

REGULATORY PANEL: 30 MARCH 2023

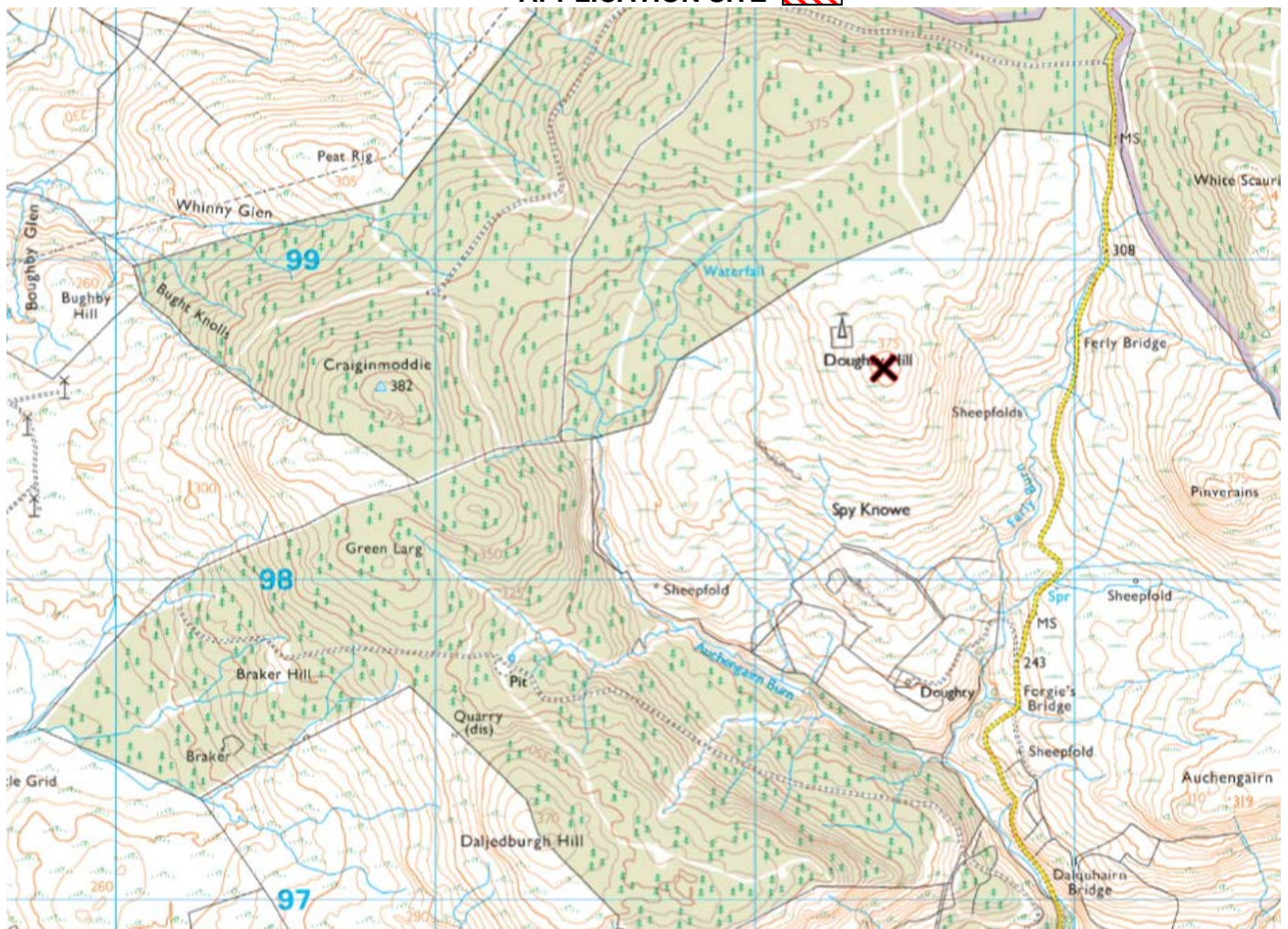
REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

