

**Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 17/02949/PP

**Planning Hierarchy:** Local Development

**Applicant:** Infinergy Ltd

**Proposal:** Erection of metrological mast (80 metres high) for a temporary period of 3 years

**Site Address:** Land Approximately 1,593m North West of Craigendive, Loch Striven

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**DECISION ROUTE**

**(i) Local Government Scotland Act 1973**

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**(A) THE APPLICATION**

**(i) Development Requiring Express Planning Permission**

- Erection of meteorological mast (80m to top) for a temporary period of 3 years
  - Mast involves the installation of a 79.5m mast with 0.5m of equipment on top,
  - Ten guy wires with six at a 50m radius point and four at 25m

**(ii) Other specified operations**

- Installation will be via mobile plant and ATV with no requirement for a fixed access track.
  - Removal will be via the same method.
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**(B) RECOMMENDATION:**

It is recommended that the application is approved subject to the conditions and reasons appended to this report.

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**(C) HISTORY:**

There is no history on this particular site and a wind farm has been proposed adjacent:

16/03257/SCRSCO – EIA Screening and Scoping opinion request for proposed wind farm responded on 28/2/17

**(D) CONSULTATIONS:**

Glasgow Prestwick Airport, Email received 21/11/17

There is no objection to the proposal.

National Air Traffic Services (NATS) Safeguarding, Email received 23/11/17

NATS raise no safeguarding objection to the proposal.

SNH, Email received 27.11.17

The application falls below the threshold for consultation with SNH.

Royal Society for the Protection of Birds (RSPB), Email received 21/12/18

There is no objection to the met mast subject to conditions relating to the installation of bird flight diverters and the timing of works.

Argyll Raptor Study Group, Email received 22/12/17

The area between Cruach Mhor Wind Farm and the B836 is the most important area for Hen Harrier in Cowal. Should the mast be approved then a condition should be attached requiring bird deflectors to the cables supporting the mast to increase visibility and decrease the risk of collision.

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**(E) PUBLICITY:**

The proposal has been advertised in terms of regulation 20, closing date 22/12/17.

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**(F) REPRESENTATIONS:**

There have been 24 objections. Of these 4 have been submitted without a postal address and a further 2 have made comments only relating to a windfarm which is not part of this planning application.

Angela King, Hillhouse, Loch Striven, Dunoon, PA23 8RG (19/12/17)

Adrian Robertson, Hillhouse, Loch Striven, Dunoon PA23 8RG (16/12/17)

David Eaglesham, Ardachuidh, Colitraive, PA22 3AR (1/12/17)

Bruce Chambers, Auchnabreck Farm, Colintraive, PA22 3AH (4/12/17)

Karen Scotland, Caol Ruadh, Colintraive, PA22 3AR (15/12/17)

James Murray, Underwood Cottage, Main Road, Sandbank, PA23 8PD (16/12/17)

Froukje van Bommel, Stronafian House, Colintraive, PA22 3AH (16/12/17)

Frans van Bommel, Stronafian House, Colintraive, PA22 3AH (16/12/17)

Sylvia Anne Hoskins, Craigshannoch Lodge, Midmar, Inverurie, Aberdeenshire, AB51 7LX (16/12/17)

Jacob Sim, Anchorage House, Tighnabraich, PA21 2DX (16/12/17)

Nigel Sim, Anchorage House, Tighnabraich, PA21 2DX (16/12/17)

Johanne Sim, Anchorage House, Tighnabraich, PA21 2DX (16/12/17)

Joshua Sim, Anchorage House, Tighnabraich, PA21 2DX (16/12/17)

Reg MacDonald, Colbruach, Loch Striven, PA23 8RG (13/12/17)

Pieter van der Werf, Tigh na Ceardaich, Colintraive, PA22 3AH (22/12/17)

Fiona Page, Tigh na Ceardaich, Colintraive, PA22 3AH (20/12/17)

