

**THE MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT
1997
as amended**

REFUSAL OF PLANNING PERMISSION

**[Keith And Cullen]
Full**

TO: Mr Clive Streeter
c/o Seren Energy
Mr Oliver Penney
1 High Street
Cyldach
Swansea
SA6 5LG

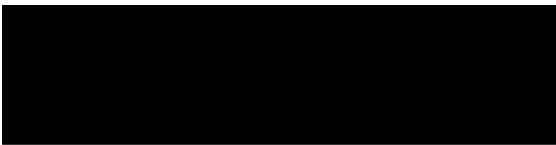
With reference to your application for planning permission under the above mentioned Act as amended, the Council, in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

Install two 800kw wind turbines at Myreton Crossroads Keith Moray

and for the reason(s) set out in the attached schedule.

I enclose notes for guidance in cases where applications are refused or granted subject to conditions.

Date of Notice: **10th December 2009**



HEAD OF DEVELOPMENT SERVICES

Environmental Services Department
The Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

By this Notice, the Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

The proposal is contrary to policies 2(b) and 2 (l) of the Moray Structure Plan 2007 and policies ER1 and IMP1 of the Moray Local Plan 2008 for the following reasons:

1. The proposal to erect 2 large wind turbines (and associated infrastructure including 1.5km of overhead power lines) in a prominent elevated location does not fall within one of the preferred search areas, as identified in the Wind Energy Policy Guidance and as such is a departure to policy ER1. The proposed turbines by virtue of their scale and position would also be contrary to policies MSP 2(b), 2(l) and MLP IMP1, as these are not considered to be in scale, or character with the surrounding area nor integrated sensitively into the landscape.
2. Furthermore, the proposal taken together with the consented turbine to the north, the 2 proposed turbines and Aultmore wind farm currently pending consideration to the west and constructed turbine at Balnamoon to the southwest, would be likely to lead to an unacceptable cumulative impact of turbines in the area. The resultant potential number of turbines spread across the valley, which would be visible both together and sequentially from various vantage points in the area, would give rise to a cluttered appearance in contrast to the current simplistic landscape character. Such an impact would detrimentally affect the character of this part of the countryside to an unacceptable degree.
3. Approval of the application would create a serious and undesirable precedent for further ad hoc applications to be submitted in the surrounding area, which would undermine the Council's strategic objectives for directing wind energy development to preferred search areas that seeks to avoid the proliferation of commercial turbines across Moray.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

The following plans and drawings form part of the decision:-

Reference	Version	Title
MRY020509-1		
		Noise Impact Assessment

	Habitat Survey
	Additional Planning Information (including plans)
	Cumulative Impact Assessment

**DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL,
AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

None

DETAILS OF MATTERS SPECIFIED IN CONDITIONS

Approval, consent or agreement has been GRANTED for the following matter(s):-

N/A

The matter(s) was/were specified in conditions imposed on the earlier grant of planning permission:-

N/A

NOTICE OF APPEAL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, The Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from www.eplanning.scotland.gov.uk

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.