

Perth and Kinross Council
Development Management Committee – 19 February 2014
Report of Handling by Development Quality Manager

Erection of a meteorological mast (for a temporary period) at Site At Littlerig Forest, Dunning

Ref. No: 13/01926/FLL
Ward No: 2 – Strathmore

Summary

This report recommends approval of the application for the erection of a meteorological mast (for a temporary period) as the development is considered to comply with the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 The application is for the erection of an 80 metre high cable guyed lattice wind monitoring mast at Littlerig Forest located to the south of Dunning. The proposed mast is tubular steel held upright by guy ropes anchored into the ground. The structure is not proposed to require any extensive foundations, with the mast itself standing on a steel plate seated into the ground and the guy ropes attached to buried anchors. The mast is proposed to monitor weather conditions and the information obtained is to be used to confirm the wind resource available in this location.
- 2 Access to the site is along an existing track which is accessed from the B934.
- 3 It should be noted that this application solely relates to the erection of a meteorological mast and consideration of a potential wind farm is not relevant to the assessment of this application.

NATIONAL POLICY AND GUIDANCE

Scottish Planning Policy 2010 (SPP)

- 4 This SPP is a statement of Scottish Government policy on land use planning and contains:
 - the Scottish Government's view of the purpose of planning,
 - the core principles for the operation of the system and the objectives for key parts of the system,
 - statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
 - concise subject planning policies, including the implications for development planning and development management, and
 - the Scottish Government's expectations of the intended outcomes of the planning system.

5 The most relevant paragraphs of this document are set out below:

- Paragraphs 125 – 148: Landscape & Natural Heritage

DEVELOPMENT PLAN

6 The Development Plan for the area consists of the Approved Tayplan Strategic Development Plan and the Adopted Local Development Plan 2014.

Tayplan: Strategic Development Plan 2012

7 The principal relevant policy is in summary:

Policy 3: Managing Tayplan's Assets

8 Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through:

- ensuring development likely to have a significant effect on a designated or proposed Natura 2000 sites (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy;
- and safeguarding habitats, sensitive green spaces, forestry, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geodiversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets.

Perth and Kinross Local Development Plan 2014

9 The principal relevant policies are in summary:

Policy NE3: Biodiversity

10 This policy states that the council will seek to protect and enhance all wildlife and wildlife habitats, including grasslands, wetlands and peat-lands and habitats that support rare or endangered species.

Policy ER6: Managing future landscape change to conserve and enhance the diversity and quality.

11 This policy seeks to ensure that landscape change is compatible with the distinctive characteristics and features of Perth and Kinross's landscapes.

OTHER POLICIES

- 12 None

SITE HISTORY

- 13 None

CONSULTATIONS

Ministry of Defence

- 14 No objection, mast will be fitted with aviation lighting

PKC Access and Infrastructure

- 15 The site is accessed from a core path and a condition is required to ensure that there is no damage to the core path.

REPRESENTATIONS

- 16 A total of 7 letters of representation have been received, all of which have objected to the application. This includes a letter from the Friends of the Ochils.
- 17 The representations have raised the following issues:
- Impact on landscape character and visual amenity
 - Concerns raised that this will lead to a future application for a wind farm on this site and objections centred around this potential wind farm.
 - Impact on biodiversity
 - Environmental impact
 - Impact on aviation
 - Construction traffic
- 18 The relevant issues are considered in the Appraisal section of this report. It must however be repeated here that any concerns raised regarding a wind farm on this site are premature as this application solely relates to the erection of a meteorological mast. These issues cannot therefore be considered as part of the current planning application proposal.

ADDITIONAL STATEMENTS

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|--|-----------------|
| Environment Statement | Not required |
| Screening Opinion | Not required |
| Environmental Impact Assessment | Not required |
| Appropriate Assessment | Not required |
| Design Statement / Design and Access Statement | None submitted |
| Report on Impact or Potential Impact | None submitted. |

APPRAISAL

Policy

- 20 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by Planning Etc (Scotland) Act 2006 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The determining issues in this case are whether: - the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy. The most relevant policies of the Local Development Plan 2014 and Tayplan 2012 are outlined above.

