

Perth and Kinross Council
Development Control Committee – 13 January 2016
Report of Handling by Development Quality Manager

Modification of permission 13/01926/FLL (erection of a meteorological mast) to extend the time period at Site At Littlerig Forest, Dunning

Ref. No: 15/01822/FLL
Ward No: 2 – Strathmore

Summary

This report recommends approval of the modification of permission 13/01926/FLL (erection of a meteorological mast) to extend the time period as the development is considered to comply with the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 The application relates to the meteorological mast that was recently erected within the commercial plantation at Littlerig Forest, south of Dunning. The structure is an 80 metre high cable guyed lattice mast which was granted permission by the Development Control Committee in February 2014 for a temporary period of 2 years. The mast was erected by the applicant in June 2014 and under the current consent the mast must be removed from site prior to February 2016.
- 2 Planning permission is now being sought to modify the terms of the 2014 temporary consent in order to extend the time period specified from 2 years to 5 years, thereby extending the temporary period by an additional 3 years.
- 3 It should be noted that this application solely relates to the temporary meteorological mast and the 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 Assests

- 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 Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. 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 Perth and Kinross Landscape Supplementary Guidance 2015

SITE HISTORY

- 13 13/01926/FLL Erection of a meteorological mast (for a temporary period of 5 years) site at Littlerig Forest Dunning, Approved by the Development Management Committee on 19 February 2014 for a temporary period of 2 years.

CONSULTATIONS

External

Ministry of Defence

- 14 The MOD has no safeguarding objections to this proposal.

Internal

- 15 None

REPRESENTATIONS

- 16 A total of 7 letters of representation have been received from 6 households, all of which have objected to the application.
- 17 The representations have raised the following issues:
- Impact on landscape character and visual amenity.
 - Concerns that this will lead to a future application for a wind farm on this site.
 - Inappropriate land use.
 - Loss of open space.
 - Lack of justification for extension to temporary consent.
- 18 The relevant issues are considered in the Appraisal section of this report. It must however be repeated that any concerns raised regarding a wind farm on this site are not relevant as this application solely relates to the meteorological mast that presently stands on the site. These issues cannot therefore be considered as part of the current planning application.

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.
- 21 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.

Landscape/Visual Impact

- 22 The mast is located within an area of forested hill side which rises from the east from the B934. The wider area forms part of the western extent of the Ochil Hills range which is identified as a Special Landscape Area within the Council's recently adopted Landscape Supplementary Guidance (2015). The Ochil Hill range is a distinctive fault line that stretches from Stirling to the Firth of the Tay. Whilst the most dramatic scarp of the Ochil Fault lies largely outside Perth and Kinross, the westward expanse of the hills forms a major feature in the area, contributing to the setting of both Kinross-shire to the south and Strathearn and Strathallan to the north. As outlined within the supplementary guidance the development of single wind turbines and wind farms, as well as pylons and other tall structures are a major force for change in this area.
- 23 It is noted that a number of objections have been received that refer to the visual impact of the mast on the surrounding landscape. However having visited the site it is considered that the mast has a very limited visual impact on the character of landscape. Whilst at 80m in height the mast is the tallest structure within the immediate vicinity of the application site, its slender, slim-line form, narrow high tension wire stays, and its location within an established planted area greatly minimises the visual impact of the structure within the landscape. The undulating topography within Dunning Glen also greatly restricts any clear views of the mast, with the structure only partially visible above the commercial forestry along short sections of the public road when approaching from the direction of Dunning.
- 24 In addition to the above, it should be noted that 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 is not a complimentary addition to this hill side landscape, its siting for a temporary period only, with removal after the end of any agreed monitoring period ensures that any detriment to the appearance of the landscape is for a limited time only.

Bio Diversity

- 25 All developments must 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.
- 26 There are no identified protected wildlife sites within close proximity of the site but it is acknowledged that extending the operational period of the mast will also increase the period of time that birds will be exposed to potential risk of collision whilst passing through the development site. This was a matter that was addressed during the assessment of the original application and in accordance with the requirements of the conditions the applicant has marked a number of the cables with brightly-coloured reflectors to make the mast more obvious to birds.
- 27 As discussed below, the requested period of 5 years is excessive but it is considered that an additional period of 1 year would not have any significant detrimental impact on natural heritage interests.