22/00303/APP

PROPOSED METEOROLOGICAL MAST U27 FROM B741 JUNCTION AT CLOYNTIE TO U66 JUNCTION AT SOUTH BALLOCH MAYBOLE SOUTH AYRSHIRE

Location Plan

APPLICATION SITE 



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Summary

The proposal is for the siting of a meteorological mast on land located within the site of the proposed Craiginmoddie wind farm. The mast is required for a temporary period of three years only to collect meteorological data in connection with the wind farm proposal should it be constructed. The proposed mast will have a minor adverse impact on the landscape quality of the immediately surrounding upland landscape. However, it is considered expedient to grant consent on a temporary basis having regard to the applicant's requirement to collect meteorological data and the minor nature of the landscape impact.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

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SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	22/00303/APP
SITE ADDRESS:	Proposed Meteorological Mast U27 From B741 Junction At Cloyntie To U66 Junction At South Balloch Maybole South Ayrshire
DESCRIPTION:	Erection of a 80m meteorological mast
RECOMMENDATION:	Approval with conditions

APPLICATION REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The application is considered in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

1. Proposal:

The proposed met mast will be located within the site of the proposed Craiginmoddie Wind Farm which is currently being considered by the Scottish Government Department of Planning and Environmental Appeals (DPEA). The land is situated on the north side of the Stinchar Valley on an undulating ridge near to the operational Hadyard Hill wind farm. The site lies within moorland immediately to the south of commercial forestry at an elevation above sea level of approximately 377m. The proposed mast will be up to 80 metres tall and will consist of a 'pole' measuring 203 mm in diameter at the base supported by steel guy wires connected to anchor plates. Meteorological monitoring systems will be mounted on horizontal booms. The mast is required for a period of three years from the date it is erected.

The application requires to be considered by the Regulatory Panel as an objection has been received from Barr Community Council and the report does not uphold the objection.

2. Consultations:

National Air Traffic Services - No objections.

Ministry Of Defence (Statutory Planning Applications) - no objection subject to conditions.

Prestwick Airport - No objections.

Barr Community Council - **object** on the basis that the proposal for a met mast is premature pending the outcome of an inquiry that the Community Council would like to see the Scottish Government undertake in relation to the cumulative impact of wind farm proposals within this part of South Ayrshire.

3. Submitted Assessments/Reports:

In assessing and reporting on a Planning application the Council is required to provide details of any report or assessment submitted as set out in Regulation 16, Schedule 2, para. 4 (c) (i) to (iv) of the Development Management Regulations.

Design & Access Statement

The report provides information on the reasons for the mast and considerations that have been taken into account in designing the proposed development. The mast is required in connection with the evaluation of land at Craiginmoddie for development of a wind farm. The statement describes the site, the proposed development and the overall design approach and the planning policy context.

4. S75 Obligations:

In assessing and reporting on a Planning application the Council is required to provide a summary of the terms of any Planning obligation entered into under Section 75 of The Town and Country Planning (Scotland) Act in relation to the grant of Planning permission for the proposed development.

None.

5. Scottish Ministers Directions:

In determining a Planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions requiring information), Regulation 32 (Directions restricting the grant of Planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

None.

6. Representations:

1 representation(s) has/have been received, 1 of which object to the proposed development. All representations can be viewed online at www.south-ayrshire.gov.uk/planning

The issues raised by Barr Community Council are set out in section 2 above.

In accordance with the Council's procedures for the handling of Planning applications the opportunity exists for Representees to make further submissions upon the issue of this Panel Report by addressing the Panel directly. A response to these representations is included within the assessment section of this report.

Planning History

11/01222/APP - planning permission for a temporary meteorological mast was granted on 22.12.2011 to the north of the application site. This was a temporary permission which expired on 13 February 2017.

17/00119/FUR – An application to extend the period within which the mast approved under 11/01222/APP could be maintained at the site was granted on 11 May 2017. This permission was also granted for a temporary period of 5 years.

21/00069/DEEM – The Council raised objections to a proposed wind farm at Craiginmoddie (to which this application for a met mast relates). The proposal is currently the subject a cojoined public inquiry which is due to commence in June 2023.

8. Assessment:

Statutory Development Plan Framework

(i) National Planning Framework 4

On 13 February 2023, Scottish Ministers published and adopted National Planning Framework 4 ('NPF4'). NPF4 sets out the Scottish Ministers position in relation to land use Planning matters and now forms part of the statutory development plan, along with the South Ayrshire Local Development Plan 2 ('LDP2') (adopted August 2022).

Section 25 (1) and 37(2) of The Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the statutory development plan and that determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (The Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); Section 24(3)). NPF4 was adopted after the adoption of LDP 2, therefore NPF4 will prevail in the event of any incompatibility.

