

**THE HIGHLAND COUNCIL**

**NORTH PLANNING APPLICATIONS COMMITTEE – 18<sup>TH</sup>  
FEBRUARY 2014**

Agenda Item	6.9
Report Number	PLN/018/14

**13/02682/FUL: Wind Harvest Ltd  
Land 978m SE of Lochend Holding, Barrock, Caithness**

**SUMMARY**

**Description:** Erection of 4 no. 2300kw wind turbines with a height to tip of 99.5m, height to hub of 64m, rotor diameter of 71m and associated infrastructure

**Ward:** 04 – Landward Caithness

**Development category:** Local

**Recommendation:** REFUSE

**Reason for referral to Committee:** Local Member request

**1. PROPOSED DEVELOPMENT**

- 1.1 The proposed development comprises the erection of four wind turbines with a height of 99.5m where the blade reaches the highest point, height to hub of 64m and a rotor diameter of 71m. Each turbine would have a generating capacity of 2300kw with a total generating capacity of around 9.2MW.
- 1.2 Ancillary development would include:
- Wind turbine foundations;
  - Crane pad by each turbine;
  - Temporary lay down area beside each crane pad;
  - On site access tracks;
  - Three site entrances to the public road network;
  - A wind farm substation on-site measuring 9.5m x 5m
  - Electrical and control cables buried on site;
  - Temporary construction compound measuring 50m x 50m
- 1.3 Hollandmake Quarry, located adjacent to the site would be used to obtain aggregate for the project therefore no borrow pit is included as part of the application.
- 1.4 The application is supported by an Environmental Statement (2013). No variations have been made to the proposal since it was lodged however supplementary information was received in February 2014 to provide a more detailed assessment of cumulative landscape and visual impact.

1.5 No pre-application advice was sought by the applicant prior to submission of the application.

**2. SITE DESCRIPTION**

2.1 The site totals approximately 2.20ha and lies approximately 3km south-east of the settlement of Barrock, approximately 11km to the east of Thurso and 14km north-west of Wick. A location plan is attached in Appendix 2. The site comprises agricultural farmland of a flat open terrain at an elevation of 50m and is located in the Sweeping Moorland Landscape Character Type (LCT) as identified by SNH’s Landscape Character Assessment for Caithness and Sutherland but is also in close proximity to the Mixed Agriculture and Settlement LCT.

2.2 There are two properties which would be located within 1km of a turbine; Syster and 3 Lochend Holdings located approximately 835m and 980m from the nearest turbine respectively. Both properties are financially involved in the project. The nearest non-involved properties are 7 Lochend Holdings and Hollandmake located 1.4km and 1.5km from any turbine respectively.

2.3 The site itself does not lie within any landscape designations, however a number exist within 30km:

- Dunnet head – located approximately 5.5km to the north west
- Duncansby Head – located approximately 12km to the east
- Flow Country and Berriedale Coast - located over 25km to the south
- NSA at Hoy and West Mainland – located over 25km to the north

2.4 The site itself also does not lie within any natural heritage designations however a number exist within 30km:

- Caithness Lochs SPA - located approximately 1.7km to the east;
- Caithness and Sutherland Peatlands SPA – located approximately 3km to the west;
- North Caithness Cliffs SPA – located approximately 5.2km to the west

2.5 There are a number of historic environment features within the vicinity however the most notable is Earl’s Cairn located 1.6km to the north-west. In addition, the inventoried grounds of Castle of Mey lie within 5km to the north.

2.6 When assessing a wind farm development site, 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 site.

<u>Operational, Approved or Under Construction</u>	<u>Not yet determined</u>
Wathegar	Strathy South
Flex Hill (Bilbster)	Lyth
Achairn	
Burn of Whilk	<u>Refused</u>
Camster	Spittal
Stroupster	Bad A Cheo

Wathegar 2	Limekiln
Strathy North	
Achlachan	

### 3. PLANNING HISTORY

- 3.1 12/04189/SCOP – EIA Scoping Response issued 21.02.2013
- 3.2 Members are asked to note that a planning application for 10 turbines (Lyth Wind Farm) located approximately 600m to the south-east of this site was refused planning permission on 25<sup>th</sup> November 2013. This application was refused due to significant adverse landscape and visual impact within a 7-10km radius of the site as well as when viewed from the Dunnet head Special Landscape Area (13/01832/FUL). The time period for seeking an appeal against this decision if desired has not yet expired.

### 4. PUBLIC PARTICIPATION

- 4.1 The application was advertised in the John O’Groats Journal on 23<sup>rd</sup> August 2013.
- 4.2 A total of 11 representations have been received; 10 objections and 1 letter of support.
- 4.3 Material considerations raised are summarised as follows:
- Adverse visual impact including cumulative impact;
  - Adverse impact on bird life;
  - Adverse impact on load road network;
  - Contrary to the development plan;
  - Already enough operational or consented wind farms in Caithness;
  - Unlikely to be any significant employment opportunities for local workers during the operational phase
  - The proposed wind farm is likely to inefficient;
  - Adverse noise impact;
- 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 Dunnet and Canisbay Community Council – no response received.
- 5.2 TECS Roads and Transport – response highlights that some further information will be required including details of proposed road widening measures and site access. This could be addressed by condition, should consent be granted.
- 5.3 THC Environmental Health Officer(EHO) - has no objection to the proposed development. The EHO requested further detail with regards cumulative noise assessment to take account of this development in addition another proposed

development at Lyth. This was received in August 2013. The EHO is fairly satisfied that the proposed development and another adjacent proposed development at Lyth could co-exist however the noise limits for each noise sensitive property will need to be apportioned in separate conditions for each development should consent be granted.

