

Delegated Report

Proposal: ERECTION OF A METEOROLOGICAL MAST (MAXIMUM HEIGHT 121 METRES) WITH ASSOCIATED GUY WIRES FOR A TEMPORARY PERIOD OF 5 YEARS

Location: Site Near Proposed Appin Wind Farm, Mullwhanny Hill, above Benbuie, Moniaive

Application Type: Full application

Applicant: Statkraft

Ref. No.: 24/2261/FUL

Recommendation: GRANT CONDITIONALLY

Ward: Mid and Upper Nithsdale

Hierarchy Type (if applicable) - Local

Case Officer: Rob Lilburn

1 BACKGROUND

1.1 Proposal:

Installation of a meteorological monitoring mast of some 121m height, to be retained for a period of up to 5 years. The applicant states that the proposal is to allow for the measurement of wind speed and direction, air pressure and temperature to inform turbine selection for the proposed Appin wind farm. The site would be accessed via the U400n public road past Auchenbrack and forestry tracks thereafter. The mast would be formed of steel lattice sections in a triangular arrangement with guy wires up to 60m out from the base. These would be anchored with buried metal plates. No permanent foundations are proposed. The mast would be removed following the proposed 5 year period.

1.2 Site description:

The application site is an open hillside in the Southern Uplands at some 520m above ordnance datum (AOD) adjacent to and north-east of the summit of Mulwhanny (535m AOD). The site is on land identified in the Carbon and peatland map (2016) as Class 2 “*Nationally important carbon-rich soils, deep peat and priority peatland habitat. Areas of potentially high conservation value and restoration potential*”. It is a minimum of some 2.2km from the Thornhill Uplands Regional Scenic Area, the edge of which arcs to the south and east of the site.

It is situated within the Dark Sky Park transition zone as identified in the LDP2 Supplementary Guidance. It is in the Transition Area of the Galloway and Southern Ayrshire Biosphere. Four 'Striding Arch' sculptures are situated within some 4km to the west, south and south-west.

The site is within Landscape Character Type (LCT) 19a (Southern Uplands with Forest) as identified in the DGWLCs (2020). The surroundings within 3km are also identified as LCT 18 (Foothills), 19 (Southern Uplands) and 10 (Upland Glens).

The area is characterised by minor roads and tracks, remote farmsteads and dwellings, and plantation forestry, within a context of hills and glens.

The site of a wind farm at Manquhill, for which there is an extant approval, further to appeal PPA-170-2179, is some 3.6km to the west. The site of a wind farm at Cornharrow, for which there is an extant approval further to appeal PPA-170-2160, is some 3.8km to the south-west. The site of a wind farm described as Sanquhar II Community wind farm, for which there is an extant approval further to 19/0490/S36, is some 3km to the north-east. There is an existing wind farm nearby at Wether Hill (03/P/3/0746) some 4km to the south-west. The site of the approved Lorg wind farm, approved further to 15/P/2/0337, is some 4km to the north-west. The site of the Echanhead wind farm, pending consideration further to 20/1942/S36, is some 1.7km at minimum to the north-west.

1.3 Relevant planning history:

- (i) **22/0525/SCO** - Request for scoping opinion under Environmental Impact Assessment (Scotland) Regulations 2017 for erection of 25 wind turbines (maximum tip height 230 metres) and associated works regarding the proposed Appin Wind Farm. Decision issued 27.05.2022.

2 CONSULTATIONS

Advert Type (where applicable) – Schedule 3 Development.
Advert Date – Dumfries & Galloway Standard 06.12.2024.

2.1 Ministry of Defence - No objections subject to the following conditions.

Aviation Lighting

(1) Prior to commencing construction of any meteorological masts, or deploying any construction equipment or temporal structure(s) 15 metres or more in height (above ground level) the undertaker must submit an aviation lighting scheme for the approval of Dumfries and Galloway Council in conjunction with the Ministry of Defence defining how the development will be lit throughout its life to maintain civil and military aviation safety requirements as determined necessary for aviation safety by the Ministry of Defence.

This should set out: a) details of any construction equipment and temporal structures with a total height of 15 metres or greater (above ground level) that will be deployed during the construction of the meteorological mast and details of any aviation warning lighting that they will be fitted with; and b) the locations and heights of all

meteorological mast featured in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the wind turbine generators; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used. Thereafter, the undertaker must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the lifetime of the development. Reason for condition. To maintain aviation safety.

Aviation Charting and Safety Management

(2) The undertaker must notify the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information: a) the date of the commencement of the erection of the meteorological mast; b) the maximum height of any construction equipment to be used in the erection of the meteorological mast; c) the date any meteorological mast are brought into use; d) the latitude and longitude and maximum heights of each meteorological mast. The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development. Reason for condition. To maintain aviation safety.

