

Richard Smiths Response – 17/11/09

To Our Large Response Letter

Dear Oliver,

Re: Planning application 09/00247/FUL erect 2 wind turbines at Myreton, Grange, Keith.

Thank you for your letter dated 16 October regarding the above.

In reply to the points raised I would respond as follows:

Television Reception – Your agreement to a condition requiring a baseline TV reception study to be undertaken prior to installation and any mitigation measures is noted. Should the application become the subject of an appeal in the future, this condition would be recommended to the relevant local review board in the event that it may decide to allow the appeal.

Preferred Search Area – The intention of policy ER1 is to direct commercial proposals to PSAs (as defined in Supplementary Planning Guidance) to avoid a proliferation of turbines across Moray. Whilst all applications are considered against policy ER1, the SPG is aimed at commercial scale wind turbine developments and individual turbines can, due to their scale and output be regarded as commercial. Notwithstanding your comments regarding the overall scale of your client's proposal, as this is for 2 turbines designed for the generation of electricity for the national grid this is clearly subject to the SPG and PSA criteria.

Unlikely Areas of Windfarm Development – As explained within the SPG, these areas are essentially those remaining parts of Moray which are outwith the PSAs and that are subject to the various constraints listed in the SPG. Whilst your comments are noted in this regard, the current proposal would nevertheless lie within 1km of 8 dwellings failing one of the criteria listed. As such it is a departure to policies ER1 and IMP1 of the development plan.

Your comments in relation to the type and scale of the development proposed and its limited impact upon the area are noted. However, for the reasons already cited in my previous email, the nature of the proposal and the various siting and locational factors in this case lead me to a different view. The same response applies to your statements concerning the income generated by the proposal, which whilst of benefit to your client would still be classed as a commercial wind development and subject to the above mentioned policy siting criteria and SPG.

Precedent – Again your comments are noted and although you are right in stating that each application is dealt with on its individual merits, this does not preclude its inclusion in any refusal decision notice where there are genuine concerns that a precedent could be created. These concerns exist in this instance since approval of the proposal would undermine the Council's strategy for directing such development to the PSA's throughout the district and could weaken any argument for refusal of any further proposals both locally and further a field outwith the PSAs.

Visual and Cumulative Impact - The information and assessments that you have provided showing the extent of visual impact of the proposal from various distances have been considered. Whilst these assert that from 5km the turbines would only be seen from approx. 40% of the surrounding area, they nevertheless would occupy an elevated hillside location outwith any PSA and would appear as prominent features when viewed from the south and southwest. The same response applies to your assertion that the likely cumulative effects of the proposed development taken together with other consented, proposed and constructed turbines in the surrounding area, will be limited.

Additional Guidance – The Development Plans Section has recently prepared a standard policy interpretation on ER1, which it intends to present to the next Planning and Regulatory Services committee on 24 November for information. Once it is placed on the committee

agenda (usually 3 days before the meeting) and becomes a public document, I shall email it to you if you wish. As previously advised, it derives from a question from a member at an earlier committee meeting who sought clarification on policy ER1 and the PSA and has been drafted to aid interpretation of the policy.

Wind Farms under 5MW – Again your comments are noted on this issue but are not considered to be of sufficient weight to override adopted policies ER1, IMP1, the SPG and the strategy behind the concept of the PSAs.

Objections - The lack of objection from properties does not in itself make the proposal acceptable nor override the Council's strategy for wind energy developments.

Recommendation – In light of the above, I have to advise that my recommendation will remain as one of refusal for the reasons already outlined in my email of 9 October. Your letter and this response will be summarised within the observations section of the officers handling report which I shall be finalising in the next few days.

Yours Sincerely,

Richard Smith
Planning Officer