

**Delegated Report**

**CHANGE OF USE OF PART OF ARTILLERY RANGE TO RESEARCH AND DEVELOPMENT OF KITE POWERED WIND ENERGY SYSTEMS UP TO 500KW FOR A TEMPORARY PERIOD AT WEST FREUGH, STRANRAER**

**Application Type: Full Planning Permission**

**Applicant: Kite Power Solutions**

**Ref. No.: 16/P/1/0071**

**Recommendation - Approve subject to conditions**

**Ward - Wigtown West**

**Hierarchy Type (if applicable) - Local**

**Case Officer - Andrew Robinson**

**1 BACKGROUND**

Site Visit Date - 26/05/2016 14:45:00

1.1 The application site is situated on Ministry of Defence (MOD) land situated on the south eastern side of the B7084 road near West Freugh, overlooking Luce Bay. The site is situated within a low rise, predominantly flat landscape where land levels on the site are flat. The site is accessed from a private tarmac road leading off from the B7084. The site is largely screened from the road by tree planting. The site is covered by a number of designations including the Torrs Warren - Luce Sands Site of Special Scientific Interest (SSSI), Loch on Inch and Torrs Warren Special Protection Area (SPA) and Ramsar Site, Luce Bay and Sands Special Area of Conservation (SPA) and an archaeological sensitive area.

1.2 The proposal seeks the change of use of part of the existing artillery range for the research and development of a kite powered wind energy system of up to 500kW. The proposal would comprise a mobile base station to consist of a tractor with a trailer that would extend to a length of 20 metres and a width of 17 metres where two kites would be attached. Beside the trailer would be 2 shipping containers containing plant equipment. The two kites would extend to a maximum height of 36 metres above ground level when in an upright position and when stored in a downright position, the kite docking mast attached to the trailer would extend to 9 metres above ground level. The operation of the testing equipment is proposed during summer months (between mid-April and mid-September) during daylight working hours from Monday to Friday.

1.3 The application has been accompanied by a Supporting Statement which provides a detailed project description, site history, overview of potential environmental effects, and an assessment of relevant policy.

**Planning History**

1.4 There is no previous planning history that is of relevance to this proposal.

## 2 CONSULTATIONS

Advert Type (where applicable) - NNO

Advert Date - 21/04/2016

### 2.1 Scottish Natural Heritage (SNH) - No objection

There are natural heritage interests of international importance on the application site, but these will not be adversely affected by the proposal provided that the application site is only operational during the summer months, in this case mid-April to mid-September.

#### Appraisal of Impacts – Ornithology

Having studied the Supporting Statement and given that this application is concerned only with operation during the summer months (mid-April to mid-September), SNH agree with the assessment that there will be no Likely Significant Effect (LSE) in Natura terms. If however Greenland white-fronted (GWF) geese are observed outwith the above dates there will be a LSE, due to disturbance, displacement and potential collision risk. There is always potential for geese departing later in spring or early arrival in the autumn and if this proves to be the case operations should cease.

At 5.2.1 it states that *“the only designated site of relevance to this project is the Loch of Inch and Torrs Warren Special Protection Area (SPA)...”* This is incorrect because the project would also be located within Torrs Warren to Luce Sands Site of Special Scientific Interest (SSSI) notified for non-breeding hen harrier and Loch of Inch and Torrs Warren Ramsar site designated for its population of non-breeding GWF. These designations highlight the importance of the areas for the species concerned. It should also be recognised at 5.2.11 that disturbance could also create a barrier effect which is not mentioned and in this case is between goose feeding fields and roost sites.

There is mention in 5.2.8 of previous bird survey work on the Essex site, but given that this is a developing technology (of increasing size particularly) and the poor state of the GWF population, SNH find it very difficult to see how winter operation of kites at this site would pass a Habitats Regulations Appraisal (HRA). SNH consider that bird survey work should be an important and integral component in the development of this technology generally, but even if this were done SNH highlight the difficulties in potentially expanding the operation of this technology to the winter months at this very sensitive site.

Section 7, and in particular Figure 7.1 contradict the rest of the report when addressing the proposed research and development programme for operations at West Freugh, in terms of the months and hours during which the kite trials will be operational. For example, Natural Power, in their e-mail to the Council on 06 April 2016, refers to the application being for *“an indefinite period of time but for summer months only (mid April - mid September) in line with the research and development”*. However, Figure 7.1 shows proposals which, in 2017, involves power generation by a single kite during quarter four and in 2018 involves power generation throughout the year and in quarter 4 at all times of day, seven days a week for 47 weeks per year.

### 2.2 RSPB Scotland - No objection.

RSPB Scotland is supportive of the use of renewable energy but believe that developments must be carefully sited and designed to avoid negative impacts on sites and species of conservation importance.

