

**THE HIGHLAND COUNCIL**

**NORTH PLANNING APPLICATIONS COMMITTEE**  
**17 September 2013**

Agenda Item	3.3
Report No	PLN//081/13

**13/01190/FUL : Whirlwind Renewables**  
**West of Mybster Farm, Spittal, Watten, Caithness (Achlachan Wind Farm)**

**Report by Head of Planning and Building Standards**

**SUMMARY**

**Description :** Wind farm (5 wind turbines) with potential capacity of 10 MW.

**Recommendation - GRANT** planning permission.

**Ward :** 4 - Landward Caithness.

**Development category :** Local Application.

**Pre-determination hearing :** Not required.

**Reason referred to Committee :** More than 5 objectors.

**1. PROPOSED DEVELOPMENT**

1.1 The application is for a wind farm and associated infrastructure comprising the following principal elements:

- 5 (2 MW) wind turbines (max tip height 115m).
- Potentially - 5 external transformer housings.
- New site access tracks – 5km.
- Crane hard-standings.
- Electrical control building, site office / store.
- Temporary anemometer mast.
- Temporary contractors' compound.

1.2 The applicant has identified 11 of the nearest properties (nearest at 708m – furthest at 1,776m) as being involved with this project. (Annex A).

1.3 Access to the site is from the B870, on the stretch of road between Mybster and Westerdale. The preferred access to the site for deliveries including turbine components will be from Wick Harbour. Turbine delivery vehicles (abnormal loads) from will Wick follow the A882 for approximately 24km before using the A9 Trunk Road and finally the B870.

- 1.4 The operational life of the Achlachan wind farm is anticipated to be 30 years, after which the wind farm would cease operation. All major components and most above ground structures are to be removed from the site. The wind farm is expected to be connected to the local electricity distribution network at Mybster sub-station which lies 1.8km to the east of the site.
- 1.5 The development is supported by an Environmental Statement (ES) under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (as amended). Visualisations have been supplemented with monochrome images, to Council standards, to assist with the interpretation of turbines from different renewable energy schemes in this locality. In association with the knowledge and expertise of statutory consultees, along with additional information provided to individual agencies, the ES is sufficient to allow the Council and others to use the information as presented to make a judgement on the application.

## **2. SITE DESCRIPTION**

- 2.1 The site is on open moorland set between Mybster (to the northeast) and Westerdale (to the south southwest) extending to a site area of approximately 135 hectares (see Annex B). The development itself would impact directly on 1.7 hectares. The land is predominantly bog and rush pasture under grazing management (cattle). The turbine area is north-west of the operational Causeymire Wind Farm (see Annex C). Key local reference points around the proposed turbines include the following identifiers: -

North	Ballone, Mybster Farm, Mybster Inn and the A9
East	Causeymire wind farm
South	Westerdale, Tormsdale House
West	B870 road, Corner Cottage

- 2.2 There are areas of swamp, open water, bog pools and drainage channels / burns across the site. The wind farm is split by a watercourse, the Black Burn running east west through the centre of the site and joining the Allt an Dobhrain to the west of the site forming the Achlachan Burn. The Achlachan Burn flows northwest and into the River Thurso around 1500m from the site boundary.
- 2.3 At Ballone, east of the site access, there is a derelict dwelling and agricultural building. The closest residence also lies to the east, at some 708m from the nearest turbine, at Ballone Cottage. Corner Cottage is the nearest residence to the west at a distance of 1,253m from the nearest turbine. 21 properties fall within 2km of proposed turbines. The nearest settlements include Westerdale, Mybster and Spittal. There is evidence of prehistoric activity with features of interest within the site. In the surrounding area, within 5km of the turbines, there are 20 Schedule Ancient Monuments (SAM's) as well as other features of interest including listed buildings at Westerdale.
- 2.4 The site is not covered by any international, national, regional or local designations. Various designations for nature conservation purposes prevail in the wider area and the site's habitat is used by a number of protected species. The key designations of interest include the River Thurso Special Area of Conservation

(SAC), Caithness Lochs Special Protection Area (SPA); East Caithness Cliffs (SPA); Caithness and Sutherland Peatlands SSSI, SPA and Ramsar designation and the Flows National Nature Reserve.

- 2.5 The site does not carry any particular landscape designation. Within the wider area there are a number of designated sites including a Search Area of Wild Land – focused upon the Flow Country and Morven. There are five Special Landscape Areas (SLA's) advanced by the Council including The Flow Country & Berriedale Coast; Bens Griam and Loch Nan Clar; Farr Bay, Strathy and Portskerra; Dunnet Head; and Duncansbay Head.
- 2.6 When assessing a wind farm development consideration of similar developments within a 60km distance of the site is required. The list below presents the projects that are operational, approved or have been submitted but are not yet determined around this development site – See Map D appended to this report. The following wind energy projects lie within 35km radius: -

Built and / or Consented

Causeymire,  
Causeymire Extension,  
Forss 1 & 2,  
Baillie Hill,  
Boulfruich,  
Wathegar 1,  
Flex Hill (Bilbster),  
Achairn,  
Burn of Whilk,  
Camster,  
Stroupster,  
Wathegar 2 and  
Strathy North.

Under consideration

Bad a Cheo,  
Halsary,  
Strathy South,  
Limekilns and  
Lyth.

**3. PLANNING HISTORY**

- 3.1 **30 May 2012** - EIA Scoping Report issued (Ref 12/01555/SCOP).
- 3.2 On land adjacent to the application site the following history is noteworthy: -
- 14 June 2013** Ballone Cottage at Mybster Farm - renovate and extend house granted planning permission (Ref 13/01337/FUL).

## 4. PUBLIC PARTICIPATION

4.1 Advertised : EIA development allowing 28 days for comment.

Representation deadline : 14 June 2013

Timeous representations : 17 - with 11 objectors and 6 supporters

Late representations : 0

4.2 Material considerations raised as objections are summarised as follows:

- Conflict with Policy
- Visual Impact / Height
- Cumulative Impact / Caithness at Saturation
- Separation from Communities
- Noise
- Adverse Impact of Tourism / Tourists
- Poor Quality of Visual Images
- Adverse impact to road users on A9 Trunk Road
- Grid Capacity - limited.

4.3 Material considerations raised in support are summarised as follows:

- Developer has worked closely with community
- Renewables / Green Energy is good
- Impact minimised through siting by existing wind farm.
- Residential / Community interest.

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

## 5. CONSULTATIONS

5.1 Halkirk Community Council objects to the application.

5.2 Watten Community Council – No response received.

5.3 Lybster Community Council – No response received.

5.4 Council's - Historic Environment Team (Archaeology) has no objection to the application. It is content that, with appropriate mitigation (as per ES paragraph 13.5.6), the proposed development will not have any significant direct impact upon cultural heritage. The proposed development will, however, indirectly impact on two prehistoric Scheduled Monuments, Ballone Broch and Cairn Merk Broch. The

existence of the operational Causeymire wind farm has already impacted the general landscape setting of the monuments to some degree, although at present Causeymire exists on the periphery of the setting of both monuments.

- 5.5 Council's - TECS (Environmental Health) has no objection to the application but has raised concerns in respect of potential cumulative noise arising from the operation of wind farms in this location. There will need to be an adequate scheme for compliance monitoring in the event that noise complaints arise. It is noted that 11 properties are assessed as likely to experience noise levels slightly in excess of accepted standards, (including a derelict property) but the applicant has advised each has a financial interest in the development.
- 5.6 Council's - TECS (Roads) has no objection to the application. Use of the Council's network by construction traffic will require final transport assessment and implementation of a wear and tear agreement. Other permissions will be required, post planning approval, for example Road Construction Consent for the proposed new site access.
- 5.7 Council's - Access Officer has no objections to the application. On completion of the construction phase of the development the site and track should be accessible for public access. All gates should be useable by the general public.
- 5.8 Trunk Road and Bus Operations Directorate (TRBOD) has no objections.
- 5.9 Scottish Natural Heritage has not objected to the application. It recommends conditions are attached to avoid significant effect on the River Thurso SAC. Furthermore the ecological mitigation and enhancement measures should also be secured to further reduce the impacts on natural heritage. Concerns are raised in respect of the proposed height of the turbines and the use of external transformers. A turbine height of 105m would be more consistent with Causeymire (100m).
- 5.10 Historic Scotland (HS) has no objection to the application. It has reviewed the ES and considers there is enough information to allow it to form a view on the development. The response takes account of the impact arising from the Causeymire turbines.
- 5.11 Scottish Environmental Protection Area (SEPA) has no objection to the application. It requests a number of conditions which ensure the requirement for a Construction and Environmental Management Document to be submitted and approved to safeguard the water environment during construction.
- 5.12 Ministry of Defence (MOD) has no objection to the application. Request made for condition requiring air safety lighting on all turbines and to be informed of any construction start date, construction equipment and any changes to the plans.
- 5.13 Civil Aviation Authority (CAA) has no objection to the application.
- 5.14 National Air Traffic Systems (NATS) has no objection to the application.

