

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE –
18 June 2013**

Agenda Item	6.2
Report No	PLN/059/13

**12/01234/FUL : Messrs D B Angus
Land 210M SWE of Kennelfields, Mey, Caithness**

Report by Area Planning Manager

SUMMARY

Description : The installation of a single 80kW turbine, with a hub height of 18.9m and height to blade tip of 27.9m, with associated meter house and access track (as amended)

Recommendation - APPROVE

Ward : 04 - Caithness Landward

Development category : Local Development

Pre-determination hearing : None

Reason referred to Committee : More than five letters of representation.

1. PROPOSED DEVELOPMENT

- 1.1 The application is for a single WES 18 wind turbine with a rated output of 80kW, hub height of 18.9m and height to blade tip of 27.9m with associated small meter house. This wind turbine has two blades and will sit atop a galvanised steel tower. An additional area of hardstanding will be required from the existing track to allow for installation, finished to a maximum depth of 600mm of compacted stone. The application site area amounts to 640 square meters.
- 1.2 No pre-application consultation was pursued.
- 1.3 The proposed wind turbine is located due south of the substantial agricultural steading complex of Barrogill Mains Farm by East Mey, on the north coast of Caithness. The surrounding topography is generally level with mature policy woodlands producing an immediate screen to the area. There is an existing compacted stone agricultural track leading from the principle steading at Barrogill Mains to the application site. The site adjoins an existing silage clamp.
- 1.4 Environmental Reports have been lodged to accompany the application, these reports have included sections on landscape and visual assessment, hydrology, ecology, cultural heritage and archaeology, noise, shadow flicker, traffic and

transport. The most recent Report, dated March 2013, also provides additional comment in consideration of consultation responses and 3rd party comments, Constraints Map

1.5 **Variations:**

Application was initially registered on the 2nd of April 2012 for a wind turbine measuring 31.9m to hub and 40.920m to tip, associated meter house and improvement to access.

An amendment was submitted on 16th August 2012 reducing the height to hub to 26.83m, measuring 35.83m to tip.

The details before committee for consideration were submitted on the 8th of March 2013. The Committee should note that the application remains unchanged apart from the reduction in hub height to 18.9m resulting in a corresponding reduction in tip height to 27.9m. Details for the hub assembly, associated meter house and access improvements as per original submission.

2. **SITE DESCRIPTION**

2.1 The proposal is located due south of the substantial Barrogill Mains Farm steading and to the south west of the scattered settlement of East Mey on the north Caithness coast. The Castle of Mey which is a category A Listed building that is located within a designed landscape, is situated to the north east. The landscape is locally characterised by agricultural fields interspersed by mature policy woodland with a gently undulating topography. The actual site is in the corner of an agricultural field beside a silage clamp accessed by an existing farm track from Barrogill Mains Farm.

3. **PLANNING HISTORY**

3.1 Allied previous application 10/04718/FUL - Installation of one 20KW wind turbine 20.6 metres high to hub (as amended). Located to the east of the farm buildings at Barrogill approximately 620 metres to the east of the Castle of Mey.

Refused at Committee 7th June 2011. Appeal was thereafter pursued and dismissed 23rd November 2011. Planning appeal reference: PPA-270-2058

<http://www.highland.gov.uk/NR/rdonlyres/5013B6B0-0883-425E-8141-BA0F9D9F0FAB/0/PPA2702058DecisionLetter23November2011.pdf>

4. **PUBLIC PARTICIPATION**

4.1 Advertised : Schedule 3 development. Advertised on three occasions to account for revisions to proposal. Advertised 13.04.12, 31.08.12 and most recently 05.04.13
Representation deadline : 27.04.12, 14.09.12 and 19.04.13 respectively

Representations : 52 Against, from 48 households

4.2 Material considerations raised are summarised as follows:

- Visual impact
- Landscape impact on the wider area and public coastal views
- Heritage impact on the setting the Castle of Mey

- Noise
- Shadow Flicker
- Economic impact - tourism
- Environmental impact
- Concerns over time period to make representations
- Precedent if granted given wider concerns

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 **Historic Environment Team (HET):** No objection. Consideration is given to the impacts upon the setting of a Category A Listed Building and a Designed Landscape. Recognition is given to amendments to find a workable solution from the initially lodged application. HET consider that the wind turbine will be highly visible from points within the designed landscape, and from along the castle access road leading to the A836. However, note that the turbine will be located on the peripheral limit of significant views looking north towards the castle. Prominence is reduced to some degree owing to the intervening screen of mature trees.

Visual impacts will be negative and adverse in nature with the development being an unwelcome addition to the landscape, however these impacts are not sufficient to warrant an objection.

5.2 **Environmental Health :** No objection. Noise levels at the nearest noise sensitive property would fall below the ETSU simplified condition of 35dB LA90, calculated at approximately 30dB LA90. Shadow flicker is not considered as an issue as the nearest property is located at a distance in excess of the accepted rule of 10 x the rotor diameter – 180m in this instance. A series of standard noise conditions advocated.

5.3 **TECS Roads :** No objection subject to condition requiring that the junction between Barrogill Mains and the A836 is to be photographed before and after construction to the satisfaction of TECS. The applicant will be responsible for any necessary repairs to the road within 20m of the junction as the result of any damage resulting from the development.

5.4 **Tourism Section :** No objection. Careful consideration of visual impacts on visitors to the Castle of Mey and grounds that may detract from the quality of the visit to the site is advised. Response notes the 2011 VisitScotland commissioned independent research regarding consumer attitudes to wind farms in general and their minimal effect on tourism.

5.5 **Historic Scotland :** No objection. Recognition given to the reduction of height of the amended wind turbine and the lack of realistic alternative locations within the applicants landholding. HS are satisfied that the reduced height of the wind turbine

from that as originally submitted and thereafter as previously amended will help to minimise the visual impact.

5.6 **SEPA** : No objection. Standing advice provided with respect to small scale local development.

5.7 **SNH** : No objection. The proposal is likely to have a significant effect on the qualifying interests of the Caithness Lochs Special Protection Area (SPA). However, based on the appraisal carried out to date, the proposal will not adversely affect the integrity of this site.

Consideration was also made of potential impacts to Caithness and Sutherland Peatlands SPA, North Caithness Cliffs SPA, Ramsar sites, Sites of Special Scientific Interest, European Protected Species (EPS) and other protected species with advisory comment regarding EPS and wider countryside birds to be included as advice to the applicant.

5.8 **CAA** : No objection. Standing advice provided noting standard international civil aviation requirement for all structures of 300 feet (91.4 metres)* or more to be charted on aeronautical charts. Cumulative effects of turbines may lead to unacceptable impacts in certain geographic areas.

5.9 **MoD** : No objection. Requests that if planning permission is granted the following information be returned to the MoD;

- the date construction starts and ends;
- the maximum height of construction equipment;
- the latitude and longitude of every turbine.

This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28	Sustainable Design
29	Design Quality and Place-Making
30	Physical Constraints
36	Development in the Wider Countryside
49	Coastal Development
55	Peat and Soils
57	Natural, Built and Cultural Heritage
61	Landscape
67	Renewable Energy Developments

69	Electricity Transmission Infrastructure
72	Pollution
78	Long Distance Routes

6.2 **Caithness Local Plan 2002**

Owing to the aged nature of the Caithness Local Plan there are no specific policies in relation to wind energy developments although general comment is supportive of the then 'emergent' renewable energy opportunities.

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 **Draft Development Plan**

Not applicable

7.2 **Highland Council Supplementary Planning Policy Guidance**

Interim Supplementary Guidance: Onshore Wind Energy, March 2012

Small-scale Wind Turbine Supplementary Guidance – Interim supplementary Guidance November 2012.