Gillian Brereton-Smith, Inverneill, Colintraive, PA22 3AU (22/12/17)

Danielle de Bisschop, 2 Ferrybank Cottages, Colintraive, PA22 3AR (10/1/18)

No address provided

Rod Ferguson, No address (16/12/17)

Jamie Pastori, No address (22/12/17)

Barbara Crawford Howson, No address (21/12/17)

Norma Murray, No Address (19/12/17)

Comments about wind farm only

Kathleen Halley, No address (16/12/17)

Jim Halley, No address (16/12/17)

**(i) Summary of issues raised**

- Objection on the basis that the applicant must already have the meteorological data they need for the proposed wind farm.  
Comment: Whether or not the applicant has the necessary data is not a material planning consideration.
- General comments about a potential wind farm and what impact this application might have on that.  
Comment: Every planning application must be assessed on its own merits therefore comments regarding any potential windfarm cannot be considered material to the determination of this application.
- The mast will be visible for miles.  
Comment: Landscape and visual concerns are addressed in appendix A below.
- This application should not be considered until the wind farm application has been determined.  
Comment: Every planning application must be assessed on its own merits therefore comments regarding any potential windfarm cannot be considered material to the determination of this application.
- The mast represents a threat to protected bird species especially with a SSSI nearby for eagles.  
Comment: Potential impact on avian species is considered in Appendix A below. However it should be noted that there is no SSSI specifically for Golden Eagles rather the area is part of their range.
- Concerns over how the site will be accessed and the permanence of any access.  
Comment: The site will be accessed using existing forest roads and an ATV. There will be no new access arrangements.
- Proposal is not consistent with the Landscape Capacity Study as it is some 60m taller than the hill summit and the capacity study states a maximum height for turbines of 50m.  
Comment: The Wind Energy Landscape Capacity Study relates to wind turbine development and not meteorological masts.
- Concerns over landscape and visual impact given it lies within an APQ and is adjacent an NSA.  
Comment: Matters of landscape impact are assessed in Appendix A below.
- Concerns over impact on tourism.

Comment: It is not anticipated that the met mast will have an adverse impact on tourism given its remote location.

- The mast is an unnecessary way to gather data when another wind farm is so close.  
Comment: This is not a material planning consideration.
- Concerns over low flying craft with no illumination on the top of the mast.  
Comment: There has been no objection from National Air Traffic Services or Glasgow Prestwick Airport in relation to aircraft safety.
- The mast is not in the location of the proposed turbines.  
Comment: This is not a material planning consideration in the determination of this application.

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**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

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| <b>(i) Environmental Statement:</b>   | <b>No</b>  |
| <b>(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b>   | <b>No</b>  |
| <b>(iii) A design or design/access statement:</b>   | <b>No</b>  |
| <b>(iv) A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:</b> | <b>Yes</b> |

Met Mast Specifications sheet

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**(H) PLANNING OBLIGATIONS**

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| <b>(i) Is a Section 75 obligation required:</b> | <b>No</b> |
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| <b>(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:</b> | <b>No</b> |
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**(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

- (i) List of all Development Plan Policy considerations taken into account in assessment of the application.**

Argyll and Bute Local Development Plan (March 2015)

LDP STRAT 1 – Sustainable Development  
LDP DM 1 – Development within the Development Management Zones  
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment

LDP 6 – Supporting the Sustainable Growth of Renewables  
LDP 9 – Development Setting, Layout and Design  
LDP 10 – Maximising our Resources and Reducing our Consumption

Supplementary Guidance to the Argyll and Bute Local Development Plan 2015  
(Adopted March 2016)

SG LDP ENV 1 - Development Impact on Habitats, Species and our Biodiversity  
(i.e. biological diversity)  
SG LDP ENV 12 - Development Impact on National Scenic Areas (NSAs)  
SG LDP ENV 13 - Development Impact on Areas of Panoramic Quality (APQs)  
SG LDP – Sustainable Siting and Design Principles

**(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Scottish Planning Policy (2014)  
Consultation responses  
Third party representations raising material planning considerations relevant to this application

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**(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No**

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**(L) Has the application been the subject of statutory pre-application consultation (PAC): No**

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**(M) Has a sustainability check list been submitted: No**

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**(N) Does the Council have an interest in the site: No**

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**(O) Requirement for a hearing: No**

The proposal raises no complex issues that would benefit from consideration at a discretionary hearing. The issues raised by the proposal means that there would be no added value from such a process.

