

THE HIGHLAND COUNCIL

CAITHNESS, SUTHERLAND AND EASTER ROSS
PLANNING APPLICATIONS COMMITTEE
26 JUNE 2007

ELECTRICITY ACT 1989 - SECTION 36
APPLICATION TO THE SCOTTISH EXECUTIVE TO CONSTRUCT
AND OPERATE A 35 TURBINE WIND FARM AT GORDONBUSH
ESTATE, 12 KM NORTH WEST OF BRORA, SUTHERLAND

03/236/S36SU

Report by Director of Planning and Development

Agenda Item	2.1
Report No	PLC-6-01

SUMMARY

The Council has been consulted by the Scottish Executive on an application under the Electricity Act 1989 to develop a 35 turbine wind farm on Gordonbush Estate by Brora with an anticipated generating capacity of 87.5 MW. If Ministers allow the scheme, approval carries with it deemed planning permission.

The application is supported by an Environmental Statement (ES) and supplementary information. The site is not covered by any statutory natural heritage designation. However there are important nature conservation interests that require to be taken into account in the determination of this proposal.

The application has received 449 letters of objection. The grounds of objection cover a wide range of issues including impact on wildlife, the landscape, access roads, tourism, local archaeology, energy production and planning policy.

Assessment of the proposal particularly against the development plan, Council's own Renewable Energy Strategy and national policy has been undertaken. A recommendation is made to **SUPPORT** this proposal, subject to prior completion of a legal agreement covering certain key issues and a range of detailed conditions as set out in this report.

Ward 05 East Sutherland and Edderton

This item is subject to the Council's **HEARING PROCEDURES**.

1 **INTRODUCTION**

1.1 A proposal for a wind farm on Gordonbush Estate, Sutherland has been submitted to the Scottish Executive as an application under Section 36 of the Electricity Act 1989. The Council is a statutory consultee and is required to submit its views to the Executive by **20 September 2007**.

1.2 Although this is not a planning application, should Ministers approve the development, it will carry deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997. The development is of a scale that requires the application to be supported by an Environmental Assessment under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000.

- 1.3 The Council's views will be determined by the Caithness, Sutherland and East Ross Committee which is to make a decision following a site visit and a hearing held locally. The Council's site visit and hearing procedure is to aid members reach a decision on this proposal, allowing the applicant, the community council and objectors to the wind farm express their opinions on the development.

2 **PROPOSAL**

- 2.1 The proposal is for a 35 turbine wind farm, with a total output capacity of 87.5 MW, within Gordonbush Estate, by Brora, Sutherland. The wind farm has a layout described as a "fanned grid" design, set on the open slopes which run out in a south westerly direction from Cnoc a Chrubaich Mhoir. (Plan attached)
- 2.2 The turbine towers will be up to 67 metres high with rotor diameter of up to 80 metres giving an overall height of 107 metres. The rotor comprises a central hub and three blades. Each turbine will have an external transformer housed within a small cubicle at ground level.
- 2.3 A control building is to be established with a grid substation connecting to the existing 275 kv line that runs north to south immediately to the west of the development. Underground cable connections, primarily formed within the access tracks, will run from each turbine tower leading to the control room. Cable trenches would accommodate 33kv cables, control and telecom cables.
- 2.4 Three permanent anemometer masts (max height 67m), of lattice construction, are to be located in the vicinity of towers 6, 22 and 29. In addition 2 temporary "guy type construction" masts will be erected at the site of and in front of each selected turbine base for wind assessment purposes. One mast would be removed prior to the erection of each turbine, with the other mast remaining for up to one year after commissioning.
- 2.5 The site is to be accessed by upgrading the existing estate track from Ascoile then extended. There will be a network of 4.5 to 5m wide tracks within the site totalling 3.6km of upgraded track and 18.8 km of new tracks. Minor local modifications to public roads will be required including widening of the A9/Clyne Junction.
- 2.6 A site compound (50m x 50m) is proposed and two secure lay down areas for equipment and materials (50m x 50m each) at Ascoile and Breac-achadh. The site compound will accommodate temporary office, canteen, store and toilet facilities with a temporary lay-down area and car / van parking areas. Two diesel generators will be installed.
- 2.7 Three borrow pits are identified to provide 100,000m³ of stone primarily for track construction, worked either by excavator or excavator and drill and blast. It is proposed that a concrete batching plant will be accommodated on site. The batching plant comprises aggregate and cement hoppers, water bowsers, a mixer and control cubicle.
- 2.3 Construction of the wind farm is anticipated to last for 10 months, involving a total of 80 jobs. Manning on site will be dependent upon the construction phase. However, it would normally involve 25 individuals and a maximum at peak times of 50. With the use of on-site concrete batching, construction traffic is estimated at 3,758 HGV

movements / averaging 14 vehicles per day. With staff there could be some 8,684 vehicle movements, averaging 33 vehicles per day.

- 2.4 The application is supported by an Environmental Statement, comprising two volumes dated June 2003. Further supplementary information has also been prepared including : -

Environmental Statement – Further Information (1) - advertised on 9 April 2004.

Environmental Statement – Further Information (2) - advertised on 6 October 2006.

- 2.5 The Environmental Statement (ES) (as amended) provides substantive information including a description of the development, data to define the main effects of the development and measures to be used to avoid adverse effects. Substantial information is available from the ES to assist Members in their task of reaching a view on this proposed development. Key factors are highlighted in the following paragraphs.
- 2.6 Visual Effects - A Zone of Visual Influence (ZVI) of the proposed development was established in order to determine the visibility of the wind farm within a 30km radius. In addition, the assessment took into account 17 viewpoints from locations known to have views of the development to assist consideration of likely effects. Wire-line and photomontages are presented. The assessment takes into account the potential cumulative impact with other known proposals at the time, with subsequent projects providing further cumulative impact assessment for Members.
- 2.7 Landscape - The 30 km area surrounding the site addressed by the ES includes a range of designated landscapes including the Dornoch Firth NSA Loch Brora Area of Great landscape Value (AGLV) and proposed local AGLVs, Historic Gardens and design landscapes and search areas for “Wild Land¹”.
- 2.8 Birds – An assessment of the effects of the wind farm on birds including surveys of breeding birds on the site and flight activity from vantage points overlooking the site are presented. Movements of birds between the development site and the Coir' an Eoin Site of Special Scientific Interest (SSSI) are also taken into account. Potential effects of the development include loss of habitat, displacement of bird species and the risk of birds colliding with the turbines are assessed.
- 2.9 Ecology - Although the site is not designated for nature conservation purposes it is 2km to the south east of the Coir' an Eoin SSSI and north of the Carrol Rock SSSI. Coir' an Eoin SSSI is also part of the Caithness and Sutherland Peatlands Special Area of Conservation (SAC), the Caithness and Sutherland Peatlands Special Protection Area and Caithness and Sutherland Peatlands Ramsar² site designation. The assessment identified and evaluated the importance of habitats and species on the site including bog habitats, heathland and grassland, water vole and otters.
- 2.10 Archaeology: - Surveys have identified a number of remains in the vicinity of the proposed wind farm and the existing estate tracks and local road network which will require upgrading. There are two Scheduled Ancient Monuments requiring protection from disturbance and mitigation measures are proposed to ensure that these and other sites are not damaged.

¹ Wild land – term used to describe areas of wilderness unaffected by human influences.

² Ramsar Convention - an EU agreement pertaining to wetland environments

- 2.11 Traffic, Transportation and Access - A transport assessment has been undertaken which considered the existing road network and its use, transportation constraints and potentially sensitive routes or communities. Access onto the site, especially from Invergordon Harbour via the A9, for wind turbine parts was taken into account as part of the assessment.
- 2.12 Recreation and Tourism - The assessment takes into account the location and sensitivity of tourism and recreation resources in the study area to changes arising from the wind farm. Additionally, indirect effects might include changes to the way in which the landscape is perceived and enjoyed, disturbance of stalking or effects on fisheries or fishing.
- 2.13 Peat Stability –In general the thickness of peat across the site ranges from 1 -2m with some localised areas of deeper peat in the order of 3m. Although the risk of peat instability at the site is generally considered to be low, there are localised areas which present a moderate risk necessitating the adoption of appropriate drainage designs and construction methodologies.
- 2.14 Habitat Management Plan – To help with the mitigation of the potential impact of the wind farm on local wildlife a substantive habitat management programme extending across the whole of Gordonbush Estate (5,687 hectares) be implemented and managed for the lifetime of the wind farm. This programme of works, extending for the life time of the wind farm, is to include bracken control, deer reduction, interpretation and education projects, forest removal, woodland regeneration, muirburn, drain blocking, etc. These activities are to be monitored and where necessary amended to maximise the effectiveness of the intended mitigation.

3 SITE DETAILS AND BACKGROUND

- 3.1 The site is located 12km northwest of Brora on the Gordonbush Estate. The site is on high moorland set between the Strath of Kildonan to the north and Strath Brora to the south. The landscape to the north west of the site forms an extensive open area of flat sweeping moorland. The turbines are to be located on an upland plateau, which slopes gently south west from a series of higher hills to the north and east. The turbines are located between the 270m – 400m contours. There are no natural or artificial boundaries to the site. A 275kv overhead power line runs north/south across the western edge of the site with pylons of approximately 38m – 40m in height.
- 3.2 The land cover of the site comprises blanket bog, modified bog and low growing heathland. The site has few trees and little in the way of shrub vegetation. Several burns run south westerly off the site draining to the River Brora / Loch Brora via the main tributaries. Some of the watercourses such as the Allt a Mhuillenn and Allt Smeorail have led to the formation of deep gullies at the periphery of the site.
- 3.3 There are no statutory sites of nature conservation or landscape designations covering the site although it lies 2km from an SSI, SPA, CSAC and Ramsar site at Coir' an Eoin. However one priority habitat defined by the EC Habitat Directive – active blanket bog – is present. The site accommodates Annex 1 species/ interests subject to special conservation measures under Article 4 of the Birds Directive (79/409/EEC) including golden plover, merlin and eagle.