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at <https://www.gov.scot/publications/national-planning-framework-4/>

- Policy 1 (Tackling the climate and nature crises)
- Policy 2 (Climate mitigation and adaptation)
- Policy 3 (Biodiversity)
- Policy 4 (Natural places)

The provisions of NPF4 must, however, be read and applied as a whole, and as such, no policies should be read in isolation. The application has been considered in this context.

The proposal whilst related to renewable electricity generation from wind is not in of itself a renewable energy development. Given this fact and the small scale of the proposal, the effect of the proposal on tackling the climate crisis (Policy 1) and in relation to climate mitigation and adaptation (Policy 2) is assessed as neutral.

In terms of Policy 3 (c) the proposal is very small scale and it is not considered that seeking biodiversity enhancement is proportionate. In terms of Policy 4 (f) there is potential for adverse biodiversity impacts as a result of collision risk between birds and the guy wires required to support the mast. To overcome this, conditions are proposed requiring the installation of bird deflectors on the wires and routine inspection to ensure that these remain in place over the life of the development.

Having regard to the foregoing assessment it is considered that the proposal is consistent with NPF4.

(ii) South Ayrshire Local Development Plan 2

The following policies of the South Ayrshire Local Development Plan 2 are relevant in the assessment of the application and can be viewed in full online at [Local development plan 2 - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk/):

- Strategic Policy 1: Sustainable Development
- Strategic Policy 2: Development Management
- LDP Policy: landscape quality
- LDP Policy: natural heritage

The provisions of the Adopted South Ayrshire Local Development Plan 2 must, however, be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context.

The proposed development does not raise significant landscape considerations, being for a relatively small development proposal set within a broad landscape and not being significantly prominent from any public vantage points. In terms of the immediate locality (e.g. summit of Doughty Hill) the development will introduce a manmade element into a relatively undeveloped area that is enjoyed for informal recreation (e.g. hill walking). Whilst it is expedient to permit the structure for a temporary period to collect wind speed and other meteorological data, long term retention would be unacceptable. Consequently, a temporary permission is appropriate, in accordance with the applicant's intentions. A previous temporary consent for a met mast was approved near to the current location and this permission included a requirement for bird deflectors to help avoid protected species from being injured or killed as a result of collision with the thin guy wires that will support the mast. It is appropriate to impose the same condition on this permission to prevent potential harm to birds.

Subject to conditions limiting the duration of consent and requiring the installation of bird deflectors, the proposal is considered to be consistent with the relevant policies of LDP2.

(iii) Other Material Considerations (including Government Guidance)

The determination of this application was significantly delayed as a consequence of a holding objection submitted by the operator of Glasgow Prestwick Airport (GPA). GPA were concerned that the mast, as a result of its elevated location and height, could result in infringement to the Air Traffic Control Surveillance Minimum Altitude Chart or Instrument Flight Procedures. GPA undertook an assessment and have now concluded that no such infringement is likely and have withdrawn their objection.

The planning history set out in section 7 above notes that planning permission was granted for a similar met mast on a site located immediately to the north of the current application. This mast was approved on the basis of a temporary consent only which is now time expired. There have been no significant material changes in circumstance since the granting of the previous permissions and it is considered that the two previous approvals are material considerations in the assessment of the current proposal which lend support to the recommendation to approve.

The planning history also refers to the Council's decision to object to the proposed wind farm to which the current proposal relates (21/00069/DEEM Craiginmoddie). The proposed Craiginmoddie wind farm is currently the subject of a cojoined public inquiry being undertaken by the Department for Planning and Environmental Appeals. Given that the outcome of the inquiry is pending and given that the current application has been assessed favourably against the development plan it is not considered that it would be appropriate to refuse planning permission on the basis of the Council's separate decision to object to the related wind farm.

(iv) Objector Concerns

The letter of objection received from the Community Council raises concern that the application is premature pending a coordinated and independent review of all potential cumulative impacts and effects of wind farm densification has been undertaken by the Scottish Government. Whilst the concerns of the Community Council are noted, the application for the met mast requires to be considered on its own merits. As the proposal has been assessed favourably against the development plan and there are no other material considerations which suggest a contrary recommendation, it is not considered that the application merits refusal pending the outcome of the type of inquiry requested by the Community Council. Members will be aware that cojoined public inquiries are currently taking place for the Craiginmoddie, Carrick and Knockcronal wind farms which will consider cumulative impacts resulting from the three proposed wind farms and the operational and other proposed wind farms within the south of the district. Whilst the outcome of the inquiry may influence the applicant's decision whether to implement the proposed met mast, this is not a material consideration given the positive assessment of the current proposal against the development plan.