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**(P) Assessment and summary of determining issues and material considerations**

The application site relates to a remote area of localised open ground within an extensive area of moorland to the north of the B836. According to the Wind Energy Landscape Capacity Study 2017 the landscape character type is 'Steep Ridgeland and Mountains'. Planning permission is sought for the erection of a narrow profile triangular lattice construction mast 80m high for a temporary period of three years. The mast will be made up of a lattice tower measuring 79.5m with meteorological equipment on top bringing the overall height to 80. There will be ten guy wires set in pairs positioned at 15m intervals. Six of these will be set at a 50m radius from the base of the mast whilst the remaining four will be at 25m.

In terms of the principle of development, this application represents small-scale, temporary, renewable energy related proposal within an area designated as 'Very Sensitive Countryside' by the Development Plan. Policies LDP STRAT 1 and LDP DM 1 offer broad encouragement to such proposals. In areas of Very Sensitive Countryside without the need for an Area Capacity Evaluation (ACE) broad encouragement is offered to renewable energy related development.

The construction and operation of the mast are such that there are no infrastructure or servicing implications for the development, and the location is sufficiently remote that there are no relevant considerations with regard to the impact on neighbouring land uses. As such, the key issues in the assessment of this application are visual and landscape impact and biodiversity.

There have been 24 objections. Of these 4 have been submitted without a postal address and a further 2 have made comments only relating to a windfarm which is not part of this planning application. There have been no objections from consultees subject to conditions.

The application is recommended for approval subject to conditions relating to lifespan of the development, timing of works and the fixing of bird deflectors to the guy wires.

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**(Q) Is the proposal consistent with the Development Plan: Yes**

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**(R) Reasons why planning permission or a Planning Permission in Principle should be granted**

The application is for an 80m tall lattice work meteorological mast in a remote area south of Cruach Mhor wind farm and north of the B836. The application must be assessed on its own merits and cannot consider any potential future related wind farm development. The site is an area of open moorland with land rising to the east and falling away to the west. Views from public areas will generally be very limited as a result of the distance and the landform. Lattice work towers such as this are difficult to view at distance on anything other than a clear day. The main issues with this application are landscape and biodiversity. Given the landscape character, temporary nature of the development and the distance from public views the application is considered consistent with the provisions of policies LDP STRAT 1, LDP DM 1, LDP 6, LDP 9, LDP 10, SG LDP ENV 12, SG LDP ENV 13 and SG LDP – Sustainable Design Principles.

The proposal could have the potential to increase avian casualties given the use of the site by various protected bird species especially Hen Harrier. To this end a planning condition is attached requiring the application of bird flight diverters and a limit to the timing of the works. With this in mind a condition is attached and therefore the proposal is consistent with the provisions of policies LDP 3 and SG LDP ENV 1.