5.15 Caithness District Salmon Fishery Board has no objection to the application. A request is made for planning conditions that require the developer to carry out an electric fishing survey to establish the status of juvenile salmonids (densities and species) in the Achlachan Burn. Furthermore, that a buffer area is secured for 40m from construction activities to either side of the local watercourses.

5.16 Scottish Water has no objection to the application.

## **6. DEVELOPMENT PLAN POLICY**

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

### **Highland Wide Local Development Plan 2012**

- 6.2
- |           |   |
|-----------|---|
| Policy 28 | Sustainable Development   |
| Policy 29 | Design, Quality and Place Making  |
| 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  |
|           | <ul style="list-style-type: none"><li>• Natural, Built and Cultural Heritage</li><li>• Other Species and Habitat Interests</li><li>• Landscape and Visual Impact</li><li>• Amenity at Sensitive Locations</li><li>• Safety and Amenity of Individuals and Individual Properties</li><li>• The Water Environment</li><li>• Safety of Airport, Defence and Emergency Service Operations</li><li>• The Operational Efficiency of Other Communications</li><li>• The Quantity and Quality of Public Access</li><li>• Other Tourism and Recreation Interests</li><li>• Traffic and Transport Interests</li></ul> |
| Policy 72 | Pollution   |
| Policy 77 | Public Access   |

### **Caithness Local Plan (March 2006)**

6.3 The general policies of the Caithness Local Plan have been superseded by the policies of the Highland wide Local Development Plan.

## **7. OTHER MATERIAL POLICY CONSIDERATIONS**

### **Scottish Government Planning Policy and Guidance**

7.1 SPP (February 2010) contains a number of subject specific policy statements which are relevant to this application, including:-

- Rural Development
- Landscape and Natural Heritage
- Wild Land
- Transport
- Renewable Energy

7.2 In addition to the above, the Scottish Government sets out further advice on Renewable Energy within a number of documents and web based information including: -

- National Planning Framework for Scotland 2
- PAN 56 – Planning and Noise
- PAN 58 – Environmental Impact Assessment
- PAN 60 – Planning for Natural Heritage
- 2020 Routemap for Renewable Energy

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

7.2 The site falls within a “Stage 2 - Areas with potential constraint for wind energy development”. Of particular relevance in this context is its proximity to Settlement Development Areas (SDAs) focused on Westerdale and Mybster.

**Highland Renewable Energy Strategy (HRES) (May 2006)**

7.3 While superseded as location guidance by the Interim Supplementary Guidance above, HRES is still relevant as a strategy document. 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

**8. PLANNING APPRAISAL**

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

8.2 The determining issues are: -

- Does the proposal accord with the development plan?
- If it does, are there any material considerations for not approving the proposed development?
- If it does not accord, are there any material considerations for approving the proposed development?

## **Assessment**

- 8.3 To address the determining issues, the Planning Authority must consider the following:-
- a) Development Plan
  - b) Interim Supplementary Guidance.
  - c) Highland Renewable Energy Strategy.
  - d) National Policy.
  - e) Roads / Traffic Impact and Public Access.
  - f) Water / Drainage and Peat.
  - g) Natural Heritage.
  - h) Design,
  - i) Landscape Impact Including Cumulative Impact.
  - j) Wild Land
  - k) Visual Impact including Cumulative Impact
  - l) Archaeology & Cultural Heritage.
  - m) Economic Impact and Tourism.
  - n) Aviation Interests
  - o) Amenity Noise and Shadow Flicker
  - p) Construction Impacts.
  - q) Telecommunications, Radio and TV
  - r) Fishery Interests
  - s) Other Material Considerations within representations.

### Development Plan

- 8.4 The Development Plan comprises the Adopted Highland wide Local Development Plan (HwLDP) and those parts of the Caithness Local Plan continued in force as a consequence of the adoption of the HwLDP. There are no policies within the Caithness Local Plan pertinent to this application. The principal policy on which the application needs to be determined is HwLDP Policy 67 - Renewable Energy. The other HwLDP policies listed at 6.1 of this report are also relevant and the application must be assessed against them for example Policy 61. These matters all fall within the gambit of Policy 67 and are assessed in full within a number of material considerations examined within this report.
- 8.5 Policy 67 highlights that the Council will consider the contribution of the project towards renewable energy targets, positive and negative effects on the local and national economy and other material considerations including making effective use of existing and proposed infrastructure and facilities. In that context the Council will support proposals where it is satisfied they are located, sited and designed such as they will not be significantly detrimental overall individually or cumulatively with other developments having regard to 11 specified criteria (as listed). If the Council is satisfied on these matters then the application will accord with the Development Plan.



### Interim Supplementary Guidance: - Onshore Wind Energy

- 8.6 As required by Scottish Ministers the Council has developed Interim Supplementary Guidance to assist with the consideration of onshore wind energy. The site falls entirely within features recognised within a Stage 2 “area of constraint” given its proximity to the Settlement Development Area (SDA) for Westerdale and Mybster. It is noteworthy that emerging revised SPP may increase the buffer around communities to 2.5km given that turbine size is increasing but no weight can currently be given to this emerging consideration. It is the impact of development on properties within Westerdale and Mybster that require to be assessed in full and the Supplementary Guidance provides some expanded advice on a range of matters including Visual Impact, Amenity at Sensitive Locations and Safety and Amenity of Individuals and Individual Properties. The Council will wish to be satisfied on these matters.

### Highland Renewable Energy Strategy (HRES)

- 8.7 Policy 67 of the Development Plan recognises the strategy developed by the Council on a range of Renewable Energy technologies. The additional benefits from such investment highlighted in HRES, as noted earlier for example ‘Education and Training,’ ‘Community Benefit’ and ‘Local Content,’ remain important considerations when assessing individual project proposals – see also later section on economic impact. HRES has also highlighted energy targets that the Highlands might meet using the range of renewable energy technologies. The Scottish Government has targets (see below) but it is important to recognise that these targets are not a cap on development proposals that may emerge in an area.

### National Policy

- 8.8 The Scottish Government has a very positive approach on Renewable Energy technologies. This is set out in Scottish Planning Policy (SPP) with further advice on renewable energy targets available from its “Routemap for Renewable Energy in Scotland 2011”. There is a Scottish Government target of 100% of Scotland’s electricity demand to be generated from renewable resources by 2020. The target is not a cap. 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. The draft SPP documents currently out for consultation do not substantially change the emphasis of Scottish Government’s stance on wind energy, relative to the key elements of this application, other than the protection of communities as noted above.
- 8.9 SPP advises that planning authorities should support the development of wind farms in locations where technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. Criteria for the assessment of applications are listed including 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. These elements, as relevant to this application, are examined within this assessment.

- 8.10 SPP advises that when considering cumulative impact the factors for planning authorities to consider should be set out in the development plan or supplementary guidance. Reference is also made to the fact that Development Plans are expected to have a spatial framework for onshore wind farms over 20MW drawn from the identification of areas requiring significant protection, areas with potential constraints against identified criteria and areas of search where appropriate proposals are likely to be supported, again subject to identified criteria. Although this application seeks permission for a 10 MW development, given its scale and proximity to Causeymire it can be perceived as a more significant development. The spatial approach advanced by Highland Council is as set out in its Interim Supplementary Guidance, noted above.

#### Roads, Traffic Impact and Access

- 8.11 The site has good access. Construction traffic for the most part would utilise the A9 trunk road. The development would result in an increase in traffic on the trunk road and local road network, principally during construction. Without too much concern the additional construction traffic generated can be absorbed within current traffic flows. It is the impact of such traffic, particularly the abnormal loads delivering turbine parts which does require particular consideration to protect each network and general road safety interests.
- 8.12 Both the Trunk and Local Road Authorities have requested planning conditions to ensure a final traffic impact assessment, safeguards and minor improvements to the networks and a Wear and Tear Agreement covering the use of the local road network through the construction phase.
- 8.13 There are no core or public paths passing through the site. However the application incorporates land on which access rights, as given in the Land Reform (Scotland) Act 2003, are reasonably exercisable. On completion of the construction phase of the development the site and turbine access tracks should be made accessible for public access with permanent site signage put in place as approved in writing by Planning Authority.

#### Water, Drainage and Peat

- 8.14 The ES highlights the key characteristics of this open moorland site incorporating peaty deposits, bog pools, drainage channels and local watercourses including the Black Burn which flows to Achlachan Burn and the River Thurso. Such features are recognised as of ecological value and are in need of protection with development avoiding impact through design, reduced water crossings and development set back / buffer areas. The latter in particular help minimise impact on Groundwater Dependant Terrestrial Ecosystems (GWDTEs) and with Pollution Prevention and Environmental Management. The concerns are not simply related to the on-site ecology but also to designated sites downstream and associated

features of interest related to the River Thurso SAC. Peat depths vary across the application site ranging from 0.5m to in excess of 2m deep. The design avoids all peat areas in excess of 1.5m in depth.