- 5.4 THC Historic Environment Unit – has no objection to the proposed development. The Historic Environment Team sought further information with regards cumulative impact; this was received from the agent in October 2013. The HET agree with the moderate impact on the setting of the monument at Earl’s Cairn identified in the ES however do not consider that this is so significant as to warrant an objection. HET acknowledge that if all schemes at Lochend, Lyth and Brabster to obtain consent, alongside the consented Stroupster development, there would be a wide arc of turbines visible from the Cairn. The Lochend proposal would be located within this arc and whilst it would add additional turbines, it would not contribute significantly to the overall visual impact.
- 5.5 Highlands and Islands Airport Ltd (HIAL) – has no objection to the proposed development subject to air safety lighting. This could be addressed through condition should consent be granted.
- 5.6 Ministry of Defence – has no objection to the proposed development subject to the inclusion of air safety lighting. This could be address through condition should consent be granted.
- 5.7 SEPA do not object to the proposal subject to inclusion of a condition requiring submission of a site specific pollution prevention plan for approval at least 2 months prior to commencement of development. SEPA have however, raised concerns regarding the evidence presented to support the conclusion that shallow groundwater was not recorded on site.
- 5.8 SNH do not object to the proposal. There is likely to be significant effect on the qualifying interests of the Caithness Lochs Special Protection Area which can be mitigated by limiting the construction period. There is likely to be a significant effect on two of the qualifying interests of the Caithness and Sutherland Peatlands SPA however SNH conclude that this will not adversely affected the integrity of the site. In terms of landscape and visual impact, SNH consider that there are significant cumulative impacts arising from the proposed development, particularly on the designated Dunnet Head Special Landscape Area (SLA).

## **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **6.1 Highland-Wide Local Development Plan (April 2012)**

Policy 28	Sustainable Design
Policy 31	Developer Contributions
Policy 57	Natural, Built and Cultural Heritage
Policy 58	Protected Species
Policy 59	Other Important Species

Policy 60 Other Important Habitats and Article 10 Features

Policy 61 Landscape

Policy 67 Renewable Energy Developments including impact on:

- Natural, built and cultural heritage features;
- Species and habitats;
- Visual impact and impact on the landscape character;
- Amenity at sensitive locations;
- Safety and amenity of any regularly occupied buildings;
- Ground water/surface water;
- Safe use of airport, defence or emergency service operations;
- Other communications infrastructure
- Public access
- Tourism/recreation interests;
- Land and water based traffic and transport interests.

Policy 72 Pollution

Policy 77 Public Access

## 6.2 Caithness Local Plan

The general policies of the Local Plan which applied to the development site have all been superseded by policies presented in the HwLDP.

## 7. OTHER MATERIAL CONSIDERATIONS

Interim Supplementary Guidance: Onshore Wind Energy Supplementary Guidance (March 2012)

7.1 Scottish Planning Policy requires Planning Authorities to set out a spatial strategy to assist with the development of large scale (over 20MW) onshore wind farms. Whilst this application is within a medium category of development, the guidance helps to identify areas of significant protection from development, identify other constraints and policy criteria and areas of search. The site is identified as being within a Stage 3 – Area of Search.

Highland Renewable Energy Strategy (May 2006)

7.2 The Council has an approved Renewable Energy Strategy (HRES) which sets out its vision and policies on a whole raft of potential renewable energy technologies. Relevant policies to the current application, not otherwise superseded by the above noted Supplementary Guidance, include:

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

Scottish Government Planning Policy and Guidance

7.3 Scottish Government Planning Policy and Guidance which include the following main provisions:

- National Planning Framework for Scotland 2 – June 2009
- SPP – February 2010
- 2020 Routemap for Renewable Energy in Scotland – Updated October 2012

SPP contains a number of subject specific policy statements, also supported by Planning Advice Notes (PANs) which give additional guidance on topics. SPP policies of note to this development include:

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

## 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:

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

### Development Plan Policy Assessment

8.3 In order to address the determining issues, we must consider the following:

- a) Development Plan including Supplementary Guidance
- b) Roads and Traffic Impact
- c) Water and Drainage
- d) Natural Heritage
- e) Design, Landscape and Visual Impact
- f) Noise
- g) Shadow Flicker
- h) Cultural Heritage
- i) Tourism
- j) Construction Impacts
- k) Aviation Interests
- l) Radio and TV
- m) Other material considerations raised within representations

### Development Plan

8.4 Policy 67 (Renewable Energy Developments) of the Highland-wide Local Development Plan gives general support to renewable energy development, taking into account any mitigation measures, where it is satisfied that they are located, sited and designed such that they will not be **significantly detrimental** either individually or cumulatively with other developments having regard to any

significant effects on criteria listed earlier in this report. In addition, Policies 28 (Sustainable Design), 57 (Cultural and Built Heritage), 58 (Protected Species) and 61 (Landscape) are all relevant in and require to be given due weight.

- 8.5 This application needs to be assessed principally within the terms of Policy 67 of the HwLDP. Other policies set out in the HwLDP, as highlighted earlier in this report, relate to the assessment of key factors which are material considerations noted within this main policy. These elements will be addressed throughout this report.
- 8.6 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 the existing and proposed infrastructure and facilities. If the Council is satisfied on the provisions of Policy 67 as noted in 6.1 and other policies generally then the application will accord with the Development Plan.

#### Supplementary Guidance

- 8.7 As highlighted in Section 7, the site is identified as being within a Stage 3 Area of Search in the Council's On-shore Wind Energy Interim Supplementary Guidance. These are the areas within which appropriate proposals are likely to be supported subject to detailed consideration against the Highland-wide Local Development Plan, in particular policies 57 and 67 and the Development Guidelines section of the interim guidance.

#### National Policy

- 8.8 Scottish Planning Policy advises that planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed.
- 8.9 Criteria outlined within SPP for the assessment of applications include landscape and visual impact; effects on heritage and historic environment; contribution to renewable energy targets; effect on the local and national economy and tourism and recreation interests; benefits and dis-benefits to communities; aviation and telecommunications; noise and shadow flicker; and cumulative impact. In particular, the location of the turbines should be considered carefully to ensure that the landscape and visual impact is minimised. These elements, as relevant to this application, are examined within this assessment.
- 8.10 The Scottish Government in responding to climate change and advancing sustainable development has emphasised in Scottish Planning Policy (SPP) and more recently in the '2020 Route map for Renewable Energy in Scotland', a commitment to a target of 100% of Scotland's electricity demand to be generated from renewable sources by 2020 (from a mix of energy types). With regard to these targets Highland has been successful in assisting the delivery of targets for renewable energy, including onshore wind farms projects, a factor which will increasingly require assessment of cumulative impact. Given the current levels of permissions and applications across the area, the Council is well placed to

contribute to these targets in addition to its own targets for installed capacity and therefore, choices can be made as to the most appropriate locations for wind farm developments. As of July 2013 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.