Policies NE3: Biodiversity and ER6: Managing future landscape change to conserve and enhance the diversity and quality are applicable to this proposal and the content of these policies is assessed through the Landscape/Visual Impact and Biodiversity sections of this report.

Health and Safety

- 21 The site is located outwith any Ministry of Defence (MOD) safeguarding area and therefore they have offered no objection. However, in the interests of air safety the mast will need to be fitted with aviation lighting. This can be covered by condition.

Landscape/Visual Impact

- 22 The application site is located within an area of forested hill side which rises from the east from the B934. The wider area is characterised by open hillside, areas of woodland, scattered farmsteads and isolated dwellings. The countryside in this area is not subject to any specific landscape designation.
- 23 Whilst the erection of a 80m high mast will be the tallest structure within the immediate vicinity of the application site, the slender, slim-line form, narrow high tension wire stays, and the location within an established planted area would serve to minimise the visual impact of the structure.

- 24 This type of mast is recognised by Government and industry, as an essential information gathering tool used to influence site selection by energy operators for wind farm developments. Although the structure would not be a complimentary addition to this hill side landscape, it's siting for a temporary period only, with removal after the end of any agreed monitoring period would ensure that any detriment to the appearance of the landscape is limited. Conditions could be incorporated on any planning approval to ensure removal and any necessary ground restoration.

Residential Amenity

- 25 I am satisfied that the nature of this development and its location a considerable distance from neighbouring residential properties will ensure that there will be no impact on residential amenity.

Bio Diversity

- 26 All developments must to take account of protected species as identified in Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981, as amended and Annex II and IV of the European Community Habitats Directive or Annex I of the European Community Wild Birds Directive.
- 27 There are no identified protected wildlife sites within close proximity of the site but it is acknowledged that the anemometer mast may result in an increased risk of collision to any birds passing through the development site. Therefore, as a precaution, a condition has been applied to ensure the guy ropes on the mast are marked with brightly-coloured reflectors to make the mast more obvious to birds.
- 28 Therefore given the nature of the development and the lack of any significant construction operations I am satisfied that the proposal will not have any significant detrimental impact on natural heritage interests and therefore complies the relevant Development Plan policy in this regard.

Temporary Timescales

- 29 The proposed mast is sought for a temporary period of 5 years. However, whilst the applicant has applied for a temporary period of 5 years, this is considered to be an excessive timescale for a temporary consent and in line with other decisions by the Council for such monitoring equipment, I would suggest a maximum timescale of two years. Should the mast be required for a longer period then the applicant would have the option to apply for a renewal of consent.

Access

- 30 The site will be accessed via an existing forestry track and that no new access tracks or improved tracks are required to access the site. Transport Planning have no objection to the proposal.
- 31 Construction traffic is a temporary consequence of the development and is not a material consideration.

Representations

- 32 The application is for a wind speed measuring device only. If planning approval is granted, the Council would not be obliged to necessarily grant consent for the erection of wind turbines and ancillary development in this location. Any such proposal would be required to be separately considered on its own merits. Accordingly any representations which are concerned only with the impacts of a wind farm development in this location must be accorded no weight.

LEGAL AGREEMENTS

- 33 None required.

DIRECTION BY SCOTTISH MINISTERS

- 34 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 35 In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the Local Development Plan 2014 and Tay Plan 2012. I have taken account of all material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommend for approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:-

- 1 The permission shall be for a limited period of 2 years from the date of this decision notice; when the use hereby permitted shall be discontinued and the mast and works carried out under this permission removed and the land reinstated to its former condition to the satisfaction of the Local Planning Authority.
- 2 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
- 3 The support guys to the temporary mast hereby approved shall be marked to make them more visible to birds in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of site construction works. The approved deflectors shall remain in place at all times thereafter until the removal of the mast.
- 4 Prior to the commencement of any development details of aviation lighting to be installed on the mast shall be submitted for the written approval of the Planning Authority in consultation with the Ministry of Defence. The details as approved shall be implemented as part of the site development.

- 5 The core path shown in purple on plan reference number 13/01926/4 must not be obstructed during the works or on completion. Any damage done to the route and associated signage during the works must be made good before the mast is commissioned.