- 8.15 SEPA, following its assessment raises no objection to the development, given that the applicant has satisfied it on how these features of interest can be safeguarded and protected. It has highlighted the importance of securing through a suspensive planning condition a Construction and Environmental Management Document (CEMD) for approval. Using this approach, in line with the Council's approved guidance, the specific construction methodology deployed by the yet to be agreed on-site contractor can be secured to safeguard local interests. Any approval will also be informed with input from SNH.
- 8.16 All culverts and bridge crossings are to be designed not only to protect the local water environment but also to have regard to a 200 year flood risk / event. There are no private water supplies affected by this development. Waste water during any construction phases will be managed through the CEMD process noted above.

#### Natural Heritage

- 8.17 The development, whilst not within a designated site may impact on a number of local designated sites, protected species, valued habitats and other ecological interests. The ES presents considerable evidence on a range of matters which have been assessed principally by SNH. SNH's advice also allows the Planning Authority to undertake an Appropriate Assessment as required under EU Habitat and Species regulations. This report seeks to highlight the key elements. Annex E presents the Appropriate Assessment.
- 8.18 The River Thurso SAC is highly valued for its salmon interests. Any impact is likely to occur during construction, when changes in flow and water quality could occur as a result of sediment release. The risks of impact can however be managed through the deployment of good design and construction practices managed by SEPA. SNH is content for the project to evolve subject to a planning condition to secure the flow of the Achlachan Burn to ensure that is not impeded especially during the salmon spawning and hatching period.
- 8.19 The Caithness Lochs SPA interest relates to foraging graylag geese. Whilst the proposed development will not cause disturbance to the main foraging areas, there is a collision mortality risk to birds passing through the wind farm. SNH has advised the planning authority that the predicted levels of collision mortality will not adversely affect the population, either alone or in combination with other proposals affecting the SPA.
- 8.20 The East Caithness Cliffs SPA interest relates to the Herring Gull. Again the potential concern relates to collision risk / gull mortality connected to the SPA, both alone and in combination with other proposals. SNH has advised the planning authority that the conservation objectives for the SPA will not be adversely affected.

- 8.21 The applicant, through the ES, has set out intentions to carry out habitat enhancement and post construction bird monitoring. This is welcome as is the appointment of an Environmental Clerk of Works (ECoW) to assist with the implementation of the CEMD. A number of protected species make use of the site including otter, water vole and a number of breeding birds. SNH has advised that it is content for the development to progress subject to planning conditions securing pre-construction survey for legally protected species and a watching brief to be implemented by the ECoW during construction, in case of unexpected activity on site by protected species. SNH also anticipates that the developer may use any permitted micro-siting deviations for turbine build, to ensure that Turbine 3 and Turbine 4 avoid deep peat deposits, subject to the other constraints in respect of water course protection and layout design.

### Design

- 8.21 The project seeks to take advantage of the wind resource available in Caithness. It is set on open moorland, west of the existing Causeymire wind farm. It presents two small rows of turbines running roughly north to south, with a row of two on the west and three on the east. Its design has principally been informed by a number of on site constraints including watercourses, ground conditions / peat, radio communications, separation from communities as well as a degree of compatibility with the nearby operational Causeymire turbines.
- 8.22 The applicant has requested the potential to use a turbine with an external transformer, unlike at Causeymire. The applicant is content for a planning condition requiring the prior approval of a strategy to mitigate the potential visual effect of the external transformers through the use of screening and appropriate external finishes. The Council is not supportive of external transformers which add visual clutter to the area around each turbine base. No permanent anemometer mast is presented in the design.
- 8.23 Whilst the project seeks to relate with Causeymire a larger turbine is proposed. This has recognised that the turbines would be on lower ground (60-70m AOD) when compared to turbines on Causeymire (70-80m AOD). The applicant also advises the larger turbines significantly increases the potential generational output. The taller turbines have a predicted capacity factor of 37.6%, and an annual output of 33,800 MW/hr an increase of some 26% on a 100m tip height scenario.
- 8.24 SNH sees the potential for the project to appear as an extension to the constructed Causeymire wind farm and its consented extension but has recommended that the turbine heights are reduced to a maximum of 105m to blade tip, and that external transformers are removed. In addition SNH considers “that the proposal has the potential to appear as a consistent addition to the cluster of wind turbines that would be created if Bad a Cheo and / or Halsary wind farms are constructed.
- 8.25 Although the ES has suggested the operation lifespan of the turbines to be 30 years, manufacturer warranties are usually only for 25 years, which the Council uses as the reason to limit the operation of any wind farm development by condition.

### Landscape including cumulative impact

- 8.26 Using the ZTV (Zone of Theoretical Visibility) map across the 35 km study area around the wind farm the applicant has undertaken an assessment of the potential impact of this development upon the landscape. The landscape character types against which it is assessed are those drawn up by SNH in its Caithness and Sutherland Landscape Character Assessment (1998). The ES advises that there are 15 different landscape types within the study area, but the impact of the development have been assessed to have impact on nine such areas, with five likely to experience significant adverse cumulative landscape impact. It is the existence of the Causeymire wind farm as well as several other developments in Caithness, which dictate that most impact is cumulative, rather than impact founded upon this potential project alone.
- 8.27 With the development set in an area identified as “Open Sweeping Moorland”, the visibility and therefore impact of the development on this landscape type is wide and far. This is further compounded with the development site sitting just north of an extensive area of “Flat Open Moorland” and further areas of “Open Sweeping Moorland” to the south. The landscape within parts of these two areas is designated, comprising The Flow Country & Berriedale Special Landscape Area as well as a Search Area for Wild Land (SAWL). The SLA designation extends substantially to the south and covers an extensive area of land.
- 8.28 The impact of the development does lessen with distance, but a development of this size and scale will have presence in such a wide open panoramic landscape. Whilst the development will have impact, the impact is not dissimilar to the existing impact of Causeymire wind farm and other potential projects in this locality including Halsary and Bad a Cheo. Design guidance from SNH advises that the grouping of turbines in flatter ground is a design option, so that a variation of development form does not then detract from the broad scale and simple open landform. The positioning of the development is presented by the applicant as one that sits with the Causeymire wind farm, thereby sharing the impact. There is considerable overlap between the ZTV maps of schemes in this locality.
- 8.29 The development will also have impact on the Woodland (commercial) Plantations and Mixed Agricultural & Settlement landscape classifications, which extend from West Caithness, through Halkirk, Spittal and Watten through to Wick and East Caithness. The impact of the development is anticipated to be significant on these landscape classifications in “close proximity” of the development, but is not considered significant from more distant areas within these landscape classifications. This conclusion is not contested. Members will be taken on a site visit to assess the anticipated impact on the area surrounding the proposed development.
- 8.30 With regard to other landscape designations (see para 2.5) the principal impact of the development will fall upon the Flow Country and Berriedale Coast SLA. The project sits some 4.5km north of this extensive designation, which continues mainly to the south. It incorporates the Lone Mountain Feature - Morven and a number of

other distant (more than 25km) hill tops. SNH has advised that as the development will generally be seen as backdrop to an already constructed wind farm, it does not consider that the impact of the proposal would undermine the integrity of the SLA.

- 8.31 In commenting upon this application SNH has stated that “the wider landscape impacts can be accommodated by the open and expansive landscape, in which the scale and extent of turbines can be difficult to perceive. Its advice (subject to its recommendation to reduce the height of the turbines) is that “overall the proposal, which will appear as an extension to Causeymire wind farm, will be accommodated within the landscape context of expansive moorland with its broad horizon.” Furthermore, and again subject to its recommended reduction in turbine height and removal of external transformers, SNH advise that this northern extension to the cluster is within the capacity of the landscape and visual resource, both when considering the application in conjunction with operational / consented turbines and the proposals at Halsary and Bad a Cheo, which await determination.

#### Wild Land

- 8.32 The development will have impact on a SAWL focused upon the Flow Country. The project sits 5km north of the SAWL. The assessment presented within the ES highlights adverse impact on the northern end of this search area, consistent with the existing impact from the Causeymire wind farm. The impact of the development lessens with distance of the wild land resource that lies further to the south. SNH has advised that due to the existing influence of Causeymire wind farm the development would not affect the integrity of the SAWL.

#### Visual Impact including Cumulative Impact

- 8.33 The applicant has presented a number of images as part of the assessment of visual impact. In all 17 viewpoints were used to reflect on the likely impact of the development from key viewpoints, settlements and route-ways (roads / rail), including cumulative impact. Initial photomontages had limitations, and the applicant subsequently presented improved photomontages including the use of monochrome images, highlighting the project in combination with adjacent turbines both existing and proposed. The following viewpoints, considered below, were assessed as resulting in significant adverse impact: -

Viewpoint 1 Spittal

Viewpoint 8 Westerdale

Viewpoint 9 Scotscalder Bridge – Georgemas Station.

Viewpoint 16 B870 west of site

Viewpoint 18 Remains of Smeary Farmstead

- 8.34 Viewpoints VP 1 (revised) from Spittal 2.32km to nearest turbine and VP 8 (revised) from Westerdale 1.8km to nearest turbine - illustrate the visual impact as seen from the nearby settlements (not the closest properties). The impact of the development is assessed as being significant from these communities and also in the case of VP11 to travellers on the A9. These elements are considered further within paragraphs below.