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

#### Roads and Traffic Impact

- 8.12 Nominal details have been provided with regards proposed access arrangements. The ES states that the turbine components would be transported to Wick and then access the site via the A836 and minor road network. Some road improvements would be required on the minor road network to allow crane access and abnormal loads; this would involve an extended running width on one side of the road, formed by aggregate. The ES estimates that there would approximately 500 LGV movements over the 22 week delivery and construction period. Once operational the wind farm would require an average of eight service vehicles movements per month, principally for scheduled maintenance and servicing. Should consent be granted, further detail in terms of access arrangements, including a Traffic Management Plan for approval by TECS Roads, would be required. This could be secured by planning condition should consent be granted.

- 8.13 Water and Drainage

SEPA are satisfied that the layout of the development minimises direct impacts on the water environment, due to the location of infrastructure and use of existing tracks. A culverted watercourse runs through the site and it is thought that numerous field drains run into it; SEPA consider that unless the exact route of this culvert is known it may act as pathway for pollution to reach other parts of the water environment. SEPA have therefore requested site specific pollution prevention is submitted to the planning authority at least two months prior to the proposed commencement of development. This could be addressed through condition should consent be granted.

- 8.14 Groundwater Dependent Terrestrial Ecosystems (GWDTE)

Groundwater-dependent terrestrial ecosystems are distinct water based ecosystems protected under the EU's Water Framework Directive. The ES identifies that no GWDTE have been identified within 250m of the proposed turbines or 100m of the access tracks. However SEPA highlight that they do not support the evidence presented to support the conclusion that shallow groundwater was not recorded on site. The trial pits excavated in areas identified as potential GWDTE in May 2013 are not considered appropriate in assessing shallow groundwater levels. It is evident from the photographs that the pits are very shallow and do not penetrate the deepest proposed turbine foundation depth of 2.6mbgl. In addition, the pits are not representative of winter (highest) groundwater levels. There is therefore some doubt as to the rigour that has been applied in this respect.



## Natural Heritage

- 8.15 As noted in Section 2 the development, whilst not within any designated natural heritage sites, may impact on a number of nearby sites, protected species, valued habitats and other ecological interests, particular those within 10km of the site. In particular SNH advise that there is likely significant effects on both the Caithness Lochs and Caithness and Sutherland Special Protection Areas (SPAs) however conclude the integrity of both sites is unlikely to be adversely affected.
- 8.16 The proposal lies approximately 1.7km west of Loch Heilen which is the closest component of the Caithness Lochs SPA, classified for its wintering populations of Greenland white-fronted geese, greylag geese and whooper swans. SNH advise that construction of the proposed wind farm is likely to cause significant disturbance to feeding geese and swans through disturbance/displacement however conclude that this effect could be mitigated through suspension of construction works between October and March in any year when these birds are mainly present.
- 8.17 In addition, the operation of the wind farm is likely to have a significant effect on this SPA through collision mortality however conclude that this would be at a low level therefore the conservation objectives for the SPA will not adversely be affected.
- 8.18 SNH advise that the proposal is likely to have a significant effect on two of the qualifying interests of the Caithness and Sutherlands SPA (hen harrier and golden plover) due to collision mortality, disturbance and displacement. SNH conclude however that this is at a level that can be accommodated by the population without affecting its viability and therefore any adverse effect on the integrity of the SPA.

## Design, Landscape and Visual Impact

### Design

- 8.19 The ES states that the final design of the turbines was the result of optimisation of the scoping layout to give the energy yield for the lowest landscape and noise sensitive receptors. The final design layout presented has therefore been subject to a number of iterations and refinements. The ES states that this has sought to provide a contained layout and a clearly ordered coherent group of turbines from the majority of distances, elevations and points of orientation. In particular the ES states that attention was given to create a clean simple design using a linear arrangement of turbines with a slight curve to avoid stacking of turbines.
- 8.20 The ES states that the transformer would be contained within the turbine of the tower. The Council's preference is for internal transformers. Should consent be granted, this matter can be secured by planning conditions.

- 8.21 Landscape and Visual Impact

### Cumulative effects

Cumulative impacts are of primary importance for this development both in terms of landscape and visual impacts. Section 2.5 highlights that there are a number of projects in the planning system however it is sensible to make distinction between approved developments and those still in the planning process. This is the difference between effects which we can be sure will arise and effects that are still

*in potentia*. Of particular importance to this application is the consented Stroupster wind farm located 5.5km to the east. The initial Landscape and Visual Assessment, as presented in the ES had limitations in this regard, containing limited reference made to the Stroupster scheme. Supplementary information was however received from the applicant in February 2014 to provide a more detailed assessment of cumulative impacts that may arise in conjunction with the Stroupster scheme, particularly in relation to the Dunnet Head Special Landscape Area. This concludes that significant cumulative effects will arise from the addition of Lochend to Stroupster for those areas lying close to and north west of the minor road between Hastigrow and Upper Gills but that cumulative effects will not occur for the wider area. These impacts are discussed in further details below.

#### 8.22 Landscape Impacts

The site lies within the Sweeping Moorland Landscape Character Type (LCT) as identified by SNH's Caithness and Sutherland Landscape Character Assessment (LCA). The LCA outlines that this LCT predominately comprises a small scale landscape containing many scale comparators (i.e trees, houses, hedges, woods, telegraph poles) and characterised by regular patterns, such as field boundaries. The Mixed Agriculture and Settlement LCT also lies just outwith the site to the west. The design of any wind farm must therefore respond to both the complex landscape pattern of elements within the Mixed Agriculture and Settlement LCT and the simple composition of the peatland landscapes to the south and east. As such, the development of a large scale wind farm, as proposed, in close proximity to scale comparators may result in the wind farm appearing to be a dominant feature from a number of perspectives.

