fig. 1). The proposed site for the turbine is close to the junction of two minor roads and 35 metres to the east of a water tank which lies adjacent to the road (see fig 2).
2. The site for the turbine is essentially farm ground which slopes down towards Balmenach. There is an overhead transmission line consisting of 25 metre high pylons to the south of the site and also a wooden pole electricity line adjacent to the site.
3. The proposal is for a tri-blade wind turbine measuring 20.5 metres to the hub and 27 metres to the blade tip when a blade is in the vertical position. The turbine would be fixed to the ground on a concrete based measuring 5m x 5m and 1 metre deep. The proposal also includes a wind monitoring mast at 20 metres in height at the same site. The plan is that the mast would be installed first to make wind measurements to ensure that there is sufficient wind in the area before the turbine is erected.
4. The main purpose of this 20kw turbine is to provide power for a water pump which serves private houses and farm water troughs in the area. Any excess power would be sold to the grid.
5. Photographs of the site can be seen below. Photomontages are attached at the back of the report. The application has been submitted with acoustic information and an ecology report has also been provided.



Fig. 2- View of site looking towards Balmenach



Fig. 3- View of site looking north west in direction of A95



Fig. 4- View of site looking south east to Cromdale Hills



Fig.. 5 Distant view from Balmenach

DEVELOPMENT PLAN CONTEXT

6. **Scottish Planning Policy¹ (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 shouldallow 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.

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

¹ February 2010

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.² 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.

Structure Plan Policy

Highland Council Structure Plan (2001)

16. **Highland Council Structure Plan** is founded on the principles of sustainable development, which are expressed as –
 - Supporting the viability of communities;
 - Developing a prosperous and vibrant local economy; and
 - Safeguarding and enhancing the natural and built environment.A variety of detailed policies emanate from the principles.
17. The following provides a brief summary of the policies applicable to a development of this nature. **Policy NI – Nature Conservation** advises that new developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible. The Plan refers to the socio-economic benefits of the nature conservation resource and advises

² Para. 256.

that it should be optimised by a high level and standard of interpretation and understanding wherever possible.

18. The Structure Plan also includes a section on biodiversity, defining it as “natural richness and diversity of nature – the range of habitats and species and the uniqueness of each and every organism.” Biodiversity is not the same as natural heritage, but is one of the key functional components. As a key part of the natural heritage of an area it is important to protect, and where possible enhance biodiversity and to monitor any change.
19. Section 2.4 of the Plan concentrates on the subject of landscape, stating that “no other attribute of Highland arguably defines more the intrinsic character and nature of the area than its landscape.” Similar to national policy guidance, there is recognition that landscape is not a static feature and that the protection and enhancement of landscape and scenery must be positively addressed. **Policy L4 Landscape Character** states that “the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.”
20. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things make use of brownfield sites, existing buildings and recycled materials; are accessible by public transport, cycling and walking as well as car; are compatible with service provision; demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environments; and contribute to the economic and social development of the community.
21. **Policy E1 Distributed Renewable Energy Developments** considers that the Council supports the utilisation of the region’s distributed renewable energy resource, including hydro, wind, wave and tidal stream power.
22. **E2 Wind Energy Developments** considers that wind energy proposals will be supported provided that impacts are not shown to be significantly detrimental. Proposals will be assessed with regard to visual impact, noise, roads, bridges, traffic etc..

Local Plan Policy Cairngorms National Park Local Plan (2010)

23. 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>

24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. 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
31. 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.
32. 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

33. The proposal has been discussed with the **CNPA Landscape Officer** who considers that the area has capacity to accept a wind turbine.
34. **CNPA Ecology Officer** comments that the ecology survey has identified no protected bird species, although there are several species of conservation concern (red list) including lapwing, herring gull and skylark and curlew, with oystercatcher and black headed gull on the amber list. Research on the impact of small turbines is limited given the recent establishment of this type of development. However, it is currently thought that small wind turbines in isolation should not cause significant impact to the majority of raptors and migrating birds. If the application receives permission then construction should be undertaken outwith the breeding bird season (March-August inclusive). The turbine should be monitored regularly, particularly during the bird breeding season. If bird strikes are recorded the CNPA should be contacted immediately. The landowner is encouraged to continue with the excellent grazing regimes that have led to the area being suitable for such a high level of breeding wader species.
35. **Highland Council Environmental Health** has carried out an assessment of the application acoustic report and has no comments based on the available data.
36. **Cromdale Community Council** has been consulted but no response has been received.
37. A number of technical consultations with regard to radio, airspace have been carried out but no objections have been received.