- 8.35 Viewpoint 1 highlights the broad open landscape to the south which will be impacted by the development, including distant views of Morven. In the foreground the existing turbines from Causeymire, to the east, can be seen, as well as former rock quarries, commercial woodland and grid line (pylons and wires). The proximity of the turbines to the viewpoint compared to Causeymire would, despite the height difference, result in the closer Achlachan turbines appearing larger.
- 8.36 Viewpoint 8 highlights the open vista from Westerdale of the proposed development, with the nearest turbine at 1.8km. The turbines would be seen in a north-easterly direction through an existing electrical wirescape and slightly apart from the existing Causeymire development. It is the addition of the Halsary development that would bring cohesion to the idea of a much larger cluster of wind turbines in this location. The size and scale of turbines from this angle will be viewed with the larger Achlachan turbines in the foreground and the more distant turbines appearing smaller.
- 8.37 As noted in paragraph 1.2 and Annex A there are a number of properties which lie within 2km of the development, with a financial interest. Many of these properties are reasonably distant from the turbines and are orientated away from the scheme. Corner Cottage south of the development on the B870 is largely screened from the development by virtue of existing trees within the garden of the property.
- 8.38 Properties to the north of the development have a mixture of orientations east west and north south, but are generally in excess of 1km from the development, with intervening topography / woodland which limits views of the development site. Given their height, turbines would be seen from properties around Mybster Inn (1.776m). It is the development at Ballone, granted planning permission, which is closest to the development at 708m to the nearest turbine. The owner has a financial interest in the development, with the planning application for this house being presented shortly after the submission of the wind farm planning application.
- 8.39 Viewpoint 16 seeks to reflect the view of the development from the B870 public road in this area. The nearest turbine is 370m from the road, considerably less than 10 times rotor diameter (920m) where issues of shadow flicker can occur (see later). Whilst there are no properties at this viewpoint there are properties as noted above which lie to the west of the development on this road.
- 8.40 Viewpoint 3 highlights the development particularly from travellers heading north on the A9. Travellers and tourists can already view Causeymire wind farm in the open landscape. The development of the Achlachan project would see an intensification of the turbine cluster in this vista. Given the lower ground height at Achlachan, the larger turbines should not appear significantly different to the existing turbines at Causeymire. The addition of further turbines through approval of the Bad a Cheo application would also bring additional turbines to the viewer which would appear closer in the foreground.
- 8.41 Viewpoint 9 highlights the development as seen from a local highpoint from local farmed land and north railway line to the north west of the development. The nearest turbine to the viewer is at 6.53km. The five turbines are all visible in the

horizon. However the turbines would appear part of the Causeymire project and (if approved) the larger cluster of turbines of the Halsary and Bad a Cheo applications.

- 8.42 Viewpoint 18 highlights the development as seen from open moorland 4.65km to the south east of the application site. Although the image presents the project with a gap between the development turbines and Causeymire, approval has been given to the Causeymire project which would fill this gap, should the additional turbines be built. A wider array of turbines is visible from this location principally of the existing Causeymire turbines, but potentially also of Bad a Cheo and Halsary (if approved).
- 8.43 In cumulative terms the impact of the development is one which is expected to read alongside Causeymire wind farm and potentially the cluster of turbines developed around this area including Halsary and Bad a Cheo. Whilst in itself the impact of the development is not expected to be significant, there is clearly a perceptible increased impact on the wider Caithness landscape with every onshore wind energy project. Work is on-going on the capacity of the landscape to absorb onshore wind energy development, but no draft framework is currently available to assist in the assessment of this and other projects.
- 8.44 A number of wind farm projects and even clusters of projects can be seen from locations across Caithness for example Viewpoint 5 - Tesco Car Park in Wick. Assessment of this viewpoint suggests that because of distance and turbine position on the horizon that the 5 turbines would not present a significant additional impact. The extra turbines at 20km would be seen within the Viewpoint 5 which also includes existing or approved schemes at Achairn, Wathegar 1 & 2, Causeymire, Flex Hill and potentially Halsary and Bad a Cheo.
- 8.45 SNH is of the view that the most significant adverse visual impacts arising from the proposal in its current form arise from visual conflict with Causeymire wind farm (see design above). It does accept that the development in combination with Causeymire can be accommodated without significant adverse impact.
- 8.46 SNH has however highlighted that “the position is more complex when considering Achlachan in combination with proposed developments at Halsary and Bad a Cheo. Its advice is that the various elements could combine to form a substantial cluster of turbines at the northern transition between the Flow Country and the more managed landscape of northern Caithness. Within this cluster, the most notable impact of Achlachan is that it will increase the extent of turbines within the landscape when viewed from eastward and westward perspectives. SNH advice is that this extension of development around the existing Causeymire wind farm is within the capacity of the landscape and visual resource and the proposals at Halsary and Bad a Cheo.
- 8.46 Travellers, including tourists, across Caithness and beyond now experience considerable wind farm development particularly on the A9 both cumulatively and sequentially. This experience will continue to grow including potentially with the development of offshore projects. The development of the Achlachan project will extend the Causeymire experience to the west, with the possible approval of



Halsary and Bad a Cheo schemes which bring their own additional visual impact on travellers on this main road. Given the existing turbines the addition of 5 more turbines is not considered to be significant in association with the existing Causeymire turbines or in combination with Causeymire and other applications not yet determined in this area – Halsary and Bad a Cheo.

#### Archaeology & Cultural Heritage

- 8.47 The applicant's assessment of the archaeology and cultural heritage within and around the application site has identified a number of known features and the potential of further artefacts to be uncovered. Within the site there is evidence of a hut circle, a possible cairn and a Scheduled Broch. In the wider area around the site there are 20 Schedule Ancient Monuments (SAMs) and other known features. Such features have already been affected by development, not just existing wind farms, but road construction and agricultural / forestry / quarrying activity. The applicant has presented a number of measures of mitigation both to protect on site features through the micro-siting of development and pre construction survey / recording.
- 8.48 Historic Scotland following its assessment of the proposed development upon scheduled ancient monuments in the area is content not to raise an objection to the application. The Council's Archaeologist has recognised that with appropriate mitigation, as set out in the ES, the proposed development will not have any significant direct impact upon cultural heritage. However indirect impact on two prehistoric Scheduled Monuments, Ballone Broch and Cairn Merk Broch is of some concern. The Council's Archaeologist concurs with the ES that sight lines between artefacts are unlikely to suffer significantly adverse impacts as a consequence of the proposed development. That said, it is considered the proposal will negatively impact upon the overall setting and amenity value of these two sites.
- 8.49 The proposed turbines are both considerably closer to Ballone Broch and of a larger scale than those operational at Causeymire and the magnitude of visual impact is correspondingly greater. The viewpoint of Cairn Merk (ES Fig. 13.4) shows the proposed wind farm as a development clearly apart from Causeymire which again serves to increase the magnitude of impact. Whilst not objecting to the application there is a greater degree of mitigation required over that as set out by the applicant within the ES to compensate for the increased level of visual intrusion and loss of amenity to the historic environment. This would include measures such as ensuring the data used to compile the Cultural Heritage chapter of the ES is supplied to the Council including reports of the walkover survey, photographs of features, GIS shapefiles etc., as per Council's Standards for Archaeological Work and some local interpretation through an appropriate planning condition.

#### Economic Impact and Tourism

- 8.50 The applicant has advised that development will bring with it a demand for construction materials and related employment within the Caithness and Highland area. Local companies may benefit from the construction of the project through tendering for contracts worth around £3.75 million. The operation of the project will support the equivalent of one full-time job. Opportunities for diversification and

habitat enhancement exist, which will support further investment into the area and improve the biodiversity of the site. Overall it is considered by the applicant that the development will have a positive socio-economic effect. It is accepted that there will be some positive benefits but these are relatively small relative to the performance of the existing local Caithness economy.

- 8.51 The applicant has recognised in respect of tourism in the area that the landscape is an important element which contributes to reasons why people visit Caithness, but there is no evidence from other parts of the country that the presence of wind farms in open countryside has resulted in harm to the tourist industry of that area. There are often fears expressed about the visual impacts of wind energy developments may be, but those fears have not been translated into loss of visitors once the wind farm is constructed. Given the scale of the application and its proximity to the existing Causeymire turbines, these findings are not contested particularly with regard to tourist related businesses within Caithness.

#### Aviation Interests

- 8.52 No objections have been raised with regard to aviation interests but requests have been made for aviation lighting (either 25 candela Omni-directional red lighting or infrared aviation lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point). The Council's preference is for infra red lighting to reduce impact on the local amenity / landscape. The matter can be addressed through the use of planning conditions. Standard conditions will also require notification of development start dates and confirmation of final build details for plotting on aviation maps.