- 3.4 The nearest main communities to the site are Brora, Helmsdale and Golspie with more scattered crofting townships and estates houses located along the straths in the vicinity. The nearest occupied property lies at Ascoile is some 4km distance south from turbine 17, whilst an uninhabited bothy lies slightly closer, 3.8km north of turbine 3.
- 3.5 Planning consent has previously been issued for three test anemometer masts which are currently operating on site. A scoping exercise is currently being addressed by SSE with regard to the enhancement of the grid line running between Beauly and Dounreay which passes the western side of the proposed wind farm site.
- 3.6 As part of the consideration of delivering long abnormal loads (blades) to the wind farm minor road improvements have been examined. In particular, improvement of the Clynelish Moss road junction with the A9 Trunk Road. Widening this junction requires temporary removal of the stone wall curtilage around the old Schoolhouse which is a C(s) listed building. SSE is the current owner of the property and has previously applied for listed building consent to facilitate a temporary widening of the road. The application was refused by the Council's Sutherland County (Area) Committee because of possible concerns about the foundations of the listed building and the need to consider alternative access possibilities.
- 3.7 Attention is drawn to the length of time taken for this application to reach the Planning Committee from its initial submission in June 2003. During this time the Council has been made aware of other wind farm potential projects and proposals. The nearby Kilbraur Wind Farm was approved by the Council.
- 3.8 Since the submission of this application to the Scottish Executive, the Council has developed and adopted its own Renewable Energy Strategy. The Scottish Executive also published in March 2007 its latest Renewable Energy statement - Scottish Planning Policy 6.

4 PUBLIC PARTICIPATION

- 4.1 The proposal was submitted to the Scottish Executive on 18 June 2003. The application was then advertised on 23 June 2003. Following the submission of information supplementing the Environmental Statement further public notices were advertised on 9 April 2004 and 6 October 2006. On each occasion the application was advertised for representations to be made under the Electricity Act 1989 as an "Application for Consent" and as works requiring an Environmental Statement under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000. Copies of the proposal and the supporting Environmental Statement were made available locally.
- 4.2 A total of 449 timeous letters of representation against the development were received by the Scottish Executive. These parties are listed at the end of this report. The representations focus on 9 main areas of concern. The following paragraphs reflect the comments made.

Wildlife and Habitats

- The site accommodates a significant density of Golden Plovers, an Annex 1 species subject to special conservation measures under Article 4 of the Birds

Directive (79/409/EEC).

- The site presents a serious and unacceptable contradiction for our landscape, habitat and wildlife conservation as the site lies at the confluence of a major designation and proposed designations including SSSI, SPA Ramsar site and cSAC.
- The site adjoins a multi-designation area chosen as a prime example of blanket bog (a priority habitat under the EC Habitats Directive).
- Other protected bird species, such as Golden Eagle, Hen Harrier and Merlin would be adversely affected by the proposed development. These and migratory species, such as geese, are vulnerable to collision.
- The construction of the hill tracks would affect the hydrology of the site and threaten two protected mammal species – Otter and Water Vole.

Landscape / Visual Impact

- The wind farm would bring disturbance to the natural environment that is part of East Sutherland's finest scenery. Of particular concern is the detrimental impact on three scenic amenity gems – Strath Brora, Lower Glen Loth and the Strath of Kildonan.
- There is a proposed AGLV over part of the site which contradicts with this development.
- The turbines are set in straight lines and no concession made to the local topography.
- The cumulative impact of the current three wind farm proposals in the area presents a serious threat to tourism and the scenic integrity of the East Sutherland hills.
- The visual impact will be greatly increased by the access and on site hill tracks, the sub-station and the borrow pits. The grow-back techniques using peat turfs to disguise the scars are unlikely to be successful, as experienced at Novar.

Access, Traffic and Road Network

- The construction will bring about serious delays on a lengthy section of the main A9 route. The impact on traffic to the north would be huge. Concern over the potential impact on properties on Main Street Golspie.
- There is a serious error in the calculation of the percentage increase in HGV's on the A9 Trunk Road. The true maximum increase should be over 12%. A full Traffic Impact Assessment is needed.
- Permanent irreparable harm to scenic single track roads will result including valued walls, bridges and archaeological sites positioned close by the existing local roads.
- The proposed access via the C6 Brora to Ascoile and the Clyne Moss Road requires widening, new passing places, straightening, tree felling, widening of bridges and removal of stone parapets, all of which will result in local road closures.
- Access onto the Moss Road from the A9 would involve the unacceptable removal of walls surrounding the old school building which is listed. Vibrations from heavy vehicles could cause structural damage to the now oldest building in Brora.

Wild Land

- To approve this in principle would enable more industrial development on some of Europe's most valued open wild land.
- For climbers, hill walkers, tourists and locals alike a sense of remoteness and wilderness will be lost.
- The proposal would destroy the scenic integrity of the East Sutherland block of hills, the northern part of which is in the preliminary search area for wild land.

Tourism / Local Economy.

- There is a risk to the perception of the area for tourists and to our tourist industry, which is founded upon its environment, landscape, wildness, peace and quiet.
- Tourist numbers are made up by many repeat visitors seeking peace and quiet. The wind farm will put an end to this trade, adversely affecting our tourist economy.
- Scenery, wildness and a rich and varied wildlife must be acknowledged as Sutherland greatest economic asset. This vital but fragile industry is mainly based on repeat visitors.
- The Hutchison Report usefully identified several distinguishing characteristics of the local tourism industry including a heavy reliance on repeat visitors and field sports, an affluent and discerning clientele free to exercise choice, a lack of mainstream visitor attractions, placing more reliance on natural assets and freedom to appreciate these natural assets in tranquil conditions.
- The scheme seems to offer little or nothing in the way of local employment at the risk of enormous loss of tourism and quality of life.

Archaeology

- Many archaeological sites are contained within the confines of the site.
- The site contains records of human habitation from Neolithic period to the Clearances in 1820's. The initial archaeological survey was inadequate compared to the investigations undertaken by the Clyne Heritage Society.
- No survey was undertaken of the approach roads that require widening.

Energy Production

- Such developments should be sited in degraded industrial or urban areas where the power is most needed or wasted.
- A reduction in harmful emissions could be achieved more quickly by simple measures to curb energy consumption, such as night time light pollution.
- The life span of the wind turbine is already half over before the initial costs are recuperated, this against an output of 30% at maximum.
- The Scottish Executive's Renewable Targets are totally unrealistic and should not be used when considering this application. Wind Energy depends on subsidy.

Planning Policy

- The development does not conform with the Highland Council Structure Plan
- Planners will be unable to take an objective view based on the information

currently available. The ES acknowledges uncertainty. The lack of detail in crucial sections, access and transport, is well beyond an acceptable level.

- It would be tragic if the vision and objectives of the new Biodiversity Plan were negated before even the ink is dry.

Other Issues

- The turbines will be a threat to low flying aircraft.
- The turbines will devalue any property in the area.
- There are concerns on the impact of the development on private water supplies.
- We believe there will be a degree of noise pollution.
- The photomontages within the ES are totally misleading and extremely deceptive.

4.3 **The proposal as presented, including all supporting information, subsequent addendum and representations, are available for inspection in the Planning and Development Service at Headquarters, Inverness. They will also be available for inspection by Members on request and at the Hearing / Committee.**

5 CONSULTATIONS

5.1 Brora Community Council object to the development on the following grounds: -

- traffic congestion / disruption during the construction and installation phase.
- effects on tourism.
- Cumulative impact.
- archaeological.
- environmental considerations – The site borders the Coir'an Eion SSSI an SPA, the site would be seen from two wild land search areas and the development will be partly visible from Loch Brora AGLV. Our local bird group have expressed considerable concerns about the effect of the development on numerous protected species.

5.2 Helmsdale Community Council no response following consultation in June 03, Apr 04 and Oct 06.

5.3 Council's Archaeology Unit advise that there is considerable archaeological interests within and adjacent the development including the approach roads improvements to the site from the A9. Conditions are necessary with any consent to protect and record local archaeological interests.

5.4 TEC Services Roads and Community Works: - No objections provided that the finally agreed improvements are undertaken at no cost to the Council and a Wear and Tear Agreement is entered into prior to the works commencing. Acknowledge that the Transport Assessment was comprehensive, highlighting a range of specific improvements to the local roads particularly to accommodate abnormal traffic. These include localised widening on the final 12km approach to the site access at Ascoile to give a running track of 3.5m on straights, more as appropriate at bends; Structural checks on bridges and culverts with subsequent improvements through replacement, propping or spanning as appropriate; additional passing places. Specific improvements noted include: -

- A9/Clyne Junction requiring Listed building Consent
- Reinforcement of road over Clynelish Moss
- Replace the Allt Nam Bam Culverts
- Improve approached to Oldtown and Gordonbush bridges,
- Bridge parapet walls are lowered and re-erected, as required.
- Provision of a new site access as Ascoile.

Finally it was noted that the ES accompanying this development proposed a Traffic Management Co-ordination Group to facilitate communication and co-ordination of relevant authorities to manage delivery of abnormal loads to the site. This includes a project / public interface to assist with awareness of any traffic disruption.

- 5.5 Scottish Executive Trunk Road Network Division advises that the statements within the ES Table 12.2 reflect comments when developing the access proposals to the site. The impact on the trunk road network is unlikely to be significant. Transport plans should take into account current guidance documents. The preferred route for routing traffic is through Brora turning left at the Schoolhouse. We note the commitment by the developer to produce a Traffic Management Plan for the construction phase of the development. This would ensure the appointed contractor had systematic guidelines to manage the traffic and transport issues taking into account traffic control measures for the delivery of abnormal loads, notifying police, need for Temporary Traffic Orders, etc.
- 5.6 TEC Services – Geotechnical Unit no objections to the proposal recognising that the peat instability assessment highlights low risk with some areas of medium risk. Some of the turbines are to be developed close to existing water courses requiring adoption of good construction practices as outlined and proposed by the developer.
- 5.7 TEC Services – Environmental Health advise that although the ES considers that noise emissions will not exceed 35 dB(A) at wind speeds up to 12m/s it is recommended that an appropriate condition be attached to any consent requiring monitoring of noise emissions. This would ensure that in the event of a complaint, the developer and operator could demonstrate compliance with anticipated noise levels. Local private water supply requires protection.
- 5.8 Scottish Environment Protection Agency no objection subject to deployment of agreed culverting and watercourse engineering. A request is made for a full site specific construction method statement (CMS) submission for approval as a condition of consent to prevent pollution to local watercourses. Borrow pit workings must avoid disturbing springs forming the head water of the Ristocky Burn. Support requirement for further peat stability assessment work prior to determination.
- 5.9 Historic Scotland intimated concerns on the initial application and required further information on the potential impact on two scheduled ancient monuments including a chamber cairn north of Loch Brora and Ascoile Earthworks. Further analysis was provided and mitigation promoted to minimise the impact of road access improvements on Acoile Earthworks, Scheduled Ancient Monument. Historic Scotland are content for these additional provisions being managed through conditions to any consent. Listed Building consent will be required for works at the Old Schoolhouse Brora.
- 5.10 Scottish Water: - No objections to the proposal.

