

Minute

Planning Committee

Thursday, 14 November 2024, 14:00.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Owen Tierney, David Dawson, P Lindsay Hall, W Leslie Manson, James R Moar, Janette A Park, Raymond S Peace, John A R Scott, Jean E Stevenson, Ivan A Taylor and Duncan A Tullock.

Clerk

- Katy Russell-Duff, Committees Officer.

In Attendance

- Roddy Mackay, Head of Planning and Community Protection.
- Hazel Flett, Service Manager (Governance).
- Jamie Macvie, Service Manager (Development Management).
- Derek Manson, Team Manager (Development Planning).
- David Barclay, Senior Planner.
- Paul Maxton, Solicitor.
- Paul Sharman, Islands Archaeologist.
- Donald Wilson, Roads Authority Officer.

Observing

- Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure.
- Isla McLeod, Graduate Planner.
- Shanka Weerasekara, Graduate Planner.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Owen Tierney.

1. Planning Application 22/320/TPPMAJ

Proposed Erection of Four Wind Turbines and Associated Works on Land Near Hundland Hill, Birsay

The following parties were present during consideration of this item:

- Representing the applicant, Nisthill Wind Farm Limited:
 - Paul Archibald.
 - Kari Clouston.
 - Fiona Milligan.
 - Caroline Tait.
- Objectors:
 - Joss Durnan, representing Historic Environment Scotland.
 - Saibvhonn Schofield.
 - Carl Mulpeter.

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, 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 (maximum height of 180 metres, maximum generation capacity 26.4 MW total), a substation and maintenance building, create an access, and associated infrastructure including access tracks, underground cabling, crane hardstandings and borrow pit, on land near Hundland Hill, Birsay, had been received from the following:

- David Bilcliffe, Lower Bisgarth, Evie.
- James and Nina Leitch, Feolquoy, Evie.
- Leslie Sinclair, 31A Broad Street, Kirkwall.
- Patricia and Richard Matson, Dale, Costa.
- Alan Kelly, Galtyha, Eday.
- Carl Mulpeter, Surtidale, Swannay.
- Norma Marwick, Mannobreck, By Evie.
- Philippe Avril and Veronique Westrich, Scruit, Lochside, Swannay, Birsay, by Evie.
- Tim French, Director – Constantine Wind Energy, First Floor, River Court, The Old Mill Office Park, Mill Lane, Godalming, Surrey.
- George Argo, Hoygar, Netherton Road, Stromness.
- Jo Sylvester, Low House, Yorkshire (prepared by Planning Objections Scotland).
- Robert Hill, Swannay Brewery, Swannay by Evie.
- Julie Cuthbert, Kiln Farm, Brightlingsea.
- Harmony Schofield, Fish House, Sanday.
- Dotty Diamond, 147 Burton Road, Eastbourne.
- Iain McGill, 7 West Annandale Street, Edinburgh.
- Naomi Preston, Flat 0/4, 27 Derby St., Glasgow.
- Jason Schofield, Swannay House, Swannay, By Evie.
- Brooke Mitchell, Lochside, Dounby.

- Eleise Schofield, Elizabeth Tower, Chester Road, Manchester.
- Tamara Schofield, 7 Coates Place, Edinburgh.

1.2. That Historic Environment Scotland had objected to the application, on the grounds that the proposal would have a significant adverse impact on the integrity of the setting of nationally important Scheduled Monuments, contrary to Historic Environment Policy for Scotland and National Planning Framework 4.

1.3. That, due to the complex and contentious nature of the application, in terms of the Scheme of Administration, the Corporate Director for Neighbourhood Services 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.

1.4. That the site visit, referred to at paragraph 1.3 above, had taken place at 10:30 on 8 November 2024, which comprised viewing the application site from a selection of the viewpoints included in the Environmental Impact Assessment Report.

After hearing a report from the Service Manager (Development Management), and after hearing representations from Joss Durnam, representing Historic Environment Scotland, Carl Mulpeter and Saibvhonn Schofield, objectors, and from Paul Archibald, on behalf of the applicant, Nisthill Wind Farm Limited, Councillor Owen Tierney, seconded by Councillor David Dawson, moved that the application for the proposed erection of four wind turbines and associated works on land near Hundland Hill, Birsay, be refused, as proposed by officers.

Councillor Duncan A Tullock, seconded by Councillor Jean E Stevenson, moved an amendment that the application for the proposed erection of four wind turbines and associated works on land near Hundland Hill, Birsay, be approved.

On a vote being taken 6 members voted for the amendment and 5 for the motion, and the Committee:

Resolved, in terms of delegated powers:

1.5. That the Council should notify Scottish Ministers of its intention to approve the application for planning permission in respect of the proposed erection of four wind turbines and associated works on land near Hundland Hill, Birsay, subject to conditions.

1.6. That, should the application not be called in by Scottish Ministers for determination, consent should be issued in respect of the proposed erection of four wind turbines and associated works on land near Hundland Hill, Birsay, subject to conditions.

1.7. That powers be delegated to the Corporate Director for Neighbourhood Services and Infrastructure to issue the consent, referred to at paragraph 1.6 above, incorporating standard conditions.

1.8. That the Committee's reasons for granting planning permission, against the recommendation of the Corporate Director for Neighbourhood Services and Infrastructure, having concluded that the concerns of the objectors were of insufficient weight to warrant refusal, were that, in the Committee's opinion:

- As Orkney Islands Council had declared a Climate Emergency on 17 May 2019 and, with significant weight being given to proposals that facilitated development that addressed the global climate emergency, it was considered that the proposed development would make a major contribution to climate change mitigation and to the transition to a low carbon energy economy.
- The proposed site was identified within an “Area with Potential for Wind Farm Development”, representing the areas of least constraint to wind energy development in the Spatial Strategy Framework for windfarm development.
- It was considered that the proposal would not have a significant adverse effect on the setting of the scheduled ancient monuments in the vicinity of the site, or the integrity of the setting of the more distant World Heritage Site and the global climate emergency represented exceptional circumstances and imperative reasons of over-riding public need to justify the development.
- Views of the proposed turbines on the sensitive ridgeline associated with the World Heritage Site were distanced and the impacts created on landscape and visual amenity were considered to be sufficiently localised to make the development acceptable.
- It was not considered that the significance of effects on landscape and coastal character and visual amenity were unacceptable, and impacts were considered sufficiently localised to justify the significance of effects.
- In the absence of any detailed assessment of the potential wind shadowing impacts of the proposed development on the existing Ludenhill turbine, it was considered that the weight of policy support in National Planning Framework 4 to encourage, promote and facilitate all forms of renewable energy development would outweigh any potential to compromise the viability of the existing turbine.

And accordingly, having been fully assessed, the proposed development was in accordance with the undernoted policies:

- National Planning Framework 4:
 - Policy 1 – Tackling the climate and nature crises.
 - Policy 2b – Climate mitigation and adaptation.
 - Policy 11 – Energy – part (a) (i).
- Orkney Local Development Plan 2017:
 - Vision Statement 5.
 - Policy 1 – Criteria for All Development – parts (i), (ii), (iii), (iv), (vi) and (vii).
 - Policy 4 – Business, Industry and Employment – part (b).
 - Policy 7 – Energy.
 - Policy 8 – Historic Environment and Cultural Heritage.

2. Conclusion of Meeting

At 16:15 the Chair declared the meeting concluded.

Signed: Owen Tierney.