#### Site selection

Natural Power contacted RSPB Scotland in advance of this application to request avian data relevant to qualifying species for the Loch Inch and Torrs Warren Special Protection Area (SPA). RSPB Scotland was also asked to give early feedback on site selection for these trials and the technology related to potential risks to avian species. RSPB Scotland commented that the trialling of this technology during the winter months would be highly undesirable and would require an Appropriate Assessment due to the sensitivity of Loch of Inch And Torrs Warren SPA qualifying species Greenland White-fronted geese and Hen harrier. RSPB Scotland note that this application is for trials during the summer months and that a Habitats Regulations Appraisal has been completed as part of this application (see Habitats Regulation

Appraisal below).

Should this application be approved, RSPB Scotland recommend that appropriate survey work is undertaken to record bird interactions with kites during summer trials to ensure that initial flights do not pose a risk to on shore breeding birds and so that trials may be interrupted should a risk be identified.

#### Loch Inch and Torrs Warren SPA – Habitats Regulation Appraisal

Since this application is for trials during the summer months RSPB Scotland agree with the conclusion of the Habitats Regulation Appraisal that this proposal will have no adverse effect on the integrity of the Loch Inch and Torrs Warren SPA.

#### Kite technology - Risk to avian species

RSPB Scotland agree with conclusions drawn of the potential impact to avian species from this technology including displacement and collision with tether lines. RSPB Scotland note that results of monitoring of summer trials at Bradwell-on-Sea has indicated short-term displacement of Brent geese through flushing. **RSPB Scotland would reiterate the advice made above that appropriate monitoring is undertaken as part of this application to further inform bird interactions with this new technology.**

#### Future Aspirations

RSPB Scotland note that future aspirations include a permanent relocation of kite powered wind to Dumfries and Galloway. RSPB Scotland are concerned that the potential application to develop trialling of this new technology during the winter months is referenced as part of this application (5.2.8). RSPB Scotland would therefore like to take this opportunity to reinforce previous comments regarding testing in winter within an SPA designated for wintering species Greenland White-fronted Geese and Hen Harrier **that this would be highly undesirable and furthermore, consider that it would not be possible to satisfy the Habitats Regulation Appraisal that there would be no adverse effect on the integrity of the Loch Inch and Torrs Warren SPA.**

2.3 **NATS** - No objection.

2.4 **Ministry of Defence (MOD)** - No objection.

### **3 REPRESENTATIONS**

3.1 None received.

### **4 REPORT**

Relevant development plan policies:-

#### **Dumfries & Galloway Local Development Plan**

**OP1 - Development Considerations**

**OP2 - Design Quality of New Development**

**HE4 - Archaeologically Sensitive Areas**

**NE3 - Sites of International Importance for Biodiversity**

**NE4 - Species of International Importance**

**NE5 - Sites of National Importance for Biodiversity and Geodiversity**

**IN1 - Renewable Energy**

**IN7 - Flooding and Development**

Other Material Considerations include:

**Scottish Planning Policy**

## **Dumfries and Galloway Landscape Assessment 1998**

### **Circular 4/1998 - The Use of Conditions in Planning Permissions**

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”.*

4.2 The determining factors in the assessment of this application are whether the following material considerations are acceptable.

- Principle of Development
- Landscape and Visual Impact
- Impact on Ecology and Natural Heritage
- Impact on Archaeology
- Land Use Conflict
- Roads and Access
- Flooding and Drainage

#### **Principle of Development**

4.3 Policy IN1 of the LDP generally supports development proposals for all renewable energy. The proposal itself will not generate energy and is merely testing and developing a new renewable energy technology. The consideration of whether the proposal is acceptable therefore falls against the consideration of general development plan policies.

#### **Landscape and Visual Impact**

4.4 The proposed site lies within the Estuarine Flats sub category of the Coastal Flats Landscape Character Type (LCT 2b) as described in the Dumfries and Galloway Landscape Assessment 1998. The landscape assessment identifies the flat and exposed nature of this landscape character type and states that the very flat nature of this landscape type means that any vertical or large structures immediately become very visible, with no opportunities for screening.

4.5 The proposed kite system would have a maximum height when in operation of 36 metres above ground level and is likely to be visible in this landscape given its flat and exposed nature. However, the site is largely screened from the public road which would restrict views of the development along this viewpoint. The development is also only proposed to be in operation for a limited period of the year from mid-April to mid-September and therefore impact on landscape character and visual impact is unlikely to be significant, particularly as the structure can retract into a downward position when not in operation. Given the limited views of the site as a result of its current use (as an MOD firing range), the intermittent periods of operation of the development and the somewhat slimline nature of the development towards its tip, it is considered that the landscape and visual impact of the development would not be adverse. In the absence of any details relating to the colour of the structure, it is considered that this can be dealt with by condition.