Temporary Timescales

- 28 As per the committee report for the 2014 consent, the applicant's request for 5 years is considered to be an excessive timescale for a temporary permission. The existing mast was completed in June 2014 and has permission until February 2016; as such, the applicant will have gained 20 months of wind data by the end of the original temporary consent. The maximum temporary period that the Council would normally grant consent for a meteorological mast is 2/3 years but it is acknowledged that in certain instances, there may be a justification for an additional period of monitoring.
- 29 In this instance, the applicant has advised that the 5 years is their standard request and that an additional 3 years (to the original 2 years) will primarily allow for the provision of a robust, representative set of meteorological data required to assess the viability of a wind energy development at the site. It would also allow them to undertake noise prediction modelling through best practice means (i.e. using site specific wind & met data) and undertake bat surveys at height, in line with best practice guidance for protected species impact assessments, associated with any future EIA process.
- 30 Whilst it is accepted that there may be a need for additional time to collate additional wind data in order to create a more reliable resource of information, the justification given by the applicant for extending the timescale is insufficient. Any request for additional time, particularly an additional 3 years, requires a detailed justification which outlines specifically why in this particular case the additional time period is need for monitoring purposes (i.e. the date mast become operational, how much data has been gathered to date, how much data is required to identify the viability of

the site). It is therefore considered that the applicant has not provided a robust justification for the additional 3 years being requested and I remain unconvinced that there is any need to gather wind data for such a long period of time. However, in line with other similar requests, it is considered that an additional period of 1 year would be more reasonable and should provide sufficient wind data to inform the applicant as to the wind resource in this location.

- 31 It is therefore recommended that the consent should be extended to allow for an additional period of 1 year only. The applicant should also be aware that the Planning Authority is unlikely to support any further requests for extensions to the temporary consent without a clear justification for the need for additional monitoring.

Residential Amenity

- 32 The nearest residential receptor at Littlerig is located over 1.4km to the south west of the meteorological mast and when standing at this property the structure is not visible. I am satisfied that the nature of this development and its location a considerable distance from neighbouring residential properties ensures that there is no direct impact on residential amenity. It is also noted that this service has not received any complaints regarding the operation of the mast since it is has been erected.
- 33 As such, it is considered that the mast has no impact on the residential amenity of any houses in the local area.

Access

- 34 The site is accessed via an existing forestry track and no new access tracks or improved tracks are required to service the site. As such, access to the site is not considered to be an issue.

Representations – Wind Farm

- 35 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 assessed separately 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

- 36 None

DIRECTION BY SCOTTISH MINISTERS

- 37 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

- 38 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 Consent is hereby granted for a limited period until 19th February 2017; 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.

Reason - To clarify the extent of the permission for the avoidance of doubt and to safeguard the amenity of the area.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None

D INFORMATIVES

None

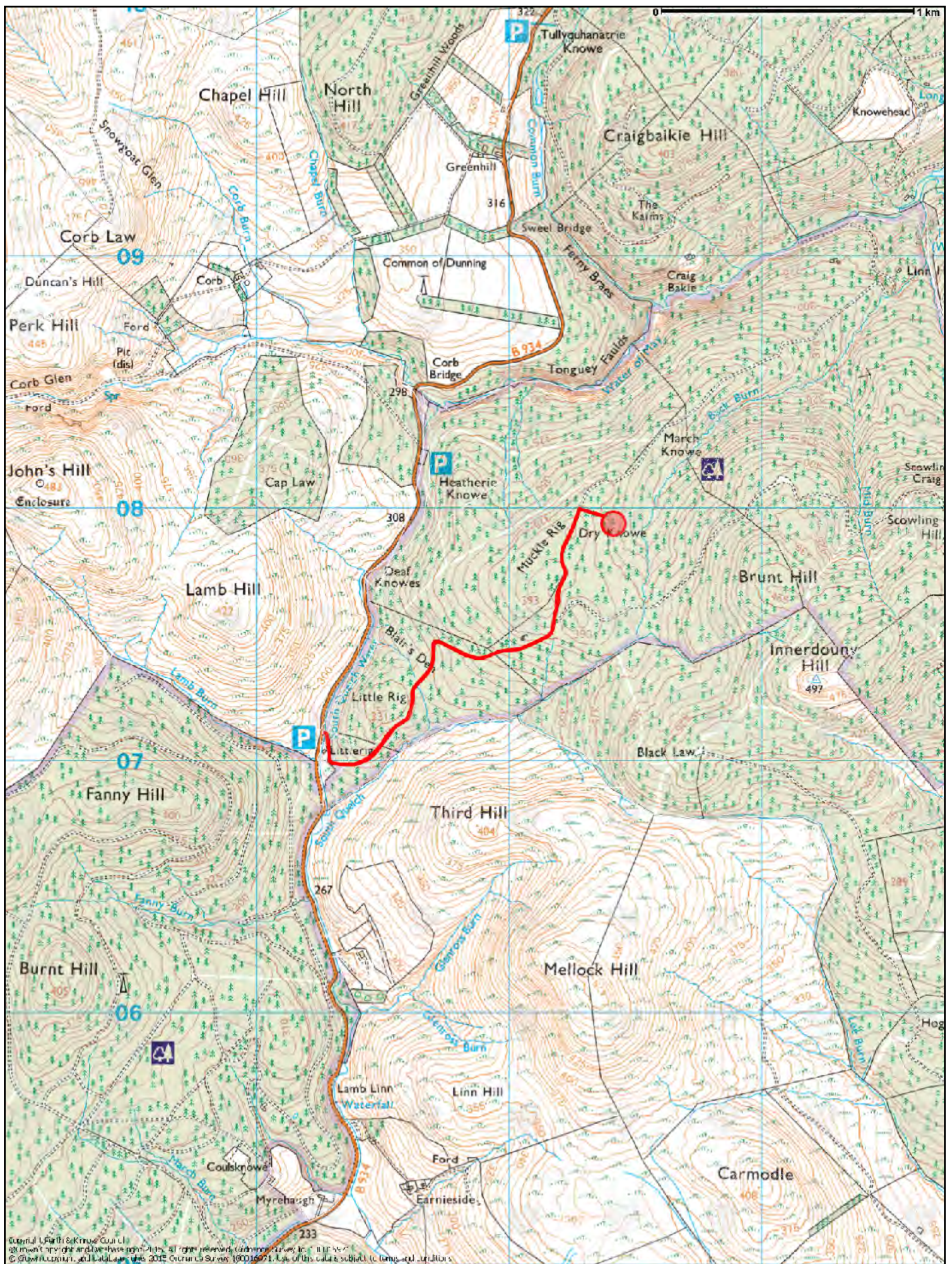
Background Papers: 7 letters of representation
Contact Officer: David Niven – Ext 75345
Date: 17 December 2015