Visualisation Standards for Wind Energy Developments, Jan. 2010

7.3 **Scottish Government Planning Policy and Guidance**

National Planning Framework for Scotland 2

SPP – Scottish Planning Policy

PAN 45 – Renewable Energy Technologies

PAN 56 – Planning and noise

PAN 58 – Environmental Impact Assessment

PAN 60 – Planning for Natural Heritage

Onshore Wind Turbines

7.4 **Other**

PAN 2/2011 – Planning and Archaeology

8. **PLANNING APPRAISAL**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance

and all other material considerations relevant to the application.

8.3 **Development Plan Policy Assessment**

Scottish Government policy is broadly supportive of renewable energy schemes. The National Planning Policy Framework (NPF2) and Scottish Planning Policy provide the planning policy context and support the commitment to achieving 50% renewable output in Scotland by 2010. The Government has changed this target to 100% of Scotland's gross annual electricity consumption by 2020.

It is recognised that increasing energy production through renewable means and the need to protect and enhance Scotland's natural and historic environment must be regarded as compatible goals. The planning system has a significant role in securing appropriate protection to the natural and historic environment without unreasonably restricting the potential for renewable energy.

In terms of consented development, the Council is on track to exceed its 2015 installed capacity target of 1200MW. While this does not prevent applications being submitted it does place the Council in a position where it has greater opportunity to accept only the most appropriate developments located in the most appropriate areas. It is incumbent upon the developer to demonstrate sensitive siting as required by Policy 28 of the HwLDP. It must also be demonstrated that the development will not compromise amenity or heritage resources as required by Policy 57 and will not have a significantly detrimental visual or landscape impact in line with Policies 61 and 67 of the HwLDP.

8.4 **Material Considerations**

It should be noted that this application has been subject to two significant amendments, both of which have reduced the tip height of the proposed wind turbine through a reduction in the mast height. The application as originally submitted was for a wind turbine 40.92m to tip, this was thereafter reduced to 35.83m and again to the application currently under consideration, with a blade tip height reduced to 27.9m. This has resulted in a reduction in excess of 25% of the total tip height which has been undertaken to accommodate concerns raised by consultees to reduce the visual impact of the wind turbine. The Environmental Report supplied in support of the application, dated March 2013, provides additional information and rationale for the proposal and the recommended reduction in height in association with consideration of both Historic Scotland and Historic Environment Team comments and 3rd party comments. The applicant has noted that this reduction in the height of the proposed wind turbine will result in an undefined reduction in output.

In the course of the amendments a constraints map was produced by the agent (Plan 5 – Constraints Map) to illustrate the rationale of the chosen location of the proposed wind turbine and demonstrate why this location was selected. Additional visualisations were also provided to better demonstrate the potential impacts of the proposal from principle viewpoints in relation to the castle and grounds with fresh visualisations sought in association with amendments to reduce the height of the wind turbine.

8.5 Consideration of previous planning history

The previously refused application (ref 10/04718/FUL) was of comparable blade tip height being 27.1m to tip located, approximately 620m to the east of the Castle of Mey. This application was refused and the subsequent appeal dismissed

The Committee will note that the reporter cited potentially adverse impacts with regards to noise upon residential amenity as the key issue in upholding the Committees' decision. It was noted by the reporter that at the given scale and location the proposed turbine '**would not be at odds with its surroundings**' and that the proposed wind turbine '**would not adversely affect the setting of the castle or its designed landscape to an unacceptable degree**'. It should be note that the current application is located 140m closer to the Castle of Mey.

8.6 Impact on the setting of the Castle of Mey and attendant designed landscape.

The proposed location is approximately 480m to the south-east of the Castle of Mey, a Category A Listed Building and 490m to the east of the Castle's gate lodge, a Category B Listed Building. The surrounding grounds are designated within the Inventory of Gardens and Designed Landscapes. The Castle and grounds are a significant cultural heritage asset for Caithness and the highlands in general, both architecturally and in respect of their close cultural associations with the Royal Family. They are a major draw for visitors and presumably are a significant contributor, both directly and indirectly, to the local economy. These factors combine to make the historic environment in this area particularly sensitive to change. It is notable that SPP explicitly states that there is a presumption against development that will adversely affect a listed building or its setting.

It is recognised that the applicant has attempted through multiple revisions of the proposal to reduce the scale and thereby the visual impact, of the wind turbine to the point where significant concerns and holding objections from both the Council's Historic Environment Team (HET) and Historic Scotland (HS) have been ameliorated. No formal objection is raised with respect to the current application by either body. This is perhaps best summarised by the HET summary comment; '**Visual impacts will be negative and adverse in nature with the development being an unwelcome addition to the landscape, however these impacts are not sufficient to warrant an objection.**'

In consideration of the earlier refused application it is considered that the Reporters determining issues remain pertinent in relation to the setting of the Castle of Mey and Designed Landscape in so far as whilst visible the turbine will not adversely affect the setting of the castle or its designed landscape to an unacceptable degree. That said this proposal is 140m closer to the Castle and to the south west of the previously refused application thereby reducing the contextual relationship with Barrogill Mains Farm steading – mindful that the screening of mature trees within the Castle policies combined with the location being at a lesser elevation, approximately 5 -10m lower than the previous application, will reduce visibility when viewed from ground level.

Wider landscape impacts in relation to coastal development are considered relatively slight owing to the scale and positioning of the proposal, with the relationship with mature policy woodlands and farm buildings, the screening by trees from the coastal A836 and the relative extent of the area of land on the seaward side of the road.

Visualisations supplied are considered as indicative and have been undertaken by the applicant to satisfy requests made through comments by Historic Scotland and the Historic Environment Team. It is recognised that these visualisations do not strictly conform to the Highland Council's visualisation standards however they are of a sufficient standard in conjunction with all other information to enable an accurate and appropriate assessment to be made.

The overall impression is such that the wind turbine will have an unwelcome effect on the setting of the castle and its designed landscape, however this is not sufficiently adverse to be deemed unacceptable, recognising HET and HS responses to this effect. The turbine is of such a height, located at sufficient distance and is in part well screened by mature policy woodlands as not to have a major impact.

8.7 **Impacts on Residential Amenity; Noise, Shadow Flicker and General Safety and Amenity Considerations**

The proposal has demonstrated that the development will not have an adverse effect on the safety and residential amenity of neighbouring properties as the key considerations of noise and shadow flicker have been adequately addressed. Conditions as suggested by Environmental Health to be utilised to safeguard noise amenity for the period of operation of the wind turbine.

It is noted that the wind turbine is located remote from public roads and known access routes and is situated at a distance from properties therefore issues such as ice and shadow throw are unlikely to be a problem. It is incumbent on the operator to ensure that the machinery is maintained and operated in a safe manner.

8.8 **Impacts on Natural Heritage**

The development is not considered to impact upon the integrity of designated sites in the vicinity with no objection to the proposal by SNH. In consideration of more local impact on individual species, SNH have indicated that advisory comment is required in consideration of European Protected Species, such as bats, and ground nesting birds. This can be addressed through the use of relevant informatives.

The application has been subject to Environmental Impact Assessment (EIA). In assessing this Planning Application SNH made comment and drew comparisons with the EIA screening and Planning considerations made in relation to the previous application reference 10/04718/FUL. In their opinion EIA would not be

required in terms of the natural heritage interests, with no additional supporting information required to further inform the planning application. In its screening assessment The Planning Authority concluded that no EIA was required.

8.9 **Concerns over time period to make representations**

This application has been subject to three periods of advertisement to cover the initial application as lodged together with the subsequent amendments to the proposal. Action was also undertaken to contact those who had made representation to the initial application in light of the subsequent amendment. The application has been subject to considerable public scrutiny as the result of such and any concerns as initially expressed through consultation periods and/or cited system inadequacies have been addressed through public re-advertisement and direct contact.

8.10 **Decommissioning and removal from site at end of life**

The operational lifespan for the proposal is stated as 25 years and can be consented as such with conditions applied to ensure that the wind turbine is removed - either at the end of this period or as in the case of premature operational failure, to prevent dereliction in the countryside.