#### **Impact on Ecology and Natural Heritage**

4.6 As referred to in paragraph 1.1 above, the site is covered by several designations particularly as a result of protected bird species. A key issue in the determination of this application is whether the development would adversely affect the qualifying interests of the bird populations of hen harriers and Greenland white-front goose. Both SNH and RSPB Scotland state that the proposal should not be in operation during winter months and consider that it would not be possible to satisfy the requirements of the Habitats Regulation Appraisal in that there would be no adverse effect on the integrity of the Loch Inch and Torrs Warren SPA.

4.7 SNH agree with the assessment that there will be no Likely Significant Effect (LSE) in Natura terms of operation from mid-April to mid-September both they and the RSPB consider it necessary for bird

survey work to be undertaken as part of this application to further inform bird interactions with this new technology. This can be required as a condition along with restricting the operation of the development from mid-April to mid-September. Subject to these conditions, the development would not adversely affect the qualifying interests of protected species and would not have an adverse impact on ecology and natural heritage.

### **Impact on Archaeology**

4.8 The site lies within an Archaeological Sensitive Area although given the nature of the development that would involve the siting of the proposal on a moveable structure as opposed to construction into the ground involving excavation, it is not considered that this development would affect the setting of this archaeological sensitive area.

### **Land Use Conflict**

4.9 The proposal would be located around 2km away from the nearest residential property and given this distance and the low noise levels anticipated from this development, it is unlikely that any conflict with adjoining uses would arise as a result of the development.

### **Roads and Access**

4.10 The proposal would be transported to the site by HGV and trailer where the kite would be assembled on site. The HGV would utilise the existing formalised access to the B7084 road which has direct access to the site. No roads and access issues are considered to arise as a result of the development.

### **Flooding and Drainage**

4.11 Parts of the wider site are potentially at risk from medium surface water flooding although the site is not at risk from fluvial or coastal flooding. Given the nature of the development where operation would be limited, it is not considered that it would give rise to or exacerbate surface water flooding.

### **Conclusion**

4.12 In conclusion, the proposal is considered to be compliant with the provisions of the stated Development Plan Policies and as 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 approved subject to conditions listed below.

## **5 RECOMMENDED DECISION**

5.1 Approve subject to the following conditions:-

### **CONDITIONS:**

1. That the kite powered wind energy system hereby granted planning permission **shall only be in operation from mid-April (15 April) to mid-September (15 September) in any calendar year**. No operation of the system shall occur outwith this period unless an application for planning permission for such development has been submitted to and approved in writing by the planning authority. During the months of non-operation, the kite docking masts shall be retracted into a downward stored position, as illustrated on the 'Mast Down Plan View' drawing hereby approved.
2. That the kite powered wind energy system hereby granted planning permission **shall not be erected or brought into operation** unless details of the precise colour of all external components comprising the kite docking masts has been submitted to and approved in writing by the planning authority. The kite docking masts shall thereafter be implemented in full

accordance with such details as may be so approved.

3. That the kite powered wind energy system hereby granted planning permission **shall not be erected or brought into operation** unless a monitoring plan, detailing how bird survey work will be undertaken to record bird interactions with the kite powered wind energy system during summer trials, has been submitted to and approved in writing by the planning authority, in consultation with SNH and RSPB Scotland. The monitoring plan shall ensure that initial flights do not pose a risk to on-shore breeding birds and shall outline mitigation measures so that trials may be interrupted should a risk to birds be recorded or identified. The kite powered wind energy system shall thereafter operate in complete accordance with the monitoring plan as so approved.

#### **REASONS:**

1. In order to define the terms of this permission, to protect natural heritage interests and in the interests of visual amenity, in accordance with Local Development Plan Policies OP1, NE3, NE4 and NE5.
2. In the interests of visual amenity to ensure that the proposed colour of the kite masts would not appear obtrusive in the surrounding landscape.
3. In order to ensure that the development does not adversely affect natural heritage interests by posing a risk of bird collisions, in accordance with Local Development Plan Policies NE3, NE4 and NE5.

#### **DIRECTIVES:**

1. In order to comply with Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this planning permission will only last for **three years** from the date of this decision notice unless the development has been commenced within that period.
2. 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](http://www.dumgal.gov.uk/planning).

#### Relevant Drawing Numbers:

Drawing No. GB201140\_M\_001\_A - MOD Activity Areas (Received)

Drawing No. GB201140\_M\_002\_A - Location Plan

Drawing No. GB201140\_M\_003\_A - Regional Context

Drawing No. GB201140\_M\_004\_A

Masts Up View from Back

Masts Up Plan View

Masts Up View From Side

Masts Down Plan View