

Minute

Planning Committee

Friday, 31 August 2018, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Owen Tierney, Alexander G Cowie, Norman R Craigie, Robin W Crichton, David Dawson, Barbara Foulkes, John A R Scott, Graham L Sinclair, Magnus O Thomson, Duncan A Tullock and Kevin F Woodbridge.

Clerk

- Angela Kingston, Committees Officer.

In Attendance

- Roddy Mackay, Head of Planning, Development and Regulatory Services.
- Jamie Macvie, Planning Manager (Development Management).
- Stuart West, Planning Manager (Development and Marine Planning).
- Peter Trodden, Solicitor.
- Paul Turner, Environmental Health Officer.

Observing

- Gavin Barr, Executive Director of Development and Infrastructure.
- Shona Croy, Strategic Advisor Renewables and Connectivity.
- Kirsty Groundwater, Press Officer.

Apology

- Councillor Stephen Sankey.

Declarations of Interest

- Councillor Norman R Craigie – Items 1 and 2.
- Councillor Duncan A Tullock – Item 1.

Chair

- Councillor Owen Tierney.

1. Planning Application 16/580/TPPMAJ

Proposed Erection of Four Wind Turbines, Meteorological Mast, Substation and Associated Infrastructure at Costa Head, Swannay

Councillor Norman R Craigie declared a non-financial interest in this item, in that he had publicly stated his opinion in respect of wind turbines generally during his election campaign, and left the meeting at this point.

As Councillor Magnus O Thomson had not taken part in the site visit relating to this application, in terms of Standing Order 31, he was not present during discussion thereof.

Councillor Duncan A Tullock declared a non-financial interest in this item, in that he had publicly stated his opinion in respect of this application during his election campaign, and was not present during discussion thereof.

The following parties were present during consideration of this item:

- Representing the applicant, Costa Head Wind Farm Limited:
 - Lizzie Foot.
 - Tom Campbell.
 - David Bell.
 - Colin Innes.
 - Ian Johnstone.
 - Steve Percival.
 - Roz McLennan.
 - Mike Craven.
 - Jenny Hazzard.

- Objectors:
 - Jason Schofield.
 - Rob Hill.
 - Bea Ayling, representing the Royal Society for the Protection of Birds.
 - John Crossley, representing Orkney Field Club.
 - Saibvonn Schofield.
 - Carl Mulpeter.
 - James Leitch.
 - Michelle Hill.
 - Sarah Wilkins.
 - Ian Wilkins.
 - John Leask, representing Philippe Avril.
 - Stuart Gray.

- Josephine Jones.
- Andy McGill.
- Norma Marwick.

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Planning Manager (Development Management), the Committee:

Noted:

1.1. That letters of objection relating to the application for planning permission in respect of the proposal to erect four wind turbines, a meteorological mast, a substation and associated infrastructure at Costa Head, Swannay, had been received from those persons listed in Appendix 2 to the report by the Executive Director of Development and Infrastructure.

1.2. That, due to the complex and contentious nature of the application, in terms of the Scheme of Administration, the Executive Director of Development and Infrastructure, in consultation with the Chair and Vice Chair of the Planning Committee, deemed that a site visit be arranged prior to the meeting of the Committee to determine the application.

1.3. That the site visit, referred to at paragraph 1.2 above, had taken place at 09:30 on 12 June 2018.

After hearing representations from Jason Schofield, Rob Hill, Bea Ayling (representing the Royal Society for the Protection of Birds), John Crossley (representing Orkney Field Club), Saibvonn Schofield, Carl Mulpeter, James Leitch, Michelle Hill, Sarah Wilkins, Ian Wilkins, John Leask (representing Philippe Avril), Stuart Gray, Josephine Jones, Andy McGill and Norma Marwick, objectors; and after hearing representations from Lizzie Foot, Tom Campbell, David Bell and Colin Innes, representing the applicant, Costa Head Wind Farm Limited; Councillor Owen Tierney, seconded by Councillor Robin W Crichton, moved that the application for planning permission in respect of the proposal for the erection of four wind turbines, a meteorological mast, a substation and associated infrastructure at Costa Head, Swannay, be refused as, in their opinion:

(1) The scale, location, siting and design of the proposed development would have an unacceptable adverse impact on the quality of life and amenity of residents of properties located closest to the development.

(2) The scale, location, siting and design of the proposed development would have a significant adverse impact and cumulative impact on the landscape character of the area, being located within the "Coastal Hills and Heath" landscape type which was identified as having a low underlying capacity for wind turbines.

(3) The scale, location, siting and design of the proposed development would have a significant adverse visual impact in its own right and cumulatively with other wind turbine developments.