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**(S) Reasoned justification for a departure to the provisions of the Development Plan**

N/A

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**(T) Need for notification to Scottish Ministers or Historic Environment Scotland: No**

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**Author of Report: David Love**

**Date: 2<sup>nd</sup> February 2018**

**Reviewing Officer: Sandra Davies**

**Date: 2<sup>nd</sup> February 2018**

**Angus Gilmour  
Head of Planning, Housing and Regulatory Services**

## CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 17/02949/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 13/11/2017 and the approved drawing reference numbers:  
Plan 1 of 4 Location Plan  
Plan 2 of 4 Site Plan  
Plan 3 of 4 Site Plan  
Plan 4 of 4 Mast Plan and Mast Elevation

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

*Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.*

2. Notwithstanding the provisions of Condition 1 above, bird flight diverters (BFDs) shall be fitted to all of the proposed guy wires at intervals of 2.5 metres for the first 20 metres from the ground and then at 5 metre intervals for the remaining height. The BFDs shall be fixed to the guy wires before the erection of the mast and thereafter maintained for its lifetime, unless any written agreement otherwise has been obtained in advance from the Planning Authority.

*Reason: In the interests of natural heritage, in order to reduce the potential for avian casualties.*

3. No works shall be carried out during the bird breeding season, March to September inclusive, unless a pre-commencement survey for ground nesting birds is carried out and submitted to the planning authority for approval prior to the commencement of development.

*Reason: In the interests of conserving ground nesting birds and ensuring their protection.*

4. The planning permission hereby granted shall be for a limited period of 3 years from the date upon which development works commence. The wind monitoring mast and supporting guy wires (and any base and associated fencing) shall be completely removed and the site reinstated within one month of this planning permission expiring, unless a further permission for an extended period is obtained from the Planning Authority.

*Reason: In order to define this temporary permission, in order that the Planning Authority may review the circumstances pertaining to the development within a reasonable time period and in the interest of visual amenity.*



## NOTE TO APPLICANT

- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- **The length of the permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]

## APPENDIX A – RELATIVE TO APPLICATION NUMBER: 17/02949/PP

### PLANNING LAND USE AND POLICY ASSESSMENT

#### A. Settlement Strategy

The site is located within the Very Sensitive Countryside development management zone. Policy LDP DM 1 (Development within the Development Management Zones) states under section (f) that "...encouragement will only be given to specific categories of development on appropriate sites. These comprise:

- (i) Renewable energy related development"

Given the meteorological mast is for gathering data in connection to wind energy development it is consistent with the provision of LDP DM 1. Therefore, the principle of the application within this development management zone is consistent with this policy.

**The proposal is consistent with policy LDP DM 1 by virtue of section (f) as the development is related to renewable energy.**

#### B. Location, Nature and Design of Proposed Development

The site is located north west approximately one mile from Craighendive which itself is at the head of Loch Striven and adjacent the B836. The area is sparsely populated with Clachan being the nearest settlement which is some five miles as the crow flies to the south east and Sandbank at eight miles. Cruach Mhor wind farm is some one and a half miles to the north. The site itself is within an area of open moorland which flattens out to the north. The highest points nearby are Cruach nan Cuilean to the north east at 432m AOD and A'Chruach to the south east at 365m AOD. The site sits at around 310m AOD. Generally the land rises to the east but falls to the west and south west. Some 800m to the west lies a considerable area of plantation style forestry.

Planning permission is sought for the erection of a narrow profile triangular lattice construction mast 80m high for a temporary period of three years. The mast will be made up of a lattice tower measuring 79.5m with meteorological equipment on top bringing the overall height to 80. There will be ten guy wires set in pairs positioned at 15m intervals. Six of these will be set at a 50m radius from the base of the mast whilst the remaining four will be at 25m.

**Given the remoteness of the site, the distances from receptors and the slim line nature of the tower there will be a neutral impact by the development and it is considered that the application is consistent with policy SG LDP – Sustainable Siting and Design Principles.**

#### C. Natural Environment

The site itself is not designated for any natural heritage reasons but the Argyll Raptor Group (ARG) and the RSPB has offered comment that the area is important to several species afforded protection by virtue of EU legislation.

