

Planning and Environmental Appeals Division

## Appeal Decision Notice

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Decision by Allison Coard, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-110-2296
- Site address: Land on Fasque and Glendye Estate, Fasque Plateau, Strachan, Banchory, Aberdeenshire
- Appeal by Coriolis Energy against the decision by Aberdeenshire Council
- Application for planning permission APP/2015/2724 dated 26 August 2015 refused by notice dated 15 December 2015
- The development proposed: Erection of Anemometer Mast up to 80 metres in height
- Application drawings: as listed at the end of the decision notice
- Date of site visit by Reporter: 5 April 2016

Date of appeal decision: 26 April 2016

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### Decision

I allow the appeal and grant planning permission subject to the 4 conditions listed at the end of the decision notice. Attention is drawn to the 4 advisory notes at the end of the notice.

### Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. Having regard to the provisions of the development plan the main issues in this appeal are:

- Impact on landscape character and visual amenity
- Impact on visitors and recreation
- Impact on the safe operation of the Grampian Microlight and Flying Club

### Policy Context

2. Aberdeenshire Local Development Plan Policy 8: Layout, siting and design of new development applies as does Policy 12 on Landscape Conservation. Between them these policies require appropriate siting, design and access. Policy 12 references landscape character areas and states that all the landscapes of Aberdeenshire are valuable assets and vulnerable resources, which are facing various pressures of change. It recognises the need to take into consideration the particular opportunities, sensitivities and vulnerabilities of different landscapes. The detail of these policies is contained in Supplementary Guidance which also forms part of the development plan.

3. Supplementary Guidance LSD2 supports Policy 8 and amongst other things requires that proposals respect landscape setting and provide appropriate access arrangements. Supplementary Guidance Landscape 1 supports development of appropriate scale, location and design and which avoids adverse impacts on key natural or historic features and on the overall character and composition of the landscape particularly where the landscape is currently largely unspoiled by obtrusive or discordant features. Proposals should also avoid adverse cumulative impact on local landscape character.

4. Policy 14 applies to the safeguarding of strategic resources. It's accompanying Supplementary Guidance: Safeguarding 4 presumes against development that would have a significant adverse effect on the present or possible future operations or safety of existing airports or airfields.

### Landscape and Visual Impact

5. In Aberdeenshire Council's Planning Advice 12/2012: Landscape Character Advice for Small Scale Development" the site is located within the "Uplands and Moorland Plateaux" landscape character type and "The Mounth" landscape character area.

6. The character type is described as "an extensive remote area of "Highland" character, with rolling hills predominantly covered with heather and rough grassland. These areas are sparsely populated. I note that a key characteristic of the area is its exposed ridgelines. The advice states that development of wind turbines and communication masts along these are likely to be highly intrusive across the skyline and detract from the remote feeling of the upland ridges.

7. The proposed mast is 50 centimetres wide and the guy wires are 10 centimetres in diameter. It is of a lattice design and matt grey in colour. There is agreement between the appellant and the council that it would only be required for a temporary period of three years and this could be conditioned accordingly. Required access would be limited and would utilise existing tracks.

8. Having viewed the area on my site visit from Cairn O' Mount and the summit of Clachnaben I appreciate its undeveloped character. However, I also noted the extensive scale of this landscape. In this respect I consider that the siting of this slender temporary structure to avoid any exposed ridge-line and set against a backcloth of rising land would avoid any significant or detrimental change to landscape character. Identified impacts would focus on the landscape in the immediate vicinity of the appeal site.

9. The appellant has prepared a Zone of Theoretical Visibility which shows the theoretical extent of visibility out to a distance of 5 kilometres. No visualisations have been provided and the submitted wire-lines make it difficult to discern the likely extent of the mast that would be visible for the various viewpoints. That said I consider that from the main walking routes (viewpoints 1-4) and from public view-points (as illustrated by wire-lines 5 and 6) the visual impact of the proposal would be substantially mitigated by the effects of distance and intervening landform. I assess the specific visual impacts on visitors and recreational routes in more detail below.

### Impact on visitors and recreational routes.

10. The North East Mountain Trust raise concerns that the mast would be visible from both Clachnaben and Mount Battock. The site is more than 6 kilometres from both of these summits. I do not consider the fact that the mast could be seen indicates that its impact would be significantly adverse or unacceptable. Whilst this is an understandably popular walking route I consider the mast would be difficult to see at this distance and would be screened to at least some extent by intervening landform. Where visible it would be viewed at some distance as a single feature set within a much larger landscape. I do not consider that it would detract significantly from the enjoyment of this walk and its panoramic views.

