

## **Item: 3.1**

**Local Review Body: 3 July 2018.**

**Proposed Erection of Wind Turbine at Craiglands, Skidge Road, Birsay (17/528/TPP).**

**Report by Chief Executive.**

### **1. Purpose of Report**

To determine a review of the decision of the Appointed Officer to refuse planning permission for the proposed erection of a wind turbine at Craiglands, Skidge Road, Birsay.

### **2. Recommendations**

The Local Review Body is invited to note:

#### **2.1.**

That planning permission for the proposed erection of a wind turbine at Craiglands, Skidge Road, Birsay, was refused by the Appointed Officer on 29 March 2018, for the reasons outlined in section 3.2 of this report.

#### **2.2.**

That the applicant has submitted a Notice of Review requesting that the decision of the Appointed Officer, referred to at paragraph 2.1 above, be reviewed.

**It is recommended:**

#### **2.3.**

That the Local Review Body determines whether it has sufficient information to proceed to determination of the review, and if so:

- Whether to uphold, reverse or vary the decision of the Appointed Officer.
- In the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision notice.

#### **2.4.**

That, in the event the Local Review Body agrees that further information is required to determine the review, what further information is required, which parties are to be requested to provide the information, and whether to obtain further information by one or more of the following methods:

- By means of written submissions; and/or.
- By the holding of one or more hearing.

## **3. Background**

### **3.1.**

Planning application 17/528/TPP relates to the proposed erection of a wind turbine at Craiglands, Skidge Road, Birsay.

### **3.2.**

The Appointed Officer refused the planning application on 29 March 2018 on the following grounds:

#### **3.2.1.**

Due to the number of wind turbines already granted planning permission in the area, the addition of the currently proposed wind turbine in the proposed location would significantly exceed capacity and would not accord with group size and spacing recommended by the Landscape Capacity Assessment for Wind Energy in Orkney. The development would not maintain the coastal hills and heath landscape character area of West Mainland as a “landscape with occasional wind turbines” and would move towards a landscape negatively impacted visually by wind turbines. The development would not accord with Orkney Local Development Plan policies 7 – Energy (Part D Onshore Wind Energy Development), 9 – Natural Heritage and Landscape (Part A Landscape), Supplementary Guidance – Energy (March 2017) (Criterion DC2 Landscape and Visual Impact) and Landscape Capacity Assessment for Wind Energy in Orkney.

#### **3.2.2.**

The capacity of this specific part of the coastal hills and heath landscape of West Mainland, where there is low residual capacity for small scale wind developments, would be exceeded in terms of wind turbine numbers and separation distances. The individual financial, climate change/renewable energy benefits of the individual development would not outweigh the adverse cumulative impact of the development upon the landscape and visual amenity. The proposal would be contrary to Orkney Local Development Plan policies 7 – Energy (Part D Onshore Wind Energy Development), 9 – Natural Heritage and Landscape (Part A Landscape), Supplementary Guidance – Energy (March 2017) (Criterion DC2 Landscape and Visual Impact) and Landscape Capacity Assessment for Wind Energy in Orkney.

### **3.3.**

In terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, the applicant has submitted a Notice of Review and supporting information, which is attached as Appendix 1 to this report.

### **3.4.**

The Planning Handling Report, Planning Services file and the Decision Notice, including the reasons for refusal, referred to in section 3.2 above, are attached as Appendices 2, 3 and 4 to this report. Appendix 5 contains relevant extracts from the Landscape Capacity Assessment for Wind Energy in Orkney, adopted by the Council as Planning Policy Advice, and which was a material consideration in determination of this planning application.

## **4. Review Procedure**

### **4.1.**

In response to a Notice of Review “interested parties” are permitted to make a representation to the Local Review Body. “Interested parties” include any party who has made, and not withdrawn, a representation in connection with the application. A single representation, attached as Appendix 6 to this report, has been received from an interested party to the development. The representation from Historic Environment Scotland reiterates the advice previously given, that the development would not have a substantive impact on the Saevar Howe Scheduled Monument, or on the setting of the World Heritage Site.

### **4.2.**

Under the review procedure the applicant is given the opportunity to make comment on any additional representations received. No further comment was received.

### **4.3.**

In accordance with the Council’s policy to undertake site inspections of all planning applications subject to a local review, prior to the meeting to consider the review, a site visit to Craiglunds, Skidge Road, Birsay, is scheduled to take place at 14:30 on 3 July 2018.

### **4.4.**

The Local Review Body may uphold, reverse or vary the decision of the Appointed Officer. In the event that the decision is reversed, draft planning conditions are attached at Appendix 7 for consideration.

### **4.5.**

If the Local Review Body decides that further procedure is required, it may decide to hold a pre-examination meeting to consider what procedures to follow in the review, or to obtain further information by one or more of the following methods:

- By means of written submissions; and/or.
- By the holding of one or more hearing(s).

## **5. Corporate Governance**

This report relates to the Council complying with its statutory duties as a Planning Authority and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

## **6. Financial Implications**

All resources associated with supporting the review procedure, mainly in the form of staff time, are contained within existing Planning Service revenue budgets.

## **7. Legal Aspects**

### **7.1.**

Under the Planning etc (Scotland) Act 2006 and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 where an application for planning permission for local development has been determined by the Appointed Officer in accordance with the Council's Planning Scheme of Delegation, the applicant is entitled to seek a review of that decision by the Local Review Body.

### **7.2.**

The procedures to be followed in respect of the review are as detailed in sections 4.4 and 4.5 above.

### **7.3.**

A letter from the Chief Planner, Scottish Government, in July 2011 confirmed that a review by a Local Review Body should be conducted by means of a full consideration of the application afresh.

## **8. Contact Officers**

Angela Kingston, Clerk to the Local Review Body, extension 2239, Email [angela.kingston@orkney.gov.uk](mailto:angela.kingston@orkney.gov.uk)

Roddy MacKay, Planning Advisor to the Local Review Body, extension 2530, Email [rodny.mackay@orkney.gov.uk](mailto:rodny.mackay@orkney.gov.uk)

Katharine McKerrell, Legal Advisor to the Local Review Body, extension 2219, Email [katharine.mckerrell@orkney.gov.uk](mailto:katharine.mckerrell@orkney.gov.uk)

## **9. Appendices**

Appendix 1 – Notice of Review (pages 1 – 8)

Appendix 2 – Planning Handling Report (pages 9 – 17)

Appendix 3 – Planning Services file (pages 18 – 60)

Appendix 4 – Decision Notice and Reasons for refusal (pages 61 – 67)

Appendix 5 – Extracts from Landscape Capacity for Wind Energy in Orkney (pages 68 – 77)

Appendix 6 – Representations from Interested Party (pages 78 – 80)

Appendix 7 – Draft Planning Conditions (pages 81 – 82)

Pages 1 to 82, with the exception of pages 45, 68 to 77, 81 and 82, can be viewed at [http://www.orkney.gov.uk/Service-Directory/D/application\\_search\\_submission.htm](http://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm) and inserting the planning reference “17/528/TPP”.

All other documents can be viewed at <http://www.orkney.gov.uk/Council/C/LRC2018.htm> and referring to the relevant meeting date.