8.23 The landscape of this area is open and perceived as being highly exposed. The plantations in the landscape do not seem to significantly affect the sense of enclosure as they appear very low relation to the expanse of the horizon. The area possesses highly acute light conditions and 'enormous skies' influenced by the horizontal emphasis of the landscape, the northern latitude and its proximity to the coast. In winter the angle of the sun is very low and this highlights vertical elements such as turbines in the landscape.

8.24 SNH guidance 'Siting and Designing Windfarms in the Landscape' also highlights that, in small groupings, odd number of turbines (i.e.1, 3 or 5) usually present a more balanced composition. The development as proposed would appear to be at odds with this guidance.

#### 8.25 Landscape Designations

8.26 The proposal is located approximately 5.5km from the locally designated Special Landscape Area (SLA) at Dunnet Head. An assessment of Highland Special Landscape Areas was published by the Council in 2011. This outlines key characteristics of the SLA including:

- *'spectacular panorama both seaward and inland to distant mountain peaks'* and;
- *'elevated views from the peninsula revealing a pattern of pasture and arable fields to the south; these form a distinctive transition between the exposed headland and the settled agricultural lowlands to the south'*.

8.27 The ES identifies that the proposal would have a moderate/minor (and therefore 'not significant') impact on the Dunnet Head SLA. Further information submitted by the applicant also provides a detailed assessment of each of the SLA special qualities concluding that there would be no more than a slightly adverse impact on each however it is considered that these characteristic are likely to be affected by the proposed development to a significant degree. This is discussed further in paragraph 8.35-8.36.

8.28 In terms of the Duncansby Head SLA, located approximately 13km to the north east of the site, VP13 indicates that the tips of turbines would be visible from Duncansby Head therefore the 'negligible effect' on this SLA identified in the ES is accepted.

#### Visual Impact (including cumulative impact)

8.29 The Zone of Theoretical Visibility (ZTV) diagrams included in the ES illustrate the theoretical visibility is fairly widespread. The principal zone of visibility would be concentrated within 5-6k to the north, west, and south but extended by 8km the east. Visibility would then extend across more elevated south face slopes on the north side of Dunnet Head for up to 10km to the north west, to the west of Castletown and beyond the A9 at Mybster to the south.

8.30 Visualisations have been provided for a total of 19 viewpoints to reflect on the likely impact of the development from a range of visual receptors including residents, travellers and those visiting the area for recreation, amenity and tourism purposes. An additional 3 visualisations have been provided to demonstrate the impact of the proposed development on cultural heritage resources. Whilst visualisations play a key role in allowing an assessment of development proposals to be made, particularly in terms of visual impact, they are just one tool to aid the planning authority in the determination of planning applications. The LVIA has identified a moderate – major impact on 3 viewpoints. Under the EIA regulations, a moderate impact must be considered as significant. These are discussed in detail below:

#### 8.31 VP1 – Lochend

This viewpoint is located around 1.3km south west of the nearest turbine. The visualisations demonstrate that the proposed turbines would be clearly visible from this location, appearing partially against the skyline and thereby forming a new and dominant focus. Given the high magnitude of visual change and the sensitivity of receptors (residents), the moderate and therefore significant visual effect identified in the ES is agreed.

#### 8.32 VP2 – Barrock

This viewpoint is located approximately 2.4km to the west of the nearest turbine. The existing view comprises gently rolling large-scale pastoral fields defined by post and wire fences giving way to a strong horizontal moorland skyline. The visualisations demonstrate that, from the settlement of Barrock all four turbines would be clearly visible on the moorland skyline albeit that the towers of two of the turbines would be partially screened by the intervening landform and forestry. Both Lochend and Stroupster would be visible from this location; in combination both developments would therefore form a new and dominant focus in the landscape.

#### 8.33 VP7 – West Dunnet

This viewpoint is located around 7.1km north west of the nearest turbine. The visualisations demonstrate that the blades of all four turbines would be visible against the skyline, sitting to the rear of gently rising open landform. The moderate and therefore significant visual effect identified in the ES is accepted.

- 8.34 It is also considered that significant impacts should have been identified within the ES for VP3 – Slickly. This viewpoint is located around 2.5km east of the nearest turbine. The visualisations demonstrate that all four turbines would be visible although partially screened by the intervening landform. As this location there would be the perception of being two developments of varying scale (Lochend and Stroupster) and this will give an impression of being in visual environment which is defined and influenced by wind farm development. The addition of Lochend to the already Stroupster scheme would represent a significant visual change and the two developments would therefore tend to dominate the visual experience for residents and visitors in this location. Conceivably an appeal against the Lyth refusal (ref 13/01832/FUL) cannot be discounted, and if successful would have a significant cumulative impact in this context.
- 8.35 The above viewpoints highlight that there is likely to be significant impacts as a result of the proposed development within a 7km radius however it is also considered that there would be significant impacts when viewed from further afield. Of particular concern is VP11 Dunnet Head which, as discussed earlier, forms part of the locally designated Special Landscape Area. The VP is located approximately 10.2km north-west of Lyth. There are spectacular 360 degree views along the coast to the east and west and north-eastwards to Orkney.
- 8.36 From the visualisations it can be seen that the proposed wind farm would undoubtedly be a prominent feature on the skyline to the south-east across the intervening coastline. When viewed alongside the Stroupster scheme, both wind farms would occupy a large proportion of the panorama available from this viewpoint. Furthermore the development appears out of scale with, and diminishes the apparent scale of, the landscape in which it sits. Being positioned in the same section of the view as Stroupster it will tend to form a more prominent cluster which may detract attention from other elements of the landscape and will tend to diminish the apparent scale of the sea cliffs and stacks in the vicinity of the Brough. The ES identifies a moderate/minor effect however for the reasons discussed it is considered that a significant impact should have been identified. The ES therefore underplays the significance of effects on this receptor.
- 8.37 The inventoried Castle of Mey House and Gardens is located within 5km of the proposed development. The wireframes provided for VP22 indicate that the turbines would be partially visible from this receptor, appearing close to the horizon potentially creating a dissonant visual effect which would detract from the scenic qualities of the view and make the turbines appear more prominent. Whilst the wirelines demonstrate would be partially screened by the intervening forestry, the visual effect would be significantly increased should this be lost due to felling or wind throw. No assessment of the visual effects has been provided in the ES however it is considered that a moderate and therefore significant impact would arise on this receptor as a result of the proposed development.