8.11 **Grid connections and subsidiary works.**

A small meter house to be located near the base of the wind turbine is proposed from which connection to the National Grid via underground cable is to be pursued. A small, square concrete panelled meter house is proposed with a green profile sheet pent roof atop precast concrete panel walls with a metal louvered door near the base of the wind turbine. The scale of the meter building is such that it is of minimal visual impact with a total height of 2250mm and as such is unlikely to be obvious at distance. The cabling from this meter house to link with the National Grid will be underground.

8.12 **Precedent**

In consideration of precedent the proposal is located within a stage 2 area of search as identified in the Onshore Wind Energy Supplementary Guidance and as such is recognised as an area in which there is a degree of constraint and policy criteria to be addressed as demonstrated in the consideration of this application via material considerations, consultations undertaken and reference to policy and guidance. It is noted however that the Castle of Mey and designed landscape is a Stage 1 area, which is in close proximity to the application site. This has dictated that an appropriate assessment is undertaken, most notably of the potential impacts to features of Heritage interest i.e. the castle and designed landscape. A lead in this assessment, mindful that this is bounding a stage 1 area is considered via the consultation responses from both HS and HET.

As this case has been considered on its individual merits with appropriate assessment undertaken, no precedent is established by the determination. Similarly this determination does not invite subsequent developments of a similar nature as such would require not only a similar assessment to this application but necessitate additional review and assessment with regards potentially negative

cumulative impacts.

8.13 **Other Considerations – not material**

It is recognised that the development has aroused considerable interest , particularly to those with a direct association with the Castle of Mey and the affection in which the deceased Queen Elizabeth The Queen Mother was regarded.

Developments which are cited as having a potentially negative impact upon existing tourist attractions, unless substantiated, can only be considered as anecdotal comment. In this instance for the reasons cited above it is considered that there are appropriate safeguards afforded to the setting of the Castle of Mey and gardens in this regard.

8.14 **Matters to be secured by Section 75 Agreement**

None

9. **CONCLUSION**

9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

10. **RECOMMENDATION**

Action required before decision issued N

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons / notes to applicant :

1. This planning permission shall expire and cease to have effect after a period of 25 years and six months from the date of this decision notice. Upon the expiration of a period of 25 years from the date of this decision notice, the wind turbine(s) shall be decommissioned and removed from the site, with decommissioning and restoration works undertaken in accordance with the terms of a Decommissioning and Restoration Plan which shall first be submitted to, and approved in writing by, the Planning Authority.

Reason : Wind turbines have a projected lifespan of 25 years, after which their condition is likely to be such that they require to be replaced, both in terms of technical and environmental considerations. This limited consent period also enables a review and, if required, reassessment to be made of the environmental impacts of the development and the success, or otherwise, of noise impact, species protection, habitat management and mitigation measures. The 25 years

and six months cessation date allows for a 6 month period to complete decommissioning and site restoration work.

2. The developer shall, at all times after the date when electricity is first exported from the approved wind turbine, record information regarding the monthly supply of electricity and retain the information for a rolling period of at least 12 months. The information shall be made available to the Planning Authority within one month of any request by them. In the event that the wind turbine, once installed and commissioned, fails to supply electricity for a continuous period of 6 months, then the wind turbine in question shall be deemed to have ceased to be required. Under such circumstances, the wind turbine, along with any ancillary equipment, fixtures and fittings not required in connection with retained turbines, shall, within 3 months of the end of the said continuous 6 month period, be dismantled and removed from the site and the surrounding land fully reinstated in accordance with a Decommissioning and Restoration Plan which shall first be submitted to, and approved in writing by, the Planning Authority).

Reason : To ensure that any redundant or non-functional wind turbines removed from site; in the interests of safety, amenity and environmental protection.

3. The wind turbine shall be finished in a non-reflective pale grey semi-matt colour or another colour as may otherwise be approved in writing by the Planning Authority, and no symbols, signs, logos or other lettering shall be displayed on any part of the wind turbine nor any other buildings or structures within the application site unless required by law or as otherwise approved in writing by the Planning Authority.

Reason : To ensure that the turbine is not used for advertising, in the interests of visual amenity.

4. No development shall commence until a Decommissioning and Restoration Plan (DRP) for the application site has been submitted to, and approved in writing by, the Planning Authority in consultation with SNH and SEPA.

Thereafter, and no later than 12 months prior to the decommissioning of the development, a detailed DRP, based upon the principles of the approved draft plan, shall be submitted to, and approved in writing by, the Planning Authority, in consultation with SNH and SEPA.

For the avoidance of doubt, the DRP shall include the removal of all above-ground elements of the development, the treatment of ground surfaces, management and timing of the works, environmental management provisions and a traffic management plan to address any traffic impact issues during the decommissioning period. The detailed Decommissioning and Restoration Plan shall be implemented as approved.

Reason : To ensure that the wind turbine and associated development is removed from site should the wind turbine become largely redundant; in the interests of

safety, amenity and environmental protection.

5. No development shall commence until the developer has provided the Ministry of Defence (MoD), the Defence Geographic Centre (AIS Information Centre), National Air Traffic Services (NATS) and Highlands & Islands Airports Ltd (HIAL) (copied to the Planning Authority) with the following information in writing:
- i. The dates that construction will commence on site and will be complete;
 - ii. The maximum height of the wind turbine, mast and construction-related equipment (such as cranes);
 - iii. A description of all structures exceeding 90m in height;
 - iv. The height above ground level of the tallest structure within the site;
 - v. The latitude and longitude of the proposed wind turbine and mast;
 - vi. The number of rotor blades on the turbine; and
 - vii. The total generation capacity of the wind turbine.

Thereafter, the wind turbine shall not be commissioned until full details of any changes to information previously provided in relation to parts ii and vii above (including any micro-siting alterations, if allowed under the terms of this permission) have been submitted in writing to the MoD, Defence Geographic Centre, NATS and HIAL.

Reason : This information shall ensure that the MoD and NATS are aware of the details of the development, in the interests of aviation safety.

6. The Wind Turbine Noise Level, including the application of any tonal penalty specified in ETSU-R-97 at pages 99-109, shall not exceed 35 dB LA90,10min at any Noise-Sensitive Premises. This condition shall only apply at wind speeds up to 10m/s measured or calculated using the methods described in "Prediction and Assessment of Wind Turbine Noise" (published in IOA Bulletin March/April 2009).

Reason : To ensure the Turbine operates within set parameters in accordance with Policy 67 of the Highland-wide Local Development Plan.

7. Should the noise levels in the forgoing condition be exceeded, the Wind Turbine Operator shall take steps forthwith, up to and including switching off the turbine, to ensure that noise emissions from the wind turbine is reduced to the aforementioned noise levels or less as cited in condition 6 above.

Reason : To ensure that the noise impact of the development can be assessed, if necessary following a complaint, in order to demonstrate that it does/does not exceed the predicted noise levels set out within the supporting noise assessment.

8. The Wind Turbine Operator shall, beginning with the first day upon which the wind turbine becomes operational and on a rolling basis thereafter, log wind speed and wind direction data continually and shall retain the data for a period of at least 12 months from the date that it was logged. The data shall include the average wind speed, measured in metres per second, over 10 minute measuring periods. These measuring periods shall be set to commence on the hour and at 10 minute

consecutive increments thereafter. Measurements shall be calculated at 10m above ground level using the methods described in "Prediction and Assessment of Wind Turbine Noise" (published in IOA Bulletin March/April 2009). All wind speed data shall be made available to the Planning Authority on request in Microsoft Excel compatible electronic spreadsheet format.

Reason : To ensure that the noise impact of the development can be assessed, if necessary following a complaint, in order to demonstrate that it does/does not exceed the predicted noise levels set out within the supporting noise assessment.

9. At the reasonable request of the Planning Authority, the Wind Turbine Operator shall assess, at its own expense and using a suitably qualified consultant(s) not involved in the original noise assessment, the level of noise emissions from the Wind Turbine.

