

Perth and Kinross Council
Development Management Committee – 12 August 2015
Report of Handling by Development Quality Manager

**Erection of wind monitoring mast (in retrospect) at Southtown Farm,
Bandirran, Perth, PH2 6JE**

Ref. No: 15/00876/FLL
Ward No: N2 – Strathmore

Summary

This report recommends approval of the application for the erection of a wind monitoring mast (in retrospect) as the proposal 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 in retrospect at Southtown Farm located 2miles east of Balbeggie. The mast is tubular steel held upright by guy ropes anchored into the ground. The structure does not have any extensive foundations, with the mast itself standing on a steel plate seated into the ground and the guy ropes attached to buried anchors.
- 2 The mast has been erected to monitor weather conditions and information obtained is to be used to confirm the wind resource available in this location. The agent has confirmed that a recent planning application for the erection of 4 wind turbines ref 14/00097/FLM at the site was withdrawn as they are in discussions with a local community group (The Windfall Community Development Trust) who are considering taking the project forward on behalf of the surrounding communities. It is therefore desirable for the mast to remain in place to continue to collect wind data to inform any future application that they may wish to make.
- 3 Access to the site is along an existing road access to Southtown of Bandirran and then off that to a location within the field.
- 4 It should be noted that this application solely relates to the erection of the existing wind monitoring mast and any consideration of a potential wind farm is not relevant to the assessment of this application.

NATIONAL POLICY AND GUIDANCE

- 5 The Scottish Government expresses its planning policies through the National Planning Framework 3, the Scottish Planning Policy (SPP) and Planning Advice Notes (PAN).

National Planning Framework

- 6 The third National Planning Framework for Scotland (NPF) was published in June 2014, setting out a strategy for Scotland's spatial development for the next 20 – 30 years. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

Scottish Planning Policy 2014

- 7 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- the preparation of development plans;
 - the design of development, from initial concept through to delivery; and
 - the determination of planning applications and appeals.
- 8 The following sections of SPP (2014) are of particular importance in the assessment of this application:-
- Paragraphs 24 – 35: Sustainability
 - Paragraphs 74 – 83: Promoting Rural Development
 - Paragraphs 152 -174: Delivering Heat and Electricity
 - Paragraphs 193 -218: Valuing the Natural Environment

DEVELOPMENT PLAN

- 9 The Development Plan for the area consists of the TAYplan Strategic Development Plan 2012 – 2032 (Approved June 2012) and the Perth and Kinross Local Development Plan (Adopted February 2014).

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

- 10 The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

The principal relevant policy is:

Policy 3: Managing Tayplan's Assets

- 11 Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area.

PERTH AND KINROSS COUNCIL LOCAL DEVELOPMENT PLAN FEBRUARY 2014

12 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

13 The principal relevant policies are, in summary:

Policy PM1A - Placemaking

14 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaptation.

Policy NE3 - Biodiversity

15 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

OTHER POLICIES

16 None.

SITE HISTORY

17 **13/00192/FLL** Erection of 80m wind monitoring mast at Southtown Farm, Bandirran, Perth, PH2 6JE – approved by the Development Management Committee on 24 April 2013

CONSULTATIONS

External

18 **Ministry of Defence** - No objection subject to mast being fitted with aviation lighting however this was conditioned on the previous approval and confirmation was received that this had been implemented.

INTERNAL

19 None

REPRESENTATIONS

20 A total of 4 letters of representation have been received raising the following issue:

- Wind turbines not acceptable in this location

- 21 The issue is covered in the Appraisal section although, as mentioned above it is not part of this application or relevant.

ADDITIONAL STATEMENTS

22

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Not required
Report on Impact or Potential Impact	Not required

APPRAISAL

- 23 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.
- 24 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.

Landscape/Visual Impact

- 25 The application site is located within an area of open hill side which rises from west to east. The area is characterised by open hillside, small areas of woodland, scattered farmsteads and isolated dwellings. The countryside in this area is not subject to any specific landscape designation.
- 26 The existing 80m high mast is the tallest structure within the immediate vicinity of the application site, however the slender, slim-line form, narrow high tension wire stays, and the backdrop of rising land to the east and south and the multiple pockets of woodland serve to minimise the visual impact of the structure.
- 27 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 be a complimentary addition to this hill side landscape, it's siting for a further temporary period, with removal after the end of any agreed monitoring period would ensure that any detriment to the appearance of the landscape is limited to a temporary period. Conditions can be incorporated on any planning approval to ensure removal and any necessary ground restoration.