- 5.11 Scottish Natural Heritage (SNH) initially **objected** to this development in respect of: -
- European Interests: - advising there was insufficient information regarding the movement of birds to determine whether there was likely to be significant effects on the qualifying interests of the Caithness and Sutherland Peatland Special Protection Area (SPA).
 - Peatland Bird Interests: - there was insufficient information regarding the distribution of birds on the site to determine the impact of the proposal.
 - Landscape and Visual Impact: - the proposal was likely to have an unacceptable impact upon an area considered to be wild land located to the west of the proposed development.
- 5.12 Following further extensive surveys, particularly into impact on golden plover, merlin and golden eagle, assessment including cumulative impact and promotion of mitigation including a substantive habitat management plan, SNH, on 9 February 2007, amended its position. They withdrew their objection on golden plover advising that the likely impact on the regional population was not likely to be significant. They maintained their objections in respect of merlin and golden eagles **but** were prepared to **withdraw its objections** to the proposed development provided that any consent was subject to specific conditions and implementation of a legal agreement. **Should the conditions and agreement not be applied, the objection from SNH would still stand.**
- 5.13 SNH have advised that that the proposal will not adversely affect the adjacent SPA site or non SPA breeding birds if the proposal is undertaken strictly in accordance with the following conditions: -
- a) The proposed Habitat Management Plan is made subject to a Section 75 Agreement, to which SNH is a party, highlighting qualitative objectives for target species, timescales and actions.
 - b) Further mitigation measures arising from the proposed construction methods to be deployed to be agreed in discussion with SNH in advance of any construction works, including exclusion zones around merlin nests found during pre-construction monitoring.
 - c) A post construction monitoring programme is developed in discussion with SNH and implemented, including surveying of a reference area. The monitoring programme should identify target species (including merlin and golden eagle), methods to be used, the timing of the programme, the release of information in the form of monitoring reports and specifically how the monitoring will be used to inform the management. It is important to establish, through the Section 75 Agreement, what the triggers will be for management action to be taken to address adverse or unexpected effects that are identified by the monitoring.
- Further recommendations for conditions to any consent were promoted by SNH to the Scottish Executive for example cementing in the applicant's offer to undertake a golden plover research project.
- 5.14 The decision by SNH to withdraw its "wild land" objection arose from the approval of the wind farm at Kilbraur. On other landscape and visual impact assessments SNH considered the proposal to be acceptable subject to conditions being applied to: -
- Relocating the borrow pit and anemometer mask south of turbine 29 to reduce the impact on a distinctive knoll.
 - Painting the turbine transformers a dark colour.
 - Details of the track access to and across the site, the control building, anemometer design, the compound design, restoration of lay-down and site

compound areas.

- Clarification of disturbed areas and restoration of same.
- A requirement for the restoration of tracks after decommissioning.

- 5.15 Forestry Commission Scotland: - recommends that there is a need to carry out an assessment of the impact of felling proposed in the habitat management plan on the current landscape. In addition assess the impact of the woodland to remain and to be added to and how the proposed boundaries will fit with the landscape both now and in the longer term. There are Forestry Commission Landscape Design Guidelines that would help inform the concept designs that should be prepared.
- 5.16 Civil Aviation Authority: - No observations to make.
- 5.17 Highland and Islands Airports Ltd: - No objections.
- 5.18 Radio-communications Agency – advises no fixed microwave links would be affected.
- 5.19 ITC (Independent Television Commission) Although significant disruption to TV reception is unlikely, a binding condition should be included in the planning consent which would require the developer to investigate and rectify any TV reception difficulties caused by the wind farm.
- 5.20 National Air Traffic Services: - No safeguarding objections to this proposal.
- 5.21 Ministry of Defence: - The MOD has no objections to this development subject to being informed of project details at commencement.
- 5.22 Health and Safety Executive: - No comments.
- 5.23 Architecture and Design Scotland (formerly - Royal Fine Arts Commission For Scotland) The RFA Commission object to the proposal. The finalised layout has been prepared without reference to an adequate strategy or design process. There would not appear to be any logic to the layout discernable to an onlooker.
- 5.24 Association of Salmon Fishery Boards: - The impact of construction can have considerable implications on water courses, water quality and migratory and other fish species. Proper consultation with the local fishery board is required, preferable at an early stage to avert or overcome particular problems.

6 **DEVELOPMENT PLANS AND OTHER POLICY CONSIDERATIONS**

- 6.1 Whilst this is not a planning application per se, Members are reminded that any consent carries with it a deemed planning permission under S57 of the Town and Country Planning (Scotland) Act 1997. It is therefore appropriate that any determination by the Council as Planning Authority is made on the planning merits.
- 6.2 Sections 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plans in relation to this application comprises the Highland Structure Plan (approved March 2001) and the South East Sutherland Local Plan (adopted 2000) and relevant

policies that pertain to the consideration of this application are highlighted below.

6.3 The range of considerations which might be considered material in planning terms is not legally defined and falls to be determined in the context of each case. Scottish Executive guidance (SPP1) suggests the following are most likely to be relevant:-

- Scottish Executive policy and guidance
- views of statutory and other consultees
- public representations
- the environmental impact of the proposal including cumulative impact
- the design of the proposed development and its relationship to its surroundings
- access, provision of infrastructure and planning history of the site

6.4 Highland Structure Plan (Approved March 2001)

6.4.1 All policies in the Structure Plan are predicated on the Plan's sustainability objectives and strategic themes which are particularly reflected in the General Strategic Policies G1-G8. Those especially relevant to the present case are listed below.

Policy G2 Design for Sustainability

Policy G3 Impact Assessments

Policy G4 Community Benefit and Commitment

Policy G6 Conservation and promotion of the Highland heritage

Policy G8 Precautionary Principle

6.4.2 The Structure Plan contains specific policies in relation to renewable energy: -

Policy E1 Distributed renewable energy developments

Policy E2 Wind energy developments.

6.4.3 Other Structure Plan policies relevant to this case include:-

Policy N1 Nature Conservation

Proposal L3 Areas of Great Landscape Value

Policy L4 Landscape Character

Policy T6 Scenic Views

Policy BC1 Preservation of archaeological sites

Policy BC4 Historic gardens and designed landscapes

6.4.4 Finally, although not containing any specific policy in respect of **Wild Land**, the Structure Plan notes that "The qualities of wild land are a material consideration in evaluating development proposals on or affecting it" and states that further work will be undertaken on the identification and classification of such areas as part of a wider review of landscape and coastal designations.

6.5 South & East Sutherland Local Plan (Adopted May 2000)

6.5.1 Key paragraphs and policy within the local plan comprise: -

- Para 1.25 -Tourism
- Sustainable Development
- Fragile Areas

- Policy ENV 3
- Alternative energy
 - Policy 16
 - Policy 17
- Landward
 - Policy 22

6.6 Scottish Planning Policy and Planning Advice Notes

6.6.1 The Scottish Executive expresses its planning policies through The National Planning Framework, a series of National Planning Policy Guidelines (NPPG) which are being replaced by Scottish Planning Policy (SPP) documents and Planning Advice Notes (PAN) which are practice statements. There are a number of these documents considered to be relevant to the current application, including: -

- The National Planning Framework
- SPP 1 - The Planning System
- NPPG 5 - Archaeology and Planning
- SPP 6 - Renewable Energy
- NPPG 14 - Natural Heritage
- SPP 15 - Planning for Rural Development
- PAN 45 - Renewable Energy Technologies
- PAN 50 - Controlling the environmental effects of surface mineral workings
- PAN 58 - Environmental Impact Assessment
- PAN 60 - Planning and Natural Heritage
- PAN 42 – Archaeology
- PAN 73 – Rural diversification

The key documents in the consideration of this application are SPP 6 and PAN 45.

6.7 SPP 6: Renewable Energy (March 2007)

6.7.1 This document re-states the Scottish Executive's resolve to significantly expand the national capacity to generate renewable energy and thereby reduce emissions of greenhouse gases. This confirms a Scottish target of 18% electricity generated in Scotland coming from renewable resources by 2010 rising to 40% by 2020 (6GW). Progress towards these targets is being driven by the Renewable Obligation (Scotland) on licensed electricity suppliers.

6.7.2 The policy states "the 2020 target to be met by a range of renewable technologies. Hydro and onshore wind power are currently making the most significant contribution. This is expected to continue although these technologies will increasingly operate as part of a renewable mix as other technologies come on line. (Paragraph 6)

6.7.3 "Support for renewable energy developments and the need to protect and enhance Scotland's natural and historic environment must be regarded as compatible goals if an effective response is to be made to the challenges of sustainable development and climate change. The planning system has a significant role to play in resolving conflicts so that progress towards the 2020 target continues to be made in a way that affords protection to the natural and historic environment without unreasonably restricting the potential for renewable energy development." (Paragraph 8)

- 6.7.4 "...The planning system has a key role in supporting Scotland's economic competitiveness and employment market. The scope for developments to contribute to national or local economic development priorities should be a material consideration when considering policies and decisions." (paragraph 20).
- 6.7.5 "Planning authorities should use the development plan process to set the framework for considering proposals for all renewable energy developments in their areas..." (paragraph 22).
- 6.7.6 "Some planning authorities may have already progressed work that identifies broad areas of search for wind farms in their development plans. Such areas should provide a steer to developers on acceptable locations but their existence should not be used to rule out development elsewhere if it can be accommodated in a manner consistent with the approach set out in this SPP..." (paragraph 40).
- 6.8 PAN 45 : Renewable Energy Technologies (revised 2006)
- 6.8.1 PAN 45 sets out good practice guidance in respect of the issues raised by wind-farm developments including siting in the landscape, visual impact and noise.
- 6.8.2 It states that - "There are no landscapes into which a wind farm will not introduce a new and distinctive feature. Given the Scottish Ministers' commitment to addressing the important issue of climate change and the contribution expected from renewable energy developments, particularly wind farms, it is important for society at large to accept them as a feature of many areas of Scotland for the foreseeable future." (paragraph 71).
- 6.8.3 But, "This is not to suggest that areas valued for their international or national landscape and nature conservation interest will have to be sacrificed." (paragraph 72).
- 6.8.4 And, "A cautious approach is necessary in relation to particular landscapes which are rare or valued, such as National Scenic Areas and proposed National Parks and their wider settings.... In a regional context care should also be exercised within Areas of Great Landscape Value and Regional Parks. Other landscapes are not especially valued and a significant change in some landscapes may be considered acceptable...." (paragraph 75).
- 6.8.5 PAN 45 notes that "The cumulative impact of a number of neighbouring developments may also be a relevant consideration" (paragraph 89) and advises that the cumulative effects of wind farm development can arise in a number of circumstances including "an existing wind energy development and a proposed extension to that development." (paragraph 91).
- 6.8.6 Finally, PAN 45 notes the important contribution that tourism, mainly associated with Scotland's natural, scenic and cultural heritage, makes to the rural economy. "It is therefore important that the role of tourism in the rural economy and the assets on which it is based should be reconciled with the need to promote renewable energy generation" (paragraph 172).