REPRESENTATIONS

38. The proposal has been advertised in the Badenoch and Strathspey Herald a total of three objections have been received and they are attached at the back of this report. They raise issues relating to landscape and visual impact, precedent, impact upon wildlife, noise and traffic issues.

APPRAISAL

39. 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.
40. 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. Technical issues are summarised at the end of this appraisal section.

Landscape and Visual Effects

41. In this instance the site is located close to a number of infrastructure elements including a 25m high pylon line (approx 100 metres away), a wooden pole electricity line and a water tank. Given this context the proposal is considered to accord with the existing landscape character of the immediate site which is farmland within a number of key infrastructure components crossing and being sited within that farmland landscape. The proposal has been discussed with the CNPA Landscape Officer who is of the view that the area has capacity for a wind turbine.
42. The site can be seen from the surrounding area but it has to be recognised that it is impossible to hide or screen developments of this type. The wider area in which the turbine is sited is on a shelf above the A95 which restricts views from the A95. Inevitably, there would be some visibility of the turbine from Balmenach but this would be at a distance of 800 metres and seen in the context of the existing infrastructure. Concerns have been raised by objectors regarding the visual impact of the proposal. However, given the siting of the turbine and its immediate landscape context it is considered that a refusal of the proposal could not be sustained on landscape and visual impact grounds and that the proposal would not offend Policy 6 Landscape of the CNP Local Plan. Concern is raised by one objector that approving this application could set a precedent. However, each application must be dealt with on its own merit. There is no blanket restriction on wind turbines within the National Park and Scottish Government Guidance and the CNP Local Plan Policy in no way supports such an approach.

Ecology

43. The CNPA Ecologist has considered the ecological report submitted on behalf of the applicant. There are a number of wader species in the area which is partly due to the positive way in which the applicant manages the grazing regime. Overall, the CNPA Ecologist raises no objection to the proposal. However, it is recommended that the turbine is erected outside of the bird breeding season and that the turbine should be monitored regularly for bird collisions.

Neighbouring Amenity

44. A number of technical consultations have been carried out. The key concern from neighbours often relates to noise. Highland Council Environmental Health has carried out an assessment of the proposal based on 100 metre distance from the site. The nearest house is in the order of 250 metres away (can be seen to the right of fig 5). The hamlet of Balmenach is approximately 500 metres away. Based on no houses being within 100 metres of the turbine the Environmental Health Officer raises no objection.

Technical Issues

45. A number of consultations with regard to airspace and radio frequencies have been carried out, no concerns have been raised. Some concern has been raised by objectors regarding traffic. However, infrastructure such as anemometer masts and single wind turbines of this scale can be installed relatively quickly. In this instance the turbine tower will be transported to the site by tractor trailer in 5 metre sections. One consultation from the Defence Estate is outstanding and an update will be provided at the meeting.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

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

Promote Sustainable Use of Natural Resources

47. The proposal complies well under this aim by providing renewable energy which will in part be used locally to pump water for private water supplies both for agricultural and domestic purposes. The proposal estimates a carbon saving of 26-30 tonnes.

Promote Understanding and Enjoyment of the Area

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

Promote Sustainable Economic and Social Development of the Area

49. The proposal works well under this aim by assisting with water supplies it contributes to the social and economic development of the locality.

RECOMMENDATION

50. **That Members of the Committee support a recommendation to GRANT PLANNING PERMISSION** for 1 1x20kw wind turbine and erection of 1x20m high wind measuring mast, land 35 m east of water tank, Faebuie, Cromdale, subject to the following:

A. No concerns being raised by the Defence Estate.

B. The following conditions:

1. 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. The anemometer mast shall be removed from the site within 2 years of the date of this planning permission and in any case prior to the erection of any wind turbine and associated infrastructure at the site.

Reason: To reduce the amount of unnecessary infrastructure in the area.

3. No construction shall take place in the bird breeding season (March to August).

Reason: To ensure that there is no un-necessary disturbance to breeding birds.

4. 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.

5. 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.

6. 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 any excavated material, access requirements and reinstatement of any disturbed ground as a result of construction. Construction 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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14 July 2011

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.