#### Amenity, Noise & Shadow Flicker

- 8.53 As highlighted in the Council's Interim Supplementary Guidance : Onshore Wind Energy consideration needs to be given to the potential impacts on amenity at sensitive locations (settlements) as well as the safety and amenity of individuals and individual properties. This requires consideration of matters such as amenity, noise, shadow flicker, ice throw, etc. The low winter sun in Caithness is a particular factor given the flat nature of the local terrain. Cumulative impact with Causeymire, Halsary and Bad a Cheo also adds to the considerations. The applicant has identified that there are a number of properties close to the development which has a financial interest in the project. This does not mean that such properties are taken out of any assessment of these factors, but it does allow the Planning Authority to consider slightly higher tolerance thresholds.
- 8.54 With regard to general amenity issues, properties surrounding the development are well used to the impacts of a wind farm in the locality. It is expected therefore that representations or lack of them from near neighbours has arisen from a knowledgeable community. Local households have not raised any concerns over the application. That in itself should not be used as reason for settling aside any assessment of local factors but indeed perhaps makes the task of the planning authority more important. Construction impacts will be temporary; however operational impact is expected to be sustained for a minimum of 25 years with any approval. It is the potential amenity impact upon on the closest properties to the

north at Ballone and west at Corner Cottage which have been specifically examined. Each is not considered to be overwhelmed by the development including potential cumulative impact from other projects to be significantly and adversely impacted.

- 8.55 With regard to shadow flicker the ES has identified two properties to the north that fall within or close to “10 times rotor diameter” which may be affected particularly during winter months when the sun is low. Both properties, Ballone and Mybster Farm have a financial interest in the project. The applicant is willing to respond to requests for mitigation should it be required by planning condition to provide visual blockers to the shadow, should this be required. Any reduction to the turbine height, as recommended by SNH for visual / landscape reasons noted above, would help reduce the impact. There will also be shadow effects upon road users on the B970 given the level of traffic uses and speeds on this narrow single track, this is not seen as being significantly adverse to present safety concerns.
- 8.56 With regard to noise the ES has recognised that there is a need to consider the impact of noise which originates from the scheme and from the general background. The latter will include the potential noise limits arising from the Causeymire wind farm and potentially Bad a Cheo and Halsary. The ES highlights that properties closest to the development are financially involved. It has therefore considered them in terms of a relaxed noise standard of 45dB LA90 or 5dB above background level. The ES concludes that based on the predicted levels for all developments the cumulative noise levels will comply with the financial involvement standard of 45dB or +5dB above background.
- 8.57 The Council’s EHO has noted that “the applicant has undertaken a noise assessment which incorporates the most up to date noise data for the other developments and has submitted a report on the cumulative noise levels from all four developments. However, the main issue is that the existing Causeymire wind farm has a condition which allows higher limits than predicted. Therefore, the noise report has given the worst case cumulative assessment which indicates that the 45dB target may be exceeded at some locations by up to 2dB. However, the report does refer to the idea of the controlling property principle which is established in the Institute of Acoustics General Planning Guidance. This means that if Causeymire has to comply at the nearest property, then the levels at properties further away must be lower. Given this, the worst case scenario levels at most properties can be reduced slightly.
- 8.59 For non-financially involved properties the ES Noise assessment has stated that levels from Achlachan will be below 30dB. This is more than 10dB below the cumulative target of 40dB which means levels from Achlachan would not influence the cumulative levels at these properties.

### Construction Impacts

- 8.60 The construction of the wind farm is expected to last approximately nine months. Subsequently de-commissioning and site restoration will not take so many months. There will be additional traffic, noise and vibrations occurring with the associated

works involved with each of these stages of development but not to an extent that significantly impacts on an area already well used to trunk road traffic, forestry operations and quarrying.

- 8.61 As highlighted earlier it will be import to require a CEMD as a condition attached to any approval. This will ensure that all the proposed construction works are assessed prior to commencement of construction to ensure best practices are adopted to minimise harm to the environment, hydrology, ecology and local communities / properties. In addition to such a condition the Council will require the applicant to enter into a legal agreement and provide financial bonds with regard to its use of the local road network (wear and tear agreement) and site restoration (Restoration Bond). In this manner the site can be best protected from the impacts of construction.

#### Telecommunications, Radio and TV

- 8.62 There is the potential for wind turbines to affect telecommunications and other services. With the switch to digital TV from analogue this impact has been significantly reduced. Local microwave links are also commonly used by many infrastructural operators, including SSE which has confirmed a transmission link with Mybster electricity sub-station. The design of the turbine layout has taken existing services into account and no objections have been raised with consultees.
- 8.63 Notwithstanding this, representations received indicate that TV reception is already affected by wind farm development. The Council has a standard practice of requiring developers to address adverse impacts that may emerge during construction and over the initial year of operation when problems may be detected. This should be sufficient to address the concerns raised.

#### Fishery Interests

- 8.64 As noted earlier in this assessment the catchment of the local watercourses flows down and into the River Thurso, a river with significant salmon fishing interests. Advice and best practices have already been highlighted by SNH and SEPA to protect the water environment and protected species including Atlantic Salmon using for example development free buffer areas adjacent to watercourses.
- 8.65 Additional matters have been raised by the local fisheries board. In particular that the developer should carry out an electric fishing survey of the stream area south of the B870 in order to establish the status of juvenile salmonids (densities and species) in the Achlachan Burn. Survey data would serve as a basis for restorative or mitigation actions if problems arise in the course of site works. The Council does require developers to address adverse impacts that may emerge during construction and over the initial year of operation when problems may be detected. It would be reasonable to include within planning conditions the potential for some fish survey work as requested by the local fishery board. However the need for fish survey work will be determined by the knowledge of the principal consultees SNH and SEPA arising from related ES's and the submitted CEMD.

## Other Material Considerations within Representations

- 8.66 Representations have highlighted constraints with the capacity of the grid network and also with regard to impacts of the connection of this generating station to the grid. These are not material matters that can be taken into account in the determination of this application as they are subject to separate consents.
- 8.67 There are no other material considerations.

## **9 CONCLUSION**

- 9.1 The Scottish Government gives considerable commitment to renewable energy. This position is sustained within the emerging draft Scottish Planning Policy. Planning authorities are encouraged to support the development of wind farms where they can operate successfully and where concerns can be satisfactorily addressed. The Council has adopted a supportive position towards renewable energy developments within its Development Plan and associated policy guidance.
- 9.2 As with all applications the benefits of the proposal must be weighed against potential drawbacks and then considered in the round. The project has the potential to provide a further 10MW generation of renewable energy towards Scottish government targets, albeit there is no cap on such targets. A small level of support has been advanced within public representations, with no objections being raised by many principal statutory consultees. There is a precedent for wind farm development in the area a fact upon which this application is seeking to draw support.
- 9.3 The development has attracted an objection from Halkirk and District community council and 11 letters of public objection. The assessment has noted a number of issues where concerns arise. There are also two other applications in the area which add cumulatively to the issues of concern raised within the representations. Many of the issues highlighted, for example in relation to local ecology, hydrology and traffic can be adequately controlled through planning conditions, adoption of good construction practices and mitigation. The final balance of decision making on this application relate to matters of design, landscape impact, visual impact and amenity on nearby properties including noise and shadow flicker.
- 9.4 In design terms SNH recommend the development at a reduced height and with internal transformers is supportable. Smaller turbines would ensure that the project is consistent with the neighbouring Causeymire development in an open moorland landscape. The other projects in this area present a turbine which is at more consistent height with Causeymire including Halsary (100m) and Bad a Cheo (105m). Important balancing factors to consider in this debate on turbine height is the 10m lower ground level that prevails at Achlathan and the benefits of great power output. A turbine at the height proposed on balance is considered acceptable. However planning conditions requiring an internal transformer should be promoted to ensure the visual clutter at the turbine bases is avoided in this open landscape.