6.9 Highland Renewable Energy Strategy and Planning Guidelines

- 6.9.1 The strategy was approved by the Highland Council on 4 May 2006 as supplementary planning guidance and is a material consideration in the determination of relevant planning applications. It will also be used to promote appropriate renewable energy development in terms of achieving local business and community spinoff whilst seeking to influence national policymaking and regulatory activity.
- 6.9.2 In the strategy, Figure 6.2.4 and Table 6.2.4 show the distribution of the three types of development zone for “national” and “major” scale export-oriented wind developments:
- **Preferred development areas** combine abundant wind resources, with a relatively low planning constraint level and lie within 15 km of the existing 132/275 kV grid network. In these areas close grouping of possible sites may be permitted;
 - **Possible development areas** have similar productivity and constraint levels to preferred areas but are located further than 15 km from the 132/275 kV grid network and may only be suitable for one major wind farm. Six or more consecutive 1Km grid squares coloured yellow on Figure 6.2.4 of the Strategy are required for a ‘Possible development area’.
 - A ‘**presumption against development**’ for national and major scale projects applies to all other areas of Highland. These include a number of west coast localities which have very poor grid connectivity.
- 6.9.3 The Council has identified 3 designated areas which are seen to contain optimal conditions in terms of planning constraints, energy production, technical feasibility and proximity to grid. The detailed suitability of all prospective sites within these areas still needs to be confirmed through the normal planning processes. There will, however, be a strong presumption in favour of projects proposed for the 3 designated areas, and developers will be encouraged to come forward with proposals for these areas.
- 6.9.4 Policy N1 of the Strategy seeks information on the form of “local content” of the works. The term “local content” refers to the amount of work and the value of supply contracts undertaken by local businesses.
- 6.9.5 At its meeting on 31 May 2006, The Planning, Development, Europe and Tourism Committee agreed to the following guidelines for minimum acceptable levels of local content in capital expenditure:
- 50% Highland content recognising the established transport, civil engineering and fabrication capabilities in this area together with the opportunities for specialist manufacturing start-up.
 - 75% Highlands & Islands content recognising the existence of other centres of expertise and production across this wider area.
 - 90% Scottish content because the expertise exists within Scotland to deliver virtually all of the necessary project elements from within the national renewable energy supply chain, whilst acknowledging the wider opportunities for export activity, joint venturing and innovation/technology transfer.

7 PLANNING ASSESSMENT

Determining Issues

- 7.1 The determining issues are: -
- whether the proposal accords with the development plan?
 - If they do accord, are there compelling material considerations for not approving them?
 - If they do not accord, are there any compelling material considerations for approving them?
- 7.2 To address the determining issues, the Committee must consider the Development Plan and material considerations, including representations on these matters, which might arise from the under-noted issues:-
- a) Council's Renewable Energy Strategy
 - b) UK Government and Scottish Executive Policy on Renewable Energy
 - c) the impact on natural heritage
 - d) landscape and visual impact assessment.
 - e) archaeology
 - f) tourism and visitors
 - g) transportation and access.
 - h) peat stability, drainage and impact on water supplies
 - i) construction impacts and control generally

Development Plan

- 7.3 The Structure Plan is founded on a number of objectives which conform to the principles of sustainable development including that of maximising the optimal use of renewable and non-renewable resources. Policies G2 (Design for Sustainability), G6 (Conservation and promotion of the Highland heritage), L4 (Landscape character) and T6 (Scenic views) are particularly relevant in this regard, and require to be given due weight. The reference in the Structure Plan to Wild Land as a material consideration is also important.
- 7.4 However, it is Policy E2 (Wind energy developments) of the Structure Plan that is the key policy consideration in assessing this application – namely, that wind energy proposals will be supported provided that impacts are not shown to be significantly detrimental in relation to issues in the locality of the site. Clear reference is made within the adopted Local Plan to the potential for wind farm development north of Gordonbush. This is set within the context of all other considerations within that Plan including policies protecting and enhancing the natural environment of the area of South and East Sutherland.
- 7.5 If Members consider that the impacts associated with this proposed development are not significantly detrimental and that there are no serious adverse impacts that can not be mitigated, the proposal would comply with the Council's Development Plan Policies.

Council's Renewable Energy Policy and Planning Guidelines

- 7.6 The policy recognises that the Highlands has extensive renewable resources and advocates a framework to harness these opportunities through developments which protect the integrity of particularly valued sites, maximises local and regional benefits and minimises or avoids negative consequences. The policy has highlighted quite specific regional targets for energy to be generated from renewable energy types the first of which is 1,200 MW by 2010. The Gordonbush wind farm would assist with helping to reach this target.
- 7.7 From the strategic assessment undertaken, three preferred areas have been recognised for promotion by the Council for national and major on shore wind farms development. These areas are perceived to contain optimal conditions, energy production, technical feasibility, proximity to the grid and in terms of planning constraints. The development however still remains to be considered on its particular merits and with regard to a number of specific considerations – Table G4.2.3 of the Policy refers. Gordonbush Wind Farm falls both within one of these areas.
- 7.8 A literal interpretation of the policy recognises that turbines 2, 3 and 10 fall within a grid square to the north and that turbines 29, 30, 32, 33 and 34 with grid squares to the south east that are promoted as preferred development areas with a policy giving a strong presumption in favour of projects, subject to appropriate community and environmental safeguards. The remaining 27 turbines lie between these preferred areas, but within grid squares with a presumption against development. These squares were influenced in the assessment particularly by the nearby presence of Annex 1 species. However, the balance of the strategic policy is to direct large scale wind farm proposals to areas such as Gordonbush, where the details of the application are then considered on its merits and within site specific considerations.
- 7.9 The policy also seeks economic benefit through local content / employment. The applicant has advised that the construction costs of this project are around the £90m with £10 - £15m civil works and a similar amount on electricals. The range of trade / service suppliers is extensive ranging from concrete / aggregate supply, plant hire, fuel supply, fencing, dry-stane dyking, ecology management, archaeology works through to the constant catering needs for the work force. Local firms can be the key beneficiaries of such expenditure either as a main contractor or through sub contracting / suppliers with the advantages of accessibility and local knowledge.
- 7.10 It has been estimated that through the operational life of the project there will be requirement for 12 FTE jobs involving local contractors, suppliers and especially countryside management / research involved with the habitat management plan. The sustained level of investment anticipated on Gordonbush Estate during the lifespan of the wind farm would be a significant and valued consequence of this proposal.

National Policy on Renewable Energy

- 7.11 National policy is strongly supportive of the principle of establishing renewable energy as a sustainable resource. The Scottish Executive continues to emphasise its commitment to renewable energy through SPP 6. As part of Scotland's efforts to

tackle climate change, SPP 6 re-confirmed the Executive's commitment to achieving 40% renewable output in Scotland by 2020 (6GW) and confirmed that this figure should not be regarded as a cap on development.

- 7.12 Renewables are considered to have a strategic contribution to make as an indigenous source of electricity, thereby reducing reliance on imported oil, gas and coal. Although supportive of the full range of renewable energy technology it is expected that its targets will arise primarily from hydro and onshore wind power. Support for renewable energy developments and the need to protect and enhance Scotland's natural and historic environment are regarded as compatible goals is an effective response is to be made to the challenges of sustainable development and climate change. SPP 6 encourages planning authorities to identify broad areas of search to highlight where wind farms are likely to be considered appropriate and bring forward supplementary planning guidance. (paragraph 41)
- 7.13 While several objectors challenge the rationale of the UK and Scottish Executive policy on renewable energy, particularly the extent to which onshore wind farms are promoted, it is not the role of the Planning Authority to review the adequacy of national planning policy and guidance. The policy and guidance set out in SPP 6 is material to the consideration and determination of this planning application.

Natural Heritage

- 7.14 Although the site is not covered by any statutory natural heritage designation, the site clearly has value in natural heritage terms. The presence of a protected species or habitat is a material consideration in the assessment of development proposals and the Gordonbush wind farm site has both. Also important to recognise is the site's relative proximity to designated sites at the core of national and international arrangements for the protection of certain species and habitats. For these reasons the views expressed by Scottish Natural Heritage are matters of considerable importance to the consideration of this application. Protected species and valued habitats do not impose a general prohibition on development, what needs to be assessed is the likely impact on the interests protected and prevent adverse effects upon these factors.
- The wind farm is not expected to have any significant impact on the breeding population of Golden Plover through habitat loss and disturbance. Collision risk modelling has proven difficult and the applicant have, in consultation with SNH, commenced a research programme on the interaction of golden plover and wind farms. An ornithologist is offered by the applicant to be regularly present on site during construction to advise on measures to minimise disturbance at sensitive times and locations.
 - The general area supports one breeding pair of merlin each year and that the nearby area of the Special protection Area SPA supports one breeding pair every four years. Whilst there are acknowledged uncertainties with the collision risk assessment, data would suggest a very small impact on annual mortality of (0.2-0.3%). This is not predicted to affect the viability of the merlin population of the SPA.
 - For eagle, surveys have recorded a territorial pair present during the breeding season and non territorial birds present during the winter months. The predicted

loss is of 0.13% territorial birds per annum and risk to non territorial birds of 0.1% per annum. However at a regional level the predicted collision with the wind farm will increase the annual mortality of the adult eagle population in SNH's Peatlands of Caithness and Sutherland Natural Heritage Zone by adding a further 3.2 - 4.3% to that which already occurs. An increase of this level in the annual mortality in a regional population which is in an unfavourable status may increase the difficulty of reversing the decline. Mitigation measures acceptable to SNH are to be implemented through the Habitat Management Plan to seek to reduce the risks of collision occurring, by drawing the birds away from the wind farm.

- 7.15 The Council relies on the expertise of Scottish Natural Heritage to assess and advise on the likely impact of development proposals on natural heritage interests. SNH have received substantial survey information from the applicant and have themselves undertaken cumulative impact assessment on the merlin interests associated with the SPA and with regional bird populations on other species (eagle and golden plover). In SNH's view, and particularly on account of the proposed extensive Habitat Management Plan promoted by the applicant for the rest of the estate, the proposal, if controlled by conditions, is seen as one which is unlikely to have a significant effect of local / regional ornithological interests.
- 7.16 With regard to the protected habitat (blanket bog) within the proposed wind farm, the development proposals, extensive as they are in terms of access tracks, turbine foundations and borrow pits, are seen as having a relatively small footprint and therefore impact. Care, of course, is required to be undertaken in the approach to construction on this site, as promoted by the applicant, using best practice procedures. Members will recognise the extensive nature of the proposed Habitat Management Plan, which should considerably enhance the quality of a range of habitat's within the estate, consistent with objectives of the local biodiversity plan for Sutherland.