(4) The scale, location, siting and design of the proposed development would have a significant adverse impact and cumulative impact on the visual amenity of the area, which was a clifftop and coastal location.

And, accordingly, the proposed development was contrary to the following:

- The Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development, parts (i), (ii), (iv), (ix) and (x).
 - Policy 2 – Design, section (ii).
 - Policy 7 – Energy, section D – Onshore Wind Energy Development, parts (i.a) and (i.b).
 - Policy 9 – Natural Heritage and Landscape, section G – Landscape, parts (i) and (ii).
 - Policy 12 – Coastal Development, section A – Criteria for All Coastal Development, part (i).
- Supplementary Guidance – Energy:
 - Development Criterion 1 – Communities and Amenity.
 - Development Criterion 2 – Landscape and Visual Impact.
- Landscape Capacity Assessment for Wind Energy in Orkney.

Councillor Graham L Sinclair, seconded by Councillor John A R Scott, moved an amendment that planning permission be granted in respect of the proposal for the erection of four wind turbines, a meteorological mast, a substation and associated infrastructure at Costa Head, Swannay, subject to conditions as proposed by officers.

On a vote being taken 2 members voted for the amendment and 6 for the motion, and the Committee:

Resolved, in terms of delegated powers:

1.4. That the application for planning permission in respect of the proposal to erect four wind turbines, a meteorological mast, a substation and associated infrastructure at Costa Head, Swannay, be refused.

1.5. That the Committee's reasons for refusing planning permission against the recommendation of the Executive Director of Development and Infrastructure were that, in the Committee's opinion:

- The scale, location, siting and design of the proposed development would have an unacceptable adverse impact on the quality of life and amenity of residents of properties located closest to the development.
- The scale, location, siting and design of the proposed development would have a significant adverse impact and cumulative impact on the landscape character of the area, being located within the "Coastal Hills and Heath" landscape type which was identified as having a low underlying capacity for wind turbines.
- The scale, location, siting and design of the proposed development would have a significant adverse visual impact in its own right and cumulatively with other wind turbine developments.

- The scale, location, siting and design of the proposed development would have a significant adverse impact and cumulative impact on the visual amenity of the area, which was a clifftop and coastal location.

And, accordingly, the proposed development was contrary to the following:

- The Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development, parts (i), (ii), (iv), (ix) and (x).
 - Policy 2 – Design, section (ii).
 - Policy 7 – Energy, section D – Onshore Wind Energy Development, parts (i.a) and (i.b).
 - Policy 9 – Natural Heritage and Landscape, section G – Landscape, parts (i) and (ii).
 - Policy 12 – Coastal Development, section A – Criteria for All Coastal Development, part (i).
- Supplementary Guidance – Energy:
 - Development Criterion 1 – Communities and Amenity.
 - Development Criterion 2 – Landscape and Visual Impact.
- Landscape Capacity Assessment for Wind Energy in Orkney.

2. Planning Application 17/083/TPPMAJ

Proposed Erection of Five Wind Turbines, Meteorological Mast, Substation and Associated Infrastructure at Hesta Head, South Ronaldsay

Councillor Norman R Craigie declared a non-financial interest in this item, in that he had publicly stated his opinion in respect of wind turbines generally during his election campaign, and had left the meeting prior to consideration of Item 1 above.

The following parties were present during consideration of this item:

- Representing the applicant, Hesta Head Wind Farm Limited:
 - Lizzie Foot.
 - Tom Campbell.
 - David Bell.
 - Colin Innes.
 - Ian Johnstone.
 - Steve Percival.
 - Roz McLennan.
 - Mike Craven.
 - Jenny Hazzard.
 - Steve Mack.

- Objectors:
 - Steve Sankey.
 - Bea Ayling, representing the Royal Society for the Protection of Birds.
 - Dennis Ellis.
 - Colin Smith, also representing Rognvald Seatter.
 - John Crossley, representing Orkney Field Club.

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Planning Manager (Development Management), the Committee:

Noted:

2.1. That letters of objection relating to the application for planning permission in respect of the proposal to erect five wind turbines, a meteorological mast, a substation and associated infrastructure at Hesta Head, South Ronaldsay, had been received from those persons listed in Appendix 2 to the report by the Executive Director of Development and Infrastructure.

2.2. That, due to the complex and contentious nature of the application, in terms of the Scheme of Administration, the Executive Director of Development and Infrastructure, in consultation with the Chair and Vice Chair of the Planning Committee, deemed that a site visit be arranged prior to the meeting of the Committee to determine the application.