## Noise

- 8.38 Noise levels at the nearest dwellings have been predicated using noise data for the proposed turbine model with a worst case scenario methodology assumed at all properties. The noise impact assessment has been carried out by comparing predicted noise levels with noise limits described in ETSU-R-97, Assessment and rating of Noise from Wind Farms. The assessment demonstrates that the proposed wind farm would meet the appropriate noise limits at all properties by margins greater than 2dB.
- 8.39 The Council's Environmental Health Officer has also considered the proposed development alongside another planning application within close proximity to the site (Lyth Wind Farm). As per best practice, both applicants were requested to undertake and submit a joint noise assessment which provides individual and cumulative noise levels at noise sensitive premises from which noise limits can then be apportioned. Following submission of this information the EHO has commented that the two developments will be able to co-exist however should consented be granted, the noise limits for each noise sensitive property will be need to be apportioned in separate conditions for each development.

## Shadow Flicker

- 8.40 In line with Scottish Government advice, the Council expects wind energy developments to be located at least a minimum distance equivalent to 10 times the blade diameter from any regularly occupied buildings not associated with the development and at least a minimum distance to the height of the turbine to blade tip from main roads and railways. In this instance the closest non-involved property is 7 Lochend Holdings at 1.4kn from any turbine which is outwith the shadow flicker zone.

## Cultural Heritage

- 8.41 The HET agree with the moderate impact on the setting of the monument at Earl's Cairn identified in the ES however do not consider that this is so significant as to warrant an objection. HET acknowledge that if all schemes at Lochend, Lyth and Brabster to obtain consent, alongside the consented Stroupster development, there would be a wide arc of turbines visible from the Cairn. The Lochend proposal would be located within this arc and whilst it would add additional turbines, it would not contribute significantly to the overall visual impact.

## Tourism/Socio-economic impact

- 8.42 The issues of tourism and socio-economic impact have not been addressed in the ES therefore an assessment of the proposal cannot be made in this regard. It is known however that separate studies have been carried out by industry and the Scottish Government into the effects of wind farm developments on tourism and public acceptability respectively, for example; The Scottish Government commissioned report Economic Impact of Wind Farms on Tourism in Scotland (2008) undertaken by Glasgow Caledonia University/Cogent Si and more recently a questionnaire survey Wind Farm Consumer Research (2011) conducted by OnePoll for Visit Scotland. These studies have indicated both benign and positive effects.

8.43 As discussed earlier, the proposal is likely to result in significant impacts on receptors at Dunnet Head and Castle of Mey Garden and Designed Landscape, both of which are well visited tourist attractions with the latter estimated to have attracted 28,598 visitors in 2009/2010 (Scottish Visitor Attraction National Monitor). There is therefore some uncertainty as to the potential impact on tourism that may arise as a result of the proposed development.

#### Construction Impact

8.44 The ES outlines that construction would take place over a 22 week period. In addition to the effects on habitat, there is some potential for construction related noise and activity impacts that could affect neighbours. Mitigation to reduce the potential impact could include:

- Limiting audible construction work and HGV deliveries to 07:00 – 19.00 Monday to Friday and 07:00 – 13:00 on Saturday, with no work being carried out on a Sunday;
- Adherence to British Standard 5228 best practice, including proper maintenance of equipment and the use of noise attenuation apparatus;
- Liaison with neighbours on work schedule.

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

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

#### Aviation Interests

8.47 No assessment of potential impacts on aviation interests has been carried out as part of the ES however the aviation authorities have raised no objections to the proposal subject to the turbines each being fitted with a low intensity red obstacle light to define the in the interests of aviation safety. This matter could be secured by condition should consent be granted.

#### Radio & TV

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

#### Decommissioning and Site Restoration

8.49 The operational life-time of the wind turbines is 25 years; following this the entire

site would be required to be decommissioned and reinstated. No proposals have been provided in the ES with regards decommissioning. It is normal practice to secure a bond or other financial mechanism to cover the full costs of site restoration. In addition, it is normal practice to secure a bond or other financial mechanism to cover the full costs of site restoration.

#### Other material considerations raised within representations

8.50 None

#### 8.51 **Matters to be secured by Section 75 Agreement**

If consent was to be granted, a Section 75 Agreement would be required to secure the decommissioning/site restoration measures outlined in the ES as well as compensatory planting which is required to be partially delivered off-site.

### 9. **CONCLUSION**

9.1 The benefits of the proposal must be weighed against potential drawbacks and then considered in the round. The Scottish Government has given commitment to renewable energy and encourages planning authorities to support the development of wind farms where they can operate successfully and concerns can be satisfactorily addressed. The proposal has attracted some public support with no objections from statutory consultees, subject to the inclusion of appropriate conditions to mitigate anticipated adverse effects. Similarly no objection has been received from the Community Council.

9.2 The application has however attracted a number of objections. Many of the objections are founded on a number of issues which are material planning considerations, recognising the development plan policies and particularly the visual impact of the development and specifically highlighting the potential for adverse cumulative impacts to arise alongside the consented Stroupster development. Objectors have also highlighted that these concerns would also impact adversely on local tourism and local viewpoints of value to residents and tourists.

