



**Aberdeenshire Council Local Review Body**

**Reference LRB 265 F/APP/2014/1831**

**Review Decision Notice**

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Decision by Aberdeenshire Council Local Review Body (LRB)

- Site address: Land to south of Upper Loop Cottage, Auchterless, Turriff
- Application for review by Loop Wood Renewables c/o Green Cat Renewables Ltd against the decision by an Appointed Officer.
- Application reference F/APP/2014/1831 for full planning permission for erection of 1 no. wind turbine (height to tip 80 metres, height to hub 56 metres) and associated infrastructure refused by decision notice dated 23 October 2014
- Application drawings: Location Plan @1/50000 scale and Layout Plan @ 1/5000 scale (APP-001); Detailed Site Plan@ 1/2500 scale (APP-002); Turbine Elevation @ 1/500 scale (APP-002); Substation Details @ not to scale (APP-003) and Substation details with floor plan @ not to scale (APP-003).
- An unaccompanied site inspection took place on 29 April 2015

Date of Decision: 9 June, 2015

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**Decision**

The Local Review Body (LRB) agrees with the determination reviewed by it and refuses Full Planning Permission in accordance with the Appointed Officer's decision.

**1.0 Preliminary**

- 1.1 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The LRB reviewed the determination of the above application for planning permission at its meeting held on 29 May, 2015. The LRB was attended by Councillors S W Pratt (Chair), P W Bellarby and C R McKail. As part of the review the LRB carried out an unaccompanied site inspection on the 29 April 2015, which the LRB had previously agreed to undertake when it deferred consideration of the case at its meeting held on 27 March 2015.

- 1.3 At the meeting on 27 March 2015 the LRB had also requested additional information from SNH and the Forestry Commission on the ancient woodland and the agents response to those further submissions was also included within the agenda papers.
- 1.4 Having undertaken the site inspection and viewed the proposed site from a number of different vantage points and having now received the requested additional responses, the LRB agreed there was now sufficient information before it in order to consider the review and that no further information was required.

## **2.0 Proposal**

- 2.1 The application proposal is for the erection of an 'Enercon E-48' 800 kw wind turbine with a blade diameter of 48 m and a hub height of 56 m thereby giving a total height to tip of 80 m. The proposal comprises additional associated infrastructure including an access track, temporary crane area, substation compound and temporary construction compound and storage area.
- 2.2 The wind turbine would be located within an identified Ancient Woodland and approximately 110 m above sea level on the western facing slope of Steinman Hill measuring 179m. The wind turbine would be located 484 m east of the dwellinghouse at Loop Farmhouse which is the nearest property not in the ownership of the applicant and without a financial interest in the development. There are 9 other dwellinghouses located within 1km of the proposed site. The nearest settlements as defined in the Aberdeenshire Local Development Plan are Turriff which is located approximately 5.5km to the northwest and Fyvie which is located 5.5km to the south of the site. The site lies 1.2km to the east of the A947 public road.
- 2.3 The application site is located within the Deveron and Upper Ythan Valleys Landscape Character Area (LCA) and approximately 100 metres from The Agricultural Heartland (LCA) within the Aberdeenshire Council Landscape Character Assessment.
- 2.4 A previous application to erect a 55m high meteorological mast was approved in December 2012 (APP/2011/2762).
- 2.5 The application subject of this Review was supported by an Environmental Statement and 8 appendices as well further responses to the Forestry Commission and Environment Team's objections. An EIA Screening Request had previously confirmed that a full EIA was not required.

### **3.0 Reasoning**

3.1 The main determining issues in this review was whether the general policy presumption in favour of wind energy development was outweighed by potential adverse impacts to the detriment of the character and appearance of the local landscape both individually and cumulatively and also potential adverse impacts on the identified Ancient Woodland.

3.2 The LRB agreed that the Appointed Officer had identified the relevant Aberdeenshire Local Development Plan 2012 policies and these were as follows:

Policy 3: Development in the countryside and SG Rural Development 2: Wind farms and medium to large wind turbines;

Policy 8: Layout siting and design of new development and SG LSD 2: Layout, siting and design of new development;

Policy 9: Development Contributions and SG Development Contributions 2: Access to new development;

Policy 11: Natural Heritage and SG Natural Environment 2: Protection of the wider biodiversity and geodiversity;

Policy 12: Landscape conservation and SG Landscape1: Landscape character;

Policy 13: Protection, enhancement and conservation of historic environment and SG HE 1: Listed Buildings and SG HE 3: Historic Gardens and Designed Landscapes and SG HE 4: Archaeological sites and monuments; and

Policy 14: Safeguarding of Resources and areas of search and SG Safeguarding 3: Protection and conservation of trees and woodland and SG Safeguarding 4: Safeguarding transportation facilities.