Landscape and Visual Impact

- 7.17 The purpose of the landscape impact assessment is to determine changes in the character of the landscape in terms of features, landform, degree of openness or enclosure, land cover and other various factors. The visual impact assessment is closely related to this and determines visual effect in terms of changes in views and the overall visual influence of the development. In considering these aspects a number of other factors come into play including the design of the proposal, surrounding designated landscapes, concerns regarding wild land and cumulative impact. Judging the acceptability or otherwise of the landscape and visual effect of the wind farm is largely a subjective matter. The task for Members is **to decide whether or not these are acceptable** when coming to a final decision.
- 7.18 **Landscape** - The wind farm is proposed to be set between 2 distinct landscapes including high sweeping moorland, a significant feature of central and northern Sutherland, and moorland slopes and hills forming the coastal hills of East Sutherland. The landscape at the site marks the edge of an extensive open sparsely populated moorland area, to the south west and northwest, with a sense of openness and remoteness and at the foot of a range of higher hills to north east. From the landscape assessment of the selected individual viewpoints to the west and on higher ground that the turbines will introduce a new modern element into

open, expansive moorland.

- 7.19 However from many such locations assessed within the Environmental Statement “given the vastness of the panorama and overriding sense of openness”, the effect on the landscape character would not be significant. The turbines, as noted in the ES, will introduce a strong vertical element and movement into the still landscape of Gordonbush, although a wind farm development has been approved by the Council at Kilbraur to the south. Despite the size of the development, the scale and vastness of the surrounding landscape will remain dominant and the judgement as set out in the ES, that the impact will be minor, can be accepted.
- 7.20 **Design** - The ES describes the process by which the final design layout was reached from a fairly simple grid layout of five rows of seven turbines to optimise generation, set within the simple topography and land cover on Gordonbush. The basic design was then altered in keeping with the landscape, radiating out from the ridgeline in a fanned grid design across the convex curves of the site, whilst also mitigating impact on local drainage and valued habitat. Clearly individual elements of the proposal have a number of determining factors to allow for energy yield, proven and available turbine technology, site boundaries, ground conditions, proximity of the existing gridline, etc.
- 7.21 The design has received objections from the Royal Fine Arts Commission for Scotland (now Architecture and Design Scotland) and concerns over individual elements of the site from Scottish Natural Heritage. The former was concerned that there was not an adequate design strategy, nor logic to the layout to the onlooker. Guidance normally suggests against an artificial almost regular layout advising that better layouts can be realised through turbine clusters. This is certainly a large-scale development which is difficult to set in such a large open landscape. However it is surprisingly hidden from most communities and residents. As viewed from the west it does seem to be framed within the East Sutherland coastal hills and can be perceived as a cohesive grouping. The rigidity of the layout is only really perceived from the south east by Scibercross but generally it is viewed from other viewpoints as a single large cluster and is regarded as acceptable.
- 7.22 **Designated Landscapes** - The Environmental Statement identifies a number of designated landscapes including a National Scenic Area, two Areas of Great Landscape Value (AGLVs) and four proposed AGLV's and Historic Gardens within the 30 km survey area around the proposed wind farm. The impact of the development on designated sites, which are all distant from the site, is minor. However this would not be the case for the proposed AGLV's sites as noted within the Council's Development Plan, the development would have more immediate impact, especially the proposed Ben Horn AGLV. These areas have only been identified indicatively within the Structure Plan for consideration under future reviews of the Local Plan. The wind farm lies on the very margins of one of these four areas area identified within the Structure Plan. Assessment of the proposal against this potential and undeveloped designation can however be given only passing consideration at this time.
- 7.23 **Wild Land** - The site falls within one of SNH's search areas for Wild Land, defined in NPPG 14 Natural Heritage as “uninhabited and often relatively inaccessible countryside where the influence of human activity on the character and quality of the environment has been minimal”. Having initially objected to this wind farm

considering it to have an unacceptable impact upon an area considered to be wild land SNH's objection was withdrawn following the approval of the nearby Kilbraur wind farm. Many representations against the proposal have however cited concerns over the potential impact on wild land search areas. Although core wild land areas were identified in the draft Structure Plan together with a related policy statement, these were deleted by Scottish Ministers in favour of a statement to the effect that "The qualities of wild land are a material consideration in evaluating development proposals on or affecting it.

- 7.24 The applicant's initial ES assessed the potential effects of the proposed wind farm on wild land search areas. The effect was judged in the ES to be minor /negligible. In response to the initial objections from SNH a more detailed appraisal was undertaken by the applicant particularly to assess the potential impact of the proposal on the Ben Armine Forest search area. From this appraisal the amended ES advises that the Ben Armine wild land search area is characterised by generally extensive areas which are likely to have perceived naturalness and extensive areas with visibility of external construction artefacts in particular forestry plantations and a 275kv transmission line. The most extensive area which is likely to exhibit wild land characteristics is centred on the enclosed part of the Ben Armine plateau. This area was considered to be generally unaffected by visibility of the wind farm. Most walking, climbing and mountain biking objectives were considered to be in the western part of the search area and are also minimally affected by the wind farm.
- 7.25 The Council's Renewable Energy Strategy has taken account of wild land but has formed the view that sizable areas of East Sutherland, in or adjacent search areas for wild land, are suitable locations for large scale onshore wind farm development. The balance of policy and priority seem to lie in favour of the need for renewable energy over and above the protection of wild land character in this particular local area. The Council has also determined that a wind farm at Kilbraur is acceptable. The decision on that application has a bearing on this particular argument. The Council decision suggests that the current priority is more supportive of renewable energy projects in this area, particularly given the temporary nature of any planning consent / impact.
- 7.26 **Visual Influence** - The site is hidden from many viewpoints, including most nearby settlements, is rarely visible from the occupied properties within the nearby straths and is set back off the coastline and principal transport and tourist routes that serve both Sutherland and Caithness. This was a major failing of the earlier three Helmsdale wind farm proposals which were all refused by Scottish Ministers. The few properties within a 5km radius of the centre point of the site will have no view of the development. Even immediately beyond this distance there are few available roadside viewpoints or properties that will see turbines developed at Gordonbush with perhaps properties within the Strath of Kildonan being the main nearest receptors over 6km away.
- 7.27 Where the site is visible, primarily to the west, the open landscape ensures views of the majority if not all turbines. The expected visual impact as seen from these largely uninhabited areas to the west is, however, likely to be more pronounced. The very size of the turbines, the views of the whole development and the movement will mean that the development will be prominent and catch the eye especially in good weather and lighting conditions. Such visibility, on its own, however is not a reason for rejecting the proposal.

7.28 **Cumulative Impact** - The development of this proposal cannot be considered in isolation, but has to take account of similar developments within the vicinity that have been built, those which have permission and those that are the subject of underdetermined applications. The applicant within the ES has undertaken a cumulative impact assessment at the time when the proposals were first presented. This includes projects which fall within a 60 km radius to ensure that the 30km ES radius of each project is incorporated within each assessment. It also included some projects that were simply at the early scoping stage and have not materialised as a formal application. Members will want to recognise the current position on a number of similar applications including the following schemes:

- Flex Hill, Bilbster, Caithness - approved
- Kilbraur Sutherland - approved
- Rosehall Sutherland. - approved
- Dunbeath Caithness - not yet determined
- Cambusmore Sutherland - not yet determined
- Lairg Sutherland - not yet determined
- Achany Sutherland - refusal subject to appeal
- Invercassley Sutherland - refusal subject to appeal

7.29 Most of these proposals are well beyond the 30km radius of this site and thereby the cumulative impact is marginal, largely affecting viewers from intervening hilltops, who will potentially see distant wind farms should they look northwards and then southwards. The most significant interaction would be with Kilbraur 7 km and Cambusmore 23 km to the south, whilst Dunbeath lies 30km to the north. Members will note as highlighted earlier in this report the development of the Renewable Energy Strategy seeks to direct large scale on shore wind farm proposals to three preferred areas, where clusters of larger projects will be accumulated. The approval of Kilbraur Wind farm took into account the prospect that a wind farm at Gordonbush was likely to emerge, determining that cumulative impact was acceptable in these locations.

7.30 **Landscape Impact of Habitat Management Plan** - Mitigation measures promoted in the interests of natural heritage have introduced a substantive Habitat Management plan covering the remainder of Gordonbush estate. A feature of this plan involves the felling of substantial blocks of coniferous plantations, both isolated blocks and areas attached to older woodlands. The applicant has advised that these commercial plantations are not developing as well as might have been expected and are largely devoid of wildlife. Their removal will allow substantive replanting of more native woodland especially adjacent the principal woodlands of Gordonbush Estate. There is however a dichotomy in these proposals. Whilst on the one hand natural heritage will be improved as well as the local landscape, with the removal of several stark blocks of commercial forestry. On the other hand, the substantive felling proposed will itself impact on the landscape and may in certain areas marginally increase the visibility of the wind farm.

7.31 The applicant has not been asked to undertake a further impact assessment of the proposed felling as suggested by the Forestry Commission in view of the considerable benefits that can be recognised by the implementation of the habitat management plan. Furthermore the impact of the wind farm in landscape terms can

already be assessed using the zones of visual influence highlighted within the environmental statement, which do not take into account the screening effects of existing trees. The implementation of the habitat management plan is, in the consideration of this proposal, generally seen as a valued factor not just for local wildlife, but the interests of the wider estate / area.

Impact on Archaeology

- 7.32 The initial supporting information on Archaeology within the Environmental Statement was deemed inadequate. Further information was sought and duly provided by a qualified Archaeologist, not only of the archaeology of the proposed site, but also the potential impact of access improvements to Ascoile from Brora.
- 7.33 The Council's Archaeologist acknowledges the revised submission as a comprehensive statement by a competent archaeologist, giving an accurate assessment of the heritage of the area. Recommendations have been made that any consent is conditional upon the preservation in situ of significant archaeology not disturbed by the development and preservation by record of those that may be disturbed. Historic Scotland also highlighted concerns with the potential impact of the improvements to the local road network leading to Ascoile on two schedule Ancient Monuments. Again the marking out of sites and fencing off of sites to prevent accidental damage during development in association with other mitigation proposed by the applicant are regarded as reasonable measures, controlled through conditions, to minimise the impact of the development.