(v) Impact on the Locality

The proposed met mast will have a limited adverse impact on the appearance of the immediate surrounding landscape and in particular on the summit of Doughty Hill. However, the proposal is for a temporary period of three years and the location of the mast is considered to be acceptable on the basis that it will be removed at the end of the three year period.

9. Conclusion:

Given the above assessment, it is recommended that the application is approved, subject to condition(s).

10. Recommendation:

It is recommended that the application is approved, subject to the following condition(s):

- (1) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.
- (2) That the approval for the proposed use is limited to 3 years from the date of this decision notice. At the end of the approved 3 year period, the use of the mast shall be terminated and the site shall be restored to its former condition in accordance with a written specification, including a timescale within which the works shall be implemented, to be submitted for the prior written approval of the Planning Authority. The restoration specification shall be submitted 2 months before the end of the temporary 3 year period.
- (3) That the mast shall be fitted with 25 candela omni directional red lighting or infra red lighting at the highest practicable point.
- (4) That ground clearance shall be carried out outwith the bird breeding season. If this is not possible, a survey for ground nesting birds shall be carried out and the results submitted for the inspection and approval of the planning authority before any work for the construction of the mast hereby approved commences on site.
- (5) That bird deflector disks shall be installed on all of the guy wires at 2.5m intervals, prior to raising the mast. These disks shall thereafter be maintained for the lifetime of the mast. The deflectors shall be on the outside wire, the 3rd wire and the 5th wire. Prior to the commencement of each bird breeding season (mid April), the mast shall be checked over to confirm that the bird deflectors are in place, and any missing deflectors replaced as necessary.
- (6) Prior to the commencement of development, the applicant/developer shall notify UK DVOF & Powerlines at the Defence Geographic Centre of the following information:-
 - (i) Precise location of the development
 - (ii) The date of commencement of construction
 - (iii) The intended date of completion of construction
 - (iv) The height above ground level of the tallest structure
 - (v) The maximum extension height of any construction equipment
 - (vi) Details of aviation warning lighting to be fitted to the structure(s)

The Ministry of Defence contact details are as follows: D-UKDVOF & Power Lines, Air Information Centre, Defence Geographic Centre, DGIA, Elmwood Avenue, Feltham, Middlesex, TW13 7AH (icgdgc-prodaisafb@mod.uk).

10.1 Reasons:

- (1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (2) The use of the land is of a temporary nature and is only acceptable as a temporary expedient. In the interests of visual amenity.
- (3) In the interests of air safety.
- (4) To minimise adverse ecological impacts.
- (5) In the interests of reducing bird strike.
- (6) To ensure that the Ministry of Defence is aware of the details of the development, in the interests of aviation safety.

10.2 Advisory Notes:

(1) The MOD emphasise that the advice provided in their consultation response is in response to the data and/or information detailed in the application. Any variation of the parameters (which include the location, dimensions, form and finishing materials) detailed may alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded assets or capabilities. In the event that any amendment whether considered material or not by the determining planning authority is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

10.3 List of Determined Plans:

Drawing - Reference No (or Description): Figure 2 Site Layout Plan

Drawing - Reference No (or Description): Figure 3 Mast Profile View

Drawing - Reference No (or Description): Figure 4 Mast Plan View

Drawing - Reference No (or Description): Figure 1 Site Location Plan

Other - Reference No (or Description): Design _ Access Statement

10.4 Reason for Decision (where approved):

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of the landscape, neighbouring land and buildings.

The explanation for reaching this view is set out in the Report of Handling and which forms a part of the Planning Register.

Background Papers:

- 1.) Application form and drawings
- 2.) Representations
- 3.) National Planning Framework 4 (NPF4)
- 4.) Local Development Plan 2 (LDP2)
- 5.) Consultation responses

Equalities Impact Assessment:

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

Person to Contact:

Mr Alan Edgar, Supervisory Planner - Place Planning - Telephone 01292 616 683