- 9.5 In terms of the landscape impact and cumulative impact, the presence of the existing Causeymire project has had an important influence on the acceptability of the current proposal. From designations, principally to the south, the addition of the proposed Achlachan turbines is seen as acceptable. Indeed the considerations of projects in this area recognise the benefits of the clustering in the landscape to contain the impact. Such views are presented by the applicant and acknowledged by SNH. The addition of the Achlachan turbines to the Causeymire wind farm is seen as acceptable in landscape terms.
- 9.6 There is a similar argument on visual impact including cumulative visual impact with the above landscape issue. Given the presence and impact of the Causeymire turbines on this locality, the introduction / addition of the Achlachan turbines is in a general sense not seen as a significant change. However the acceptability of a proposal with regard to visual impact is in many ways a subjective matter. There are two areas that merit particular attention.
- 9.7 Firstly is the additional cumulative visual impact that will be brought about through the approval of potentially three applications around the Causeymire wind farm. As seen from a number of viewpoints including VP 3 Rangag, VP 8 Westerdale, VP 9 Scots Calder Station and VP 5 Wick the expansion of turbines within the Causeymire area has some significant effects but overall the impact is not unacceptable or overwhelming. Indeed as seen from VP 8 Westerdale the approval of Halsary could bring greater cohesion between Achlachan and Causeymire, which have a 0.9km gap between the nearest turbines. To the road traveller on the A9 there will be a greater extent of roadway travelling through a new turbine envelope, but this is relatively short lived for those travelling on the A9 trunk road. The impact is seen as being acceptable.
- 9.8 Secondly the consequence of the build up of turbines on nearby properties within the communities of Spittal / Mybster and Westerdale. Properties have been impacted by the Causeymire turbines and would experience additional impact from Halsary and Bad a Cheo. The Achlachan project specifically introduces visual impact by proximity to 21 properties which sit within 2km of the nearest turbine. The visual impact of the development of these properties is seen as acceptable taking account of their relative distance from the turbines, orientation, tree cover and topography.
- 9.9 In addition to the visual impact on the nearest properties, assessment has been undertaken on other potential amenity issues such as noise, shadow flicker and cumulative impacts arising from Causeymire wind farm and potentially Halsary and Bad a Cheo. It is the financial interests that nearby properties have with the Achlachan project that has allowed in particular noise level limits of acceptability to be increased for compliance purposes. The introduction of the Achlachan wind farm is seen as being acceptable in relation to nearby properties, all as considered with the tests / considerations of Council's interim Supplementary Guidance – Onshore Wind Energy.
- 9.10 The determination of this application principally lies within the provisions of Policy 67 of the Highland Wide Local Development Plan. The requirement is to consider the likely impacts of the development on a number of criteria and then consider if

the development as presented is significantly detrimental overall individually or cumulatively with other developments. There are adverse impacts to be taken into account with the application as highlighted in this assessment, but the development is also considered to be acceptable on many of the specific criteria set out in the Development Plan. The application is one that can be seen as being located and sited such that it will not be significantly detrimental overall, either individually or cumulatively with other operational / potential developments. The application is therefore one which is seen to accord with the policies of the Council's Development Plan.

## **10. RECOMMENDATION**

- 10.1 It is recommended that the application be GRANTED subject to conditions as highlighted below.

### **CONDITIONS**

1. 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.

2. 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 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.

3 No development shall commence until:

- a. Full details of a bond or other financial provision to be put in place to cover all of the decommissioning and site restoration measures outlined in the Decommissioning and Restoration Plan approved under condition 2 of this permission have been submitted to, and approved in writing by, the Planning Authority; and
- b. Confirmation in writing by a suitably qualified independent professional that the amount of financial provision proposed under part (i) above is sufficient to meet the full estimated costs of all decommissioning, dismantling, removal, disposal, site restoration, remediation and incidental work, as well as associated professional costs, has been submitted to, and approved in writing by, the Planning Authority; and
- c. Documentary evidence that the bond or other financial provision approved under parts (i) and (ii) above is in place has been submitted to, and confirmation in writing that the bond or other financial provision is satisfactory has been issued by, the Planning Authority.

Thereafter, the Wind Farm Operator shall:

- d. Ensure that the bond or other financial provision is maintained throughout the duration of this permission; and
- e. Pay for the bond or other financial provision to be subject to a review five years after the commencement of development and every five years thereafter until such time as the wind farm is decommissioned and the site restored.

Each review shall be:

- f. conducted by a suitably qualified independent professional; and
- g. published within three months of each five year period ending, with a copy submitted upon its publication to both the landowner(s) and the Planning Authority; and



- h. approved in writing by the Planning Authority without amendment or, as the case may be, approved in writing by the Planning Authority following amendment to their reasonable satisfaction.

Where a review recommends that the amount of the bond or other financial provision should be altered (be that an increase or decrease) or the framework governing the bond or other financial provision requires to be amended, the Wind Farm Operator shall do so within one month of receiving that written approval, or another timescale as may be agreed in writing by the Planning Authority, and in accordance with the recommendations contained therein.

**Reason:** To ensure financial security for the cost of the restoration of the site to the satisfaction of the Planning Authority.

- 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 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 transformers 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 and its setting.

**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.

6. 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.

7. 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.

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 development shall commence until a scheme of aviation lighting is submitted to, and approved in writing by, the Planning Authority after consultation with the Ministry of Defence. Thereafter the approved scheme of aviation lighting shall be fully implemented on site. The Company shall provide both the Ministry of Defence and the Defence Geographic Centre (AIS Information Centre) with a statement, copied to the Planning Authority and Highland and Islands Airports Limited, containing the following information:
- a. the date of Commencement of the Development;
  - b. the exact position of the wind turbine towers in latitude and longitude;
  - c. a description of all structures over 300 feet high;
  - d. the maximum extension height of all construction equipment;
  - e. the height above ground level of the tallest structure; and
  - f. detail of an infra red aviation lighting schemes as agreed with aviation interests and the Planning Authority.

**Reason:** -To ensure that the erected turbines present no air safety risk and in a manner that is acceptable to local visual impact considerations.

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. Management of Geo-technical Risks.
    - iii. Pollution prevention plan.
    - iv. Drainage, surface water management, development buffers from watercourses and a fisheries plan - to address both construction and post construction with specific regard to protection of the interests contained within the Caithness and Sutherland Peatlands SAC and River Thurso SAC.

- v. Chemical pollution plan to include controls to ensure the import of stone aggregate is of similar chemical composition to the surrounding locality.
  - vi. Species protection plan including details of pre-commencement surveys and development buffer areas to prevent encroachment on protected species and habitat.
  - 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 otters, water vole and other breeding birds) and their respective habitats, and post construction bird monitoring.
- 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 until an Archaeological Plan has been submitted to and approved in writing by the Planning Authority in line with its Archaeology Standards. The Plan will set out all measures to safeguard on site archaeological interests from development and provide a package of mitigation to assist with the understanding of the Carn na Mairg broch to the south of the site including a full condition survey utilising laser scanning. The approved Plan, and any associated works, shall be implemented in full prior to the operation of the wind farm or as otherwise may be agreed within the approved Archaeological Plan.

**Reason:** - In order to protect record and interpret the historic environment.

- 13 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.

14. No development shall commence until an Access Management Plan to facilitate public access across the site following construction has been submitted to, and approved in writing by, the Planning Authority. The approved Access Management Plan, and any associated works, shall be implemented in full prior to the operation of the wind farm or as otherwise may be agreed within the approved plan.

**Reason:** To maximise the opportunities for public access to the countryside.

15. 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.

16. Access to the site by heavy goods vehicles and any noisy construction activity (e.g. piling) 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.

17. 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.

18. A condition on noise remains to be developed for consideration by the Committee.

## **INFORMATIVES**

### **1. Initiation and Completion Notices**

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

- The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.

- On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

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

## **2. Accordance with Approved Plans & Conditions**

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

## **3. Flood Risk**

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

## **4. Local Roads Authority Consent**

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

## **5. Mud & Debris on Road**

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

Signature:

Designation: Head of Planning and Building Standards

Author: Ken McCorquodale – 01463 702256

Background Papers: Documents referred to in report and case file13/01190/FUL

**LIST OF REPRESENTATIONS FOR ERECTION OF 5 X 2 MW WIND TURBINES WITH A MAXIMUM HEIGHT TO TIP OF 115M & ASSOCIATED INFRASTRUCTURE INCLUDING: SITE TRACKS, CRANE HARDSTANDINGS, EXTERNAL TRANSFORMER HOUSINGS, ELECTRICAL CONTROL BUILDING & TEMPORARY ANEMOMETER MAST AT**

**ACHLACHAN WIND FARM, SPITTAL**

**13/01190/FUL**

**OBJECTORS**

1. Mrs Wendy Yolland, 35 Achingale Place, Watten, Wick, KW1 5YP,
2. Mrs Denise Brown, Upper Larel Farm, Halkirk, KW12 6UZ,
3. Mrs Alison Sangster, Dunneden, 37 Oldhall, Watten, KW1 5XL,
4. Mr Colin Sangster, 37 Upper Square, Oldhall, Watten, KW1 5XL,
5. Mr & Mrs Norman Fraser, Dale View, Harpsdale, Halkirk, KW12 6UW,
6. Mr Stuart Young, Dunmore Westside West Dunnet Road, Dunnet, Highland, KW14 8YD,
7. Mrs Brenda Herrick, Sandmill, Harbour Road, Castletown, Thurso, KW14 8TG,
8. Mr John Brown, Upper Laurel Farm, Halkirk, KW12 6UZ,
9. Miss Joyce Wilson, Beachwood House West Dunnet Road, Dunnet, Highland, KW14 8YD,
10. Mrs Islay MacLeod, Thrumster House, Thrumster, nr Wick, KW1 5TX,
11. Mr William Brown, Dunvegan Achscrabster Achscrabster Road, Thurso, Highland, KW14 7QN,

**SUPPORTERS**

1. Mrs Jane Miller, Bilbster Mains, Wick, KW1 4TA
2. Mrs Joanne Fisher, Mill Of Forgue Croft, Aberdeenshire, AB54
3. Elsie And A W Fraser, Knockglass Cottage, Watten, Wick, KW1 5XW
4. Mr Donald Miller, Nether-ton Farm, Wick, KW1 5TA
5. Mr Graeme Bremner, Curlew, Lybster, Watten, KW1 5XU
6. Mr Richard Booth, Mybster Croft, Spittal, Wick, KW1 5XR
7. Mr Ian Gunn, Cairnald House, Lybster, KW3 6BT



## **Appendix – E - European Species and Habitats Regulations**

### **APPROPRIATE ASSESSMENT**

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

The proposal could affect River Thurso SAC, which is designated for its Atlantic Salmon. SNH has highlighted this proposal is likely to have a significant effect on Atlantic salmon, the qualifying interest of the SAC. This could occur mainly during construction, through changes in flow and water quality from sediment release. However it advises that if the proposal is amended so that the works are done strictly in accordance with planning conditions, this significant effect can be avoided.