9.3 Planning Advice Note 58 – Environmental Impact Assessment states that experience shows that there will usually be a small number of major issues, perhaps only one, on which the acceptability of a project hinges and that these major issues should be highlighted in the planning report, drawing on the content of the Environmental Statement. It is acknowledged that in this instance the proposed development benefits from a number of positive elements including good access and limited visual impacts along key tourist routes such as the A99.

9.4 In the consideration of landscape and visual impact the proposed development will have a major and significant impact on the local landscape if approved and developed. Turbines with blades to a tip height of 99.5m will be highly visible within a 7-10km radius of the proposed development. Moreover, as noted throughout this report, cumulative impacts with the consented Stroupster scheme located 5.5km to the east are of primary importance. The proposed development at Lochend will often be seen in association with Stroupster and will, in some areas, tend to become visually prominent and even dominant when seen together. Within the

area of land north east of the B876 the combined developments of Stroupster and Lochend would tend to become a dominant and defining feature which will, at a number of locations, appear out of scale with the surrounding, low relief landscape. Overall these effects are considered to be significantly detrimental.

- 9.5 Further afield, the proposed development would be highly visible from the locally designated Dunnet Head Special Landscape Area and particularly the well visited publicly accessible Viewing Area located approximately 10.2km from the development where it would be positioned in the same sector of the view as Stroupster. From here the development will tend to form a more prominent cluster, detracting attention from and diminishing the scale of other elements of the landscape. Again these effects are considered to be significantly detrimental contrary to the conclusions contained within the ES.
- 9.6 It is considered that there is potential for significant adverse cumulative visual impact should the proposed development and/or the 10 turbines at Lyth (located within 1km of the proposed development) be approved given the already consented Stroupster scheme. As stated earlier, the period within which the decision to refuse the Lyth development can be appealed has not yet expired. Any decision taken with regard to this application, either for or against, would be a material consideration for any reporter appointed to determine an appeal, if lodged.
- 9.7 As outlined previously the application must be determined principally in terms of Policy 67 of the Highland-wide Local Development Plan, which also reflects the tests set out within other policies within the plan; for example Policy 28. It is not considered that these provisions can be met by the proposed development in terms of its landscape and visual impact. For this reason it is considered that the proposal does not accord with the development plan.
- 9.8 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and there are no material considerations outweigh this conclusions. It is recommended that planning permission be refused.

## 10. RECOMMENDATION

Subject to the above it is recommended that planning permission is refused for the following reasons:

### **Action required before decision issued N**

1. The proposal, if implemented, would be contrary to Policy 67 (Renewable Energy Developments) and Policy 28 (Sustainable Design) of the adopted Highland-wide Local Development Plan as the visual effects of the development would be significantly detrimental to the amenity of the properties/communities within a 7-10km radius of the site and would result in a dominant visual feature when viewed alongside the consented Stroupster wind farm.
2. The proposal, if implemented, would be contrary to Policy 67 (Renewable Energy Developments) and Policy 61 (Landscape) of the Highland-wide Local Development Plan as the visual effects of the development would have a significantly detrimental impact on the locally designated Dunnet Head Special