3.3 At the outset, the benefit of the site inspection and being able to view the proposal from a series of different vantage points was acknowledged as affording the Members of the LRB a greater appreciation of the potential impacts that may arise from the proposed wind turbine and also its relationship to existing and consented wind turbine development in the surrounding area. During the course of the site inspection the LRB were also able to inspect the site within the Ancient Woodland.

3.4 The LRB focussed its attention on the reasons for refusal and also the agent's case as contained in the Notice of Review all of which had been summarised by the Planning Adviser during his presentation. The Planning Adviser had also summarised the responses received from the

various consultees and also highlighted the issues raised by the 1 objection that had been received in this case.

- 3.5 Members of the LRB took account of the additional information received from the Forestry Commission (pages 17-20) and also the agent's response (pages 23-36) and agreed that the sites inclusion within the Ancient Woodland Inventory was a significant material consideration. Although the agent had questioned the status of the designation and pointed to historical maps as evidence of the non-continuity of woodland on the site, the LRB regarded the detailed response from the Forestry Commission as being a compelling piece of evidence. The LRB therefore accepted that the Ancient Woodland classification was indeed correct and this view was further supported by various indicators highlighted within the Ecology Report.
- 3.6 The LRB recognised the offer of compensatory planting as part of the proposal but noted that the importance of an Ancient Woodland designation is not just about the presence of trees, it's also about the site specific location including the wildlife and biodiversity on the particular site. The LRB therefore agreed that the proposal would result in a loss of a significant part of the Ancient Woodland and that the proposal was contrary to Policy 14 and SG Safeguarding 3 of the ALDP. The 3<sup>rd</sup> reason for refusal as stated in the decision notice (page 1173) was therefore considered to be justified and correct.
- 3.7 When considering the cumulative impact of the proposed turbine, the LRB members had noted from the Report of Handling and during the site inspection, where they had visited a number of the photomontage viewpoints, that 30 other turbines over 20 m in height had been approved or were pending within 5km of the site. The LRB raised concerns about the site's prominence and the ability of the wider landscape to accommodate a further turbine of 80 m in height without giving the area a cluttered and untidy appearance, contrary to Policies 3 and 12 and SG RD2 and SG Landscape 1 of the ALDP.
- 3.8 The LRB also had concerns about the site's exposed location and agreed with the appointed officer that the turbine would stand alone and relate to no existing features or developments and would have a negative visual impact on the character of the existing landscape. Members of the LRB also expressed their views about an adverse impact on the Deveron and Ythan Valleys LCA and also the relationship of the proposed turbine close to the Agricultural Heartlands LCA and that overall the turbine would appear as an inappropriate large scale obtrusive feature resulting in an adverse impact on the landscape contrary to Policy 12 and SG Landscape 1 of the ALDP.
- 3.9 In conclusion and in the absence of any over riding other material considerations, the LRB resolved to uphold the decision of the Appointed Officer, thereby refusing Full Planning Permission for the reasons cited below.

#### **4.0 Reasons for refusal**

1. The wind turbine proposed would be located in an area where there are a number of existing wind energy developments. The resultant cumulative impact of this proposal would be detrimental to the character and amenity of the surrounding area. The proposal does not therefore conform to Policy 3 Development in the countryside and associated Supplementary Guidance SG Rural Development2: Wind farms and medium to large wind turbines or Policy 12 Landscape conservation or associated Supplementary Guidance SG Landscape1: Landscape character within the Aberdeenshire Local Development Plan.
2. The wind turbine proposed would be located in an obtrusive and exposed location within the surrounding landscape and which would thus be detrimental to the surrounding landscape. The proposal does not therefore comply with Aberdeenshire Local Development Plan Policy 12 Landscape conservation or associated Supplementary Guidance SG Landscape1: Landscape character.
3. The wind turbine proposed would result in the loss of a significant part of the Ancient Woodland, which would thus be detrimental to the existing woodland. Therefore, the proposal fails to comply with Policy 14 Safeguarding of resources and areas of search or associated Supplementary Guidance SG Safeguarding3: Protection and conservation of trees and woodland.

**Karen Wiles**  
**Head of Legal and Governance**

## **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

### **Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)**

#### **Notice Under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
  
2. 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 V of the Town and Country Planning (Scotland) Act 1997.