The proposed Conditions 10 and 11 would address this effect. The conditions seek to ensure that water flow and quality is maintained within the site and also in downstream areas that may be used by salmon, so that impacts on water quality and the habitats used by salmon will be avoided. A restriction on micro-siting in the vicinity of watercourses will also ensure sufficient working area is maintained to allow construction to proceed, whilst a suitable buffer is retained to avoid impacts on the watercourse.

##### Caithness Lochs SPA

The proposed site is relatively close to the Caithness Lochs SPA, which is valued for Greylag geese. SNH has identified the potential risk of collision mortality. It concluded that the conservation objectives for the SPA will not be adversely affected, because of the relatively low level of predicted mortality (which will be lower than stated in the ES because the avoidance rates for geese have recently been revised from 99% to 99.8%). It considers that the predicted levels of collision mortality will not adversely affect the population, either alone or in combination with other proposals affecting the SPA.

The appliance of planning conditions will ensure that the predicted risk is not enhanced. Conditions 10 and 11 would help address this matter.

##### East Caithness Cliffs SPA

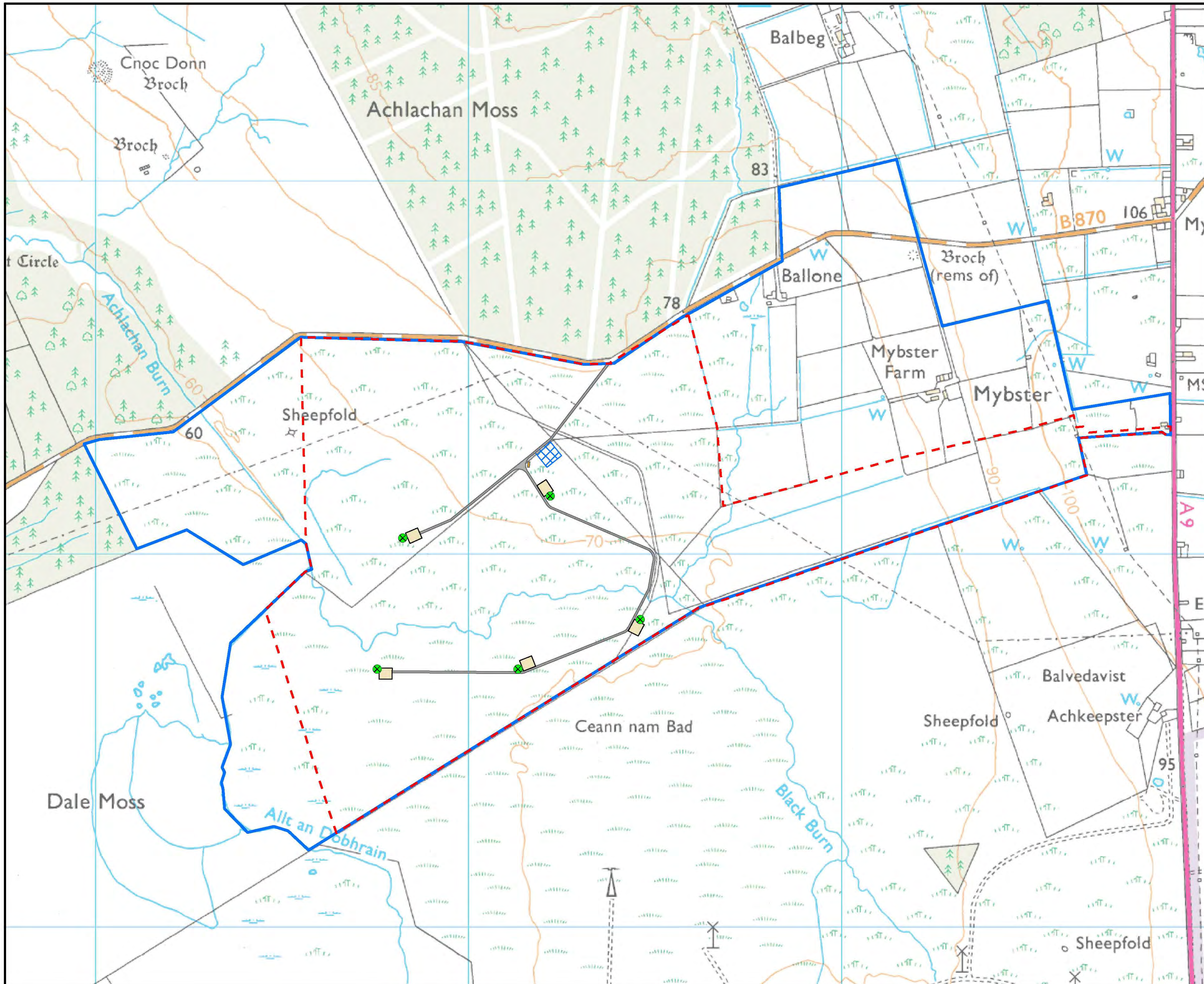
Herring gulls, a qualifying interest of this SPA, were recorded flying through the wind farm site. Based on evidence from other wind farms in the vicinity (eg Bad a Cheo), and taking a precautionary approach, SNH considers that these gulls may be connected to the SPA. Therefore this proposal is likely to have a significant effect on herring gull through collision mortality.

The appraisal carried out by SNH considered the impact of the predicted collision mortality risk on the population of the SPA, both alone and in combination with other proposals affecting the SPA. It concluded that the conservation objectives for the SPA will not be adversely affected, because of the very low level of predicted mortality. SNH consider that the predicted levels of collision mortality will not adversely affect the population, either alone or in combination with other proposals affecting the SPA.

The appliance of planning conditions will ensure that the predicted risk is not enhanced. Conditions 10 and 11 would help address this matter.

### Decision


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 Lochs SPA and East Caithness Cliffs SPA.



**Achlachen Wind Farm**

**Figure 1.2**

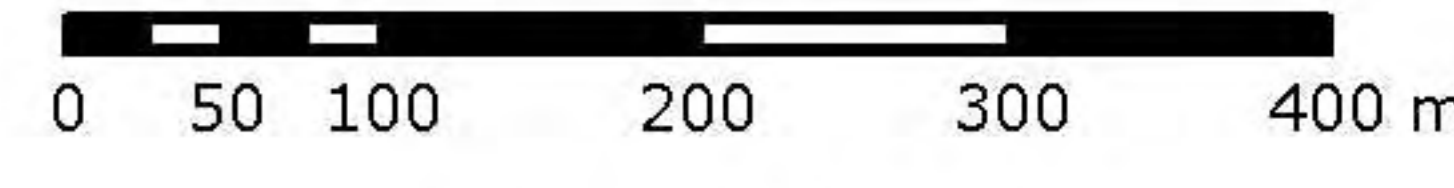
**Site Layout**

-  Application Area
-  Landowner Boundary
-  Turbine
-  Electrical Control Building
-  Crane Hardstanding
-  Access Track
-  Construction Compound