Residential Amenity

- 28 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

- 29 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.
- 30 There are no identified protected wildlife sites within close proximity of the site but it is acknowledged that the wind monitoring mast may result in an increased risk of collision to any birds passing through the development site. As required in the previous approval the mast and the guy ropes on the mast are marked with brightly-coloured reflectors to make the mast more obvious to birds.

Temporary Timescales

- 31 The proposed mast was previously given permission for a temporary period of two years and I consider a further two years to be acceptable and reasonable in this location.

Future Wind Turbine Developments

- 32 The application is for extension to the time scale previously approved. If the mast is given a further temporary permission, the Council would not be obliged to necessarily grant consent for the erection of wind turbines and ancillary development in this location. Such a proposal is 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 2013, 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 Plan 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.

RECOMENDATION

A Approve the application subject to the following condition

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.

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 in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

C PROCEDURAL NOTES

None

D INFORMATIVES

- 1 None

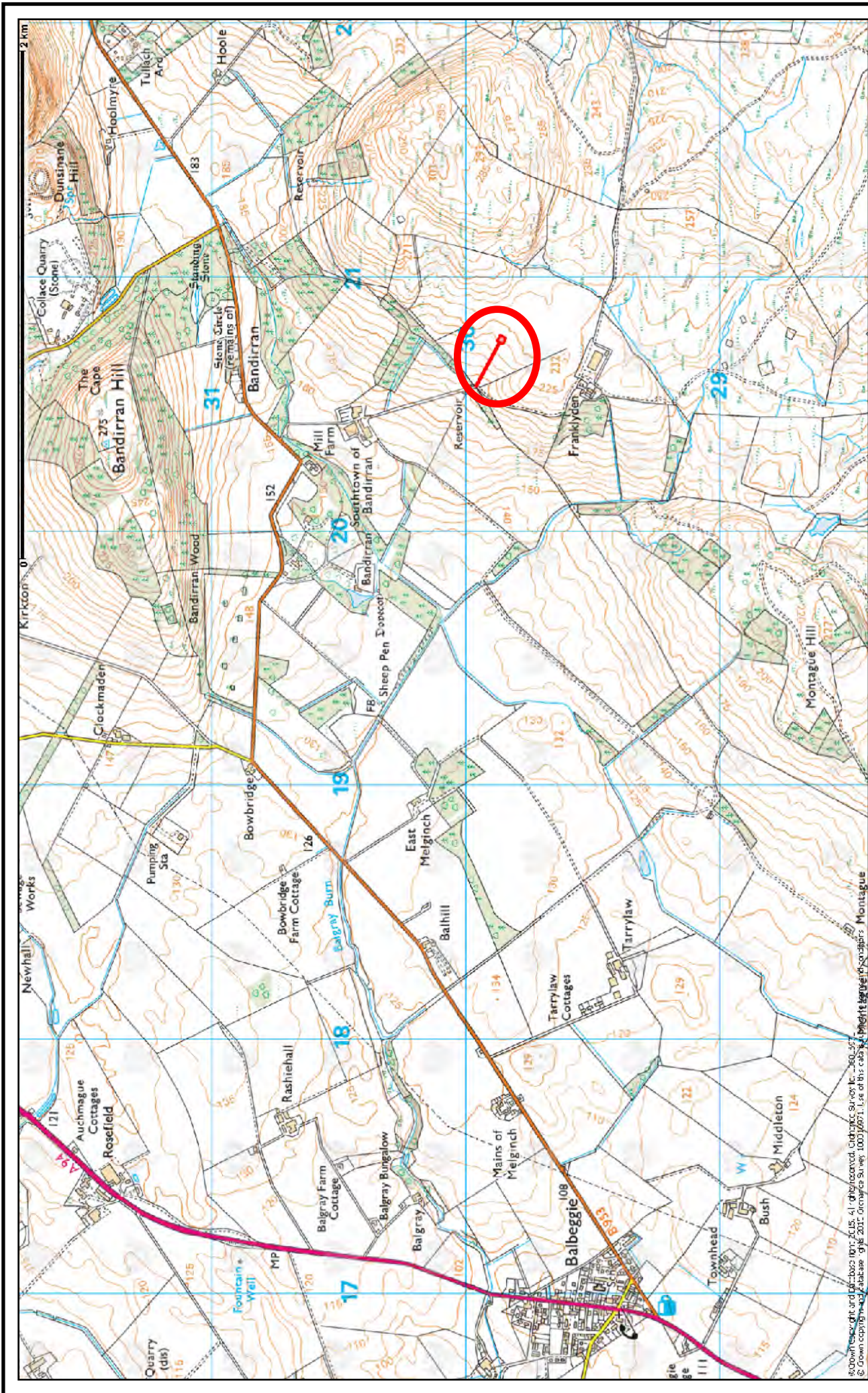
Background Papers: 4 letters of representation
Contact Officer: Joanne Ferguson Ext 75320
Date: 29 July 2015