2.2 National Air Traffic Services (NATS) – No safeguarding objections.

2.3 RSPB Scotland – No objections but note tracking data of migratory routes and that swans and geese may fly low particularly if moving between feeding sites.

2.4 NatureScot – No objections raised. To reduce the risk of any bird strike we would recommend use of markers where applicable on the mast.

3 REPRESENTATIONS

3.1 No timeous representations received.

3.2 3 late representations have been received and these have been published online.

4 REPORT

Relevant policies and material considerations

Dumfries and Galloway Local Development Plan 2 (LDP2) (2019)

OP1 - Development Considerations

OP2 - Design Quality and Placemaking

NE2 - Regional Scenic Areas

NE5 - Species of International Importance

NE14 - Carbon Rich Soil

NE15 - Protection and Restoration of Peat Deposits as Carbon Sinks

ED10 – Galloway and Southern Ayrshire Biosphere

ED11 - Dark Skies

CF4 - Access Routes

T2 - Location of Development/Accessibility

LDP2 Supplementary Guidance

Design Quality and Placemaking

Dark Sky Friendly Lighting

National Planning Framework 4 (NPF4) (2023)

Policy 1 – Tackling the Climate and Nature Crisis

Policy 2 – Climate Change Mitigation and Adaptation

Policy 3 – Biodiversity

Policy 4 – Natural Places

Policy 5 – Soils

Policy 11 – Energy

Policy 14 – Design, quality and place

Policy 29 – Rural Development

Other material considerations

Planning Circular 4/1998 – The Use of Conditions in Planning Permissions

NatureScot Guidance - Assessment and mitigation of impacts of power lines and guyed meteorological masts on birds (2016)

4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that *“Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise, to be made in accordance with that plan”*.

4.3 The development plan for the area currently comprises LDP2 and NPF4. Under Section 25 of the Act, these documents take primacy in the determination of planning applications. Section 24(3) of the Act provides that *“In the event of any incompatibility between the provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail”*.

4.4 The key considerations in the assessment of this application are:

- (i) the principle of development;
- (ii) landscape and visual impacts;
- (iii) natural heritage;
- (iv) amenity of residential occupiers;
- (v) aviation safety; and
- (vi) access.

Principle of development

4.5 NPF4 Policy 11(a) makes clear support for all forms of renewable, low-carbon and zero emissions technologies, including enabling works for wind farms. The principle of the development is considered to be acceptable in this regard as it would potentially support renewable energy development, for which any application for planning permission or related appeal is considered on its own merits.

Landscape and visual impacts

4.6 Policy OP1 of LDP2 requires that developments "*respect, protect and/or enhance the region's rich landscape character, scenic qualities and features....they should also reflect the scale and local distinctiveness of the landscape*". Policy OP2 requires that developments "*relate well to the scale, density, massing, character, appearance and use of materials of the surrounding area*". Policies 14 and 29 of NPF4 require that development is suitably scaled, sited and designed to be in keeping with the character of the area.

4.7 The mast would not be prominent in the wider landscape by reason of its slimline structure. It would be visible from certain positions at closer range within the sparsely populated glens and hills, but it would be a functional feature and not unduly dominant or detracting from the landscape character. There would not be a harmful visual impact, cumulatively or in isolation, principally by reason of its design and temporary nature. It would not significantly affect the landscape qualities of the nearby Regional Scenic Area and would have a neutral effect on the nearby sculpture installations. A condition for the removal of the mast, to be accompanied by proportionate reinstatement measures, would ensure that the site is in an appropriate condition following the expiry of planning permission. On this basis it is considered that the landscape and visual impacts of the mast are acceptable and policy-compliant.

Natural heritage

4.8 NPF4 Policy 3 seeks to protect and enhance biodiversity. NPF4 Policy 4 requires that development does not have an unacceptable impact on the natural environment. NPF4 Policy 5 seeks to protect carbon rich soils, restore peatlands and minimise disturbance to soils from development. This approach is reflected in the policies of LDP2.

4.9 The application includes provision for bird deflectors to be attached to the stay wires at 5m intervals on the outer wires and inner wires. This is consistent with and exceeds NatureScot guidance on the matter. A condition can be attached to planning permission requiring the installation and retention of these markers. The applicant has stated that protected species surveys have been carried out and have not identified signs of such within 500m of the site. Habitat surveys indicate that there are no significant features at or within 500m of the site.

4.10 The applicant states that initial peat surveys at the site show that peat depths are less than 0.5m. This is peaty soil. The mast would be anchored with buried plates, and the applicant confirms that the development would not require any permanent foundations. In view of this, the temporary nature of the proposal and the installation methods which would allow for the retention of peaty soil, the proposal is policy compliant from this viewpoint.