Tourism and Visitors

- 7.34 The extent to which the construction and more particularly the ongoing operation of the wind farm will have on tourism, if any, is difficult to predict. Clearly a number of the representations received against the proposal have raised this issue or even simply the perception on tourism in view of the area's reputation as an unspoilt environment with high scenic and tranquil qualities. Certainly the local economy is recognised in the Council's Development Plans as heavily reliant on the income derived from servicing the needs of visitors involved in a wide variety of low key tourism activities such as general sightseeing, touring, cycling, walking and fishing.
- 7.35 There are conflicting views regarding the impact of wind farms on amenity. Many observers consider wind turbines to be elegant modern structures in the landscape others consider them as ugly industrial intrusions. A review of public opinion survey's carried out over the last 10 years by MORI and Visit Scotland, on attitudes to wind farms has shown in all cases the majority of the public are positively disposed towards wind farms and concerns over proposals diminish in the years following construction. The issue is still very much a matter of judgement and one of many material considerations to be taken into account.
- 7.36 With regard to the specific impact of the Gordonbush wind farm on tourism, the impact is anticipated to be of minor significance or less. The site is located some distance from local settlements where tourists might stay; away from or out of sight of local tourist routes and similarly away from or out of sight from tourist destinations / visitor attractions. Whilst walking, cycling and riding are popular throughout South and East Sutherland there are no official designated routes in the immediate area of the wind farm, with key interests being more distant. The key concern will be to

ensure that the construction impacts are minimised through appropriate design and operational controls - for example the risk of pollution to local water courses important for fishing and potential problems with construction traffic. On a more positive note the development has the potential to increase access to the countryside, enhance visitor interpretation of local archaeology and, through the habitat management plan, enhance the quality of the local countryside.

Transportation and Access

- 7.37 The Environmental Statement presents the main calculations on construction and staff vehicle movements. These recognise options to reduce construction traffic movements to and from the site by sourcing local stone from potentially three on site borrow workings and an on site concrete batching. Both these options have consequential site impacts discussed elsewhere in this report, however the benefits of reduced traffic volumes and reduced wear and tear of the local road network would be advantageous. A clear decision needs to be made of the Council's preference in regard to these options and appropriate conditions that should be applied to any consent given.
- 7.38 The ES clearly favours the use of on site borrow workings and provides no traffic movement calculations for any alternative. Potentially a saving of 690 HGV traffic movements to and from the site are made through on site concrete batching, approximately a 15% saving on the expected HGV construction traffic movements. In all there is expected to be 3,758 HGV construction traffic movements (4,448 if no on-site concrete batching) and 8,684 non HGV's including cars / minibuses transporting the work force during the construction period. The worse case scenario predicts that there would be a 2.38% increasing in traffic on the A9 Trunk Road however the impact on the local network will be greater. The Trunk Road Network Management Division has raised no significant concerns over this application, although there are residents on Main Street, Golspie who have their own concerns.
- 7.39 Construction of the wind farm will require transportation of 290 abnormal loads, primarily wind turbine parts. There is clear expectation that these parts will arrive in Highland via the Port of Invergordon. The applicant has undertaken a preliminary abnormal load route assessment based on anticipated turbine parts and the advice from the Trunk Road Agency is that these movements can be accommodated, but should be governed by a Transport Plan. One clear preference is for the larger abnormal loads to be directed via the Clynesh Distillery / Clynesh Moss Road via an improved junction that will necessitate impact on the wall and grounds of the old School-house a listed C(s) building. Although all other traffic was anticipated to use the C6 from Brora Bridge to Ascoile, recent concerns regarding settlement on this road by Brora, requires all traffic to be directed via the Clynesh road. Access option via Strath Fleet / Rogart or other options further north of Brora or even delivery to Brora by rail were deemed to be much less practical / feasible.
- 7.40 The Council's TEC Services is content that access to the site from the Trunk Road network is achievable subject to a number of specific improvements and modifications which the applicant has intimated that they are content to provide under the terms of appropriate legal agreement (Section 96 Roads (Scotland) 1984 Act). These requirements, drawing on the Council's Highland Council Road Guidelines, should be set out in the condition of any consent as expressed within the final recommendation. Members may support this viewpoint, but it will be important

to acknowledge a number of specific concerns and unknowns:-

- turbine dimensions are uncertain as these will be secured through procurement procedures after the issue of any consent. Best efforts have been made to assess the most likely turbine part dimensions and slightly larger dimensions can be delivered to the site. Following turbine selection a final trial run needs to be undertaken and appropriate road improvements, subject to relevant conditions in respect of archaeological interests, etc.
- A9 / Clyne Junction – old schoolhouse. Listed building consent will be required to remove the stone wall to the south side of the curtilage of this property and set down albeit temporarily an override to allow the turning of long abnormal loads.

7.41 A further dimension with the transportation of abnormal loads is the likely short term disruption to traffic on the A9 Trunk Road and local traffic. Concerns have been raised about the potential impact on emergency services, the need to recognise peak traffic follows within local communities from Invergordon to Brora and perhaps seasonally with tourist traffic. The ES presents many practical measures addressing effective management between relevant authorities, agencies and contractors and a communication liaison committee involving many parties. Such measures are not just welcomed but are considered absolutely vital and thereby should be incorporated into a condition of any consent.

7.42 The advice from the relevant Roads Authorities suggests that this development can proceed but only within a framework of legal agreements, conditions and consents. This will ensure that the current integrity of the network is sustained through a wear and tear agreement, local improvements are undertaken with protection for adjacent archaeology and that the transport of all traffic to the site is properly managed. Members have to clearly be satisfied that the options presented with this application are clear and fully understood by all parties. Any consent issued for this development therefore needs to set out clear expectations that the developer will secure: -

- on-site borrow pit working to secure road stone for the construction of on site access tracks, etc.
- on -site concrete batching.
- Long abnormal roads need to be routed via the Clynesh Moss Road, following improvements to the junction with the A9 which requires Listed Building Consent.

Peat Stability, Drainage and Impact of Water Supplies

7.43 Wind farm developments are generally located within upland environments where peat deposits prevail. The Gordonbush site is no exception in this regard. The stability of peat deposits can be affected by the construction activities and / or hydrological changes brought about by the development. For these reasons a detailed non intrusive peat stability assessment has been undertaken by the applicant which included desk study, site reconnaissance and risk assessment. This work has highlighted that the risk of peat instability at the site overall is considered to be low. However local areas are considered to present a moderate risk in areas of some deeper peat and in proximity to local watercourses.

7.44 In its appraisal of the assessment Forestry Civil Engineering, although raising no objection to the proposal, recommends a second stage peat stability assessment.

As Forestry Civil Engineering is assessing the proposal on behalf of the Scottish Executive, their consideration of the situation will no doubt be fully resolved in due course. SEPA has recommended that conditions be imposed requiring the submission of appropriate construction and restoration method statements to cover the prevention and control of any pollution that might arise from these phases of the proposed development. Adherence to these method statements will ensure that risk to the quality of the water environment will be minimised. It is also expected that the construction method statements would incorporate measures to ensure that there will be no adverse impacts upon the quality of private water supplies. SNH also highlight the need for further ground investigations in advance of development and the requirement for appropriate drainage designs and construction methodologies to prevent unnecessary drying out or erosion of peat deposits, managed as necessary through planning conditions.

- 7.45 The Council's own advisor on peat stability has acknowledged the comprehensive risk analysis undertaken by the applicant and all risks being classified as low. From examination of the topography sliding hazard would be regarded as low, although many turbines and access tracks are located close to water courses requiring particular care in respect of pollution and silting. Further information from the applicant confirming that water flows within streams is low, that a set back distance of 50m from streams is to be deployed, further site specific pre-construction investigation are proposed and the adoption of good construction practice should give Members confidence that risk to the environment / water quality will be minimised.

Construction Impacts and General Controls

- 7.46 The application and its supporting Environmental Statement highlights the potential to open up to three on site borrow pits to win 100,000m³ of stone primarily for track construction and turbine construction platforms. The total void required is approximately 115,000m³, the working of which would involve some blasting and rock crushing. Atypical drawings on how the workings might be approach have been submitted and these have assisted with the consideration of the general environmental impact.
- 7.47 There is clear advantage to enable the development proceed utilising local borrow-workings to avoid the need to import material from elsewhere. However more accurate management on the scale and extent of each borrow pit is required including consideration of phased winning of material and site reinstatement. The working of three smaller borrow workings over that of a larger single borrow pit is preferred. Furthermore SEPA and SNH have raised some concerns over possible impacts arising from the working of borrow pits. These issues need to be properly managed through the attachment of appropriate and detailed conditions. Alternatively, the Scottish Executive should request the applicant to advance a detailed planning application for these activities, an approach more favoured by the Council.
- 7.48 It is recognised the operation of the wind farm is some distance from both uninhabited and inhabited properties, over 4 km from the nearest turbine. On site borrow workings, where rock crushing and blasting would occur, are similarly distant. The main consideration is the short-term impact of the initial access improvements and vehicular traffic during the construction phase upon residential properties at

Ascoile. Good construction management adopted through the development phase of this project should minimise the potential detrimental noise impact. The applicant has offered to work within procedures to be agreed with the Council and this should be set out as a condition of any consent.

8 CONCLUSION

- 8.1 This is a significant proposal located in an area which the Council has for some time identified as generally suitable for wind farm development. These views were recently re-affirmed with the development of the Council's Renewable Energy Strategy. That said, the application has taken considerable time to be thoroughly assessed and has required the applicant to come forward with considerable supporting research and details on measures of mitigation to overcome some key ecological and historical interests found within or adjacent to Gordonbush Estate.
- 8.2 Although parts of the initial Environmental Statement were found to be weak, particularly with regard to archaeology and ornithology, further more comprehensive assessments were made available. The complete package of information submitted by the applicant to allow the Council consider this application is now regarded as comprehensive and of sufficient quality and accuracy upon which to reach a recommendation. Many of the submissions have been assessed in detail by statutory consultees who have determined that they are content with the proposals subject to the imposition of appropriate conditions and in some instances legal agreement.
- 8.3 The assessment of the proposal has thrown up issues of concern that have been highlighted by the numerous letters of representation received against the proposal for Members to consider. Principal amongst the concerns has been the potential impact on natural heritage particularly merlin, eagle and golden plover. SNH has advised that if the proposal is controlled by conditions and the imposition of a substantive habitat management plan the proposal is unlikely to have a significant effect on local or regional ornithological interests.
- 8.4 Judgement on the acceptability of the proposals with regard to the landscape and visual impact is a subjective matter. Whilst there are some concerns about the design of the wind farm and its impact on wild land, the site is not one which carries any significant landscape designation, would not be viewed by many in the community, nor would be visible from the principal tourist routes running through Sutherland. The Council has already approved a wind farm development within this landscape and has identified it as an area where a cluster of wind farm projects may well emerge.
- 8.5 With regard to the operational effects and construction of the proposed wind farm, technical consultees suggest there are no major predicted impacts or issues that have either not been addressed during the design process or assessment process of this application, or that cannot be adequately mitigated through the imposition of appropriate conditions. The adoption of good construction standards and practice as promoted by the applicant should ensure that the development can be pursued satisfactorily. There will be short term construction disturbance generally and traffic impact on local roads, although these will be minimised by on - site borrow workings and on-site concrete batching, which require particular consideration. The temporary nature of these works, indeed the whole project does allow for works to

be managed and in many situations for disturbed ground to be restored either after construction or on decommissioning.