NICK BRIAN
DEVELOPMENT QUALITY MANAGER

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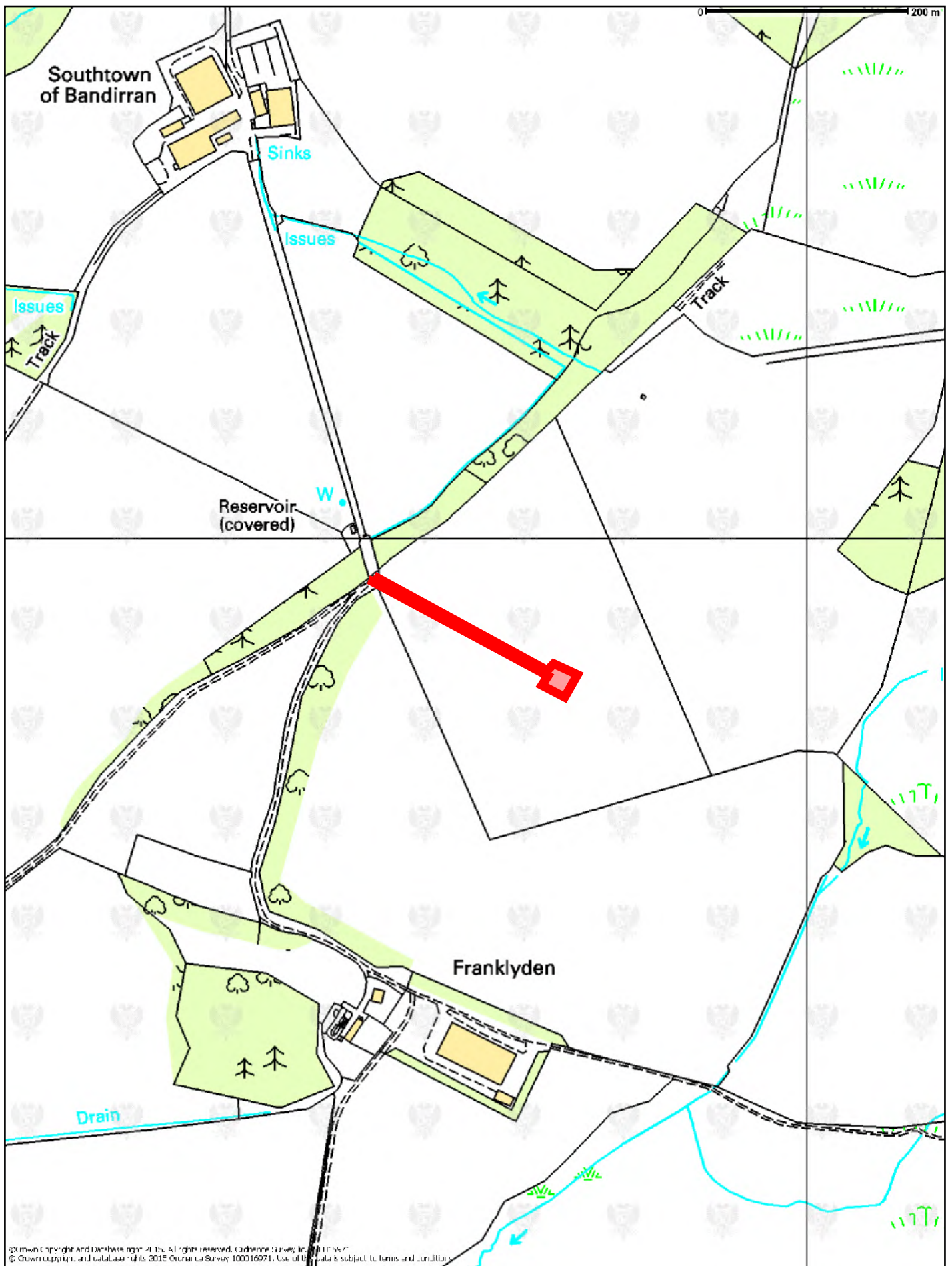


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Development Management Committee
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