Assessment shall be carried out in accordance with the Noise Measurement and Mitigation Scheme approved under this planning permission and a report of assessment shall be submitted to the Planning Authority within two months of a request under this condition, unless an alternative timescale is otherwise agreed in writing by the Planning Authority.

If noise emissions are found to exceed limits prescribed under this planning permission, then the Wind Turbine Operator shall implement mitigation measures in full accordance with the approved Noise Measurement and Mitigation Scheme, or alternative equal or better mitigation measures as may first be approved in writing by the Planning Authority, in order to reduce noise levels to comply with prescribed limits. The time period for implementing mitigation measures shall be as outlined in the approved Noise Measurement and Mitigation Scheme or as otherwise may be specified writing by the Planning Authority.

Reason: To ensure that, following a complaint, noise levels can be measured to assess whether or not the predicted noise levels set out within the supporting noise assessment have been breached, and where excessive noise is recorded, suitable mitigation are undertaken.

10. No development shall commence until a Noise Measurement and Mitigation Scheme has been submitted to, and approved in writing by, the Planning Authority. The scheme shall include:
- i. A framework for the measurement and calculation of noise levels to be undertaken in accordance with "The Assessment & Rating of Noise from Wind Farms", September 1996, ESTU report number ETSU-R-97 having regard to paragraphs 1-3 and 5-11 inclusive, of The Schedule, pages 95 to 97; and Supplementary Guidance Notes to the Planning Obligation, pages 99 to 109. Wind speeds shall be determined using the methods in "Prediction and Assessment of Wind Turbine Noise" (published in IOA Bulletin March/April 2009); and
 - ii. Mitigation measures to be enacted, along with a timetable(s) for implementation, should noise emissions exceed the limits prescribed under this planning permission.

Reason : To ensure the Turbine operates within set parameters in accordance with Policy 67 of the Highland-wide Local Development Plan.

11. The developer shall ensure that the wind turbine and all plant, machinery or equipment installed or forming part of the development shall be so installed and thereafter operated and maintained that no interference or disruption occurs to telecommunications equipment, transmitting or receiving systems, including navigation and surveillance systems and associated infrastructure.

Reason : To ensure the Turbine operates within set parameters to safeguard the operation of existing infrastructure within the vicinity of the turbine in accordance with Policy 67 of the Highland-wide Local Development Plan.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

Mud & Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which

noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species - Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protectingscotlands-nature/protected-species

Protected Species – Ground Nesting Birds

Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April – July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the

Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest. For information please see:

www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp

Noise: This permission is granted on the basis of supporting information which states that a satisfactory separation distance from noise sensitive properties can be achieved, furthermore the technical data supplied is considered as remaining current as no information to the contrary has been received in the processing of this application

Schedule 3 Development Site Notice

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country

Planning (Scotland) Acts and associated regulations.

Definition of Terms Used in this Decision Notice

“Wind Turbine Noise Level” means the rated noise level due to the combined effect of all the Wind Turbines, excluding existing background noise level but including any tonal penalty incurred under the methodology described in ETSU-R –97, pages 99 – 109.

“Wind Farm Operator” means the individual(s), organisation(s) or company(ies) responsible for the day-to-day operation of the windfarm, who may or may not also be the owner of the windfarm.

“Background Noise Level” means the ambient noise level already present within the environment (in the absence of noise generated by the development) as measured and correlated with Wind Speeds.

“Wind Speeds” means wind speeds measured or calculated at a height of 10 metres above ground level on the site at a specified Ordnance Survey grid reference agreed in writing by the Planning Authority

“Night hours” means 23:00 – 07:00 hours on all days.

“Noise-Sensitive Premises” means any building, structure or other development that, on the date of this planning permission, exists or is yet to exist but benefits from extant planning permission, the lawful use of which falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) or is as a flat or static residential caravan. Where such documents exist, this definition also includes any other premises defined as being noise-sensitive within any Environment Statement or other assessment or survey submitted in support of the planning application. For the purposes of this definition, ‘premises’ includes any relevant curtilage.

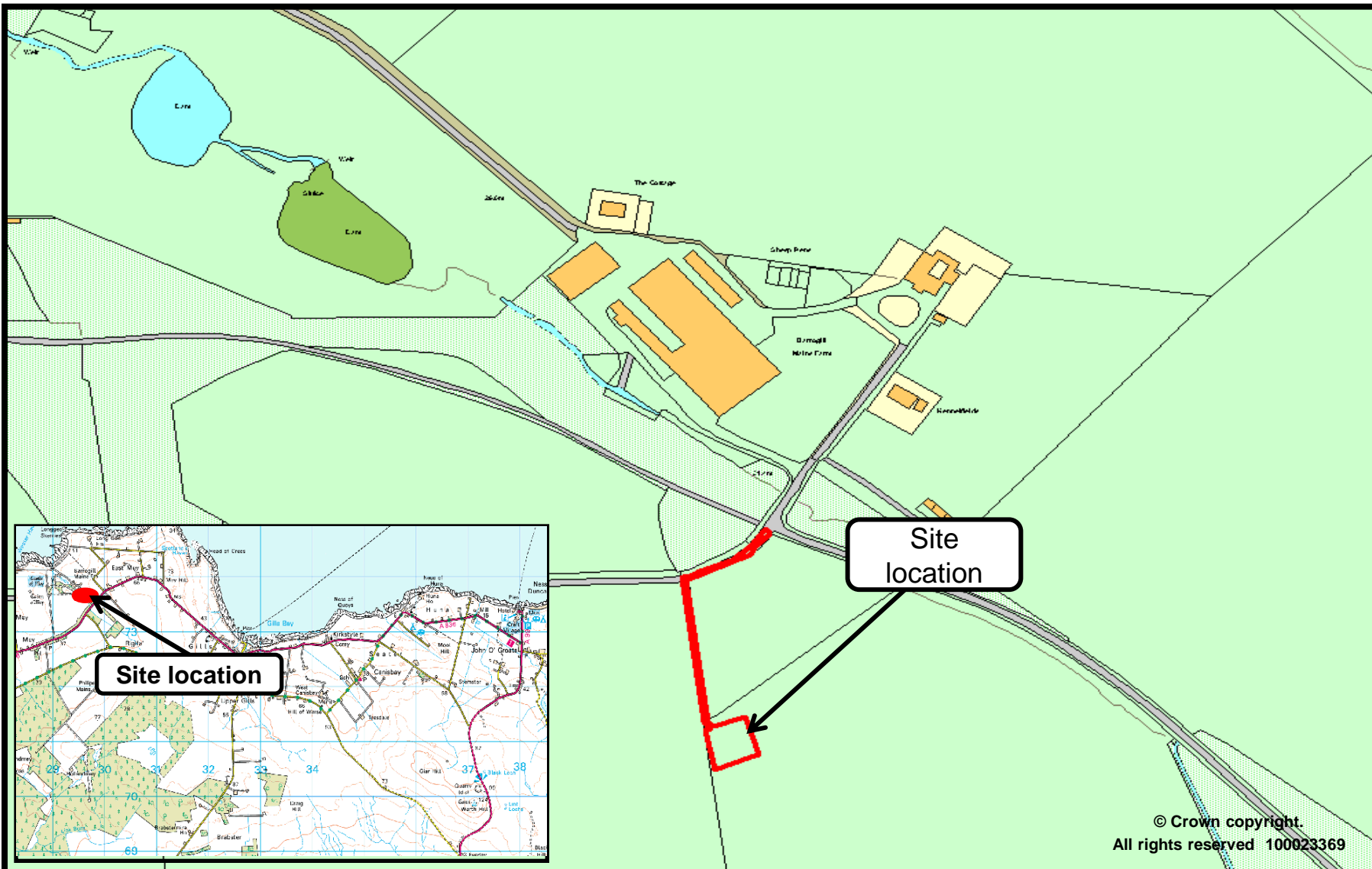
Signature:	Dafydd Jones
Designation:	Area Planning Manager North
Author:	David Barclay
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Location Plan 000001
	Plan 2 – Meter House Plan 000002
	Plan 3 – Site Plan A001
	Plan 4 – Elevation Plan
	Plan 5 – Constraints Map
	Plan 6 – Castle of Mey Site Map