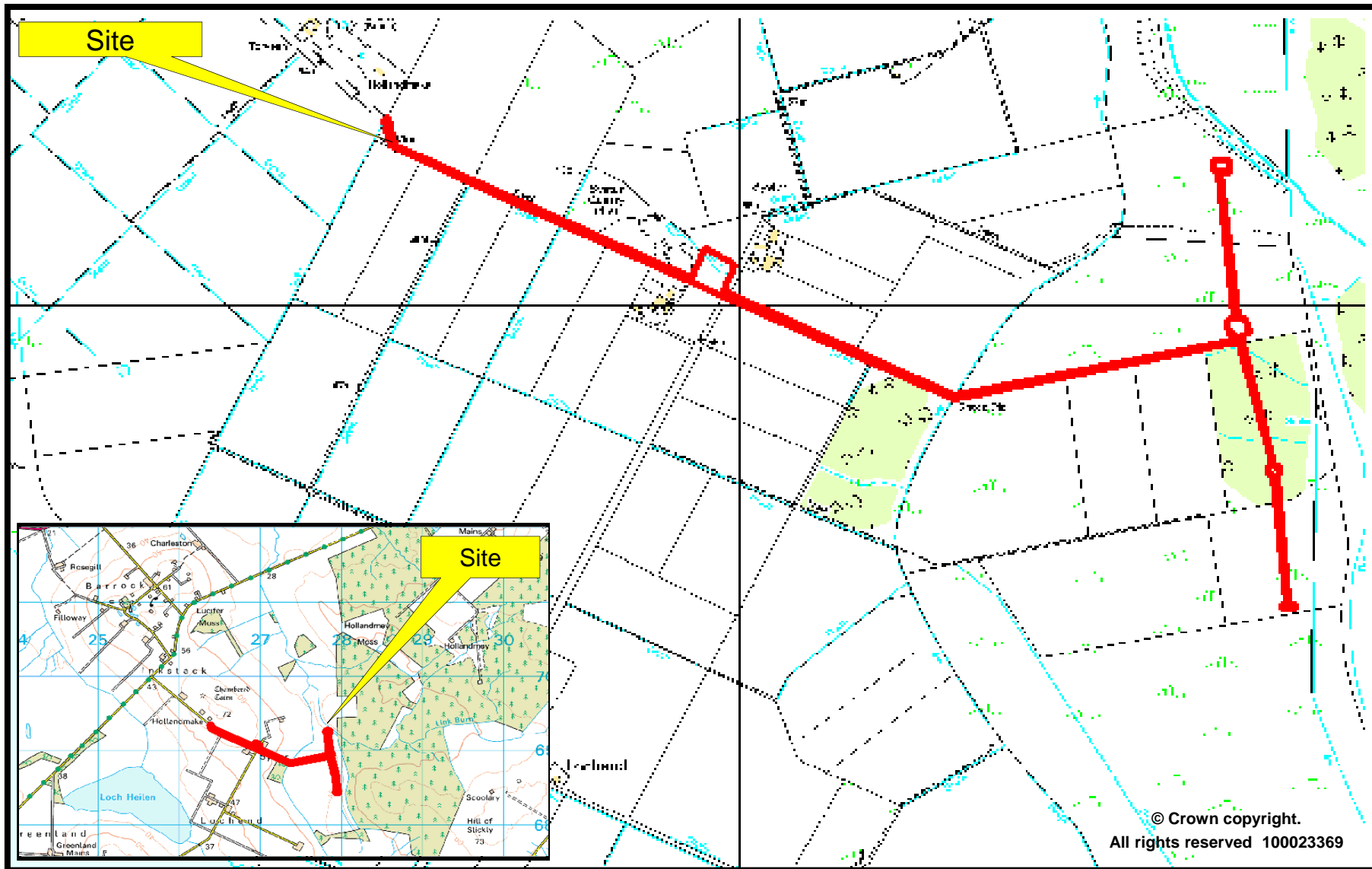


Landscape Area, forming a prominent cluster of turbines with the consented Stroupster development when viewed from the publicly accessible Dunnet Head viewpoint point. This would effect would be significantly detrimental to this highly frequented tourist attraction and to the wider Special Landscape Area.

Signature: Dafydd Jones  
Designation: Area Planning Manager North  
Author: Gillian Webster  
Background Papers: Documents referred to in report and in e-case file.  
Relevant Plans: Plan 1 – Location Plan (Figure 1)  
Plan 2 – Site Layout Plan (Figure 1.2)  
Plan 3 – Detailed Site Layout  
Plan 4 - Turbine details (Figure 5)

## Appendix – List of representations

The Earl of Caithness Malcolm Caithness, Hollandmake,Barrock,Thurso,KW14 8SY	Date Received: 11/08/2013
Mrs Louise Scott, Barrock House, Lyth,Barrock House,Wick,KW1 4UD	Date Received: 19/08/2013
Miss Joyce Wilson, Beachwood House West Dunnet Road,Dunnet,Highland,KW14 8YD	Date Received: 23/08/2013
2 Lochend Holding,Barrock,Thurso,KW14 8TA,	Date Received:
3 Lochend Holding,Barrock,Thurso,KW14 8TA,	Date Received:
Hollandmake,Barrock,Thurso,KW14 8SY,	Date Received:
Mr Alastair Foggo, Fuaran West Dunnet Road,Dunnet,Highland,KW14 8YD	Date Received: 15/10/2013
Mr Peter Poulton, Greenfields, Alterwall,Lyth,Wick,KW1 4UG	Date Received: 20/08/2013
Mr Andrew Vivers, Arniefoul,Glamis,Forfar,DD8 1UD	Date Received: 09/09/2013
Mr. Edgar White, Rivendell, Seater Road,Canisbay,Wick,KW1 4YH	Date Received: 03/09/2013
Miss Christine Davidson, 6 Rose Street,Thurso,Caithness,KW14 7HH	Date Received: 21/08/2013
Mr Ian Pickthall, 23 Upper Burnside Drive,Thurso,Caithness,KW14 7XB	Date Received: 21/08/2013
Mr Alan Wilcock, Baslow House,Battery Road,Castletown,Caithness,KW14 8TF	Date Received: 21/08/2013
Mr Stephen Husband, The Bothy,Acheninver, Achiltibuie,Ullapool,IV26 2YL	Date Received: 01/10/2013



© Crown copyright.  
All rights reserved 100023369



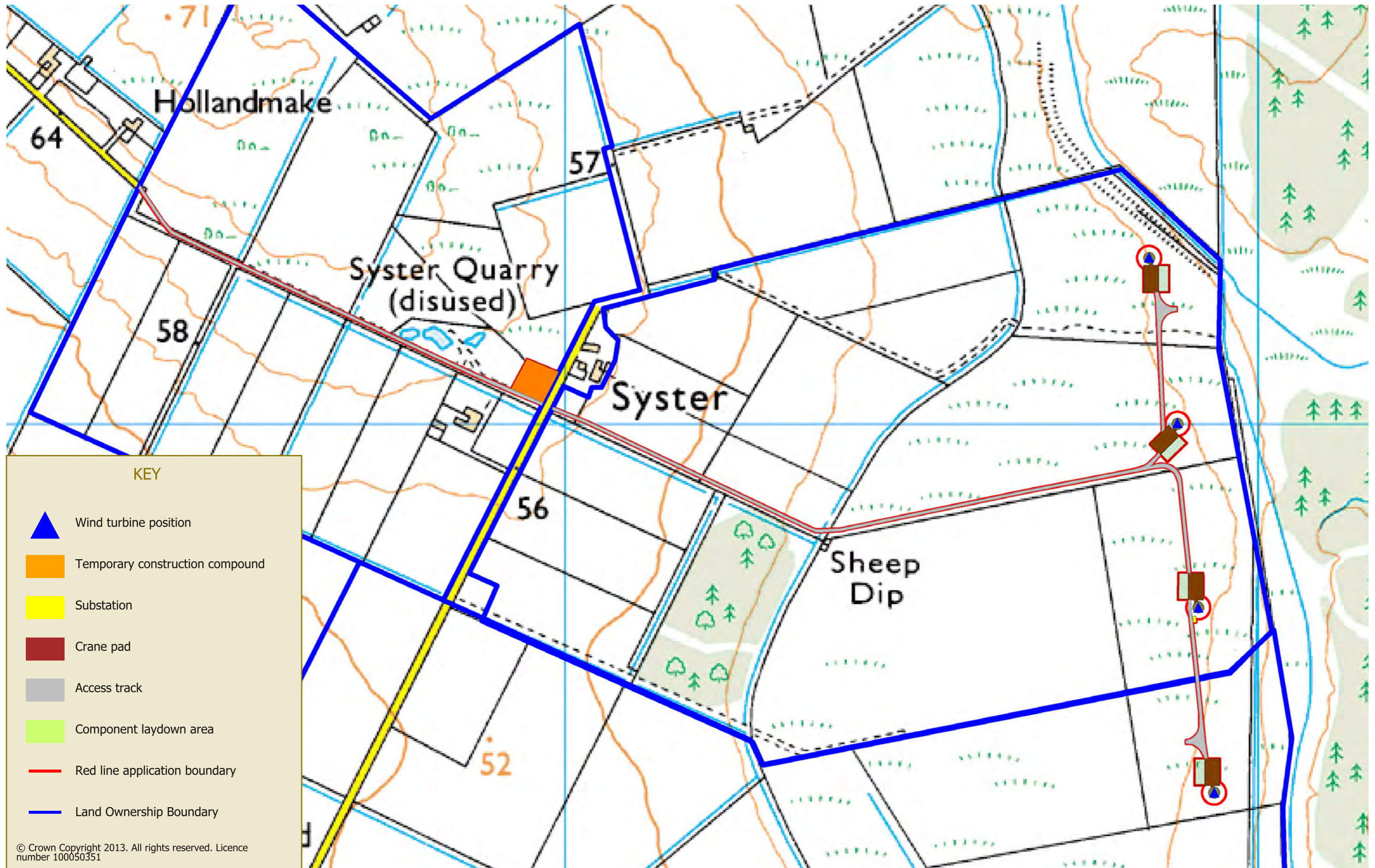
The Highland Council  
Comhairle na Gàidhealtachd  
Planning and Development Service