Reasons

- 1 To clarify the extent of the permission for the avoidance of doubt and to safeguard the amenity of the area.
- 2 To ensure that the development is carried out in accordance with the plans approved.
- 3 In order to reduce the risk of bird collision with the mast guy cables in the interests of amenity.
- 4 In order to minimise the risk of aircraft collision.
- 5 To ensure continued public access along the public paths.

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

Background Papers: None

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Date: 29 January 2014

Nick Brian
Development Quality Manager

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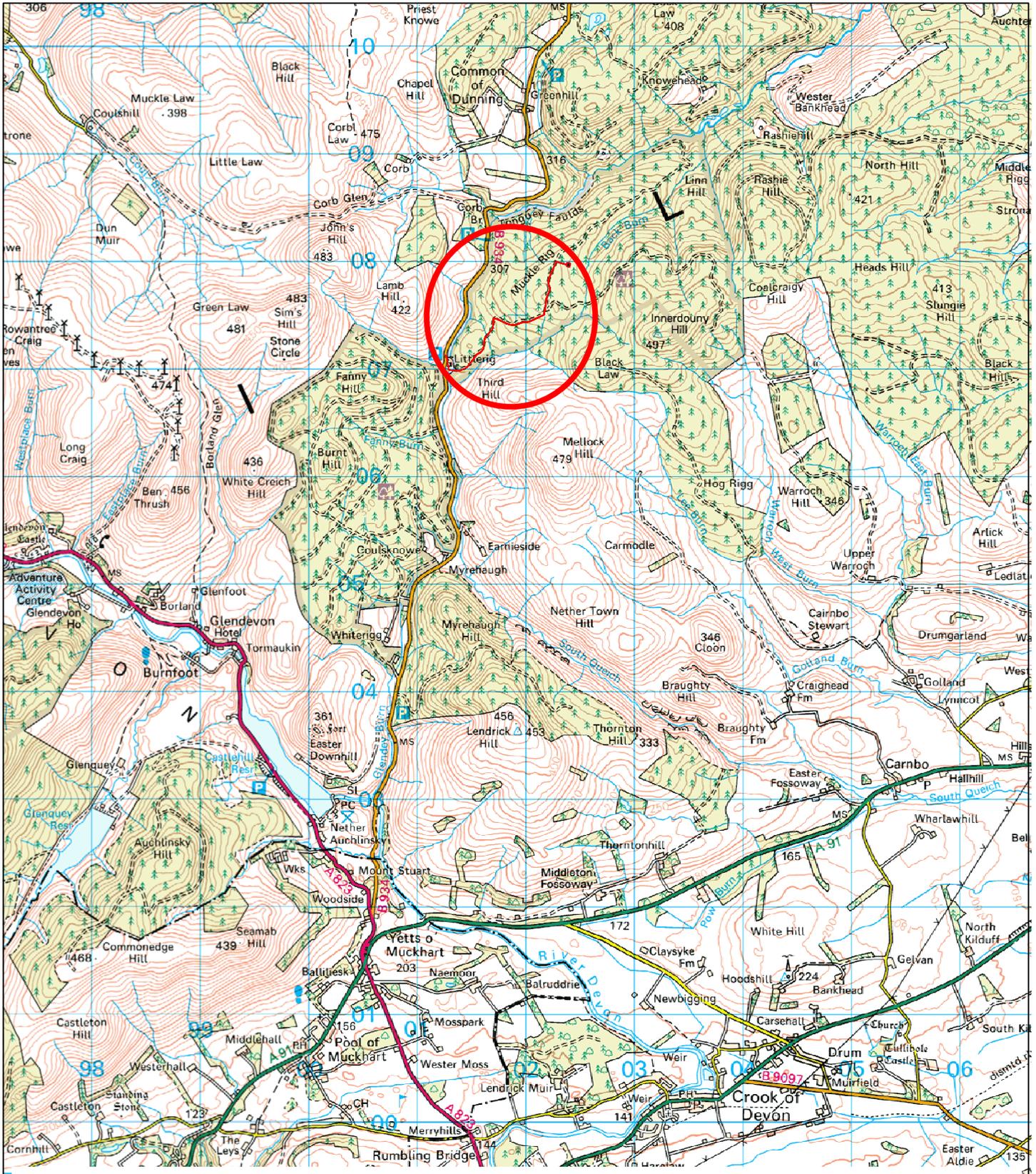
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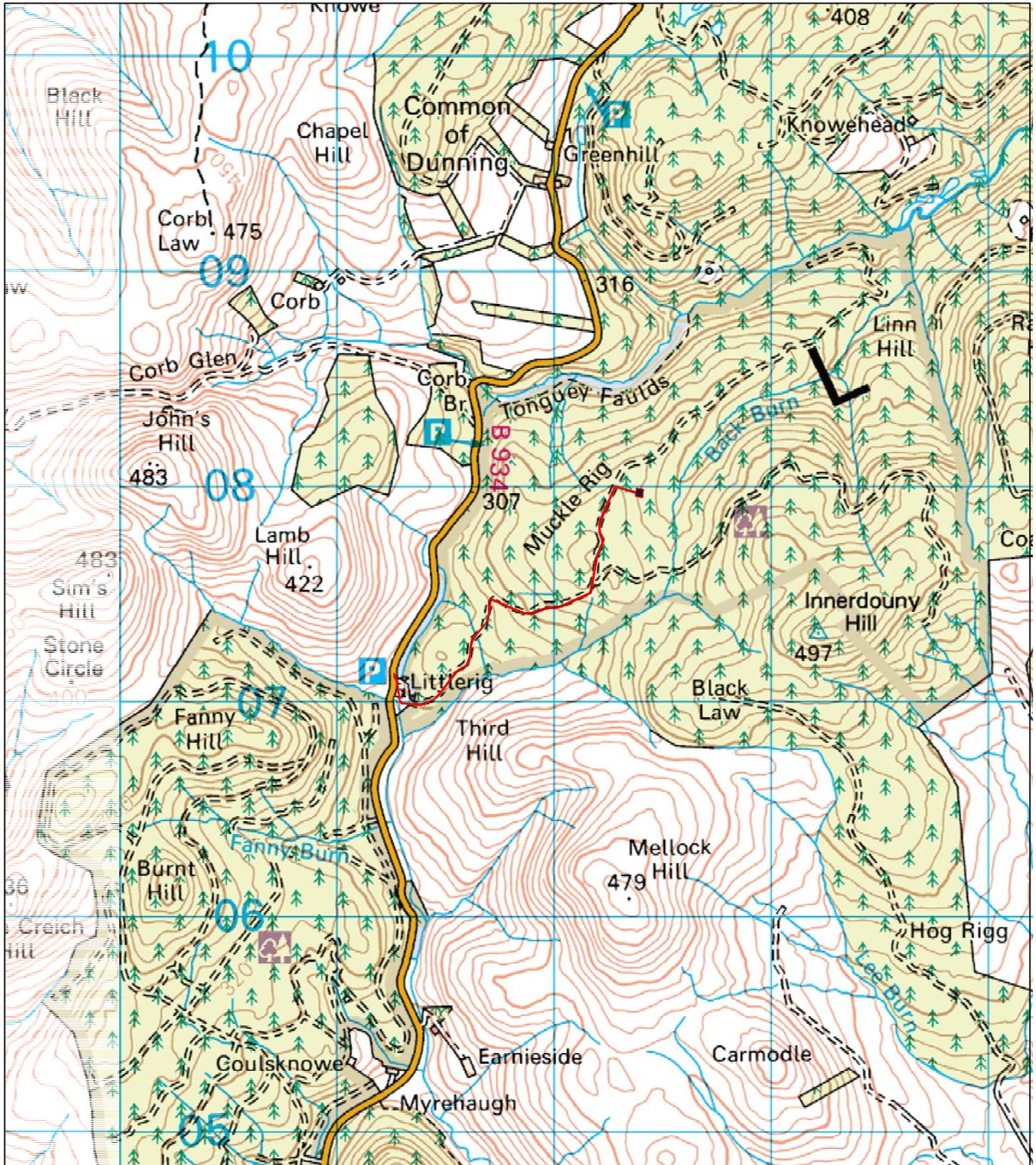
Erection of a meteorological mast (temp. period of 5yrs)



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