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mrs Pamela-Jane Farquhar	Happylands House, Charlton Lane, Tetbury	26.03.12	Against
Charlie Baker	No address supplied	27.03.12	Against
Alan Wilcock	Baslow House, Battery Road, Castletown, Caithness KW14 8TF	04.04.12	Against
Ian Pickthall	23 Upper Burnside Drive, Thurso, Caithness KW14 7XB	04.04.13	Against
Miss Christine Davidson	6 Rose Street, Thurso, Caithness KW14 7HH	04.04.13	Against
Dr. Graham Elliot	9 Mill Way, Brora	23.04.13	Against
Mr Peter Keyser	Drumleys House, Airlie, Kirriemuir	23.04.13	Against
Mrs Erica Hamilton	Lowood House, Melrose	23.04.13	Against
Mr Andrew MacEwan	West Hembury Farm, Askerswell, Bridport	24.04.13	Against
Captain RN Colin Farley-Sutton	Shepherd's Cottage, Watten, WICK	24.04.13	Against
Christine Cariss	Jacks Cottage, Dunnet, Thurso, KW14 8YD	24.04.13	Against
Dr A Calder CBE	By email. No address supplied	24.04.13	Against
Fiona Fletcher	20 Cowden Way, Comrie, Crieff	24.04.13	Against
Mr Jeremy Stopford	Rose Cottage, Pamber Road, Charter Alley, Tadley	24.04.13	Against
Mr Ashe Windham	Loubcroy Lodge By Lairg	24.04.13	Against
Alan Wilcock	Baslow House, Battery Road, Castletown, Caithness KW14 8TF	25.04.13	Against
Aline L. Gunn	Banniskirk	25.04.13	Against
Bill Ferguson	5 Harrow Terrace Wick	25.04.13	Against
Charles Baker	By email. No address supplied	25.04.13	Against

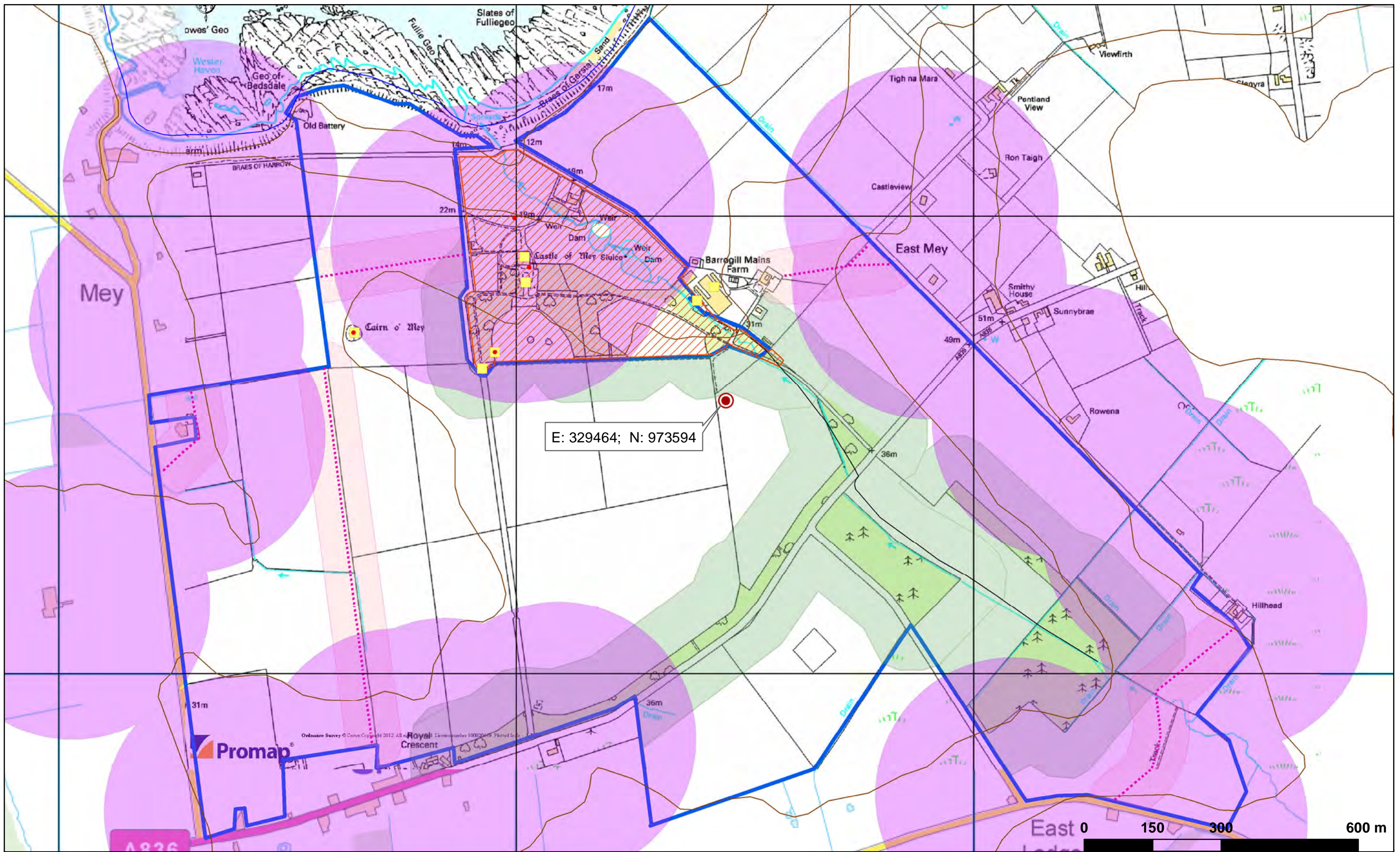
Daniel Busk	Eveley Farm, Houghton, Stockbridge	25.04.13	Against
Gerry O'Brien	12 Sinclair Terrace, Wick, KW1 5AD	25.04.13	Against
Hugo Vickers	Wyeford Ramsdell Tadley	25.04.13	Against
James Stobo CBE. DL	By email. No address supplied.	25.04.13	Against
Mr Jeremy Burton	Charlotte Cottage, Radford	25.04.13	Against
Major John Perkins	Bure House, Lammas, Norwich	25.04.13	Against
Peter Norman	24 Woodsford Square, Addison Road, W14 8DP	25.04.13	Against
Prudence Penn LVO	By email. No address supplied.	25.04.13	Against
Mr Roly Grimshaw	Chalk House, Winterslow Road Porton Salisbury	25.04.13	Against
Mrs Sophie Busk	The Homestead, High Street, Stockbridge	25.04.13	Against
William & Deja Findlay	By email. No address supplied.	25.04.13	Against
Mr Colin Gilmour	Shenaval, Altass, Lairg	26.04.13	Against
Mrs Erica Hamilton	Lowood House, Melrose	26.04.13	Against
Mrs Jacqueline Johnstone	Schoolhouse, Murkle, Thurso	26.04.13	Against
Mr John Johnstone	Schoolhouse, Murkle, Thurso	26.04.13	Against
Miss Joyce Wilson	Beachwood House West Dunnet Road, Dunnet, Highland KW14 8YD	26.04.13	Against
Pammie Jane Farquhar	By email. No address supplied.	26.04.13	Against
Philip Colville	Persie, East Mey, Mey, Thurso, Caithness KW14 8XL	26.04.13	Against
Mr Richard Jenkins	Sandsfoot Mead, Milton on Stour, Gillingham	26.04.13	Against
Mr Robert Boyle	Bisbrooke Hall, Oakham	26.04.13	Against
Mr Colin Liddell	Castlebridge Mere, Warminster	27.04.12	Against
Miss Julie Boardman	Charlotte Cottage, Radford, OX7 4EB	27.04.12	Against

Lady Jean Gilmour	Invernauld, Rosehall, Lairg, Sutherland IV27 4EU	27.04.12	Against
Mr N. Brims	Brabsterdorrان, Bower	27.04.12	Against
Mrs Carol Gilmour	Shenaval, Altass, Lairg, Sutherland IV27 4EU	27.04.12	Against
Mr Niall Hall	6 Victoria Mansions, Queen's Club Gardens, London	27.04.12	Against
Rev. K. Anderson	Middlehill, Altass, Lairg, IV27 4EU	27.04.12	Against
William Shawcross	3 Clarendon Close, London	29.04.12	Against
Mark Grayson	10 Kenilford Road, London	01.05.13	Against
A. J. Kell		02.05.12	
Ian Pickthall	23 Upper Burnside Drive, Thurso, Caithness KW14 7XB	02.05.12	Against
Dr. and Mrs W. P. Batey	Tigh Na Mara, East Mey, Caithness, KW14 8XL	16.05.13	Against
Malcolm Caithness	By email. No address supplied	16.05.13	Against



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Case No: 12/01234/FUL
Description: The installation of a single 80kW turbine, with a hub height of 18.9m and height to blade tip of 27.9m, with associated meter house and access track at Land 210M SWE of Kennelfields, Mey.



E: 329464; N: 973594

Promap

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East 0 150 300 600 m



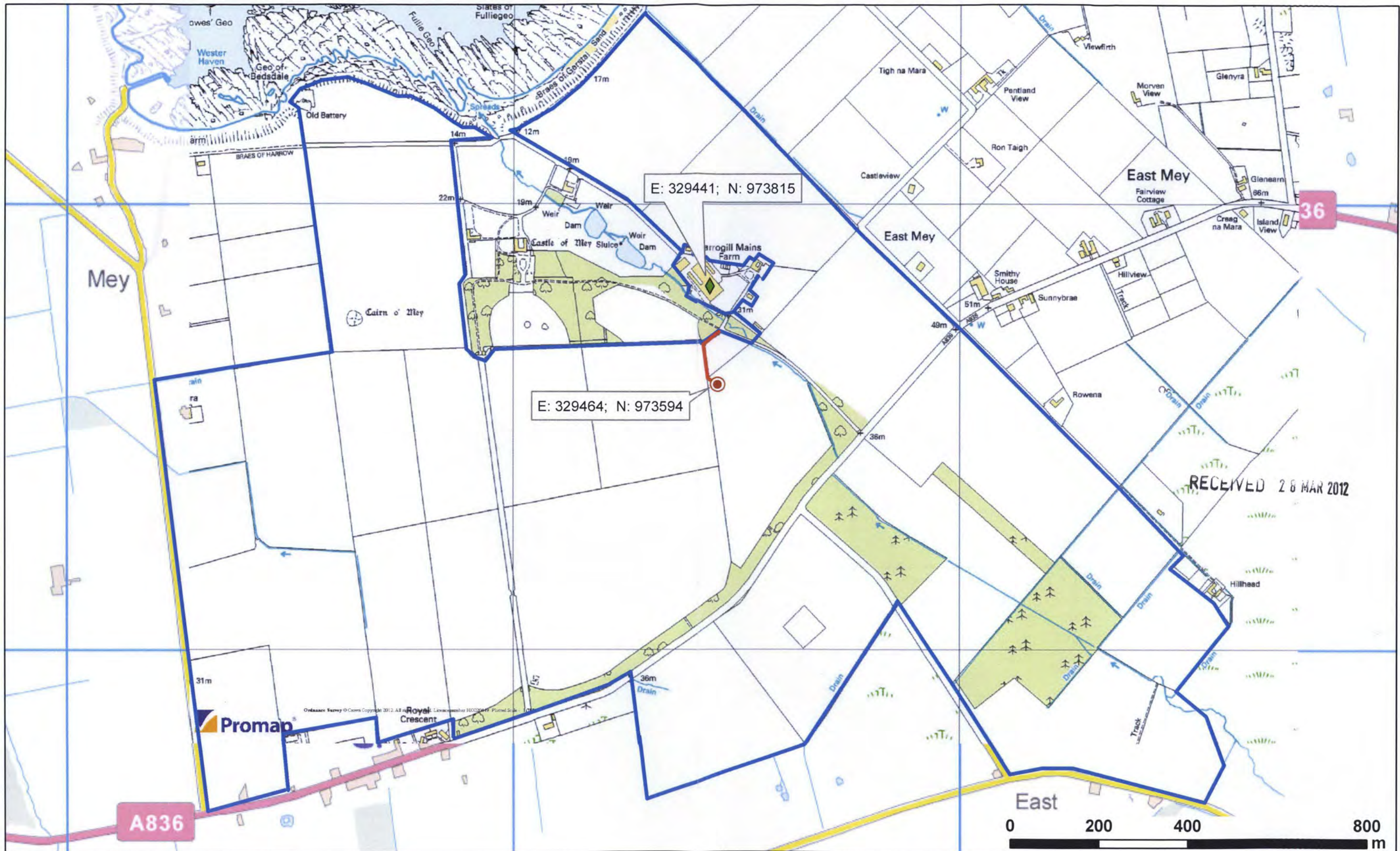
Constraints Map for Barrogill Mains, Mey, Thurso, KW14 8XH

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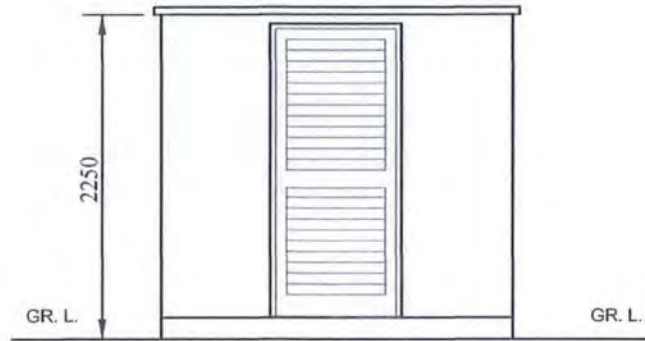
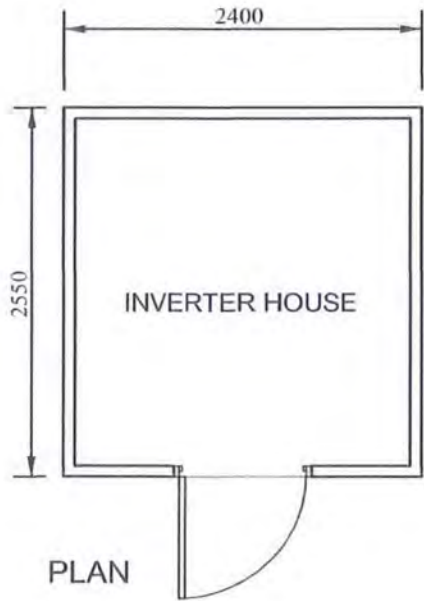
Legend		
Turbine location	Power lines	NMRS 1km
Site boundary	Power line buffer (61.38m)	SSMR 1km
300m noise circles	Woodland buffer (100m)	GDL 5km

1:7,500

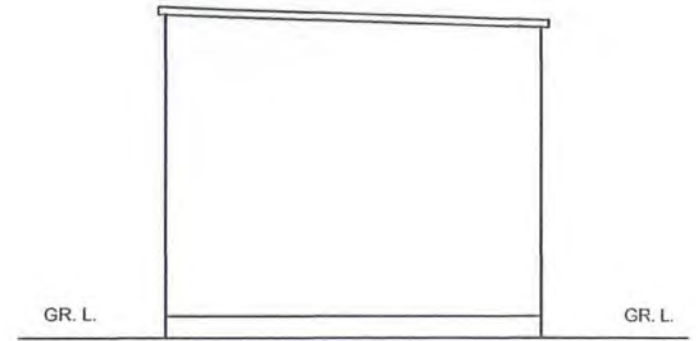


<p>Renewable Technology Specialists</p>	<h3>Barrogill Mains Site Map</h3> <p>Ordnance Survey(c) Crown Copyright 2011. All rights reserved. Licence number 100020449</p>		<h3>Legend</h3> <ul style="list-style-type: none"> Turbine location Connection point Access Track Site Boundary
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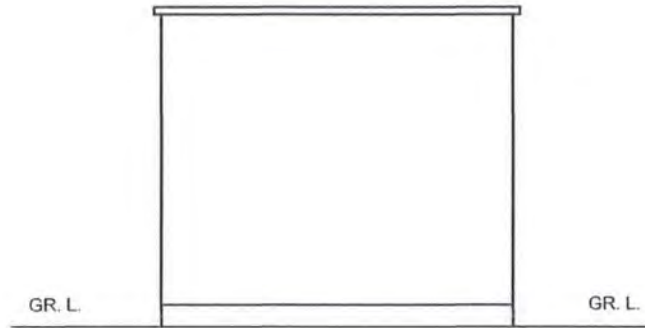
RECEIVED 28 MAR 2012



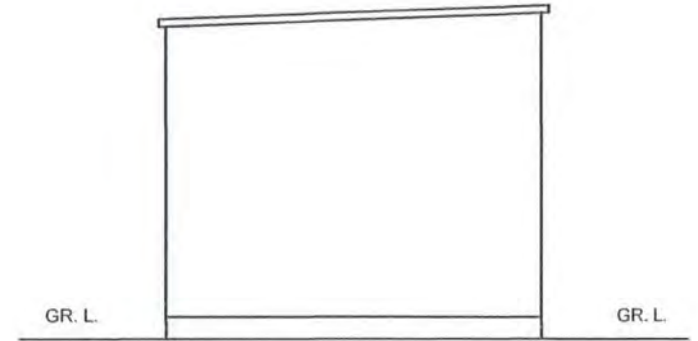
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

PROPOSED METER HOUSE

Scale :- 1:50

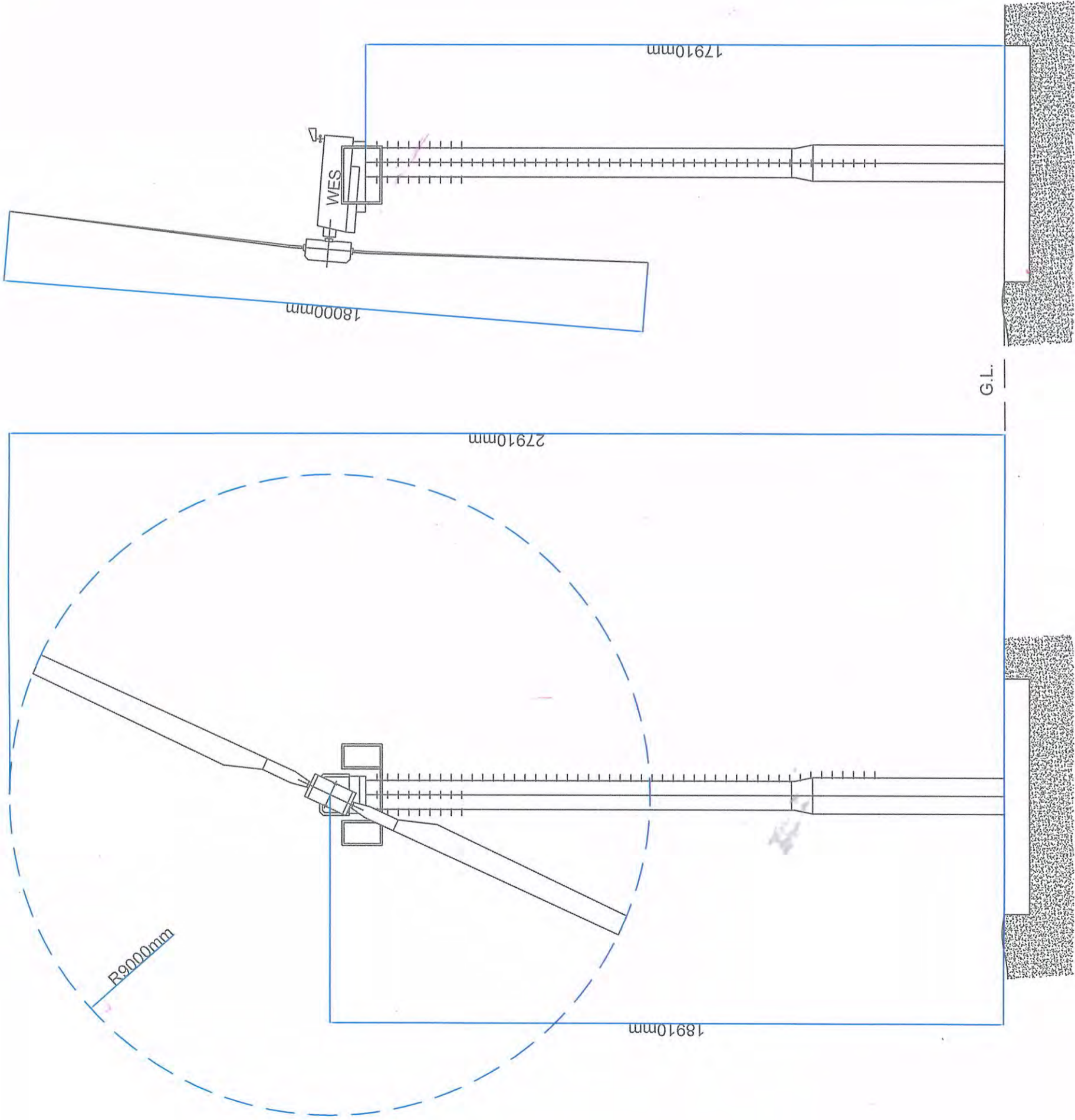
BASE : 150mm C35 GRADE CONCRETE ON 1 LAYER VISQUEEN 1200 DPM ON MINIMUM 100mm BLINDED AND COMPACTED HARDCORE.

WALLS : PROPRIETARY PRECAST CONCRETE PANELS

ROOF : PROPRIETARY PROFILED METAL SHEETING (coloured green)

DOOR : 900 x 2000mm METAL LOUVRED

000002



Waterside Farm,
Glasgow Rd,
Galston,
KA4 8PB

Tel - 01563 829999
email - michael@vgenenergy.co.uk

Michael McGhee Environmental Civil Engineer

PROJECT

**WES 18 18m
TOWER**

DRAWING NO.	REVISION
W18/18	

SCALE

1:125

DATE

17/08/11

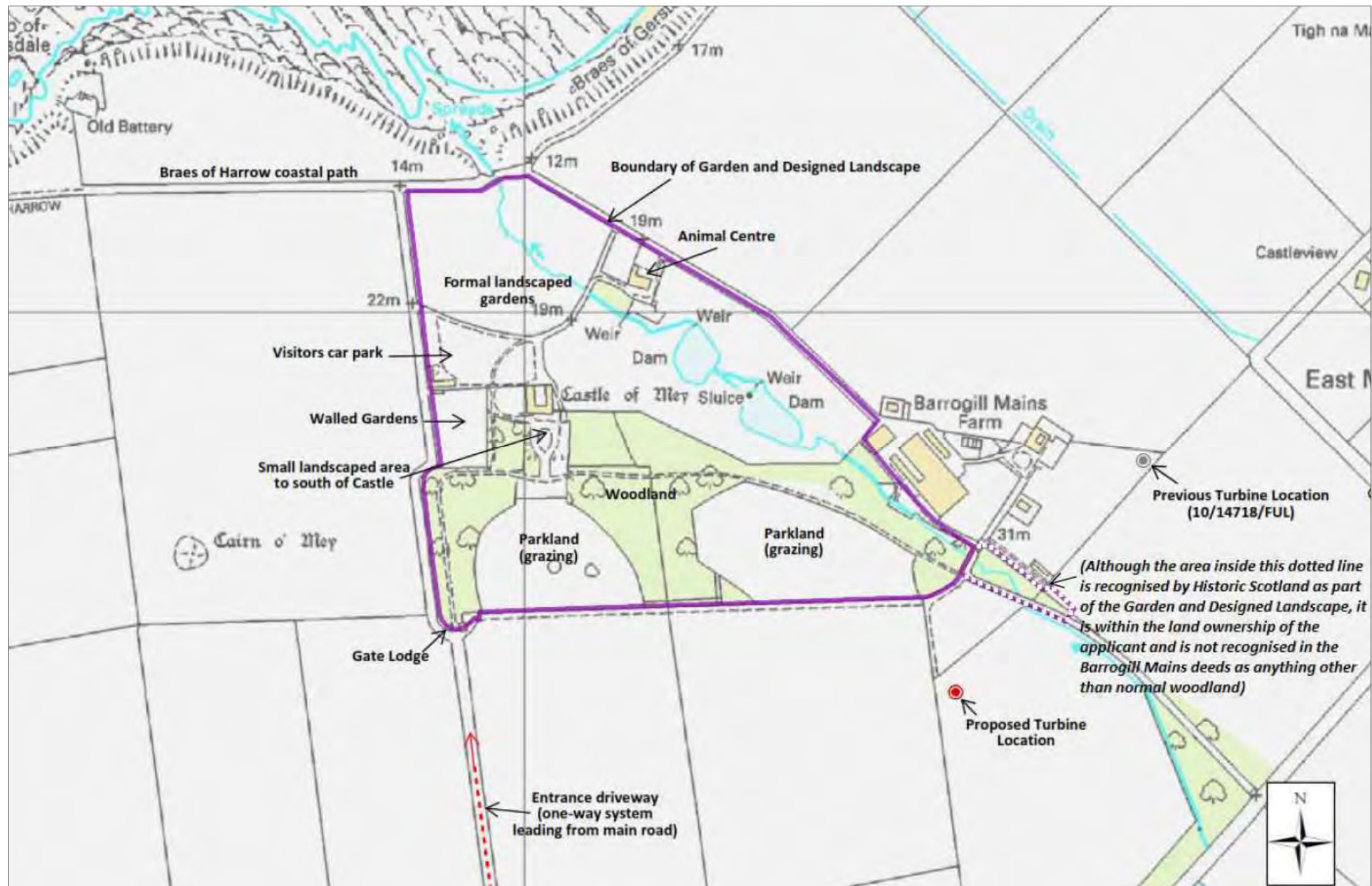
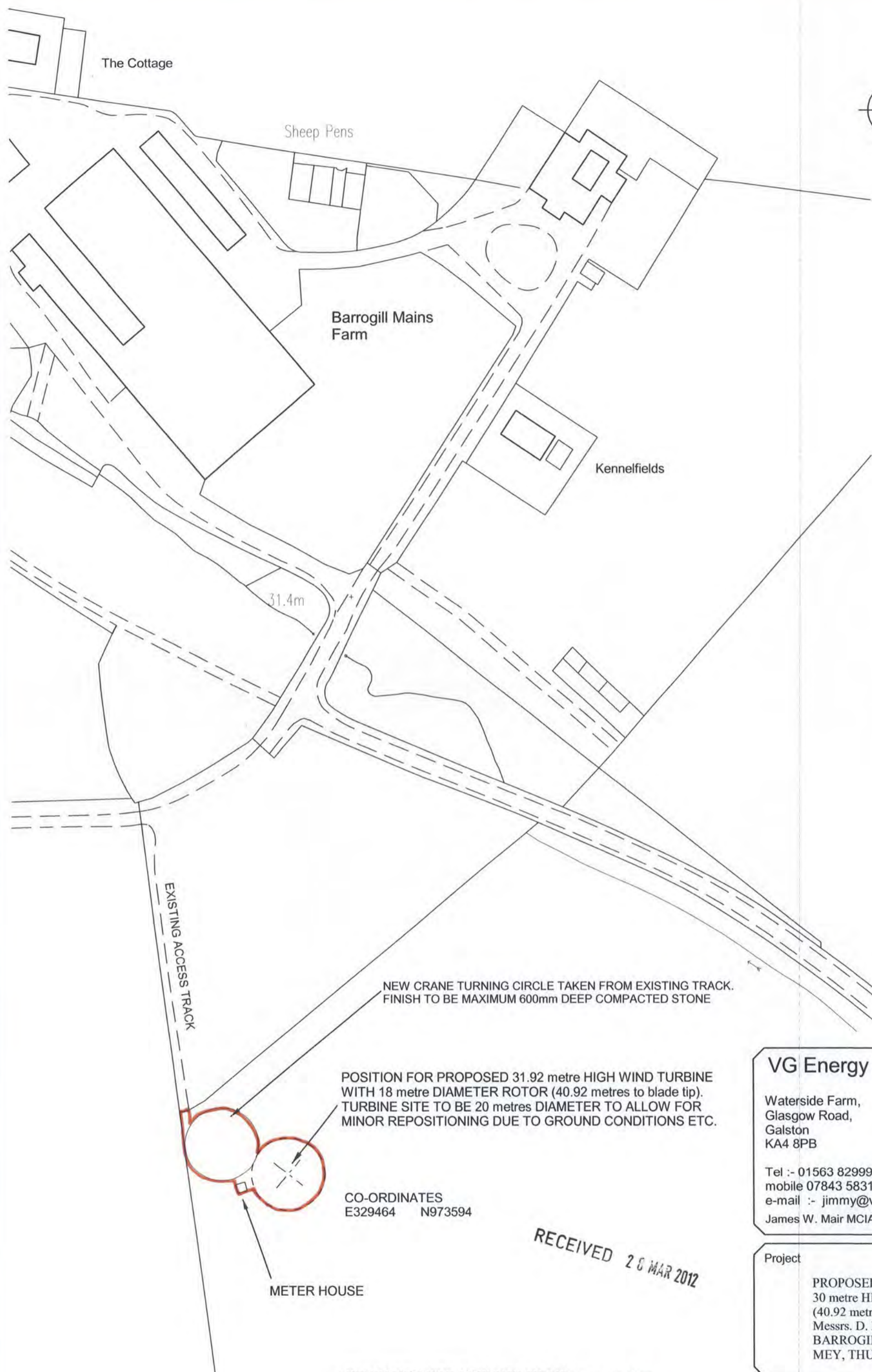


FIGURE 1.1: CASTLE OF MEY SITE MAP



The Cottage

Sheep Pens

Barrogill Mains Farm

Kennelfields

31.4m

EXISTING ACCESS TRACK

NEW CRANE TURNING CIRCLE TAKEN FROM EXISTING TRACK. FINISH TO BE MAXIMUM 600mm DEEP COMPACTED STONE

POSITION FOR PROPOSED 31.92 metre HIGH WIND TURBINE WITH 18 metre DIAMETER ROTOR (40.92 metres to blade tip). TURBINE SITE TO BE 20 metres DIAMETER TO ALLOW FOR MINOR REPOSITIONING DUE TO GROUND CONDITIONS ETC.

CO-ORDINATES
E329464 N973594

METER HOUSE

APPLICATION SITE AMOUNTS TO 640 square metres



VG Energy Ltd.
 Waterside Farm,
 Glasgow Road,
 Galston
 KA4 8PB
 Tel :- 01563 829994
 mobile 07843 583149
 e-mail :- jimmy@vgenergy.co.uk
 James W. Mair MCIAT Architectural Technologist

RECEIVED 26 MAR 2012

Project
 PROPOSED ERECTION OF A
 30 metre HIGH WIND TURBINE
 (40.92 metres to blade tip) for
 Messrs. D. B. ANGUS at
 BARROGILL MAINS FARM,
 MEY, THURSO

Drawing No.	Revision
A001	

Scale	Date
1:1000	March 2012