- 8.6 The economic impact of the proposal is more difficult to grasp. There are those who fear a detrimental effect on local tourism, however the actual impact may be a lot less than feared, indeed there could even be a positive impact as a result of local projects that are being spawned from the principal development. Local contractors and service suppliers across a range of businesses should benefit from the construction of this large construction project and there should be local economic gain (12 FTE) during the operation of the wind farm.
- 8.7 The application advances a development which does not conflict with the Development Plan and given that there are no material considerations substantive enough to indicate that consent should be withheld a recommendation is made for this application to be supported by the Council subject to conditions as detailed within the recommendation.

9 **LEGAL AGREEMENT**

- 9.1 It is common practice in approving a wind farm development to secure certain matters by way of legal agreement rather than by condition – for example, where financial bonds are to be provided or where actions require the involvement of parties other than the applicant and the Planning Authority.
- 9.2 It would be appropriate for the Council to request a legal agreement to secure the provision of a financial bond for the ultimate restoration of the site. This could also secure a "wear and tear" agreement under Section 96 of the Roads (Scotland) Act 1984 to cover the costs of any damage to the local road network arising from construction traffic associated with the proposed development. Although the applicant has addressed the issue of electro-magnetic interference in the ES, generally concluding that no known television / telecommunication links would be affected by the proposed development, it would be prudent, as requested by the Independent Television Commission, and in accordance with the Council's standard practice, to secure an agreed bonded sum. This money would be held to correct any interference that might be caused to television/radio reception by the proposed wind farm during its first 12 months of operation.
- 9.3 Finally, it is important that the commitment by the applicant to implement the habitat conservation management plan to offset the potentially adverse effects of the proposed development on the natural heritage be made binding through legal agreement. Indeed Scottish Natural Heritage stated the requirement for such an agreement as a condition of that agency withdrawing its objection to the development and that they should be signatories to this agreement.
- 9.4 It will be for the Scottish Executive to finally determine the basis of any consent granted and to determine the basis of the legal agreement either under planning or environmental legislation. If the former, the Council needs to be made aware of the resource implications of any commitment to be a party to the management, monitoring and perhaps enforcement of any agreement as well as the role to be played by other parties including the estate. It may be that the developer would appoint a suitably qualified Project Ecologist to implement this work and report to the Council quarterly. Such appointment to be approved by all relevant parties. A

condition is set out that refers to this matter which the Scottish Executive may deploy.

- 9.5 Members should note in relation to Structure Plan Policy G4, which requires community benefit, discussions have commenced in this regard outwith the confines of the planning assessment.

RECOMMENDATION

Subject to the following terms and conditions detailed below, the Council **support** the application to the construction of a 35 turbine wind farm at Gordonbush Estate by Brora, comprising: -

- 35 wind turbines with three blade rotors operating with a maximum tip height of 107m
- 3 permanent anemometers masts
- one control building with mess facilities, switching gear, control equipment and storage
- a single grid connection substation,
- underground cable connections, primarily adjacent site access tracks
- site access tracks and crane foundations
- three temporary borrow pit workings
- a temporary site compound and two additional lay down areas.

A The applicant enters appropriate legal agreements prior to operations commencing to secure: -

1. A financial bond to implement the conservation / habitat management plan proposed to mitigate the identified potential adverse effects on wildlife and fauna arising from the proposed development
2. A financial bond in connection with a wear and tear agreement to cover the costs of any damage to the local road network.
3. A financial bond for the restoration of the site at the expiry of the permission or after a six month cessation of the operation of the wind farm.
4. A financial bond to correct any interference with television / radio reception during the first 12 months of operation of the wind farm.

B That the following conditions should be considered for any planning permission issued.

The Development

1. The permission hereby granted shall endure for a period of 25 years from the date that electricity is first sold to the grid network, and that the date of sale shall be notified in writing to the Planning Authority within three months of this time. At the end of this time period, unless with the express approval in writing of the Planning Authority, all wind turbines, buildings and ancillary equipment shall be dismantled and removed from the site, and the ground fully reinstated to the written satisfaction of the Planning Authority in accordance with the relevant conditions listed below.

Reason: - The wind farm has been designed with an operational life of 25 years.

2. Except as otherwise provided for and amended by the terms of this approval, the developer shall construct and operate the development in accordance with the provisions of the application, the submitted plans and the Environmental Statement (twice amended with supplementary information). This permission shall be for a maximum of 35 wind turbines, 3 permanent anemometer masts, to be sited as shown on the site layout in the Environmental Statement, Figure 6.1. The prior written approval of the Planning Authority in consultation with Scottish Natural Heritage and the Scottish Environment Protection Agency shall be required for the siting of any wind turbine or access track more than 50 metres from the approved location, any such submission by the developer to include a revised site layout for the location of all turbines and access roads.

Reason – To ensure the development is carried out in accordance with the approved plans.

3. In the event that any wind turbine fails to produce electricity supplied to a local grid for a continuous period of six months not due to it being under repair or replacement, then it shall be deemed to have ceased to be required and, unless otherwise agreed in writing with the Planning Authority, the wind turbine and its ancillary equipment shall be dismantled and removed from the site within the following six months and the ground fully reinstated to the specification and satisfaction of the Planning Authority.

Reason – in the interests of amenity

4. The development includes the implementation of a Habitat Management Plan as proposed by the applicant from the date of construction commencing on site and until all turbines cease to operate, all structures have been removed off site and the ground fully reinstated to the satisfaction of the Planning Authority. The terms of the management plan to be the subject of a separate legal agreement requiring approval by Scottish Natural Heritage in conjunction with the owners of Gordonbush Estate.

Reason – To safeguard and enhance natural heritage interests within the locality.

5. The site shall not be permanently illuminated by lighting without the prior approval in writing of the Planning Authority which, if the lighting is required by law, shall not unreasonably be withheld. No symbols, signs, logos or other lettering by way of advertisement shall be displayed on any part of the wind turbines nor any other buildings or structures without the prior approval in writing of the Planning Authority.

Reason – In the interest of visual amenity.

6. All cables between the wind turbines and the site electricity sub-station shall be laid underground and the ground reinstated to the satisfaction of the Planning Authority prior to the wind farm becoming operational.

Reason – In the interests of amenity.

7. The Wind Farm Operator shall log wind speed and wind direction data continually and shall retain the data which has been obtained for a period of no less than the previous 12 months. The data shall include the average wind speed in metres per second for each 10 minute period. The measuring periods shall be set to commence on the hour or in 10 minute increments thereafter. The wind speed data shall be

made available to the Planning Authority on request. The data shall be provided on a Microsoft Excel spreadsheet in electronic format. In the case where the wind speed is measured at a height other than 10 m, the data shall be supplemented by adjusted values which allow for wind shear, normalised to 10m height. Details of the wind shear calculation shall be provided.

At Wind Speeds not exceeding 12m/s, as measured or calculated at a height of 10m above ground level at the wind farm the Wind Turbine Noise Level at any dwelling or other noise sensitive premises existing at the date of this Planning Permission, shall not exceed:-

(a) during Night Hours, 38dB LA90,10min, or the Night Hours LA90, 10min Background Noise Level plus 5 dB(A), which ever is the greater.

(b) during Quiet Waking Hours, 35 dB LA90,10min or the Quiet Waking Hours LA90, 10min Background Noise Level plus 5 dB(A), which ever is the greater.

At the request of the Planning Authority, following a valid complaint to the Planning Authority relating to noise emissions from the Wind Turbines, the Wind Farm Operator shall measure, at its own expense, the level of noise emissions from the Wind Turbines. The measurement and calculation of noise levels shall be undertaken in accordance with "The Assessment & Rating of Noise from Wind Farms", September 1996, ESTU report number ETSU-R-97 having regard to paragraphs 1-3 and 5-11 inclusive, of The Schedule, pages 95 to 97; and Supplementary Guidance Notes to the Planning Obligation, pages 99 to 109. In comparing measured Wind Turbine Noise Levels with Background Noise Levels, regard shall be had to the prevailing Background Noise Levels as measured at specified properties and shown by the best fit curves in the Environmental Statement submitted with this planning application. In the event of a complaint from a property other than one of the specified properties in the Environmental Statement, the measured Wind Turbine Noise Levels at that other property shall be compared to the prevailing Background Noise Levels at the specified property which is most likely to have similar background noise levels.

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

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

"Wind Speeds" means wind speeds measured or calculated at a height of 10 metres above ground level at the Anemometer Mast locations on the Gordonbush wind farm site shown on Figure 6.1 Environmental Statement.

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

"Quiet Waking Hours" means 18:00 – 23:00 hours on all days, plus 07:00 – 18:00 on Sundays and 13:00 – 18:00 hours on Saturdays.

"Noise Sensitive Premises" means premises, the occupants of which could be exposed to noise from the wind farm and includes hospitals, residential homes,

nursing homes, etc

Reason: In the interests of the amenity of the local environment and to ensure the Planning Authority has access to information to assist with assessment of noise emissions.

Pre Construction

8. Prior to the commencement of development, the final specification of the wind turbine details shall be submitted for the prior approval in writing of the Planning Authority, including the make, model, design, power rating and sound power levels. For the avoidance of doubt, wind turbines on this site shall not exceed 70 metres above existing ground level in hub height and 107 metres above existing ground level in overall height. The wind turbine blades shall all rotate in the same direction and the wind turbines shall be finished in a non-reflective / matt pale grey or other finish as agreed with the Planning Authority. The external transformers shall be dark brown or other finish as agreed with the Planning Authority. Prior approval will require samples of the turbine colour will be submitted to and agreed in writing by the Planning Authority. In addition the noise assessment shall be updated as necessary to reflect the turbine specification chosen.

Reason – In the interests of amenity.

9. Prior to the commencement of development, details including location, means of access, fencing, design, materials and colours/external finishes, of all ancillary elements to the development, including the substation and its connection to the overhead electricity line adjacent the site shall be submitted to and require the approval in writing of the Planning Authority.

Reason – In the interests of visual amenity.