11. Views from the public road would be glimpsed at speed along short sections. Of more significance is the impact when viewed from the car park and view-point at Cairn O' Mount where visitors would have a more direct and stationary view of the appeal site. However, the mast would be at a distance of 5 kilometres and I do not consider it would be a dominant feature in this extensive view.

12. Drawing these matters together with my conclusions above on landscape and visual impact I find no conflict with Policies 8 or 12 or with their supporting supplementary guidance.

### Impacts on the local flying club

13. I note that the club are regular users of the airspace in the vicinity of the proposed mast. The area is referred to as often traversed by light aircraft routing west of controlled airspace surrounding Aberdeen Airport. The area is considered to be relatively free from manmade hazards. This allows light aircraft to cross over high ground at a low level. Concern is raised as such masts are difficult to see and present a consequent danger to light aircraft.

14. It is notable that neither the Defence Infrastructure Organisation or NATS En Route (NERL) raised an objection to this proposal. I note that the club is located some 44 kilometres from the appeal site and that it has its own albeit unofficial consultation zone agreed with the council (extending to 3 kilometres). However, I understand that concerns are raised in relation to light aircraft flights in general rather than specifically with regard to the relative location of the Grampian Microlight and Flying Club's airfield.

15. In terms of the en-route navigation risk cited in the reason for refusal, I appreciate that it may be desirable or recreationally enjoyable to fly low over this area. However, the local development plan policy guidance refers to adverse effects on the present or possible future operations or safety of existing airports or airfields. This is set in the context of Policy 14 where the objective is to safeguard strategic infrastructure. A condition can be applied to any grant of planning permission to require that aeronautical charts and mapping records are accurately amended in the interests of air safety. In addition the appellant proposes installation of a 25 candela red aviation light on the top of the mast together with an infra-red beacon so that it is visible to military pilots wearing night vision goggles.

16. With the appropriate conditions I consider that light aircraft users should be aware of this potential hazard and the need to avoid it just as they would other similar known hazards

in the area. This single feature should not restrict flying routes to any significant extent. Consequently, I find there would be no conflict with Local Development Plan Policy 14 or its supporting guidance.

### Conclusion

17. Drawing together all of the above I find no conflict with policies 8,12 or 14 of the local development plan or with their associated supplementary guidance. There is no dispute regarding the proposed conditions.

18. I therefore conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would justify refusing to grant planning permission.

*Allison Coard*

Reporter

### Schedule of Plans

80m SLX4 Mast Section and Boom details  
Mast Site Plan GDWF/TM001/SP  
Location Plan Wider Context GDWF/TM001/LP

### Conditions

1. That permission for the development hereby approved shall be for a limited period of 3 years from the date of this approval.

Reason: In order to retain control over this temporary form of development and to enable the impact of the development on the amenity of the surrounding area to be reviewed.

2. That within one month of the date of the expiry of this permission the anemometry mast hereby approved shall be removed and the site shall be restored all in accordance with a scheme of restoration which shall be submitted for written approval no less than three months prior to the expiry of the temporary planning permission.

Reason: In order to ensure the timeous reinstatement of the site following the expiry of this temporary permission in the interests of the amenity of the area.

3. The development should be fitted with a minimum intensity candela omnidirectional flashing red light or equivalent infra-red light fitted at the highest practicable point of the structure.

Reason: In the interest of air safety.

4. No development shall commence until:

(1) Notification has been made to UK DVOF & Powerlines at the Defence Geographic

Centre with the following information:

- Precise location of development
- Date of commencement of construction
- Date of completion of construction
- The height above ground level of the tallest structure
- The maximum extension height of any construction equipment
- Details of aviation warning lights fitted to the structure

For the avoidance of doubt, this information should be sent by email to [icgdgcaero@mod.uk](mailto:icgdgcaero@mod.uk) or posted to D-UKDVOF & Powerlines, Air Information Centre, DGIA, Elmwood Avenue, Feltham, Middlesex, TW13 7AH.

(2) Written confirmation has been provided to the planning authority that the notification requirements under point (1) have been undertaken.

Reason: to ensure that aeronautical charts and mapping records are accurately amended in the interests of air safety.

### Advisory notes

- 1. The length of the permission:** This planning permission will lapse on the expiration of a period of 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)).
- 2. Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 3. Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 4. Display of notice:** A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013).