PROJECTION SYSTEM OSGB 1936 BNG	AUTHOR J HARPER
------------------------------------	--------------------

COPYRIGHT TO ENERGY WORKSHOP LTD. ALL RIGHTS RESERVED. NO PRINTING WITHOUT PRIOR CONSENT

**SCALE**



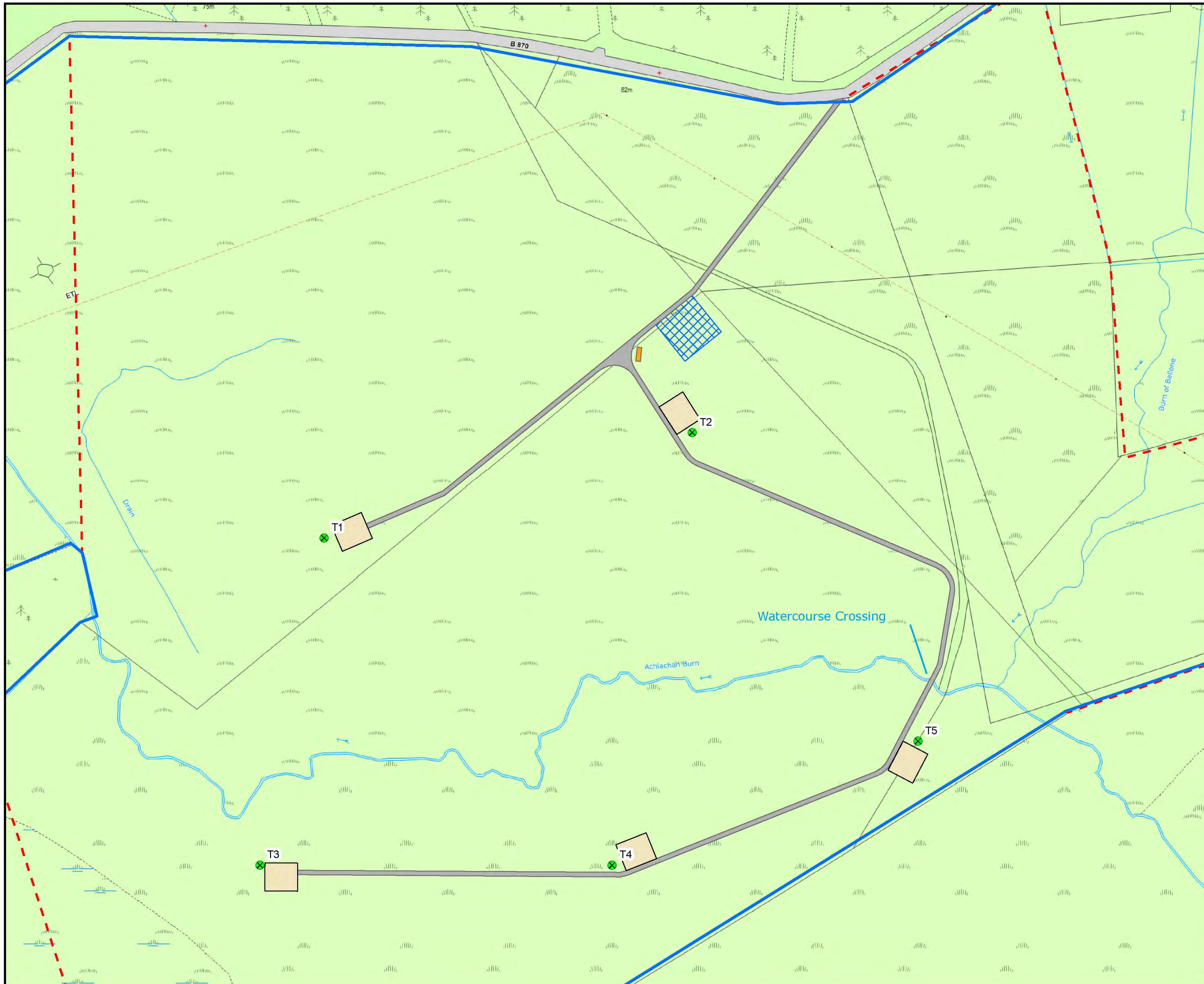
**1:10,000**

This document should not be used for scale drawings and is simply to be used for information purposes only



**THE MEDIA CENTRE**  
7, NORTHUMBERLAND STREET  
HUDDERSFIELD  
HD1 1RL


Drawing Number	Figure 1.2 - Site Layout
Date Of Drawing	22.02.13



**Achlachen Wind Farm**

**Figure 1.3**

**Detailed Site Layout**

-  Landowner Boundary
-  Application Area
-  Turbine
-  Electrical Control Building
-  Crane Hardstanding
-  Access Track
-  Construction Compound

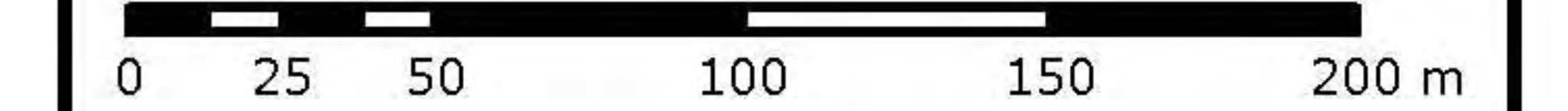
Turbine	X	Y
T1	314825	952043
T2	315220	952156
T3	314756	951692
T4	315134	951692
T5	315462	951825

PROJECTION SYSTEM  
OSGB 1936 BNG

AUTHOR  
J HARPER

COPYRIGHT TO ENERGY WORKSHOP LTD. ALL RIGHTS RESERVED. NO PRINTING WITHOUT PRIOR CONSENT

**SCALE**



**1:4,000**

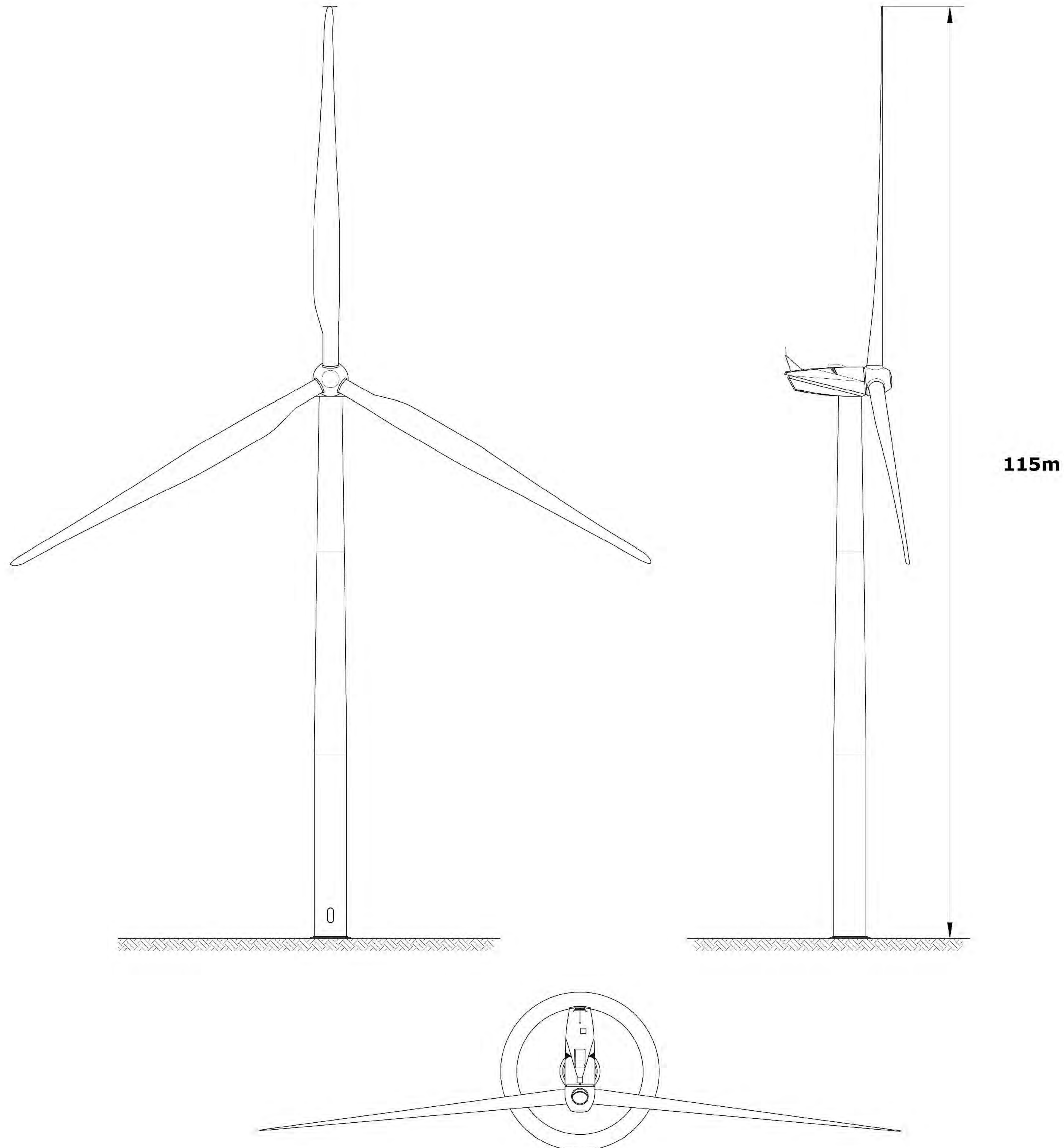
This document should not be used for scale drawings and is simply to be used for information purposes only



THE MEDIA CENTRE  
7, NORTHUMBERLAND STREET  
HUDDERSFIELD  
HD1 1RL

Drawing Number Figure 1.3 - Detailed Site Layout

Date Of Drawing 22.02.13



Not To Scale: Indicative Only

AUTHOR: J HARPER

COPYRIGHT TO ENERGY WORKSHOP LTD. ALL RIGHTS RESERVED. NO PRINTING WITHOUT PRIOR CONSENT



THE MEDIA CENTRE  
7, NORTHUMBERLAND STREET  
HUDDERSFIELD  
HD1 1RL

Drawing Number Figure 4.1 - Typical Turbine

Date Of Drawing 12.03.13