4.11 The development would have a neutral effect on the Galloway and Southern Ayrshire Biosphere. The application has reasonably demonstrated that the development would protect biodiversity and carbon-rich soils, and it is found acceptable and policy compliant in these terms.

Amenity of residential occupiers

4.12 Policy OP1 of LDP2 seeks to maintain the character and amenity of the area and requires that development should not conflict with nearby land uses. Policy 14 of NPF4 requires that development proposals improve the quality of an area including in rural locations and regardless of scale. It states that development proposals that are detrimental to the amenity of the surrounding area will not be supported.

4.13 By reason of the mast's slimline structure it is considered that it would not have an overbearing visual impact upon nearby residential occupiers. Infrared aviation lighting would be necessary but this would not harm the amenity of surrounding residential occupiers. Temporary disruption from construction would be limited given the access and construction (and dismantling) access methodologies. The development would not materially harm the amenity of residential occupiers, and is acceptable and policy-compliant in this regard.

Aviation

4.14 The proposal raised no objection from NATS. The MOD has raised no objection but has advised that the mast should be fitted with aviation lighting. Details can be secured by condition. Due to the rural and relatively unlit nature of the area, infra-red lighting can be sought subject to MOD approval, consistent with the objectives of the Dark Skies policy and SG.

Access

4.15 No new access infrastructure, or alterations to existing access tracks, are proposed. There would be relatively few traffic movements associated with the construction, maintenance and decommissioning of the mast. The applicant has described construction access methodology via established forestry tracks and all-terrain vehicle. Given the scale and characteristics of the development this is considered reasonable. The development would not significantly affect established access routes.

Conclusion

4.16 There are no material considerations which override the presumption in favour of a determination in accordance with the terms of the Development plan. It is recommended that this proposal be granted, subject to appropriate conditions as listed below.

5 RECOMMENDATION

5.1 Approve, subject to the following conditions:

1. That the development hereby granted planning permission must be begun within three years of the date of this permission.

2. That the meteorological mast hereby granted planning permission shall be removed from the site and the use discontinued on or before 23 February 2030. Any works required for the reinstatement of the land shall be carried out within 1 month of the expiry of the permission, in accordance with a scheme for such reinstatement works which shall have been previously submitted to and approved in writing by the planning authority.

3. The mast hereby granted planning permission shall not be brought into operation unless and until marking materials, which shall be in accordance with current best practice standards, have been installed on the mast. The said marking materials shall thereafter be retained in situ for the lifetime of the development in an effective operational condition, with inspections undertaken by the mast operator twice every year, with any repairs necessary to maintain marking materials in their original effective operational condition undertaken immediately at the time of inspection.

4. That no development in respect of this planning permission shall take place unless and until precise details of infrared aviation lighting to be installed on the mast have been submitted to and approved in writing by the Council as planning authority (in consultation with the Ministry of Defence). This should include: a) details of any construction equipment and structures with a total height of 15 metres or greater (above ground level) that will be deployed during the construction of the meteorological mast and details of any infrared aviation warning lighting that they will be fitted with; and b) the locations, heights and specifications of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used. Thereafter, the said lighting shall thereafter be retained in situ for the lifetime of the development in an effective operational condition.

5. That prior to commencement of development, the developer shall provide confirmation that they have notified the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information: a) the date of the commencement of the erection of the meteorological mast; b) the maximum height of any construction equipment to be used in the erection of the meteorological mast; c) the date any meteorological mast are brought into use; d) the latitude and longitude and maximum heights of each meteorological mast. The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.

Reasons:

1. In order to define the duration of the planning permission, in accordance with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

2. In order to define the terms of the planning permission and to ensure satisfactory reinstatement of the site.

3. In the interests of biodiversity.

4. In the interests of aviation safety.

5. In the interests of aviation safety.

REASON FOR DECISION:

It is considered that the proposal is in accordance with the provisions of the development plan and that there were no material considerations of sufficient weight in this case to justify making a decision otherwise. Consequently, under Section 25 of the Town and Country Planning (Scotland) Act 1997, the application was approved subject to the conditions listed above.

[NB - Full details of the assessment of this proposal and the resultant decision can be found in the Statutory Report on Handling relative to this case, a copy of which is published on the Council's website at www.dumgal.gov.uk/planning.]

DIRECTIVES:

1. Please note that there is now a formal requirement for the developer to notify the Council as planning authority of Initiation of Development and Completion of Development. The relevant forms are enclosed for your use. Additional forms can be collected from planning offices or downloaded from www.dumgal.gov.uk/planning.

Relevant Drawing Numbers:

Plan Type	Reference	Version No.	Received date
Location Plan	Figure 1a	NA	04.11.2024
Site Layout	Figure 2	NA	04.11.2024
Met Mast Design	Figure 3	NA	04.11.2024
Plan and Elevation	Figure 4	NA	04.11.2024