According to both organisations species at risk include Golden Eagle, Hen Harrier, Merlin and Short Eared Owl. Of particular importance is the potential for risk to Hen Harriers given the decline in numbers over recent years. There has been no comment from SNH as the development falls below their consultation threshold and given the site itself is not under a designation for the protection of avian species it is considered appropriate to accept the reasoning of RSPB and ARG and their recommendation that should the application be approved then the mast's guy wires are fitted with bird flight diverters

(BFDs). This will increase visibility and reduce the collision risk. Another condition, as recommended by RSPB, will restrict works to outwith the bird breeding season to further lessen the risk of avian casualties.

Although SNH did not comment formally they were asked advice on the timings of the works and the status of Golden Eagles in the area. It was confirmed that there are no SSSIs in the area for Golden Eagles but it does form part of their range. The met mast itself will not adversely impact on Golden Eagles. They have agreed with the two conditions to cover BFDs and the timing of works.

**Considering the above the proposal is consistent with the provisions of policies LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment and SG LDP ENV 1 - Development Impact on Habitats, Species and our Biodiversity (i.e. biological diversity).**

#### **D. Landscape Character**

The landscape character type is ‘Steep Ridgeland and Mountains’. This upland landscape comprises steep-sided, craggy-topped mountains and sharp ridges deeply cut by the long, narrow sea lochs of Cowal. The site lies within the Bute and South Cowal Area of Panoramic Quality (APQ) whilst the Kyles of Bute National Scenic Area (NSA) is to the west. Policy SG LDP ENV 13 (Development Impact on APQs) requires “any significant adverse effects on the landscape quality for which the area has been designated are clearly outweighed by social, economic or environmental benefits of community wide importance”. In this instance the development is a tall slim lattice work tower. Views of the mast will be limited due to the distances involved from receptors and the slim line design of the lattice work tower. The nearest public view will be from the B836 south of Craighendive where the road levels out after a steep climb up from the head of Loch Striven but still some 1.4 miles away. Views will be partially restricted by the taller landform but some 25m will be still visible. With this in mind the mast is expected to have a neutral impact on the qualifying interests of the APQ.

To the south west of the site lies the Kyles of Bute NSA. This is some two miles away from the site with key viewpoints all facing west towards to the Kyles of Bute. Views of the met mast will generally be from significantly lower elevations and views obscured. Therefore, there is not expected to be any adverse impact on the qualifying interests on the Kyles of Bute.

**Considering the above the proposed met mast will have a neutral effect on the APQ and no impact at all on the NSA. The slim lattice style tower will be difficult to see from accessible viewpoints and during poor weather it is not expected to be visible at all. With this in mind the application is consistent with policies LDP 9 – Development Setting, Layout and Design, SG LDP 12 – Development Impact on National Scenic Areas and SG LDP 13 – Development Impact on Areas of Panoramic Quality.**

#### **E. Infrastructure**

The applicant does not intend to construct any access tracks or compound area. Access will be achieved via an ATV or similar using an existing forestry track from the A886 up through Cruach Mhor wind farm and then directly onto the site. Maintenance and removal will also be achieved in this manner. There will be no requirement for a permanent access track or site compound.

#### **F. Conclusion.**

The proposal is for an 80m tall lattice work tower in a remote area of Cowal. The nearest public view points are considerable distances away and lattice work towers are usually difficult to see on anything other than a clear day. Given the distance to public viewpoints, temporary nature of the development and the landscape character it is considered that that the application is consistent with development plan policy relating to landscape and renewable energy development.

Although no official comments have been received from SNH the local ARG and RSPB has advised that the area is well used by Hen Harrier and that the proposal could increase avian casualties via collision risk. To this end, and with their recommendation, a condition is attached requiring bird flight diverters to be attached to the guy wires and maintained for the lifespan of the development. Another condition will limit works to outwith the bird breeding season. Officers approached the local SNH office for advice and they have agreed with the above approach.

Officer support for this proposal should not be considered as support for any future wind farm submission. Each application must be considered on its own merits and cannot consider what may or may not be proposed at a future date.

In conclusion the proposal, with conditions, is considered consistent with development plan policy.