Nick Brian
Development Quality Manager

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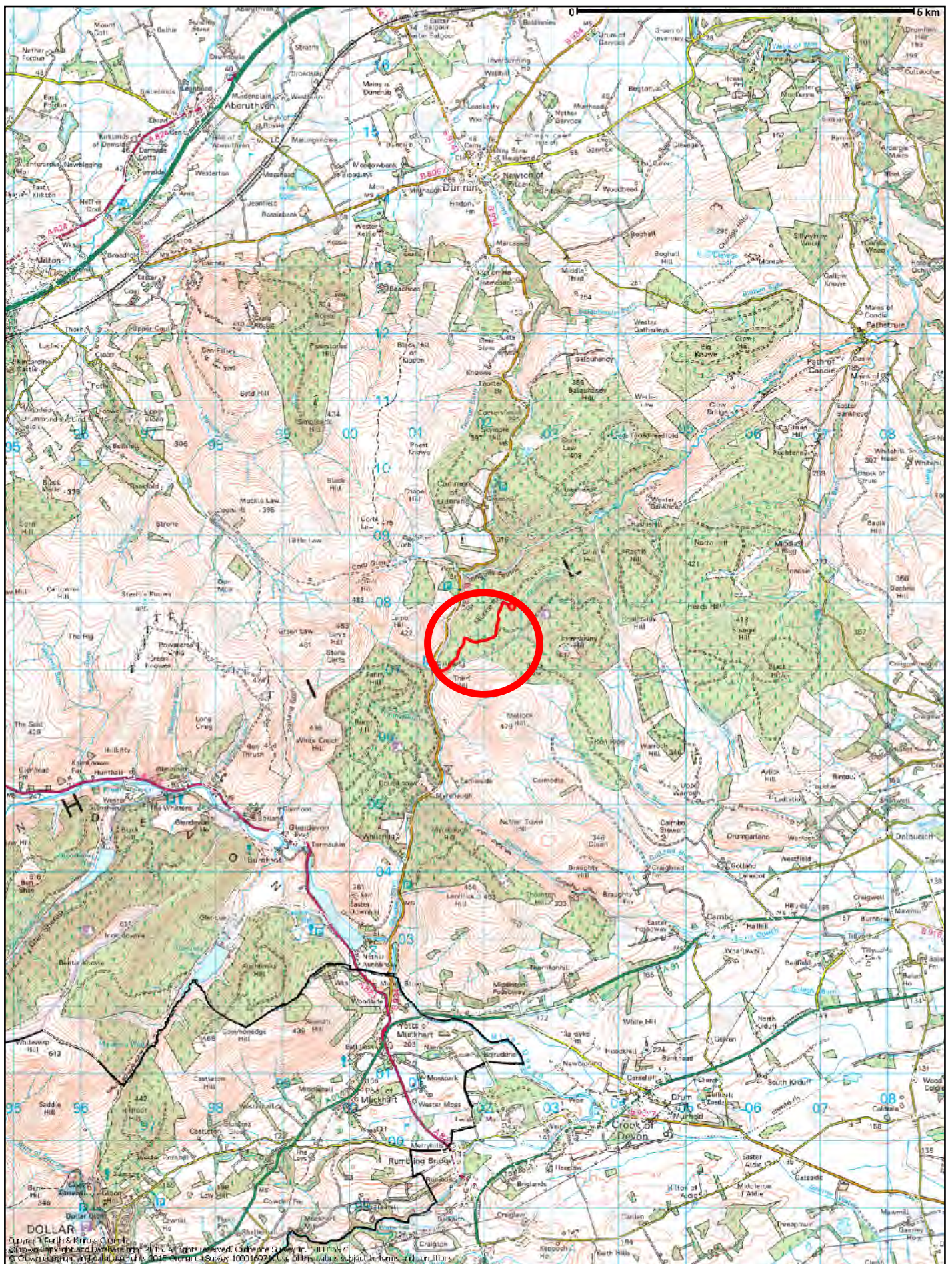


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