2.3. That the site visit, referred to at paragraph 2.2 above, had taken place at 14:30 on 12 June 2018.

After hearing representations from Steve Sankey, Bea Ayling (representing the Royal Society for the Protection of Birds), Dennis Ellis, Colin Smith (also representing Rognvald Seatter) and John Crossley (representing Orkney Field Club), objectors; and after hearing representations from Lizzie Foot, Tom Campbell, David Bell, Steve Percival and Colin Innes, representing the applicant, Hesta Head Wind Farm Limited; on the motion of Councillor Robin W Crichton, seconded by Councillor Barbara Foulkes, the Committee:

Resolved, in terms of delegated powers:

2.4. That the application for planning permission in respect of the proposal to erect five wind turbines, a meteorological mast, a substation and associated infrastructure at Hesta Head, South Ronaldsay, be refused for the reasons set out in Appendix 1 to this Minute.

3. Conclusion of Meeting

At 15:55 the Chair declared the meeting concluded.

Signed: Owen Tierney.

Appendix 1.

Proposed Erection of Five Wind Turbines, Meteorological Mast, Substation and Associated Infrastructure at Hesta Head, South Ronaldsay (17/083/TPPMAJ)

Refuse for the following reasons:

01. The proposed site is located within the landscape type 'Plateau Heaths and Pasture', as defined in the SNH Orkney Landscape Character Assessment (1998). The application site is open and slightly elevated with a feeling of exposure, and a landscape sensitivity of plateau heaths and pasture is that the open plateau makes built structures highly visible from within the landscape. The 'Landscape Capacity Assessment for Wind Energy in Orkney' (2015) notes that turbines of a scale 50 to 80 metres "would tend to dominate the low hills of this landscape type" and that "turbines typically up to 30 metres and occasionally between 30 and 50 metres would be acceptable in small groups located on the fringes of the character area, away from plateau tops". The site selection process and design iterations are all acknowledged, and absence of landscape designation, but the scale of turbines proposed exceeds the capacity of the landscape. The inevitability of significant impacts resulting from commercial scale wind energy development is also acknowledged, but at the scale proposed the landscape would be diminished, and the turbines would be a prominent feature in a skyline location, across a wide area of theoretical visibility. Impact from the Linklater Memorial is of concern, as a memorial to two ships lost off the coast, and as a popular location for wildlife watching and informal recreation, where the tall rugged cliffs and lack of large scale man-made structures are key to its character.

02. The development is considered contrary to Policy 1 (criteria i, ii and iv) and Policy 7D (i.a. and i.b.) of the Orkney Local Development Plan 2017 and Supplementary Guidance 'Energy', as listed below, on the basis that the wind energy development is likely to have a significant adverse impact on landscape character which cannot be mitigated to the satisfaction of the planning authority to avoid unacceptable impacts, and that enjoyment of the Linklater Memorial would be significantly compromised by new wind energy developments.

Policy 1 – Criteria for All Development

Development will be supported where:

- i. It is sited and designed taking into consideration the location and the wider townscape, landscape and coastal character.
- ii. The proposed density of the development is appropriate to the location.
- iv. The amenity of the surrounding area is preserved and there are no unacceptable adverse impacts on the amenity of adjacent and nearby properties/users.

Policy 7 – Energy

D. Onshore Wind Energy Development

i. Proposals for wind energy developments of all scales, including extensions to existing developments and repowering, will be assessed against the following factors to ensure that there will be no significant adverse individual or cumulative impacts:

- a. Communities and Amenity
- b. Landscape and Visual Impact.

Supplementary Guidance: Energy

SP1: Areas with Potential for Wind Farms

4.13 These areas have been defined by eliminating sensitive areas that require significant protection or are sensitive to wind farm development. It is not guaranteed that development within these areas will be technically feasible or appropriate and each application will be judged on its merits against the Development Criteria.

Development Criterion 1 – Communities and Amenity

4.18 Wind energy development will not be permitted in locations where there will be unacceptable adverse impacts on quality of life or amenity at sensitive locations such as residential properties, core paths and certain community facilities, workplaces and recognised visitor sites. Where requested by the planning authority, planning applications must be accompanied by evidence of assessment of factors including shadow flicker, electromagnetic interference, construction/decommissioning, phasing, noise impact assessment and cumulative impacts.

Development Criterion 2 – Landscape and Visual Impact

4.26 Wind energy development that is likely to have a significant adverse impact or cumulative impact on landscape character or visual amenity, which cannot be mitigated to the satisfaction of the planning authority to avoid unacceptable impacts, will not be permitted.

4.35 Views from recognised viewpoints, main routes, visitor attractions and core paths are used by residents, as well as visitors to Orkney. It is important that, wherever possible, our enjoyment of a place is not significantly compromised by new wind energy developments.