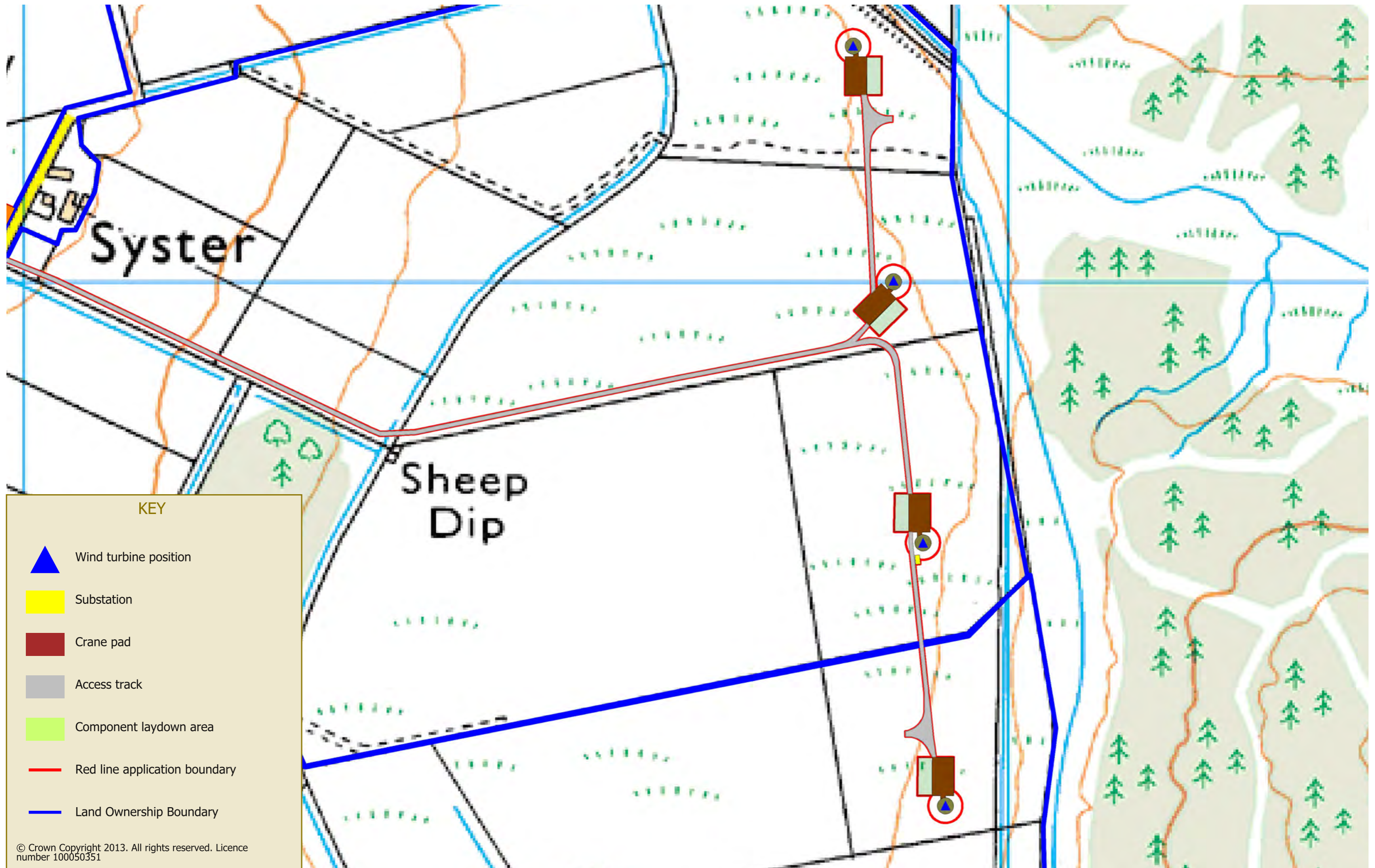
Plan: Location Plan  
Case No: 13/02682/FUL  
Description: Erection of 4 no 2300kw wind turbines with a height to tip of 99.5m, height to hub of 64m, rotor diameter of 71m and associated infrastructure

Date: 14.01.2014

Scale:







**KEY**

- ▲ Wind turbine position
- Substation
- Crane pad
- Access track
- Component laydown area
- Red line application boundary
- Land Ownership Boundary

© Crown Copyright 2013. All rights reserved. Licence number 100050351

**WIND HARVEST**  
 Corrary Farm • Glenelg • IV40 8JX  
 e info@windharvest.co.uk  
 t 01599 522 333

project : LOCHEND WIND FARM  
 figure 03 : Wind turbine layout - detail

drawing no : **Lo/SP/2**  
 scale : **1:3,500 @A3**