



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON 28
SEPTEMBER 2021**

**SUBJECT: 21/01269/PAN – CONSTRUCT 5 WIND TURBINES (WITH TIP
HEIGHT UP TO 149.9m) PLUS INFRASTRUCTURE AT LURG
HILL, DESKFORD**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 To inform the Committee that a Proposal of Application Notice (PAN) was submitted on 18 August 2021 on behalf of Alan Mathewson.
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as a Planning Authority.

2. RECOMMENDATION

2.1 It is recommended that:

- (i) in noting the terms of this report, the Committee advise upon any provisional views/relevant issues that Members of this Committee (or any other Member(s) of the Council) wish to raise about the proposed development so that these matters can be recorded and thereafter fed back to the prospective applicant in order to inform the development of their proposed formal application for planning permission; and
- (ii) the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

3. BACKGROUND

- 3.1 Scottish Government has published guidance which encourages elected members to highlight any issues with a proposed development at the pre-application stage which they would wish to see taken into account within any

formal application for planning permission.

- 3.2 Following consideration by this Committee on 11 November 2014 it was agreed that any PAN received after this date would be reported to Committee to give Members of the Committee, and the Council, the opportunity to identify any key issues/provisional views about the proposed development and that these matters be reported back to the applicant (paragraph 4 of the Minute refers).
- 3.3 This current report is not about the merits of the proposed development but rather, based on local knowledge of local issues and wider concerns, etc. Members are invited to identify any matters relevant to the proposal. These will be reported back to the prospective applicant for their information and attention, and to inform the development of the proposed application. It is also proposed that, for information, Members' comments be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.
- 3.4 Planning permission has already been granted by the Directorate of Planning & Environmental Appeals Division (DPEA) on 25 February 2019 for five turbines in the same location but with a height up to 130m. Due to market changes and advances in turbine technology, the applicant is now seeking to improve the economic viability of the Lurg Hill wind farm.
- 3.5 As described, this PAN relates to a proposal for 5 wind turbines (with tip height up to 149.9m (and slightly larger foundations)) plus associated infrastructure at Lurg Hill, Deskford. No other modifications are proposed to the previously consented development. The site is located approximately 8.7km south of Cullen and 10km north east of Keith (see location and site plans at **Appendix 1**).
- 3.6 The site extends to 137 hectares and comprises an area of managed plantation woodland (some of which is cleared), heathland and tracks, with 2.65 hectares land take for the five turbines and associated infrastructure. The proposal would require to be assessed against a suite of policies of the Moray Local Development Plan 2020 and associated guidance - Moray Onshore Wind Energy (MOWE) Non-Statutory Guidance 2020 and Moray Wind Energy Landscape Capacity Study 2017. These include (amongst others) governing policy DP9 Renewable Energy which favours renewable development providing it meets set criteria, including safeguarding and enhancing the built and natural environment as well as impacts on landscape and noise. Detailed assessment of any submitted application will be informed through site specific consideration of areas such as landscape and visual impact, and cumulative impact, and having regard to the abovementioned associated guidance.
- 3.7 The MOWE Non-Statutory Guidance and the Landscape Capacity Study are material considerations for development management purposes. The Guidance identifies five typologies of wind turbine, including "Very Large 130m-150m" (to blade tip), and highlights that there is very limited scope to accommodate further large scale wind turbine developments in Moray in landscape and visual terms. The proposed development is located within the Broad Forested Hills within Upland Farmland (8a) Landscape Character Type

(LCT) as defined in the Guidance and Landscape Capacity Study. LCT8a is assessed as having high sensitivity to the very large typology (>130m) with no scope to accommodate turbines of this scale in this landscape. The principle of development has however been established through the existing consent and the proposal seeks to increase the heights of the consented turbines by 19.9m. Any further application would be required to demonstrate that the increased height of the turbines will not result in additional significant adverse landscape and visual impacts. To inform this consideration process this will need to include comparison visuals, Zones of Theoretical Visibility (ZTVs) and elevations of the proposed and approved development in order to easily compare the changes.

- 3.8 Planning permission is required for this proposal. As the capacity of the generating station exceeds 20 megawatts it would be a major development in terms of the current Hierarchy Regulations and the proposal would comprise a major development for planning purposes. As such, the proposal will be subject to PAN and pre-application consultation procedures with the local community. The applicant has applied to the Council's pre-application advice service to assist in identifying key issues and information that would be expected to accompany any formal application and a response was issued on 5 August 2021.
- 3.9 A formal response has been issued to the applicant's agent to confirm that the proposed arrangements for engaging with the local community are sufficient. The applicant proposes to consult with Cullen & Deskford Community Council, Fordyce, Sandend & District Community Council, Strathisla Community Council and Deskford and District Community Council. In this case the applicant's agent has been advised that no additional parties require to be notified with a copy of the PAN.
- 3.10 The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 have temporarily suspended the need to hold a public event in relation to PANs from 24 April 2020 provided that the PAN was submitted before the end of the emergency period and that any formal planning application following on from the PAN is lodged within 6 months of the end of the emergency period. There is no statutorily specified alternative to a public event during the emergency period but it is anticipated that prospective applicant has proposed reasonable alternatives, which must include a minimum seven-day period where information can be inspected and the public can make comments and ask questions to which they can expect to receive a response. In line with new regulations the PAN advises that a virtual public event will be held at the end of September 2021. The online event will be advertised locally prior to opening and the relevant community councils and all residences within 2km made aware of the arrangements. In order to be valid, a major application must be supported by a pre-application consultation report setting out the steps taken to consult with the local community, details of comments made on the proposal and how the applicant has responded to all comments made on the proposal in the development of the application.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Identifying key issues at an early stage to assist with front loading major planning applications is a vital aspect of supporting and facilitating the Council's priority for economic development in Moray.

(b) Policy and Legal

Scottish Government guidance on the role of councillors in pre-application procedures affords elected members the opportunity to offer general provisional views on forthcoming developments, which are the subject of a PAN where the details of the development have yet to be finalised.

(c) Financial implications

None.

(d) Risk Implications

None.

(e) Staffing Implications

None.

(f) Property

None.

(g) Equalities/Socio Economic Impact

None.

(h) Consultations

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Development Management and Building Standards Manager, the Equal Opportunities Officer, the Strategic Planning & Delivery Manager, and Lissa Rowan (Committee Services Officer) have been consulted, and comments received have been incorporated into the report.

Members of Moray Council who are not on this Committee have also been consulted and any views received on the proposal will be made known at the meeting

5. CONCLUSION

5.1 The Council has received a PAN intimating that a formal application for planning permission will be submitted for a major development proposal, in this case for permission for five wind turbines and

associated infrastructure at Lurg Hill. The Committee (and any other Member(s) of the Council) are asked to identify any provisional views/relevant issues which they would wish to see taken into account and inform the development of the proposal.

Author of Report: Richard Smith, Principal Planning Officer

Background Papers:

Ref: