THE HIGHLAND COUNCIL

Agenda Item	5.1
Report No	PLN/073/13

North Planning Applications Committee – 13 August 2013

Construction of a wind farm containing 15 (as amended) wind turbines, crane hardstandings, site accesses from the A9(T), fenced substation and switchgear compound, on-site underground cabling, on-site access tracks and associated pipe bridges and watercourse crossings, removal of forestry, one permanent steel lattice or tubular tower anemometry mast, two temporary power performance assessment masts, and ancillary construction development including two temporary construction compounds/lay-down areas at Halsary Forest, Watten, Caithness.

09/00399/FULCA: Halsary Wind Farm, Scottish Power Renewables Ltd

Report by Head of Planning and Building Standards

SUMMARY

Description: The proposal is a 15 turbine wind farm development with installed capacity of 34.5MW located at a site approximately 15km south of Thurso and 17km west of Wick, in Caithness, adjacent to the A9(T). The operational Causeymire Wind Farm operated by RWE NRL, lies immediately to the west on the opposite side of the A9(T). The turbines will be a maximum of 100m to blade tip in height. Access will be taken directly from the A9(T).

Recommendation: GRANT planning permission.

Ward: 4 – Landward Caithness

Development category: Major.

Pre-determination hearing: None

Reason referred to Committee: More than 5 objections.

1.0 PROPOSED DEVELOPMENT

1.1 It is proposed to develop a windfarm consisting of 15 wind turbines and associated infrastructure, including a control building, electrical infrastructure, access tracks, crane hardstandings, electrical cabling, one 60 metre high permanent wind measuring mast, upgraded watercourse crossings and two upgraded site accesses from the A9(T). The wind turbines will have a maximum height of 100 metres to blade tip, each with a power rating of 2.3MW with the total output of wind farm being 34.5MW.

1.2 The proposal also includes three temporary construction compounds and two temporary power performance masts.

1.3 The current proposal has been amended, including the reduction in turbines from eighteen to fifteen following the removal of three turbines to the north of the site. This has also provided an opportunity to revise track layout, reducing the length required.

1.4 A control compound measuring 60 metres by 60 metres is proposed immediately adjacent to the existing Mybster electricity substation, where the windfarm will connect to the electricity grid. The compound will be used to accommodate a control building, external electrical infrastructure associated with the grid connection and car parking. The control building will be approximately 15 metres by 35 metres by 8 metres high.

1.5 There will be no borrow pits on the site. It is proposed that all aggregate associated with construction will be imported from local quarries via the existing stone haul road which leads to the site from the B870 to the north.

1.6 The development will require the felling of 612 hectares of commercial forestry. Where appropriate, the timber will be felled for commercial timber or for biomass purposes. The remaining forestry is anticipated to be mulched as part of the peatland restoration process.

1.7 A car park will be situated off the A9(T), close to the northern access for use by those wishing to use the windfarm site for recreational purposes. The site will measure 16 metres x 14 metres and will provide parking for 10 vehicles. It will be surfaced in type 1 material.

2.0 SITE DESCRIPTION

2.1 The wind farm site is located approximately 2 kilometres south of the village of Spittal, Caithness, and lies on the eastern side of the A9(T), immediately opposite the existing Causeymire windfarm. The site is approximately 719 hectares, of which 612 hectares is commercial coniferous forestry managed by Forestry Commission Scotland. A further 93 hectares is unplanted peatland and heathland with the remaining 14 hectares forming Halsary Farm, a working farm currently used for sheep grazing.

2.2 The site lies within both the River Thurso and Wick River catchments; the catchment boundaries roughly being along the A9(T). The majority of development on the site will fall within the Wick River catchment. Water flows are generally to the east and north east into Allt Eireannaich, Loch of Toftingall and Loch Burn to the north and Halsary Burn and Hectors Burn to the east. These converge into the Burn of Acharole/Wick River outwith the development site.

2.3 There are no natural heritage designations covering the site. Immediately adjacent to the south and east of the development site lie the following designated areas:

- Caithness & Sutherland Peatlands SAC, SPA and Ramsar are adjacent to the site to the south and south west. Its designation is for habitats, these being Acid peat-stained lakes and ponds, blanket bog clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels, wet mires often identified by an unstable 'quaking' surface and Wet heathland. It is also designated for species, these being Marsh saxifrage, Otter, Breeding bird assemblage and breeding populations of black-throated diver, common scoter, curlew, dunlin, golden eagle, golden plover, greenshank, hen harrier, merlin, red-throated diver, short-eared owl, teal, wigeon and wood sandpiper.

- Shielton Peatlands Site of Special Scientific Interest (SSSI) which is designated on account of its blanket bog vegetation.

2.4 Within 5 kilometres of the development site, there are two further designated sites. These are:

- River Thurso SAC which is designated for supporting Atlantic Salmon.

- Loch Watten SSSI / SPA / SAC which is designated for wintering whooper swan, Greenland white-fronted goose and greylag goose and its vegetation interests.

2.5 The development site is not covered by any international, national, regional or local landscape designation. There is no National Scenic Area (NSA) within 35km of the site. The site lies within the Sweeping Moorland Landscape Character Type (LCT). Part of the southern area of the site is within the ‘flat peatland’ subtype of the Sweeping Moorland LCT. The entire site is within the Coniferous Woodland Plantation which overlies the Sweeping Moorland LCT. Key characteristics of the flat peatland are the flat open landscape.

2.6 There are a number of Special Landscape Areas (SLA) within 35km of the site; particularly The Flow Country and Berriedale Coast SLA to the south and Dunnet Head and Duncansby Head SLA’s to the north of the site on the coast. There is also the Flow Country Search Area for Wild Land located to the south west.

2.7 There are two Scheduled Ancient Monuments, the Halsary Moss Standing Stones (SM-5301) and a further six cultural heritage sites within the site boundary one of local importance (Halsary Farmstead), two of lesser importance (Moss of Knockglass peat cutting and Halsary quarry pits) and three sites of unknown importance (Causeymire farmstead, Allt Coal sheiling hut and Moss of Knockglass aircraft crash site). There are no Listed Buildings, Conservation Areas or Gardens and Designed Landscape within the application site.

2.8 Within 15 kilometres there are 5 category A Listed Buildings, 12 Category B Listed Buildings and 31 Non-Statutory Register sites that were identified as having views of the development site. There are a total of 78 Scheduled Ancient Monuments within 15km of the development. In addition to the Halsary Moss Standing Stones (SM-5301) the following are perhaps most relevant:

- Mybster Broch (SM-521)
- Tulach Mor broch (SM-593)
- Rangag Standing Stone (SM-433)
- Dirlot Stone Rows (SM446)
- Dirlot Castle (SM-5897)
- Carn na Mairg Broch (SM-534)

2.9 Nearest noise sensitive properties are identified as:

- Croft at Mybster to the north,
- Shielton Farm to the east, and
- Tacher to the south.

3.0 PLANNING HISTORY

3.1 22.07.2008 - EIA Scoping Opinion issued by Scottish Government.

3.2 In addition to Causeymire Wind Farm which is immediately to the north of the proposed development, the following wind energy projects lie within a 35km radius:

Built and/or consented	Under consideration
Forss 1&2	Bad a Cheo
Baillie Hill	Achlachan
Boulfruich	Limekiln
Wathegar	Strathy South
Flex Hill (Bilbster)	Lyth
Achairn	
Burn of Whilk	Refused
Camster	
Stroupster	Smerral
Wathegar 2	Forss 3
Strathy North	Dunbeath
	Spittal Hill

4.0 PUBLIC PARTICIPATION

4.1 07.08.2009 – Proposal of Application Notice submitted (09/01356/PAN). Public Exhibitions took place on 28 and 29 October 2009.

4.2 Advertised: 04 December 2009 in the John O'Groat Journal and Edinburgh Gazette and again on 25 January 2013 on receipt of the Addendum.

Representation deadline: 22 February 2013

Timeous representations against:	66
Comments:Representations in support:	2 – including RSPB 0

4.3 Material considerations raised against are summarised as follows:

- Adverse visual impact both on its own and cumulatively with other wind farms in the area
- Detrimental effect on landscape quality
- Loss of amenity woodland and walking/riding routes
- Adverse impact on biodiversity of the site
- Adverse impact on protected bird species
- Adverse impact on protected mammals
- Adverse noise impact both on its own and cumulatively with other wind farms in the area; particularly to Mybster
- Difficulties in assessing which wind farm breached noise limits
- Adverse impact on amenity from shadow flicker and vibration
- Proximity to A9(T) dangerous to drivers i.e. distraction
- Pollution of watercourses
- Adverse impact on tourist route and tourism
- Further extraction of peat detrimental to natural carbon sink of peatland
- Limited/negative socio-economic gains
- General misgivings of on-shore wind energy
- No carbon balance assessment; how can we know the carbon reduction?
- No further wind farms should be built

4.4 A list of all those who made representation is provided in Appendix 1 of this report. All letters of representation can be viewed via the Council's e-planning portal http://wam.highland.gov.uk .

5.0 CONSULTATIONS

5.1 Halkirk and District Community Council does not object to the proposal but highlight concerns regarding cumulative effects with Causeymire and Spittal; particularly noise. It also identifies that the site lies within an area where there is a *presumption against development* as set out in HRES.

5.2 Watten Community Council: No response received.

5.3 Lybster and Clyth Community Council: No response received.

5.4 TEC Services (Roads and Transportation): No response received..

5.5 TEC Services (Environmental Health) advise that the worst case scenario indicates that at Croft of Mybster, the cumulative noise levels at some wind speeds could exceed the maximum ETSU levels by a very small margin. This is mainly

governed by the dominant noise source which will be the existing wind farm at Causeymire. The input from Halsary to the overall noise is likely to be practically undetectable.

TEC Services (Environmental Health) has no objection to the application subject to a noise monitoring and mitigation scheme.

5.6 Council's Historic Environment Team is concerned about the visual impact of the development on cultural heritage when considered alongside other operational, consented or proposed wind farms centred around Spittal/Mybster, Achavanich and Camster areas.

While it does not object, it is concerned that the concentrated wind farm development in this area will leave very few areas of open landscape, which are appropriate to the setting of the archaeological resource, unaltered by large scale modern development.

The Historic Environment Team agree with the applicant's assessment that the visual impact of the turbines will be offset by the removal of the trees which currently surround and isolate the Halsary Standing Stones Scheduled Ancient Monument.

Mitigation in the form of further survey work and turbine micro-siting is suggested.

5.7 Council Forestry Officer advises that Halsary Forest is a relatively productive block of woodland within North Highland, with the Sitka spruce growing at Yield Class 12. It also benefits from good accessibility to existing and emerging timber markets.

Section 148 from the consolidated Scottish Planning Policy states that:

'The Scottish Governments' Control of Woodland Removal Policy includes a presumption in favour of protecting woodland resources. Woodland removal should only be allowed where it would achieve significant and clearly defined additional public benefits. In appropriate cases compensatory planting may form part of the balance.'

The Forestry Officer states that it is the planning authority's responsibility to ensure that where development proposes the permanent removal of woodland without compensatory planting that the significant and clearly defined additional public benefit has been demonstrated.

While a large part of the site may contribute significantly to enhancing priority habitats and their connectivity, it is considered that some areas are less suitable for priority habitat restoration and would most likely have been restocked in the absence of any wind farm development. These areas would still meet the acceptability criteria for a change in land use as they will contribute significantly to helping Scotland mitigate or adapt to climate change, however, this comes with a requirement for compensatory planting.

In the absence of definitive 'formula' for calculating compensatory planting, peat depth has been chosen as the main source of information, as this has been accurately mapped and appears to be the best single indicator of a number of different variables such as crop condition (yield class), peat condition, edge effect, suitability for restoration and potential release of soil organic carbon.

The Council discussed its interpretation of the policy, and the proposed formula, with Scottish Natural Heritage (SNH). SNH support the proposed approach.
In summary, it is accepted that the entire woodland area may be removed in order to enhance priority (peatland) habitats and/or to facilitate wind farm development but subject to approximately 222 hectares of compensatory planting. As this is likely to be provided off-site a Section 75 legal agreement will need to be concluded to achieve this.

5.8 Scottish Water: No objection.

5.9 Scottish Environment Protection Agency (SEPA) had initial concerns regarding the re-use of peat and waste timber on the site. Having reviewed the addendum, SEPA now has no objection to the proposal subject to conditions in respect of the provision of a detailed Construction Environmental Management Plan, Peat Management Plan, Habitat Management Plan and Decommissioning and Restoration proposal; all of which will require further detailed consideration of the storage and re-use of peat on site and the implications for waste wood.

5.10 Scottish Natural Heritage (SNH) advise that the proposal raises natural heritage issues of national interest in respect of the River Thurso SAC, the Caithness and Sutherland Peatlands SAC and the Caithness and Sutherland Peatlands SPA but that the integrity of these sites will not be adversely affected subject to adequate control over the proposed Forestry Redesign, Habitat Restoration & Peat Reuse Strategy advanced in the ES as mitigation. This needs to consider long term management of the site and requires to link into the other Plans suggested as mitigation.

SNH advise that the proposal, although having a likely significant effect greylag geese and whooper swan, will not affect the integrity of the Caithness Lochs SPA.

With regard to European protected species interests, SNH consider the mitigation measures outlined within the ES with regard to wild cat should be followed. With regard to otter, SNH advises that the proposed Integrated Forestry Redesign, Habitat Restoration & Peat Reuse Strategy increases the risk of impacts on otter and the habitats and structures that support otter. However, providing that there is adequate control on this matter as outlined above and that the proposals are presented to address any necessary licencing requirements, the interests of this species will be safeguarded.

While not a European protected species, this also applies to water vole.

In terms of ornithology, SNH specifically highlight potential collision risk for hen harrier, a qualifying interest of the Caithness and Sutherland Peatlands SPA, if the vegetation height is not managed below 15cm. This is because, if allowed to grow,

it would create habitat for this prey species, which would then be attracted into the wind farm to hunt. This would put them at greater collision risk. Subject to adequate control over the proposed Forestry Redesign, Habitat Restoration & Peat Reuse Strategy advanced in the ES as mitigation this risk can be reduced to a satisfactory level.

In terms of landscape and visual impact, SNH consider the proposal would result in a level of landscape and visual change that can be accommodated at this location. However, it advises that should the proposed Halsary and Bad a Cheo wind farms be consented, there will be limited capacity for future wind farm development in the area.

5.11 Transport Scotland (Trunk Roads and Bus Operations) advises that the proposed development will result in a minimal increase in traffic on the trunk road is such that the proposed development is not likely to have a significant impact on the trunk road network. Transport Scotland has no objection subject to conditions regarding the route of abnormal loads, the implementation of traffic control measures during construction, the appropriate design and construction of the site access from the A9(T), and the provision of wheel washing facility on the site during construction.

5.12 Historic Scotland has concerns regarding the inclusion of the Halsary Standing Stones within the site boundary and do not agree with the applicant that the effect on this Scheduled Monument is beneficial. Historic Scotland notes that the clear felling of the trees would mean that the area was more open and Turbine 16 in particular would become a prominent visual element that along with the anemometer, Turbine 17 and 18 would affect the appreciation of the Monument. Historic Scotland advise that consideration be given to a relocation of the anemometer and turbines. Having said that, Historic Scotland is of the view that the overall impacts are not of such significance to warrant an objection.

5.13 National Air Traffic Services Limited (NATS) has no safeguarding objection to the application.

5.14 Civil Aviation Authority (Directorate of Airspace Policy): No specific comment.

5.15 Highlands and Islands Airports Ltd has no objection since the development will not infringe the safeguarding surfaces for Wick Airport.

5.16 Ministry of Defence: No objection subject to the condition that aviation lighting is provided and that they are notified of the commencement date, final turbine locations and maximum height of construction equipment.

5.17 Ofcom has identified that two parallel microwave fixed links relating to television signals may be affected by the proposal.

6.0 DEVELOPMENT PLAN POLICY

6.1 The following policies are relevant to the assessment of the application:

Highland Wide Local Development Plan (April 2012)

Policy 28 Sustainable Development
Policy 29 Design, Quality and Place Making
Policy 51 Trees and Development
Policy 52 Principle of Development in Woodland
Policy 53 Minerals
Policy 55 Peat and Soils
Policy 57 Natural, Built and Cultural Heritage
Policy 58 Protected Species
Policy 59 Other Important Species
Policy 60 Other Important Habitats
Policy 61 Landscape
Policy 64 Flood Risk
Policy 67 Renewable Energy
Policy 72 Pollution
Policy 77 Public Access

Caithness Local Plan (March 2006)

6.2 The general polices of the Local Plan have been superseded by the policies of the Highland wide Local Development Plan.

Interim Supplementary Guidance: On-shore Wind Energy (March 2012)

6.3 The site lies partly within an 'Area of Search' and partly within an 'Area of Constraint for wind energy development. The reason for the area of constraint is proximity to communities (i.e. within 2km). Proposals can be supported subject to further detailed consideration against Policies 57 and 67 of the Highland wide Local Development Plan.

Trees, Woodlands and Development Supplementary Guidance (January 2013)

6.4 This Supplementary Guidance reflects the policy advice given in Policy 51 Trees and Development of the Highland wide Local Development Plan and Policy 52 Principle of Development in Woodland and in relation to wind farm development generally follows the advice within Scottish Government Control of Woodland Removal policy.

6.5 There is a strong presumption in favour of protecting the areas woodland resource. Development proposals involving woodland removal will only be supported where they offer clear and significant public benefit. In appropriate cases compensatory planting may be required. The purpose of compensatory planting is to secure, through new woodland on appropriate sites elsewhere, at least the equivalent woodland-related net public benefit embodied in the woodland to be removed.

6.6 While the Scottish Government Control of Woodland Removal policy accepts compensatory planting anywhere within Scotland, The Highland Council has a strong preference for planting to remain within the Highlands.

Highland Renewable Energy Strategy (HRES) (May 2006)

6.7 While superseded as location guidance by the Interim Supplementary Guidance above, HRES is still relevant as a strategy document. HRES sets out the Council's on-shore wind energy installed capacity targets. These are 1200MW by 2015, 1400MW by 2020 and 2900MW by 2050.

6.8 Relevant policies to the current application, not otherwise superseded by the above noted Supplementary Guidance, include:

- Policy H1 Education and Training
- Policy K1 Community Benefit
- Policy N1 Local Content of Works

Scottish Government Planning Policy and Guidance

6.9
- National Planning Framework for Scotland 2
- SPP
- PAN 56 – Planning and Noise
- PAN 58 – Environmental Impact Assessment
- PAN 60 – Planning for Natural Heritage
- Scottish Government policy on Woodland Removal
- 2020 Routemap for Renewable Energy

7.0 PLANNING APPRAISAL

7.1 Section 25 and of the Town and Country Planning (Scotland) Act 1997 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan in this case comprises the Highland wide Local Development Plan (approved April 2012).

Determining Issues

7.2 The determining issues are:

- do the proposals accord with the development plan?
- if they do accord, are there any compelling reasons for not approving them?
- if they do not accord, are there any compelling reasons for approving them?

Planning Considerations

7.3 In order to address the determining issues, the Committee must consider a) compliance with development plan policy, b) compatibility with national policy, c) roads and transport, d) peat, peat stability and carbon balance, e) ground water

dependent terrestrial ecosystems, f) construction impacts and pollution control, g) the impacts on the forestry resource, h) the impact on natural heritage, i) the impact on built and cultural heritage, j) the visual impact and impact upon landscape resource, k) operational noise, l) aviation, m) radio/television and other networks, n) public access, o) the impacts on the local economy; particularly tourism and p) any other material considerations.

Development Plan and Supplementary Guidance

7.4 The Development Plan recognises the potential for renewable energy development in Highland. Policy 67 (Renewable Energy Developments) of the Highland-wide Local Development Plan gives general support to this type of renewable energy development and is the key policy consideration in assessing this application. However, various considerations and safeguards are built into the policy wording. Policies 28 (Sustainable Design), 57 (Cultural and Built Heritage), 58 (Protected Species) and 61 (Landscape) are all relevant to this application and require to be given due weight.

7.5 The Interim Supplementary Guidance on On-shore Wind Energy provides the spatial framework and guidance on which decisions on wind farm applications will be based. The proposed development sits partly within an Area of Search but also partly within an area of constraint relating to the proximity to Mybster. However, it may still be capable of support subject to more detailed consideration of the Development Plan policies outlined above. The land is covered by polices that only support development where there would be no significant effects impact on heritage features, amenity or public health.

7.6 The Supplementary Guidance will be further informed by work on-going in respect of landscape capacity by Land Use Consultants (LUC) on behalf of the Council. Until the outcome of this is known, it is worth highlighting that some work in this regard has already been undertaken by the Planning and Development Service working in conjunction with Scottish Natural Heritage to inform an earlier version of the guidance. This work indicated that there was potential capacity (from a landscape and visual point of view) for a ‘large scale’ grouping to be situated within the Causeymire and Westerdale area. While the outcome of the LUC work may differ, a key question relates to whether wind farm development should be dispersed or concentrated within the landscape. This is particularly relevant to Caithness.

7.7 The development plan and supplementary guidance supports the broad principle of renewable energy development in this location. Providing that the impacts of the development are not considered to be **significantly detrimental**, particularly in relation to issues in the locality of the site, the proposals would comply with the Development Plan and Supplementary Guidance.

National Policy

7.8 While some objectors challenge the rationale of the UK and Scottish Government policy on renewable energy, particularly the extent to which on-shore wind farms are promoted, it is not the role of the Planning Authority to review the adequacy of national planning policy or guidance here. This policy and guidance is, however, a material consideration in the determination of this application.

7.9 In responding to climate change and advancing sustainable development the Scottish Government has recently re-emphasised within the National Planning Framework (NPF2) and Scottish Planning Policy (SPP) its support and commitment to achieving 50% renewable output in Scotland by 2020. The Government has more recently changed this target to 100% of Scotland's gross annual electricity consumption by 2020. The aim of the policy is to assist the planning system in the process of encouraging, approving and implementing renewable energy proposals when preparing development plans and processing planning applications. As the technology is well developed it is expected that the majority of this energy will be from on-shore wind farms.

7.10 SPP does, however, recognise that support for renewable energy projects 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. National policies highlight potential areas of conflict but also advise that detrimental effects can often be mitigated and or effective planning conditions can be used to overcome potential objections to development.

7.11 Criteria outlined within SPP for the assessment of applications include landscape and visual impact; effects on heritage and historic environment; contribution to renewable energy targets; effect on the local and national economy and tourism and recreation interests; benefits and dis-benefits to communities; aviation and telecommunications; noise and shadow flicker; and cumulative impact.

7.12 The Council is responding positively to the Government's renewable energy agenda and specifically to the recently revised targets. The Scottish Government has advised that operational onshore wind energy capacity at 30 June 2013 was 4,079MW with a further 4,048MW approved. As of 20 July 2013, within Highland large-scale onshore wind energy projects in operation or approved had a capacity to generate 2394.5MW, which equates to 29.5% of the national figure.

7.13 In view of this record and that Highland has substantial areas that may be capable of satisfactorily absorbing renewable developments without such significant effects, the Council could take a more selective approach to determining which wind farm developments should be supported, consistent with national and local policy. This is not treating targets as a cap or suggesting that targets cannot be exceeded; simply recognition of the balance that is called for in both national and local policy.

7.14 Assuming that the impacts of the proposed development do not have a significant impact upon the landscape resource, amenity and heritage of the area then the development could be seen to compatible with Scottish Government policy and guidance and make a useful contribution to the Government, UK and European energy targets.

Roads and Transport

7.15 The site has good access which for the most part would utilise the A9 trunk road where a new access to service the wind farm site will be taken from. The development will result in an increase in traffic on the road network during construction. Although the peak impact is assessed as being not significant, much of it will inevitably involve heavy goods vehicles. Transport Scotland confirms that there will only be a slight increase in the use of the road network as a result of this development. Transport Scotland has no objection to the proposal subject to conditions relating to junction formation, signage and temporary traffic control, and routeing of abnormal loads.

7.16 TEC Services – Roads and Transportation has not responded on this application but it is unlikely that there would be significant implications for the local road network on the basis that the wind farm construction traffic proposes to take access from the A9(T).

7.17 Representations received indicate that the presence of additional turbines along the A9(T) will have implications for road safety from the perspective of driver distraction. Transport Scotland has raised no issue in this regard.

Peat, Peat stability and Carbon Balance

7.18 Peat within the site ranges from less than 1m up to 7m in depth. It is found at all turbine locations. Having said that, all of the turbine locations are in peat that has been degraded by forestry.

7.19 It is proposed to remove all forestry on site and restore this site back to its former blanket mire and heath habitat, through initial engineering work and then on-going management. While both SEPA and SNH accept the principle of this, concerns are still present on how the restoration will be undertaken, in particular how surplus peat and waste wood, a practice known as mulching, will be used on the site along with potential effects on wash out to the water environment. However, both SEPA and SNH suggest that agreement on the methodology and final details for restoration can be agreed post consent by way of condition.

7.20 In terms of peat stability, while naturally occurring peat slide events are relatively rare in Scotland, they are not unknown. A study of the site with regard to peat has been carried out. This has included a desk study, site visit and peat slide risk assessment. 6 of the 15 turbines, Turbines 3, 5, 7, 10, 11 and 12, are located on peat up to 4m in depth. The remainder are located within peat no greater than 2m in depth. The topography of the site is however relatively flat with minor slopes which would tend to indicate that the risk of peat slippage would be very low and therefore insignificant. However, given the peat depths within the northeast and

central western part of the site, where those individual turbines noted above are located, along with the proximity to watercourses the ES indicates that in these areas the risk is more significant. Mitigation in the form of good practice guidance for working in peat is recommended.

7.21 Representations received consider that as a result of the disturbance of peat and forestry, in combination with the carbon emission resulting from construction, there will be no carbon savings resulting from this scheme.

7.22 The applicant calculates that annual carbon savings will be 35,019 tonnes of CO_2 per year with a 5.9 year 'payback times'. As the assessment contained with the Report utilises the Scottish Carbon Calculator methodology there is no reason to doubt this figure.

Groundwater-Dependent Terrestrial Ecosystems

7.23 Groundwater-dependent terrestrial ecosystems (GWDTE) are distinct water based ecosystems protected under the EU's Water Framework Directive. As requested by SEPA, the addendum includes information on these important habitats which the proposed site layout will affect.

7.24 SEPA has identified potential areas of conflict with GWDTE at two turbine locations; Turbine 16 and Turbine 17. While accepting that the development will not disconnect the water source SEPA considers that the M6c community (supporting *Juncus effuses* rush species) located to the south of Turbine 16 requires specific protection to avoid physical disturbance during construction. To this end SEPA suggest that this turbine is relocated to the opposite side of the track and that details to protect watercourses are submitted to and approved as part of a CEMP. In relation to Turbine 17, the MG10 community (supporting *Holcus lanatus – Juncus effuses* rush species) exists in a narrow strip alongside a stream to the north east. SEPA's concern here is that the waterflow pathway is unclear and therefore it is difficult to ascertain whether there will be an effect. It will be for the applicant to demonstrate that there will be no effect or that mitigation in the form of micrositing to avoid conflict will be possible. Again, this can be agreed through the finalised and approved CEMP.

7.25 In addition, SEPA has identified a potential issue with regard to peat displacement which may occur as a result of track/hardstanding construction. SEPA considers that in order to protect GWDTE in an approximate 150m radius of Turbine 10, that the crane hardstanding should not be formed using the 'peat displacement method' advanced by the applicant. This can be controlled by condition.

Construction impacts and pollution control

7.26 The most sensitive receptors during construction are the Caithness and Sutherland Peatlands SAC, the Sheilton Peatlands SSSI in addition to the River Thurso SAC albeit that the risks to this SAC are considered low. Particular care is needed to avoid particulate or chemicals entering the groundwater which could affect the peatland habitat and, in the case of the River Thurso SAC, spawning grounds.

7.27 In recognition of this, the applicant has committed to a number of mitigation measures relating to pollution prevention. The expectation is that this will be developed further into a comprehensive Construction Environmental Management Plan (CEMP) that will be finalised prior to construction and will include topics such as a pollution management plan, peat management plan, drainage plan (to protect water courses) and site waste management plan aswell as best practice guidance; for example on the storage of chemicals and fuel, workforce accommodation and drainage requirements etc. Monitoring proposals will be included as will an Incident Response Plan during operation.

7.28 SEPA has no objection to the proposals subject to conditions to secure the proposed mitigation. This can be achieved by requiring a Construction Environmental Management Document (CEMD) and individual Construction Environmental Management Plans (CEMPs) as a condition of permission.

7.29 In addition to the effects on habitat, there is some potential for construction related noise and activity impacts that could affect neighbours. While the ES assesses the effect on neighbouring sensitive properties as not significant, mitigation to reduce the potential impact would include:

- Limiting audible construction work and HGV deliveries to 07:00 – 19:00 Monday to Friday and 07:00 – 13:00 on Saturday, with no work being carried out on a Sunday;

- Adherence to British Standard 5228 best practice, including proper maintenance of equipment and the use of noise attenuation apparatus;

- Liaison with neighbours on work schedule.

7.30 While it is no longer considered suitable to control construction hours through planning conditions, bespoke powers for regulating construction noise exist within the Control of Pollution Act 1974; powers which enable Environmental Health to specify working hours where problems exist. A condition can, however, be applied placing a restriction on vehicles entering/existing the development during certain times in order to reduce the potential for impact on residents. This, in conjunction with a Traffic Management Plan will assist in regulating activity on the public road network in the interests of amenity.

7.31 Noise impact mitigation measures (which may include workings hours) will also form part of a Construction Environmental Management Document (CEMD).

Forestry Resource

7.32 It is proposed to clear fell the 612 hectares of forestry on the site. This forest is currently owned and managed by Forestry Commission Scotland (FCS). The forest is a relatively productive block of woodland within North Highland, with the Sitka spruce growing at Yield Class 12. It also benefits from good accessibility to existing and emerging timber markets.

7.33 Paragraph 148 of SPP states that 'The Scottish Governments' Control of Woodland Removal Policy includes a presumption in favour of protecting woodland resources. Woodland removal should only be allowed where it would achieve significant and clearly defined additional public benefits. In appropriate cases compensatory planting may form part of the balance.'

7.34 The Council's Supplementary Guidance on Trees, Woodlands and Development also supports this approach, with a preference for compensatory planting to take place within Highland. Unfortunately, there appears to be a certain amount of ambiguity in the interpretation of the Control of Woodland Removal policy and this has been the topic of discussion for this application since 2009.

7.35 The Guiding Principles of the Control of Woodland Removal policy state '*that there is a strong presumption in favour of protecting Scotland's woodland resources*.' It is clearly not the intention of the policy to see woodland removed unless the proposed change in land use offers significant and clearly defined additional public benefit. It is the planning authority's responsibility to ensure that where development proposes the permanent removal of woodland without compensatory planting that the significant and clearly defined additional public benefit has been demonstrated.

7.36 While the applicant is of the opinion that compensatory planting will not be required across the entire site (with the exception of 8.34ha for wind farm infrastructure) on the basis that the proposed change in land use in their view will contribute significantly to enhancing priority habitats and their connectivity, the advice from the Forestry Officer is that while a large part of the site may contribute significantly to enhancing priority habitats and their connectivity, some areas are less suitable for priority habitat restoration and would most likely have been restocked in the absence of any wind farm development. These areas would still meet the acceptability criteria for a change in land use as they will contribute significantly to helping Scotland mitigate or adapt to climate change, however, this comes with a requirement for compensatory planting.

7.37 Determining the exact amount of compensatory planting is not an exact science and there is no agreed formula to assist. The approach taken by the Forestry Officer has been to consider the relevant policies, guidance and research currently available to try and establish a consistent and pragmatic application of the policy. In this case, a decision needed to be taken on which area of land was subject to and not subject to compensatory planting. The basis for deciding this was peat depth, as this has been accurately mapped and appears to be the best single indicator of a number of different variables such as crop condition (yield class), peat condition, edge effect, suitability for restoration and potential release of soil organic carbon.

7.38 A threshold of 1 metre peat depth has been applied based on the recommendations given in the FCS Forest and Peatland Habitats guidance note (July 2000), which is the only guidance currently available. This is given as an acceptable peat depth for restocking (as opposed to woodland creation). The core

mesotope areas identified in the Restored Habitat Distribution map (ES Addendum: Appendix 8, Figure 5) largely reflects the areas of peat >1 metre, which suggests that this is a robust approach.

7.39 In coming to a view on this, discussion on interpretation of the policy and the approach taken took place with Scottish Natural Heritage. SNH is supportive of the proposed approach, a position clarified in an e-mail sent on 15 May 2013:

'We agreed that a pragmatic approach for the Halsary application would be to apply a <1m peat depth = considered under Control of Woodland Removal policy as suitable for compensatory planting measurements. Our interpretation of the policy was that for this particular site, the areas >1m are 'within the boundaries of priority habitats' (capable of restoration) and 'contribute to the functional connectivity of priority habitats' (within the site and with the SAC), so would not require compensatory planting. Areas <1m would 'facilitate appropriate development of renewable energy projects', enable 'priority habitat connectivity' (with the SAC) and potentially 'significantly reduces net greenhouse emissions', but would require compensatory planting elsewhere in Highland or wider Scotland. While a large part of the site may contribute significantly to enhancing priority habitats and their connectivity, it is considered that some areas are less suitable for priority habitat restoration and would most likely have been restocked in the absence of any wind farm development.'

7.40 The existing Halsary Forest Plan (2005) provides a useful benchmark. The Forest Plan clearly identifies opportunities for priority habitat restoration and connectivity, amounting to approximately 100 hectares out of the 612 hectares of planted area, leaving approximately 512 hectares as woodland. Using the 1 metre peat depth threshold, this area increases to approximately 390 hectares out of the 612 hectares of planted area, leaving approximately 222 hectares as woodland.

7.41 The Forestry Officer accepts that the entire woodland area may be removed in order to enhance priority (peatland) habitats or to facilitate windfarm development, but subject to approximately 222 hectares of compensatory planting. As this is likely to be provided off-site a Section 75 legal agreement will need to be concluded to achieve this.

<u>Natural Heritage</u>

7.42 There are no natural heritage designations on the wind farm site. The site is however adjacent to Caithness & Sutherland Peatlands SAC, SPA and Ramsar Site, and close to the Caithness Lochs SPA and Ramsar Site and River Thurso SAC.

7.43 Caithness and Sutherland Peatlands SAC is immediately adjacent to the wind farm site. It is designated for its peatland habitats and populations of marsh saxifrage and otter. The ES concludes that the development would have a major positive effect on the qualifying interests and integrity of the SAC by improving the hydrological functionality with the removal of forestry. While SNH seem satisfied with the restoration of this priority habitat as an eventual outcome, it is of the view that the proposal is likely to have significant effect on blanket bog and otter. This is

due to uncertainty over the methodology used for restoration. However, providing that the details of this are agreed in advance of work starting on site and that there is appropriate on-going control of the operations, SNH advises that the proposal is unlikely to have an adverse effect on the integrity of the SAC.

7.44 The qualifying species for the River Thurso SAC is Atlantic salmon. Potential effects on Atlantic salmon are related to pollution of watercourses and sediment-laden runoff during construction/decommissioning of the wind farm. The site itself is unlikely to support salmonid populations and hydrological pathways between the site and the River Thurso catchment are limited. The effects on the River Thurso catchment are therefore likely to be indirect. On this basis, the ES indicates that any effect on the SAC will be minor. SNH does not share this view as it is possible that the methodology used for the restoration of the site, given that it will result in an increase in ground disturbance, could increase the risk of sediment reaching watercourses connected to the SAC. However, providing that the details of this are agreed in advance of work starting on site and that there is appropriate on-going control of the operations, SNH advises that the proposal is unlikely to have an adverse effect on the integrity of the SAC.

7.45 Caithness and Sutherland Peatlands SPA is immediately adjacent to the site. It is designated Breeding bird assemblage and breeding populations of black-throated diver, common scoter, curlew, dunlin, golden eagle, golden plover, greenshank, hen harrier, merlin, red-throated diver, short-eared owl, teal, wigeon and wood sandpiper. SNH's advice is that collision risk will likely have a significant effect on three qualifying interests; black-throated diver, hen harrier and merlin. On the basis of the addendum however SNH advises that the risks are so small that they are unlikely to have an impact on populations. SNH still considers that there is a potential for the proposal to have an adverse effect on the integrity of the SPA. This is again tied to the proposed restoration which is currently undefined in terms of on-going management. Hen harrier may be attracted to the site if the vegetation is of a height (15cm or more). Subject to agreement on the finalised restoration scheme/Habitat Management Plan SNH is content that there will be no adverse effect on the integrity of the SPA.

7.46 Caithness Lochs SPA is located approximately 5km south of the proposed wind farm and is classified for its wintering populations of Icelandic greylag geese, Greenland white-fronted geese and whooper swans. The ES identified recordings of these species transiting the site but that the effect on these species is insignificant. While advice from SNH remains that that there is a likely significant effect on greylag geese and whooper swan, SNH believes that there will be no adverse effect on the integrity of the SPA.

7.47 As required when considering development that may affect a Natura site the competent authority must assess the likely impact before coming to its decision. An appropriate assessment has been carried out and this is set out within Appendix 2 to this report.

7.48 Turning to ornithological interests of the site, as opposed to surrounding designations, no Annex 1 or Schedule 1 bird species were found breeding on the site. Merlin, golden plover, greenshank were all found breeding within 500m of the site. There is therefore potential for disturbance. Osprey is recorded flying through the site.

7.49 The ES recognises that construction and tree felling works during the bird breeding season have the potential to disturb Schedule 1 species should they breed in proximity to these works areas. Mitigation is proposed to avoid this disturbance. With regard to Osprey, while predicted collision risk is unlikely to adversely affect the favourable conservation status of the osprey population within this Natural Heritage Zone, SNH advise that the mitigation proposed to draw ospreys away from the site suggested by the applicant within the ES should be provided.

7.50 With regard to European Protected Species (EPS), the site habitat may support two species in particular; otter and bat. Given the existing land use, wild cat may be present on site also although no dens have been found to date. Surveys for otter indicated high usage of the burns on the eastern side of the site. Development will not directly affect watercourses so the effects are considered to relate to temporary disturbance only. In respect of bat, no roosts were found on the site, although one thought to be abandoned was identified at Halsary Farm. The ES considers that there will be no effect on bats as a result of construction with only minor effects considered likely during operation. The effect on otter is considered to be moderate and therefore significant during construction but Minor during operation. SNH consider that it would be relatively straightforward for the applicant to revise the restoration/Habitat Management Plan to avoid or at least minimise the effects on otter. As previously stated, the details of this can be secured by condition and agreed post-consent. The mitigation set out within the ES can also be secured through condition.

7.51 Looking to other protected species, the ES indicates that there is potential for impact on water vole and assesses this as significant. Mitigation proposed includes protection of water courses from run off during construction and undertaking pre-construction surveys. In the event that burrows are found, a buffer zone of at least 10m between the burrow and any construction area will be marked out on the ground. As a consequence of this mitigation, the ES predicts minor effects on water vole. SNH consider that it would be relatively straightforward for the applicant to revise the restoration/Habitat Management Plan to avoid or at least minimise the effects on water vole. This includes considering alternative areas for replanting so as to avoid the area around Hectors Burn (and any other areas) used by water vole.

7.52 In terms of site habitat, as noted in Para 2.1, the site is currently predominantly forested with the balance identified as wet bog/heath. It is proposed to clear fell the woodland and restore hydrological conditions conducive to the re-establishment of blanket bog vegetation. This is considered by the applicant to have a positive beneficial effect. SNH, SEPA and the RSPB support this position but in order to be satisfied with the proposal will require further clarity on the exact methodology and details to be employed.

7.53 Cumulative impacts on ornithology and non avian ecology have been considered. The ES concludes that there will be no additional effect of the proposal in combination with the operational Causeymire wind farm in addition to Spittal Hill on ecology and negligible in respect of effect on birds.

Built and Cultural Heritage

7.54 There are eight features of archaeological interest within the application site. Two of these are of national importance (the Halsary Moss Standing Stones (SM-5301)), one is of local importance and two of lesser importance. The remaining three are unknown. The applicant proposes to preserve sites in situ where possible and offset the predicted direct effects through an appropriate watching brief.

7.55 The Council's Historic Environment Team is of the view that although the visual impact of the turbines on the Standing Stones will be significant to their setting, the removal of the woodland which completely surrounds and isolate the stones is beneficial. Historic Scotland on the other hand does not agree, believing that the tree felling would not be beneficial. However, Historic Scotland does not consider that the potential impact sufficient to warrant an objection.

7.56 While not objecting, the Council's Historic Environment Team has a general concern regarding the cumulative visual impact of wind energy development centred around Spittal/Mybster, Achavanich and Camster on cultural heritage which may leave few areas of open landscape appropriate to the setting of archaeological resource. While it is acknowledged that two clusters of wind energy development are emerging at Causeymire and around Camster, at the current time there are no significant development proposals within the Achavanich area. This comment however lends weight to the concept of clustering wind energy development within the Caithness landscape along the lines set out in Paragraph 7.5 above.

7.57 Three properties listed within the Inventory of Gardens and Designed Landscapes lie within 30km of the site. The Zone of Theoretical Visibility (ZTV) contained within the ES indicates that the development (on its own) will not be visible from Castle of Mey (26km to the north east); Dunbeath Castle (20.3km to the south) or Langwell Lodge (25km to the south). Therefore the setting of these will not be affected by the addition of this proposal. The Category A Listed Building Achingale Mill lies 5.5km east of the development site but given that it is the burn that it is situated in which defines it setting, the effect of the proposal is not considered significant. Historic Scotland has no objection.

Visual impact and impact on landscape resource, including cumulative effects

7.58 The form and layout of the development as presented in the application has been subject to an iterative design process and has involved a variety of consultees as well as the Council. The most recent iteration has resulted in a removal of three turbines to the north of the site.

7.59 Fundamental to assessing both landscape and visual impact of the proposed layout is Chapter 6 of the ES and Addendum, Landscape and Visual Assessment, along with the associated figures and appendices, which together comprise the Landscape and Visual Impact Assessment (LVIA) element of the EIA. The purpose of LVIA is to identify and record the potential significant effects of the proposed development on the receiving environment, including the landscape, landscape character, special designations, views and amenity. Impacts are assessed both in terms of the proposal itself and cumulatively with other consented or proposed developments within a 35km radius although, to a more detailed extent, in the near vicinity of the site.

7.59 Halsary wind farm, and the operational Causeymire wind farm, lie within the 'Sweeping Moorland' landscape character type (LCT) in the Caithness and Sutherland Landscape Character Assessment (Caithness and Sutherland LCA) (SNH 1998). The key characteristic of the Sweeping Moorland LCT is wide open space; simple visual composition and fairly flat or undulating landform.

7.60 With specific reference to wind energy proposals, the LCA recognises that the landscape character type may be favoured for wind farm development due to high and consistent wind speeds and open space of relatively flat landform. It goes on to suggest that a wind farm would appear most appropriate where it is located in wide open areas so that the scale of turbines appear inferior to the scale of the surrounding space. With regard to design it considers that the layout of a wind farm will appear most rational where it is arranged in a clearly ordered manner, as a unified and concentrated group with its own identity.

7.61 The Halsary proposal has been designed to mirror as much as possible the design and layout of the operational Causeymire wind farm; particularly in terms of spacing, alignment and height. So while it will not have its own identity, taken cumulatively with Causeymire there will be two closely associated developments with a recognisable single identity. The Zone of Theoretical Visibility (ZTV) diagrams illustrates that visibility of both schemes is likely to overlap to a significant degree. This would support the view of a single identity and would suggest that the design/layout responds well to the LCA. SNH consider that the proposal will result in a level of landscape change that can be accommodated at this location. However, SNH go on to advise that should Halsary and Bad a Cheo be granted planning permission that there would be limited capacity for future wind farm development in the area. There will be no effect on designated landscapes within the vicinity.

7.62 The effects on visual amenity relate to changes to available views rather than perceived changes to whole areas of a distinctive landscape character. 19 viewpoints (VPs) were selected in order to assess visual and landscape impact, following discussion with the Council and SNH and the preparation of the ZTV diagram. Visualisations in line with Highland Council Standard have been produced for 9 of the 19 viewpoints.

7.63 The conclusion in the ES is that there will be no significant effect from the majority of viewpoints, with significant adverse impact being restricted to two VP's only. The ES considered the visual effects on receptors on the A9(T) northbound at a distance 3.5km south of the nearest turbine, the A9(T) southbound from the southern extent of Spittal to the last turbine visible, and at Spittal, Mybster and Crofts of South Dunn to be significant adverse. This assessment is generally accepted.

7.64 While it must be recognised that the visualisations do not provide the entire context when not viewed on site, they do however demonstrate the predicted effects well. The following VPs are considered the most relevant for this application:

- VP11 – A9 Spittal
- VP13 – Westerdale
- VP17 – First view north from A9
- VP19 – Minor Road north of Grey Cairns of Camster

View Point 11 – Spittal

7.65 This view is chosen to represent the effect of the proposed development on sensitive receptors within the community of Spittal and also those transiting the area via the A9(T) south. The nearest turbine is approximately 3km from the VP.

7.66 The visualisations demonstrate that there is no overlapping with Causeymire turbines but the horizontal extent of the developed skyline will double. It is considered by the applicant that the proximity to sensitive receptors and the physical extent of the development would result in a significant effect in EIA terms. This is accepted. From the perspective of residential amenity, the orientation of properties in Spittal is generally east-west. The effects on visual amenity to these residents will therefore be indirect. Residents will however be aware of the presence of turbines when going about their daily lives. The reduction in turbine numbers to the north of the application site has however assisted in reducing this effect.

View Point 13 – Westerdale

7.67 This view is 4.6km from then nearest turbine on the B870. It is chosen to represent the effect of the development on this scattered settlement. Causeymire wind farm is within the view.

7.68 The visualisations demonstrate that the proposed Halsary wind farm will be located behind Causeymire and appear as an extension to, albeit only slightly in a horizontal direction. It is considered by the applicant that despite the proximity to sensitive receptors the fact that it lies beyond Causeymire and would be viewed as an extension to that scheme that the development would result in a significant effect in EIA terms. This is accepted. The reduction in turbine numbers has reduced this effect.

VP17 – First view north from A9

7.69 This view is chosen to represent the effect of the proposed development on sensitive receptors travelling north on the A9(T). The viewpoint is approximately 4km south of the nearest turbine and just to the north of Rangag Farm.

7.70 The visualisations demonstrate the increase in developed skyline; effectively doubling the horizontal extent of wind farm development within this open view albeit one that is marginally affected by power line and plantation development. The complementary designs between the Causeymire and Halsary schemes are evident. The applicant considers the effects on this view as not significant yet considers the effects on travellers on the A9(T) north from around this distance to experience significant adverse effects. This seems contradictory. In many ways this viewpoint shares similarities with VP11 with the exception of the possible higher sensitivity of residential receptors.

VP19 – Minor Road north of Grey Cairns of Camster

7.71 This view is approximately 5.5km east of the proposed development. It is located on the access track to the Grey Cairns of Camster archaeological site. The view is looking to the west across the flat peatland landscape towards the distant hills.

7.72 The visualisations illustrate the development will form a focus in this view. However, Causeymire wind farm is within this view and while Halsary will increase the extent of development the complementary design and the retention of the wide open panoramic view either side this cluster reduces the overall effect. The applicant believes that despite the proximity to the viewpoint the effect will not be significant. While at this distance it would be expected that visual impact would be categorised as significant, the effect is not considered to be detrimental.

7.73 In summary, the impact on visual amenity is most likely to be significant for residents within and around Spittal and those travelling through the area within reasonable proximity to the development. While the assessment is generally accepted, the significance of effect is considered to be slightly underplayed in respect of the distances at which visual effects become significant.

7.74 Much of the above assessment has been undertaken, taking into account the existing Causeymire development. Other schemes have been considered, with Spittal being the most relevant at the time of assessment. With Spittal wind farm having been refused this is no longer relevant. However, subsequently Bad a Cheo wind farm situated to the south of Causeymire has been submitted. The applicant, despite having updated the LVIA section within the ES in light of the Addendum, has not assessed the cumulative effect of Halsary on these two other developments. It will be for Bad a Cheo to carry out this assessment.

Operational noise, shadow flicker and vibration, including cumulative effects

7.75 The development will result in additional noise and activity during construction. The effect of this is however assessed as not significant given that the nearest noise sensitive receptor is over 1km from the turbine working areas. Good site practices will minimise the potential effects of noise and vibration.

7.76 Given the distances to nearest sensitive properties the wind farm is unlikely to result in shadow flicker that would impact upon the amenity of residents. Such assessment is undertaken on the basis that shadow flicker is unlikely to occur within 10 rotor diameters of a wind turbine, which in this case is 824m.

7.77 An operational noise prediction assessment was carried out for the nearest noise sensitive receptors. Cumulative assessment with Causeymire, Spittal Hill and more recently Bad a Cheo has also been undertaken. With the recent refusal of Spittal it is Bad a Cheo and Causeymire that are considered that the most relevant schemes with regard to operational noise. While Achlachan wind farm is located adjacent to the north of Causeymire it was received after both Halsary and Bad a Cheo and it will therefore be for that scheme to consider its own cumulative effects.

7.78 The ES considered that the noise impact of Halsary, both individually and in combination with the operational Causeymire and proposed Spittal Hill, would meet with both the lower daytime (35dBA) and night time limit set (43dBA) out within ETSU-R-97 of 35dBA. However, the Bad a Cheo wind farm development, submitted some time later, indicated that the lower daytime limit would not be met when considering all schemes together.

7.79 On investigation it became clear that this difference between the assessments was a result of slightly different methodologies adopted between the respective consultants, something that is permissible within the Good Practice Guide recently published by the Institute of Acoustics (IOA). To assist Environmental Health to advise on potential noise effects the consultants for Halsary and Bad a Cheo were asked to submit a joint noise assessment.

7.80 This joint assessment demonstrates that the predicted cumulative noise levels from all the developments will actually comply with the existing Causeymire conditioned limits which are 35dB daytime; 38 dB night time or <5dB above the background level. The predicted levels for Causeymire are below this but theoretically it is able to utilise its entire conditioned limit. In which case, the cumulative levels could exceed the Causeymire standards across most wind speeds and by up to 2.3dB. It is generally considered that a change in level of 2-3dB is at the lowest threshold of detectability.

7.81 It should be noted that the Causeymire conditioned limits are at the most restrictive end of the range. ETSU actually recommends levels of up to 40dB daytime and 43dB night time or <5dB above background. If these standards are applied, the margin by which the cumulative levels will exceed them is much smaller and across

fewer wind speeds. In this scenario, the most affected property would be the Croft at Mybster where the ETSU standards could be exceeded by up to 1.4dB at a wind speed of 7m/s (daytime) and up to 1.2dB at a wind speed of 10m/s (night time).

7.82 To try to put the 1.4dB increase in context, as a general rule if there are two noise sources and one is 10dB louder than the other, the lower noise source is generally disregarded in terms of the overall impact. The IOA Good Practice Guide confirms this idea. However, if the calculations are carried out, the overall increase is 0.4dB. If a third noise source is added which is also 10dB below the highest one then again it would generally be disregarded but the calculations would indicate an overall rise of 0.8dB.

7.83 The worst case scenario indicates that at Croft of Mybster, the cumulative noise levels at some wind speeds could exceed the maximum ETSU levels by a very small margin. However, this is mainly governed by the dominant noise source which will be the existing wind farm at Causeymire. TEC Services (Environmental Health) is satisfied that the input from Halsary to the overall noise is likely to be practically undetectable and has no objection to the application subject to conditions including a noise monitoring and mitigation scheme.

Aviation

7.84 Neither the MOD nor HIAL object to the proposals but requests have been received for aviation lighting. This is expected to include lighting at the outermost corners of the development and on a centrally located turbine. An appropriate lighting scheme, using infrared lighting where possible to reduce the introduction of light within a largely undeveloped and light-free area, is a matter that can be addressed by planning condition.

Radio/Television and other Networks

7.85 The ES includes an assessment on local telecommunication services including TV and radio. While the Rumster Forest – Thurso digital terrestrial television re-broadcast link passes over the site it considers that there will be no significant impact on TV reception.

7.86 No representations have been received on the matter of TV reception. However, the Council has a standard practice, in situations where this matter may be a concern, of requiring developers to address adverse impacts that may emerge during construction and over the initial year of operation when problems may be detected/experienced.

Decommissioning and Site Restoration

7.87 Site decommissioning is likely to take between 12 and 18 months. At this stage, the applicant proposes that, other than the access tracks, all elements of the proposal will be decommissioned at the end of its operational life. This will however require further consideration, particularly in light of the Habitat Management Plan and the Access Management and Recreation Plan.

7.88 SEPA has requested that a Decommissioning & Restoration Plan to manage removal of the development upon the expiration of the consent. This is standard practice and can be secured by condition.

7.89 In addition, it is normal practice to secure a bond or other financial mechanism to cover the full costs of site restoration. Given that a Section 75 legal agreement will be required for forestry compensatory planting, it would seem appropriate to secure the restoration bond through this channel in this case.

Access and Recreation

7.90 Representations received highlight that the Halsary Forest is currently used informally for access and recreation. While some of the benefits of the forest cover will be lost, there are opportunities nonetheless to provide more formalised access.

7.91 The applicant does not propose to highlight the development site as a visitor attraction but has indicated that the circuitous route of the track layout will be available and attractive for recreational activity. A car park has been added to the scheme to improve accessibility for the public during the operational phase.

7.92 While the Council's Access Officer did not consider that there was much evidence of public access currently on the site, given the representations received it would be appropriate to request an Access Management and Recreation Plan to ensure that access both during construction and operation is provided and appropriately managed.

Socio-economic impact/tourism

7.93 Separate studies have been carried out by industry and the Scottish Government into the effects of wind farm developments on tourism and public acceptability respectively, for example; The Scottish Government commissioned report *Economic Impact of Wind Farms on Tourism in Scotland* (2008) undertaken by Glasgow Caledonia University/Cogent Si and more recently a questionnaire survey *Wind Farm Consumer Research* (2011) conducted by OnePoll for Visit Scotland. These studies have indicated both benign and positive effects.

7.94 The applicant recognises the importance of tourism to Highland and has taken this into consideration in the assessment of socio-economic impacts. Little regard however has been paid to the importance of tourism to Caithness. Having said that, it is known that other than for business and visiting friends and family, the main reason to visit Caithness is to undertake activities such as fishing, visiting places of interest and generally enjoying the countryside. The application site or immediate environs are not considered to be a destination in themselves in respect of tourism and therefore the effects are indirect and more related to perception of the landscape and visual amenity when travelling through the area.

7.95 While the applicant views the effect on visual amenity to be significant for users of the A9(T) in reasonable proximity of the development, the effect on tourism is considered to be negligible and therefore not significant, the justification being that the research indicates this. This is a matter of judgement.

7.96 Within the ES, the applicant refers to the positive socio economic impacts that the construction of a wind farm can have. In particular the ES highlights that somewhere in the region of 80-100 construction jobs would be created. Until such time as a viable turbine manufacturing base is established within the Highlands, it is unlikely that schemes will be capable of meeting with the agreed guideline levels for local content identified within HRES. However, Caithness is well equipped to capitalise on elements of construction, particularly the civil engineering elements. The applicant is aware of the local supply chain and the cost advantage that some suppliers would offer for materials such as aggregate, plant hire and transportation generally. In addition, it is aware of the many specialist suppliers within the area. The applicant has stated its preference to use local contractors wherever possible.

Other material considerations

7.97 There are no other material considerations.

8.0 CONCLUSION

8.1 The Development Plan and national policy support renewable energy development, with a range of differing technologies, where projects can be located without undue environmental or amenity impact. Representations against this application have specifically highlighted conflict with protected species, loss of peat and woodland habitat, along with the effects on landscape and visual receptors both on its own and in combination with existing and proposed wind farm development in Caithness; particularly locally to the site.

8.2 Planning Advice Note 58 - Environmental Impact Assessment states that experience shows that there will usually be a small number of major issues, perhaps only one, on which the acceptability of a project hinges and that these major issues should be highlighted in the planning report, drawing on the content of the Environmental Statement.

8.3 As is evident from the assessment, the majority of the impacts of the proposed development, including many of those relating to protected species and sensitive sites, will not be significantly detrimental and could be adequately controlled through both the mitigation measures proposed or through conditions. While a significant issue still to be fully explored is the matter of site restoration and re-use of peat, it has been accepted by both SNH and SEPA that a condition can ensure that agreement is reached on the approach taken to protect the SAC and water environment post consent. The key remaining issues relate to the public benefit of peat restoration set against the removal of woodland resource and the landscape and visual impact.

8.4 The Government policy on woodland removal was only published months before submission of this proposal. Considerable discussion has taken place between the applicant, the Council, FCS and SNH on this matter. While the applicant, with advice from FCS, believes that there is no need to for compensatory planting given that there is public benefit in restoring the peat habitat the Council's Forestry

Officer takes a different view. Although there is no issue with the loss of woodland for the desired purpose, it is where the balance of benefit lies where interpretation of policy differs.

8.5 The advice from the Forestry Officer is that while a large part of the site may contribute significantly to enhancing priority habitats and their connectivity, some areas are less suitable for priority habitat restoration and would most likely have been restocked in the absence of any wind farm development. These areas would still meet the acceptability criteria for a change in land use as they will contribute significantly to helping Scotland mitigate or adapt to climate change, however, this comes with a requirement for compensatory planting. Taking an approach to calculating the extent of this based on peat depth, supported by SNH, the Forestry Officer expects to see 222ha of compensatory planting. As this will be off-site, there is no other option but to secure this through legal agreement. Permission, if Members are minded to grant it, would not be released until this was signed off.

8.6 The acceptability of a proposal with regard to its visual impact is in many ways a subjective matter. While a significant number of objectors consider that the development will have an adverse impact on visual amenity and the landscape qualities of the area, others indicate that this is a suitable site for wind energy development.

8.7 There will undoubtedly be additional adverse visual effects to the community around Westerdale, Spittal and Mybster as a result of this development; the latter particularly. This will also be the case for those who travel the A9(T), whether for leisure, work or as a tourist. This effect, in considering the viewpoint at Spittal in particular, will increase in the event that Bad a Cheo is also approved. This is however an area already influenced by wind farm development.

8.8 While it is acknowledged that the existence of the wind farm at Causeymire should not in itself justify overcrowding an area with yet more development, there is an opportunity here to have a well designed cluster (including Bad a Cheo if accepted) that will maintain as far as possible the open views over the remainder of the landscape resource, as opposed to having more dispersed patterns of development. The view of SNH (Paragraph 7.61) would appear to support this approach. This would also be consistent with the work carried out to date by the Planning and Development Service on landscape capacity for this type of development. Essentially it is a balance between accepting visual impact in one location and preserving as far as possible the qualities of a whole landscape setting.

8.9 The benefits of the proposal must be weighed against potential drawbacks and then considered in the round. The project carries considerable support in principle by virtue of the Government's policy and targets towards greater renewable energy production. With a generating capacity of up to 34.5MW the proposal would make a useful contribution to meeting both national and the Highland Council's own renewable energy targets. The proposal will create a number of construction jobs, albeit short term, as well as providing wider economic benefits to the local

economy during the construction of the wind farm. In addition, the proposal will lead to the restoration of a significant area of peatland habitat. The applicant has been able to demonstrate that many of the potential adverse impacts can be adequately addressed.

8.10 While the development will become a significant feature of the local area, it is considered that the proposal is acceptable in terms of design and layout in that it is complementary to the existing Causeymire wind farm (and proposed Bad a Cheo wind farm) and will ensure that they can co-exist in the landscape. The visual impact, in taking into consideration the benefits of promoting a clustered approach to the location of such development, while significant, is not considered to be significantly detrimental.

8.11 In view of this, it can be concluded that the proposals would comply with the Development Plan.

9.0 RECOMMENDATION

It is recommended the application be **GRANTED** subject to:

A. The prior conclusion of a s75 legal agreement or other appropriate mechanism to secure:

a) compensatory planting to offset the loss of productive woodland in accordance with Government and Council Policy on woodland removal, and

b) a bond to cover all of the decommissioning and site restoration measures outlined within the ES.

The conclusion of which shall be not later than four months from the date of the Committee decision failing which Committee shall give delegated authority to the Head of Planning and Building Standards to refuse the application on the basis that it does not conform with National and/or Council policy on woodland removal.

B. The following conditions and reasons:

1. For the avoidance of doubt the development shall be constructed and operated in accordance with the provisions of the application, the submitted plans, and the Environmental Statement. This permission shall be for a maximum of 13 turbines up to 100m in height from ground level and 1 anemometer mast, to be sited as shown on the site layout drawing (Figure 4.1) contained within Chapter 4 of the Halsary wind farm ES, December 2012. The prior written approval of the Planning Authority in consultation with Scottish Natural Heritage and the Scottish Environment Protection Agency shall be required for the siting of any wind turbine or access track more than 50 metres from the approved location. Any such submission shall include a revised site layout for the location of all turbines and access roads.

Reason: In order to clarify the terms of permission and ensure that development does not infringe on watercourses.

2. This planning permission shall expire and cease to have effect after a period of 30 years from the date when electricity is first exported from any of the approved wind turbines to the electricity grid network (the "First Export Date"). Upon the expiration of a period of 25 years from the First Export Date, the wind turbines shall be decommissioned and removed from the site, with decommissioning and restoration works undertaken in accordance with the terms of Condition 2 of this permission. Written confirmation of the First Export Date shall be submitted in writing to the Planning Authority within one month of the First Export Date.

   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 30 year cessation date allows for a 5 year period to complete commissioning and site restoration work.

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

   i. No later than 3 years prior to the decommissioning of the development, the draft DRP shall be reviewed by the Wind Farm Operator and a copy submitted to the Planning Authority for their written approval, in consultation with SNH and SEPA; and

   ii. 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 aboveground elements of the development, all new access tracks, the treatment of disturbed 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 all wind turbines and associated development is removed from site should the wind farm become largely redundant; in the interests of safety, amenity and environmental protection.

4. The Wind Farm Operator shall, at all times after the First Export Date, record information regarding the monthly supply of electricity to the national grid from each turbine within the development and retain the information for a 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:

i. any wind turbine installed and commissioned fails to supply electricity on a commercial basis to the grid 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 this condition; or

ii. the wind farm fails to supply electricity on a commercial basis to the grid from 50% or more of the wind turbines installed and commissioned and for a continuous period of 12 months, then the Wind Farm Operator must notify the Planning Authority in writing immediately. Thereafter, the Planning Authority may direct in writing that the wind farm shall be decommissioned and the application site reinstated in accordance with this condition. For the avoidance of doubt, in making a direction under this condition, the Planning Authority shall have due regard to the circumstances surrounding the failure to generate and shall only do so following discussion with the Wind Farm Operator and such other parties as they consider appropriate.

All decommissioning and reinstatement work required by this condition shall be carried out in accordance with the approved detailed Decommissioning and Reinstatement Plan, or, should the detailed Decommissioning and Reinstatement Plan not have been approved at that stage, other decommissioning and reinstatement measures, based upon the principles of the approved draft DRP, as may be specified 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.

5. No development shall commence until full details of the proposed wind turbines have been submitted to, and approved in writing by, the Planning Authority. These details shall include:

i. The make, model, design, power rating and sound power levels of the turbines to be used; and

ii. The external colour and/or finish of the turbines to be used (incl. towers, nacelles and blades) which should be non-reflective pale grey semi-matt.

Thereafter, development shall progress in accordance with these approved details and, with reference to part ii above, the turbines shall be maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned. For the avoidance of doubt, all wind turbine blades shall rotate in the same direction.

Reason: To ensure that the turbines chosen are suitable in terms of visual, landscape noise and environmental impact considerations.

6. No development shall commence until full details of the location, layout, external appearance, dimensions and surface materials of all control buildings, welfare facilities, compounds and parking areas, as well as any fencing, walls, paths and any other ancillary elements of the development, have been submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA and SNH, as necessary). Thereafter, development shall progress in accordance with these approved details. For the avoidance of doubt, details relating to the control, substation and welfare buildings shall include additional architectural design, LVIA and other relevant assessment work, carried out by suitably qualified and experienced people, to ensure that they are sensitively scaled, sited and designed.

Reason: To ensure that all ancillary elements of the development are acceptable in terms of visual, landscape noise and environmental impact considerations.

7. Unless otherwise agreed in writing by the Planning Authority, all of the wind turbine transformers shall be located within the tower of the wind turbine to which they relate. Agreement for external transforms will only be given if the developer can, through detailed design work and additional landscape and visual impact assessment, demonstrate, to the satisfaction of the Planning Authority, that they would not adversely affect the character, integrity or general amenity of the application site, its setting or any designations located close by.

Reason: To ensure ancillary elements of the development, such as external transformers, are only permissible if, following additional design and LVIA work, are demonstrated to be acceptable in terms of visual, landscape noise and other environmental impact considerations.

8. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), and unless there is a demonstrable health and safety or operational reason, none of the wind turbines, anemometers, power performance masts, switching stations or transformer buildings/enclosures, ancillary buildings or above ground fixed plant shall display any name, logo, sign or other advertisement without express advertisement consent having been granted on application to the Planning Authority.

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

9. No tree felling works shall commence, until a further attempt to locate the Scheduled Standing Stone (Site 2: MHG1273) and possible shieling hut (Site 5: MHG20197) has been made. In the event that survey work does not ascertain their presence, a qualified archaeologist must be present during felling operations to supervise the work and ensure the protection of the features of archaeological importance.

Reason: In order to protect any features of archaeological importance.

10. No development shall start on site until a Construction Environmental Management Document is submitted to and agreed in writing by the Planning Authority in consultation with SNH and SEPA. The Document shall include:

- An updated Schedule of Mitigation (SM) including all mitigation proposed in support of the planning application, other relevant agreed mitigation (e.g. as required by agencies) and set out in the relevant planning conditions
- Processes to control / action changes from the agreed Schedule of Mitigation.
- The following specific Construction and Environmental Management Plans (CEMP):
  i. Peat management plan – to include details of all peat stripping, excavation, storage and reuse of material
  ii. Pollution prevention plan
  iii. Drainage and surface water management plan - to address both construction and post construction with specific regard to protection of the Caithness and Sutherland Peatlands SAC and River Thurso SAC.
  iv. Chemical pollution plan
  v. Species protection plan
  vi. Fisheries protection plan
  vii. Site waste management plan
  viii. Noise and vibration mitigation plan
  ix. Traffic management plan – providing details on the proposed route for any abnormal loads, any accommodation measures required and any additional signing or temporary traffic control measures deemed necessary

- Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities which shall include but not necessarily be limited to:

  i. Providing training to the developer and contractors on their responsibilities to ensure that work is carried out in strict accordance with environmental protection requirements;

  ii. Monitoring compliance with all environmental and nature conservation mitigation works and working practices approved under this consent;

  iii. Advising the developer on adequate protection for environmental and nature conservation interests within, and adjacent to, the application site;

  iv. Directing the placement of the development (including any micro-siting, if permitted by the terms of this consent) and the avoidance of sensitive features; and

  v. The power to call a halt to development on site where environmental considerations warrant such action.

- Details of any other methods of monitoring, auditing, reporting and communication of environmental management on site and with the client, Planning Authority and other relevant parties.

- Statement of any additional persons responsible for 'stopping the job / activity' if in potential breach of a mitigation or legislation occurs.

Unless otherwise agreed in writing by the Planning Authority the development shall proceed in accordance with the agreed Document.

Reason: To protect the environment from the construction and operation of the development.

11. No development shall commence until a Habitat Management Plan (HMP) has been submitted to, and approved in writing, by the Planning Authority in consultation with SNH and SEPA, providing for measures to protect and manage habitat and species within the site. The HMP, which shall be implemented in full and in accordance with any timescales outlined therein unless otherwise agreed in writing, shall include the following elements:

- Measures to minimise any impact of the development on statutorily protected species and other species of nature conservation interest (including hen harrier, otters, bats, water vole and wild cat) and their respective habitats
- The enhancement, restoration and future management of the site to its blanket bog/heath habitat

Reason: To protect and enhance the nature conservation interests of the area, including the management of vegetation and peatland within the site, mitigate any effects on statutorily protected species and their habitat and avoid adverse effects on other species of nature conservation interest.

12. No development shall commence, including tree felling works, until pre-commencement surveys to locate the presence or absence of water vole, otter and wild cat is undertaken and a report of survey has been submitted to, and approved in writing by, the Planning Authority. The survey shall be carried out in the year preceding the commencement of development and the report of survey shall inform any mitigation measures identified in the Species Protection Plan required as part of the Construction Environmental Management Document/Plan(s) approved under condition 10.

Reason: To protect and enhance nature conservation from construction activities.

13. No development shall commence, including tree felling works, until a pre-commencement bird survey has been undertaken and a report of survey has been submitted to, and approved in writing by, the Planning Authority. The survey shall be carried out within 500m of all development and associated works cover the application site, be carried out in the year preceding the commencement of development and the report of survey shall inform any mitigation measures identified in Species Protection Plan required as part of the Construction Environmental Management Document/Plan(s) approved under Condition 10.

Reason: In order to safeguard birds and breeding birds present within the site during the construction phase.

14. No development shall commence on site until the applicant has provided the Ministry of Defence (Defence Estates - Safeguarding) with the following information; a copy of which shall be submitted to the Planning Authority:

- proposed date of commencement of the construction;
- estimated date of completion of the construction;
- height above ground level of the tallest structure;
- maximum extension height of any construction equipment;
- position of the turbines in latitude and longitude plus eastings and northings;

Reason: In order to ensure the safety of low flying military aircraft.

15. 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 the IOA Good Practice Guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise.

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 that the noise impact of the built turbines can be assessed, if necessary following a complaint, in order to demonstrate that they do/do not exceed the predicted noise levels set out within the supporting Environmental Statement, and where excessive noise is recorded, suitable mitigation measures can be undertaken.

16. No development shall commence until a detailed Access Management and Recreation Plan of public access across the site (as existing, during construction and following completion) has been submitted to, and approved in writing by, the Planning Authority. The plan shall include details showing:

i. All existing access points, paths, core paths, tracks, rights of way and other routes (whether on land or inland water), and any areas currently outwith or excluded from statutory access rights under Part One of the Land Reform (Scotland) Act 2003, within and adjacent to the application site;

ii. Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or effect on curtilage related to proposed buildings or structures;

iii. All proposed paths, tracks and other routes for use by walkers, riders, cyclists and any other relevant outdoor access enhancement i.e. car park (including construction specifications, signage, information leaflets, proposals for on-going maintenance etc.);

iv. Any diversion of paths, tracks or other routes (whether on land or inland water), temporary or permanent, proposed as part of the development (including details of mitigation measures, diversion works, duration and signage).

The approved Access Management and Recreation Plan, and any associated works, shall be implemented in full prior to the first occupation of the development or as otherwise may be agreed within the approved plan.

Reason: To safeguard and maximise the opportunities for continued public access to the countryside during the construction and operation of this wind farm.

17. No development shall commence until a TV and radio reception mitigation plan has been submitted to, and approved in writing by, the Planning Authority. The plan shall provide for a baseline TV reception survey to be carried out prior to the commencement of turbine installation, the results of which shall be submitted to the Planning Authority. Within 12 months of the Final Commissioning of the development, any claim by any individual person regarding TV picture loss or interference at their house, business premises or other building, shall be investigated by a qualified engineer appointed by the developer and the results shall be submitted to the Planning Authority. Should any impairment to the TV signal be attributable to the development, the developer shall remedy such impairment so that the standard of reception at the affected property is equivalent to the baseline TV reception.

Reason: To ensure local TV and Radio Services are sustained during the construction and operation of this development.

18. For the avoidance of doubt, the crane hard standing required to service Turbine 10 shall not be constructed using the ‘peat displacement method’ proposed unless otherwise agreed in writing by the Planning Authority, in consultation with SEPA, following sufficient assurance that Ground Water Dependant Eco-systems will not be adversely affected.

Reason: In the interest of protecting Ground Water Dependant Eco-systems

19. Unless otherwise agreed in writing by the Planning Authority, in consultation with MoD, the cardinal turbines shall be fitted with 25cd red lighting at the highest practical point.

Reason: In order to ensure the safety of low flying military aircraft.

20. Access to the site by heavy goods vehicles and any noisy construction activity (e.g. piling, blasting, rock-breaking) shall be restricted to 07.00 to 19.00 on Mondays to Fridays and from 07.00 to 13.00 on Saturdays with no such access on Sundays unless otherwise agreed in advance in writing by the Planning Authority.

Reason: In order to control noise in the interest of amenity.

21. Visibility splays shall be provided and maintained on each side of the new access to the satisfaction of the local Planning Authority. These splays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.

Reason: To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road

22. The Wind Turbine Noise Levels, including the application of any tonal penalty specified in ETSU-R-97 at pages 99-109, shall not exceed the values specified for the locations listed in Tables 1 and 2 below.

For Noise-Sensitive Premises not listed in Tables 1 and 2, but on the date of this planning permission lawfully exist or are yet to exist but benefit from extant planning permission., noise limits shall be taken from the listed location that is closest matching in terms of background noise.

This condition shall apply at wind speeds not exceeding 12m/s, as calculated at a height of 10m above ground level in accordance with the methods described in the IOA Good Practice Guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise.

Table 1 – Daytime Noise Limits

	Noise levels (dB LA90) at standardised 10 meter height wind speeds (m/s).								
Location	**4**	**5**	**6**	**7**	**8**	**9**	**10**	**11**	**>=12**
Mybster	21.5	27.5	32.5	35.5	36.5	36.5	36.5	36.5	36.5
Corner Cottage	25.0	25.0	25.0	26.5	28.6	30.6	32.3	33.8	34.8
Tacher	25.6	27.6	29.6	31.4	33.1	34.8	36.3	37.6	38.8
Shielton	20.0	26.0	31.0	34.0	35.0	35.0	35.0	35.0	35.0

Table 2 – Night Time Noise Limits

	Noise levels (dB LA90) at standardised 10 meter height wind speeds (m/s).								
Location	**4**	**5**	**6**	**7**	**8**	**9**	**10**	**11**	**>=12**
Mybster	21.5	27.5	32.5	35.5	36.5	36.5	36.5	36.5	36.5
Corner Cottage	28.0	28.0	28.0	28.0	28.0	28.9	30.0	30.9	31.7
Tacher	28.0	28.0	28.4	29.5	30.5	31.5	32.5	33.7	35.2
Shielton	20.0	26.0	31.0	34.0	35.0	35.0	35.0	35.0	35.0

Reason: To ensure that the noise impact of the built turbines does not exceed the predicted noise levels in the interest of amenity.

23. The Wind Farm Operator shall, beginning with the first day upon which the wind farm becomes operational, 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 IOA Good Practice Guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise. 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 built turbines can be assessed, if necessary following a complaint, in order to demonstrate that they do/do not exceed the predicted noise levels set out within the supporting Environmental Statement.

24. At the reasonable request of the Planning Authority, the Wind Farm 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 Turbines.

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 Farm Operator shall implement mitigation measures in full accordance with the approved Noise 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 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 Environmental Statement have been breached, and where excessive noise is recorded, suitable mitigation measures are undertaken.

25. No work to form the construction compound area shall commence until the following details in respect of Halsary Farmstead (identified as Site 6 within the ES) have been submitted to, and approved in writing by, the Planning Authority:

i. a comprehensive photographic survey of the interior of the building;
ii. details of which of the existing fittings will be retained in situ and which will be removed;
iii. details of all internal fitting out work (incl. any internal signage); and
iv. details of how the building will be secured while the work is being carried out.

Thereafter, development and work shall progress in accordance with these approved details.

Reason: In order to record its condition and importance before development affects its setting and/or character.

26. Any archaeological features associated with Halsary Farmstead (identified as Site 6 within the ES) including the sheepfold and enclosure adjacent to Turbine 18 shall be preserved in-situ.

Reason: In order to protect the archaeological and historic interest of the site.

27. Before the First Export Date, as defined within Condition 2, a copy of all information that informed the archaeological assessment submitted in support of the application, including any descriptions, plans and photographs gathered as part of the desk top analysis and/or site survey, shall be submitted to the Planning Authority.

Reason: In order to assist the Council with maintaining an accurate and current record of the historic environment.

28. A community liaison group shall be established by the developer prior to development commencing, in collaboration with The Highland Council and local Community Councils. The group shall act as a vehicle for the community to be kept informed of project progress and, in particular, should allow advanced dialogue on the provision of all transport-related mitigation measures and to keep under review the timing of the delivery of turbine components; this should also ensure that local events and tourist seasons are considered and appropriate measures to coordinate deliveries and work to ensure no conflict between construction traffic and the increased traffic generated by such events/seasons. The liaison group, or element of any combined liaison group relating to this development, shall be maintained until wind farm has been completed and is operational.

Reason: To assist with the provision of mitigation measures to minimise the potential hazard to road users, including pedestrians travelling on the road networks.

Signature:	Malcolm MacLeod
Designation:	Head of Planning & Building Standards
Author:	David Mudie (01463) 702255
Date:	01 August 2013
Background Papers:	Documents referred to in report and in case file.

Appendix 1 – Letters of Representation

OBJECTORS

1. Fiona Fraser, 6 Braal Terrace, Halkirk, KW12 6YN,
2. Alistair Fraser, Knockglass Cottage, Watten, Wick, KW1 5XW,
3. Joseph Armstrong, 8 Braal Castle, Halkirk,
4. Ewan Fraser, Knockglass Cottage, Watten, Wick, KW1 5XW,
5. Julie And Anderw Malcolm, 9 Upper Glen Road, Bridge Of Allan, Stirlingshire, FK9 4PX,
6. Clare And Jason Peebles, 23 Springwood Road, Stirling, FK8 2PB,
7. Jim And Paula Fraser, 33 Argyle Grove, Dunblane, Perthshire, FK15 9DT,
8. Brenda Herrick, Sandmill, Harbour Road, Castletown, Thurso, KW14 8TG,
9. Miss Courtny Slater, 31 Braal Terrace, Halkirk, KW12 6YN,
10. Mrs Elsie Fraser, Knockglass Cottage, Watten, Wick, KW1 5XW,
11. Mr Andrew Fraser, 9 Scapa Place, Thurso, KW14 7JH,
12. G And W Alexander, 38 Bain Place, Watten, Wick, KW1 5XQ,
13. Miss C M Davidson, 6 Rose Street, Thurso, KW14 7HH,
14. Ian Pickthall, 23 Upper Burnside Drive, Thurso, KW14 7XB,
15. Bevan Craddock, 44 Haling Road, Penkridge, Stafford, ST19 5DA,
16. Malcolm Rider, 4 Abbey Mews, North Berwick, EH39 4BT,
17. Amy Fields, Hazeldean, Brough, Dunnet, KW14 8YE,
18. Lynne Fields, Hazeldean, Brough, Thurso, KW14 8YE,
19. Robert Fields, Hazeldean, Brough, Thurso, KW14 8YE,
20. Anna Fields, Hazeldean, Brough, Thurso, KW14 8YE,
21. Susan Hawes, Stemster Schoolhouse, Stemster, Halkirk, KW12 6UX,
22. June Crawford, Hilltop Cottage, Auckengill, Wick, KW1 4XP,
23. Jean Clasper, 25 Rose Street, Thurso, KW14 7HN,
24. Irene King, Gracequoy, Larel, Halkirk, KW12 6UY,
25. George King, Gracequoy, Larel, Halkirk, KW12 6UY,
26. J Wilson, Braehead, 170 Armadale, Thurso, KW14 7SA,
27. Tim Shallcross, Stirkoke Woods, Wick, KW1 5SZ,
28. Anne MacBeath, Grianan, Inver, Dunbeath, KW6 6EH,
29. John Booth, Iodhlainn, Portskerra, Melvich, Thurso, KW14 7YL,
30. Mrs Cath Whittles, Roseleigh House, Latheronwheel, Latheron, KW5 6DW,
31. Robert Harrison, Smiddy Cottage, Banniskirk, Halkirk, KW12 6XA,
32. Jeanine Noyes, 1104-1050 Broadview Avenue, Toronto, M4K 2S3,
33. Alan Wilcock, Baslow House, 5 Battery Road, Castletown, Thurso, KW14 8TF,
34. Lyndall Leet, 8 Burnside, Scrabster, Thurso, KW14 7UG,
35. Geoff Leet, 8 Burnside, Scrabster, Thurso, KW14 7UG,
36. Denise Brown, Upper Larel Farm, Larel, Halkirk, KW12 6UZ,
37. GM And LD Levack, Balbeg, Watten, Wick, KW1 5XU,
38. Paul Cannop, 10 Royal Terrace, Thurso, KW14 8NW,
39. M Sinclair, Balnabruich House, Dunbeath, KW6 6ET,
40. J G Gardner, 3 Upper Geise Place, Glengolly, Thurso, KW14 7AX,
41. P Gardner, 3 Upper Geise Place, Glengolly, Thurso, KW14 7AX,
42. Stephen Charles Tilt, Knockglass Cottage, Watten, Wick, KW1 5XW,
43. Mrs A Curson, 76 Wimbledon Road, Sherwood, Nottingham, NG5 1GW,
44. David Gunn, 26 Broadhaven Road, Wick, KW1 4RF,
45. Denise Davis, White House, Ardblair, Inverness-shire, IV4 7HT,
46. Paul Simonite, Station House, Watten, Wick, KW1 5UH,
47. C MacKay, Hillview, 148 Skinnet, Talmine, IV27 4YP,
48. Mrs M Beaumont, 7 Davidson's Lane, Thurso, KW14 7AF,
49. GM Lindsay, 2 Whinfield Gardens, Kinross, KY13 8BF,
50. Robert Wallace, Tullibardine, Barrock, Thurso, KW14 8SY,

51. Caithness Windfarm Information Forum c/o John Brown, Upper Larel Farm, Halkirk, KW12 6UZ,
52. Mrs Joanne Young, Dunmore, Westside, Dunnet, KW14 8YD,
53. Mrs Islay MacLeod, Thrumster House, Thrumster, Wick, KW1 5TX,
54. Mrs Ruth Whittaker, 48 Gartymore, Helmsdale, KW8 6HJ,
55. Mr Bill Jarvie, Scarmclett Lodge, Clayock, HALKIRK, KW12 6UZ,
56. mr David Poupard, Eriska, Achow, Lybster, KW3 6BY,
57. Mr Stuart Young, Dunmore, Westside, Dunnet, KW14 8YD,
58. Mr Jim Wintour, 18D High Street, Inverness, IV1 1JQ ,
59. Mr William Brown, Dunvegan, Achscrabster, Achscrabster Road, Thurso, KW14 7QN,
60. Mrs Ali Sangster, 37 Dunneden, Oldhall, Watten, KW1 5XL,
61. Mr George Herraghty, Lothlorien, Lhanbryde, Elgin, IV30 8LD,
62. Mr John Brown, Upper Larel Farm, Halkirk, KW12 6UZ,
63. Mr Graham Thompson, Ardachadh, Forsinard, KW13 6YT,
64. Mr William Coghill, Tethers End,Dunn, Watten, Wick, KW15XN,
65. Mrs Kim Terry, Laigh Letterpin Bungalow, Pinmore, Girvan, KA26 0HX,
66. Miss Joyce Wilson, Beachwood House West Dunnet Road, Dunnet, Highland, KW14 8YD,

COMMENT

1. Mrs Gillian Coghill, Balnahard Farm, Harpsdale, Halkirk, KW12 6UN
2. RSPB

Appendix 2 – Appropriate Assessment

1.0 CONSIDERATION OF PROPOSALS AFFECTING EUROPEAN SITES

1.1 The site is Halsary lies in close proximity to the following Natura 2000 sites: River Thurso SAC, Caithness & Sutherland Peatlands SAC; Caithness & Sutherland Peatlands SPA and; Caithness Lochs SPA. These sites are all classified under the Habitats Directive. This means that the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), the 'Habitats Regulations,' apply.

1.2 Where the conclusion reached by the Council on a development proposal unconnected with the nature conservation management of a Natura 2000 site is that it is likely to have a significant effect on that site, it must undertake an appropriate assessment of the implications for the conservation interests for which the area has been designated. The need for appropriate assessment extends to plans or projects outwith the boundary of the site in order to determine their implications for the interest protected within the site.

1.3 This means that the Council, as competent authority, has a duty to:

- determine whether the proposal is directly connected with or necessary to site management for conservation; and, if not,
- determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then
- make an appropriate assessment of the implications (of the proposal) for the site in view of that site's conservation objectives.

1.4 The competent authority can only agree to the proposal after having ascertained that it will not adversely affect the integrity of the site. If this is not the case, and there are no alternative solutions, the proposal can only be allowed to proceed if there are imperative reasons of overriding public interest, which in this case can include those of a social or economic nature.

1.5 The proposal is clearly not connected with or necessary to the management of the site or for its conservation, hence further consideration is required. As the responsible body, the Council must undertake an 'appropriate assessment' of the implications of the proposal for the SPA in view of the site's conservation objective.

2.0 APPROPRIATE ASSESSMENT

2.1 While the responsibility to carry out the appropriate assessment rests with the Council, advice contained within Circular 6/1995 is that the assessment can be based on the information submitted in the Environmental Statement and informed by SNH's appraisal. The applicant provided a Report to Inform a Habitats Regulation Appraisal. SNH has provided an appraisal to assist.

Appraisal

River Thurso SAC

2.2 The proposal could affect River Thurso SAC, which is designated for its Atlantic Salmon. The proposed ground disturbance significantly increases the risk of sediment reaching watercourses connected to the SAC. The proposed riparian planting requires further detail to ensure the species proposed, planting pattern and method do not impact on the watercourses running into the SAC.

2.3 As Atlantic Salmon are sensitive to siltation and changes to water quality, the proposal is likely to have a significant effect on the qualifying interest of the SAC. However, SNH is of the view that if the proposal is carried out in accordance with a condition/conditions relating to peatland restoration and protection of the water environment that the proposal will not adversely affect the integrity of the River Thurso SAC. The proposed Conditions 10 and 11would address this

Caithness and Sutherlands Peatlands SAC

2.4 The proposed site is adjacent to the Caithness & Sutherland Peatlands SAC, which is designated for its internationally important peatland habitats, rare plant species and otter. The proposal is likely to have a significant effect on two of the qualifying species, blanket bog and otter.

2.5 With regards to blanket bog, the proposed ground disturbance significantly increases the risk of disrupting the hydrological connections with the SAC, erosion and wind blow of eroded material. Also, the proposed planting may also impact on the hydrological connections between the site and the SAC. The proposed development increases the risk of disturbance to otter. The planting proposed at Hector's Burn could damage or obstruct their places of rest and impact on habitats that support otter.

2.6 SNH is of the view that while based on the information provided in the ES and Addendum, it is not possible to conclude there will be no adverse effect on the integrity of the SAC, that it would be relatively straightforward for the applicant to revise the habitat management proposals contained within the ES and Addendum to the satisfaction of SNH so that the impacts on the qualifying interest are avoided or minimised, and so maintain the conservation objective for the SAC. To achieve this, the proposal should be subject to a condition relating to peatland restoration and protection of the water environment. The proposed Conditions 10 and 11 would address this.

Caithness & Sutherland Peatlands SPA

2.7 The site adjoins the Caithness & Sutherland Peatlands SPA, which is classified for its breeding black-throated diver, common scoter, dunlin, golden eagle, greenshank, hen harrier, merlin, red-throated diver, short-eared owl, widgeon and wood sandpiper.

2.8 Of these species, there is a likely significant effect on hen harrier, merlin and black-throated diver through predicted collision mortality. SNH state that the predicted collision mortality figures on these species is so small that they are unlikely to have a consequential impact on the populations.

2.9 However, changes to the habitat from a coniferous forest to peatland and Heathland could create suitable habitat for prey species of the hen harrier, which would then be attracted into the wind farm site. This would subsequently increase the risk of collision mortality which in turn may affect their conservation objectives. However, again SNH are of the view that if the proposal is carried out in accordance with the condition relating to peatland restoration and protection of the water environment the proposal will not adversely affect the integrity of the Caithness & Sutherland Peatlands SPA. The proposed Conditions 10 and 11 would address this.

Caithness Lochs SPA

2.10 The Caithness Lochs SPA is classified for non-breeding Greenland white-fronted geese, greylag geese and whooper swan. The predicted collision mortality will have a likely significant effect on greylag geese and whooper swan.

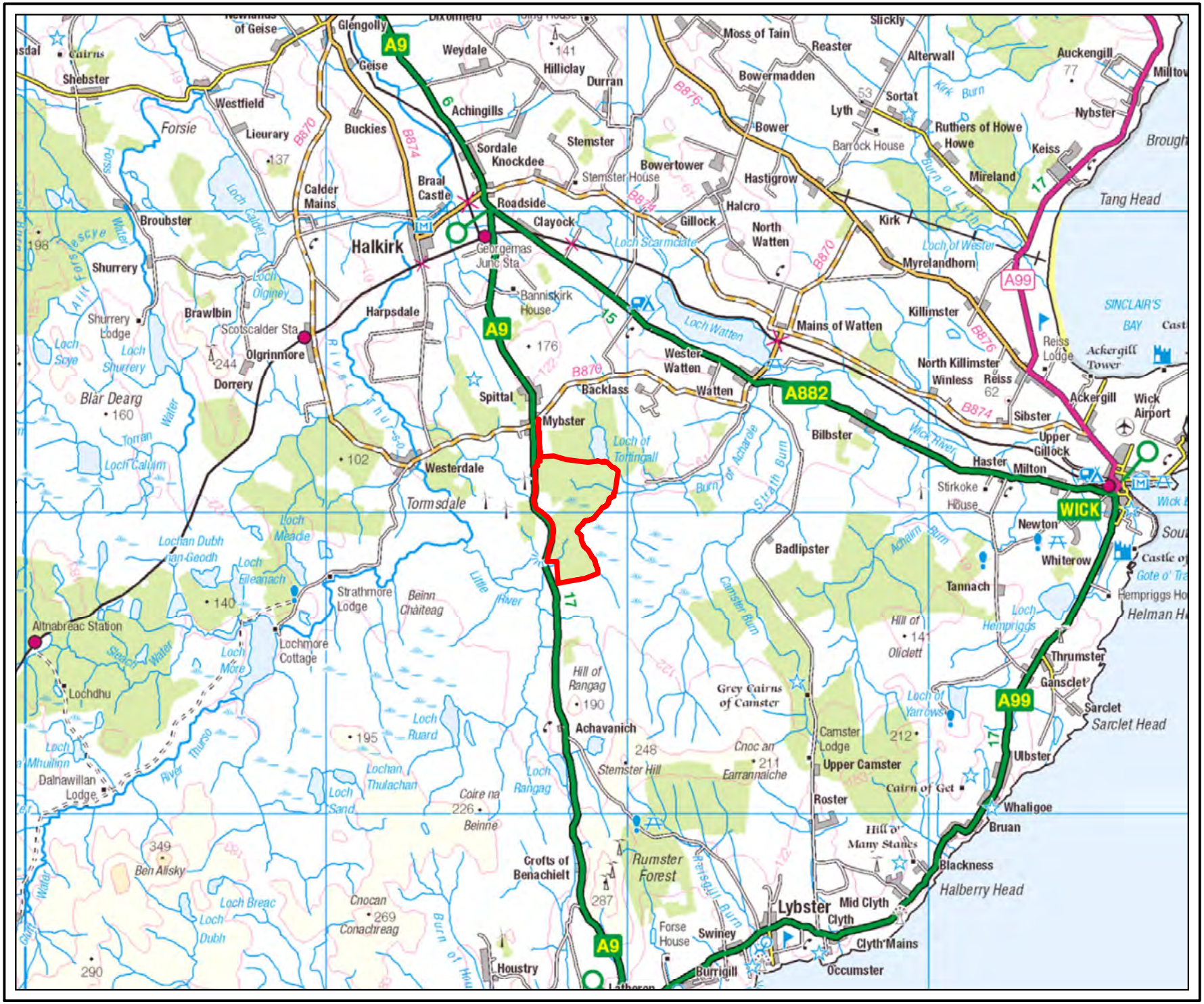
2.11 SNH advise that as no disturbance, displacement or habitats impacts are predicted, the conservation objectives of the SPA would not be affected. SNH also assessed the predicted collision mortality figures from Halsary alone and cumulatively with other windfarm in the area. SNH concluded that the small number of birds predicted to collide at Halsary each year (0.74 greylag geese and 0.30 for whooper swan) and the impact potential cumulatively impact on population (cumulative collision mortality of 0.28% of the SPA population for greylag geese and 0.84% of the SPA population for whooper swan), there would not be an adverse impact on the integrity of the Caithness Lochs SPA.

Decision

2.12 On the basis of the information contained within the ES and particularly the advice received from SNH, the Council can be confident subject to conditions that will be applied to any permission, that the proposal is unlikely to have an adverse affect on the integrity of the River Thurso SAC, Caithness and Sutherland Peatland SAC and SPA and the Caithness Lochs SPA.

Appendix 3 – Abbreviations.

AGLV – Area of Great Landscape Value
CEMD – Construction Environmental Management Document
CEMP – Construction Environmental Management Plan
CMS – Construction Method Statement
EIA – Environmental Impact Assessment
EMP – Environmental Management Plan
ES – Environmental Statement
EPS – European Protected Species
FCS – Forestry Commission for Scotland
HRES – Highland Renewable Energy Strategy and Planning Guidelines
IOA – Institute of Acoustics
LCA – Landscape Character Assessment
LCT – Landscape Character Type
LVIA – Landscape and Visual Impact Assessment
MW – Megawatt
MOD – Ministry of Defence
NHZ – Natural Heritage Zone
RERA – Renewable Energy Resource Assessment
SM – Schedule of Mitigation
SHETL – Scottish Hydro Electric Transmission Ltd
SNH – Scottish Natural Heritage
SAWL – Search Area for Wild Land
SPP – Scottish Planning Policy
SSSI – Site of Special Scientific Interest
SAC – Special Area of Conservation
SLA – Special Landscape Areas
SPA – Special Protection Area
ZTV – Zone of Theoretical Visibility



SCOTTISHPOWER RENEWABLES

URS

Key

Site Boundary

DEVELOPMENT SITE AND LOCAL CONTEXT

FIGURE NTS1

HALSARY WINDFARM NON TECHNICAL SUMMARY ADDENDUM

URS Ref: 46374001

SCOTTISHPOWER RENEWABLES

URS

Key

- Site Boundary
- Turbine
- Met Mast
- Crane Hardstanding
- Turbine Pad
- Control Compound
- Temporary Construction Compound
- Quarry Track (Existing)
- Track (Existing, to be Upgraded)
- Track (New, Cut)
- Track (New, Floating)
- Turning Head

ID	Easting	Northing	Altitude
1	Removed		
2	Removed		
3	318977	951369	79
4	Removed		
5	317976	951211	88
6	318426	951062	84
7	319096	951024	80
8	317341	950962	97
9	317759	950665	92
10	318460	950649	86
11	319048	950609	81
12	317218	950518	95
13	318050	950301	91
14	318486	950139	86
15	317523	950222	98
16	317722	949872	97
17	318137	949685	90
18	318005	949253	92
Met Mast	317848	949470	98

0 Metres 500

N

Stone Haul Road

Construction Compound B

Site Access A

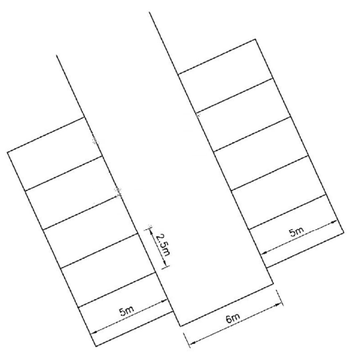
Proposed parking see inset map below

Site Access B

Halsary Farm

Construction Compound A

Construction Compound C



Proposed Parking
1:200

Scale: 1:10000

Note: All Forest Within Site Boundary Will Be Felled

ORIGINAL DRAWING A1

PROPOSED DEVELOPMENT LAYOUT

FIGURE PA A2

HALSARY WINDFARM ADDENDUM

URS Ref: 46374001