10. Prior to the commencement of development, a Road Assessment Condition Survey to identify the capacity of the public road network from point of origin to the site for the movement of construction materials and equipment, to include any improvement and modification measures necessary to accommodate the transport within the Highland area of normal and abnormal loads, all such costs to be met by the developer, shall be submitted to and require the approval in writing of the Planning Authority in consultation with the Roads Authority and the Scottish Executive – Trunk Road Network Management Division unless otherwise agreed in writing by the Planning Authority in consultation with the relevant authorities of one or more of the Roads Authority and the Scottish Executive – Trunk Road Network Management Division. For the avoidance of doubt no stone or fill material shall be imported to the site from other sources except with the prior written approval of the Planning Authority in consultation with the Roads Authority.

Reason – In the interests of road safety.

11. Following the completion of all approved improvements and modifications to the public road network as set out below, a trial run to be undertaken in the presence of the relevant Roads Authorities to demonstrate that the proposed vehicles can use the route safely to gain access to the site. For the avoidance of doubt, the trial run to be undertaken once the exact dimensions and weight of the wind turbines are known

and by the haulage contractor appointed to deliver the abnormal loads to the site. Any additional measures required to the public road network arising from the trial run to be completed prior to the commencement of any development on site.

- I. A9/Clyne Junction improvement requiring Listed Building consent
- II. Reinforcement of the road over Clynelish Moss
- III. Replace Nam Bam Culverts
- IV. Improve approached to Oldtown and Gordonbush bridges,
- V. Bridge parapet walls lowered and re-erected as required.
- VI. Provision of a new site access as Ascoile off the C6 to acceptable standards including appropriate visibility splays, surface water drainage, signposting and an on site wheel cleaning facility to minimise debris being deposited on the public highway.

Reason: In the interests of road safety.

12. Prior to the commencement of delivery of abnormal loads along the public road network, a detailed traffic management plan, including a programme for the movement of abnormal loads, and a contingency plan in the event of the public road network becoming blocked by a vehicle carrying an abnormal load, shall be submitted to and require the approval in writing of the Planning Authority in consultation with the Roads Authority and the Scottish Executive – Trunk Road Network Management Division. For the avoidance of doubt the principal access to the site off the A9 Trunk Road for all HGV traffic except long abnormal roads shall be along the C6 road from Brora Bridge.

Reason – in the interests of public safety and the free flow of traffic.

13. Prior to the commencement of development, a further Peat Stability Assessment and Mitigation Statement shall be prepared and submitted to the Planning Authority for prior written approval in consultation with Scottish Natural Heritage and Scottish Environment Protection Agency. Best practice and any mitigation measures, including any micro-siting amendments to the location of turbine bases or access tracks and the impact upon peatland habitat interest shall be set out in the Statement for approval. This Statement shall also include proposals for the safe temporary storage of peat until such times as it is used for restoration of the shoulders of roads and tracks, around turbine bases and for other post-construction restoration, with any surplus peat thereafter being removed from the site. The Statement shall also include a rapid reaction strategy for dealing with the consequences of a slide event.

Reason – To safeguard the local environment and public safety.

14. At least two months prior to the commencement of development and as relevant, the developer shall submit a construction method statement for the prior written approval of the Planning Authority in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage. This statement shall detail contractor arrangements for the following:-

- I. the excavation and make-up of internal access tracks and hardstanding areas, including measures to address silt-laden run-off from temporary and permanent access tracks, soil storage and other engineering operations.
- II. A schedule of all watercourses of all sizes affected by the development, with details on how they are to be crossed, a supporting justification for any culverts

and design details for each culvert. Culverts should have no exposed concrete faces with local stone being used to face such surfaces.

- III. construction arrangements for turbine foundations including concrete batching and dewatering arrangements to treat potentially sediment-laden water
- IV. the source of all fill and bulk materials (with clear expectation of local sourcing of crushed rock).
- V. details of the proposed opening, working and reinstatement of on site borrow pit workings, including measures to address silt-laden run-off from any workings, soil storage and other engineering operations .
- VI. identification of waste streams arising from the works, such as peat, spoil and other excavated material, and the means of dealing with these.
- VII. cable laying within the site.
- VIII. construction management operations including site lighting, temporary servicing for workers, vehicle storage and other storage arrangements
- IX. associated vehicle movements and routeing for different phases of construction.
- X. proposals for phasing of operations, including the provision of information on the construction timetable which takes into account the implications of times of the year when high rainfall is more likely.
- XI. construction works compound including its eventual removal and satisfactory reinstatement
- XII. reinstatement of ground post-construction, including re-vegetation of access track edges and hardstanding areas, together with measures to monitor its success
- XIII. arrangements for fuel storage and fuelling, the storage and handling of oils and lubricants, and the handling of cement materials all to prevent any entry to watercourses with contingency plans in the event of spillage
- XIV. surface water drainage arrangements, to comply with “Sustainable Drainage Systems” (SuDS) principles and to prevent erosion, sedimentation or discolouration of water, together with monitoring proposals and contingency plans
- XV. measures to protect water supplies
- XVI. measures to address silt-laden run-off from access tracks and other engineering operations
- XVII. provision of welfare facilities on site during construction and the means of disposal of sewage effluent
- XVIII. mechanisms to ensure that sub-contractors and all other parties on the site are managed and aware of issues and provisions relating to pollution, including emergency procedures
- XIX. arrangements for the prevention of mud and debris being deposited on the public road surface by construction vehicles.

Reason – In the interests of amenity, prevent pollution to watercourses and public safety.

15. Prior to the commencement of development the developer must carry out a survey of existing water supplies arising from and within 50 metres of the site, identifying the exact sources, premises served and distribution network including pipework, surface water streams etc. thereafter a risk assessment must be carried out of the potential detriment to the water supply occurring as a result of this development.

Reason: To ensure that private water supplies are maintained and protected.

16. Details of the survey and assessment must be submitted for the written approval of the Planning Authority in consultation with TEC Services (Environmental Health). The assessment shall include any mitigation measures or amendments to the development necessary to prevent detriment to the water supply. Where a supply is required to be temporarily or permanently replaced, the replacement supply shall provide sufficient quantity of water and meet relevant quality standards. Temporary water supplies must be provided to those affected until permanent mitigation and replacement measures can be implemented. Such permanent measures shall be completed within one month of the erection of any mast or other works affecting the supply, as identified in the assessment, to the satisfaction of the Planning Authority in consultation with TEC Services (Environmental Health).

Reason: To ensure that private water supplies are maintained and protected.

17. Prior to the commencement of construction of the control building, details of the proposed arrangements for the disposal of any foul drainage from the building shall be submitted to and require the approval in writing of the Planning Authority in consultation with the Scottish Environment Protection Agency.

Reason - To safeguard local watercourses.

18. Prior to the commencement of development and as relevant, the developer shall appoint a suitably qualified Project Ecologist, such appointment to be approved in writing in advance by the Planning Authority in consultation with Scottish Natural Heritage. The duration of this appointment shall be determined by the Planning Authority in consultation with Scottish Natural Heritage, and shall be for not less than the construction and post-construction restoration periods of the wind farm.

Reason – To protect the local environment and enhance natural heritage in the area.

19. Prior to the commencement of the development, a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development, including a timetable for investigation, shall be submitted to and require the approval in writing of the Planning Authority in collaboration with the Highland Council's Archaeological Unit. All arrangements thereby approved shall be implemented by the developer at his expense in accordance with the approved timetable for investigation. (The programme for archaeological work should include detailed recording methodologies (including reporting systems), details of exactly when and where archaeologists will be present, provision for on call system of recording inadvertent archaeological finds and monitoring of archaeological work.

Reason – To ensure a record of all archaeological features disturbed by the development.

20. Prior to the commencement of the development, detailed plans be prepared regarding the marking out of archaeological sites, fencing off of access tracks and other developments close to archaeological sites and erecting warning signs to prevent accidental damage during development and provision of an additional passing place 40 metres south of Ascoile. These plans require to be submitted to and require approval in writing of the Planning Authority in consultation with the Council's Archaeological Unit / Historic Scotland before the development starts.

Reason – To safeguard known archaeological interests from accidental damage.

21. Prior to the commencement of development the applicant will provided 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 Airport Authority Ltd, containing the following information:

- The date of commencement of the construction;
- The exact position of the turbine towers in latitude and longitude;
- A description of all structures over 300 feet high
- The maximum extension height of any construction equipment;
- The height above ground level of the tallest structure; and
- If the site will be lit.

Reason: To raise awareness of the site with aviation interests.

Construction

22. The project shall be wholly constructed and commissioned within one construction period in accordance with this approval unless otherwise approved in writing by the Planning Authority.

Reason: In the interests of amenity and minimise any uncertainty.

23. The developer shall undertake all works within the terms of “Guidelines for Preventing Pollution from Civil Engineering Contracts” published by the Scottish Environmental Protection Agency and shall ensure that there are safeguards against pollution of groundwater or any watercourse from all construction activities and ongoing operational activities. In particular all containment and contingency measures in relation to disposal of any foul drainage, oil storage and management, gearbox oil change arrangements and any other necessary pollution avoidance arrangements shall be detailed and require the prior written approval of the Planning Authority in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage.

Reason – to safeguard and protect the local environment.

24. Access to the site by heavy goods vehicles shall be restricted to 0700 to 1800 on Mondays to Fridays and from 0700 to 1200 on Saturdays with no such access on Sundays. Any work on site outwith these times shall only take place with the prior written approval of the Planning Authority, with such approval not unreasonably being withheld. Except in the case of an emergency, written notification shall be submitted at least 4 weeks prior to such works commencing. The appointed contractor shall adopt “Best Practical Means” in controlling noise levels and shall follow guidance contained within BS5228 Part 1 – 1997 – Noise and Vibration Control on Construction and Open Sites.

Reason: In the interests of amenity.

25. Controlled waste, namely peat, soils, rock and other materials produced as a result of construction works or excavation or other operations on site, shall be disposed of only at a licensed facility or re-used strictly in accordance with an activity exempt

waste management licensing controls, as specified within the Waste Management Licensing Regulations 1994, and pre-registered with SEPA.

Reason: - in the interests of amenity.

26. A clear exclusion zone (protection) zone, extending to 25m in width from the local watercourse should be marked adjacent to watercourse closest to turbines 34, 12 and 18, as detailed on the approved plans. No personnel or vehicles should enter this demarcated zone during the construction phase of the development. Details of how this area shall be marked out on the ground should be submitted for approval prior to the commencement of development.

Reason: - In the interests of the local ecology (water voles).

Post Construction

27. All portacabins, containers, machinery and equipment associated with construction, temporary areas of hardstanding, geo-grids and other lay-down materials to be removed and the ground reinstated in accordance with a method statement to be submitted for the written approval of the Planning Authority.

Reason: In the interests of amenity and to ensure that redundant equipment is removed from the site.

28. Temporary masts erected for initial wind monitoring programme tests to be removed and the ground reinstated within 12 months of the wind farm becoming operational.

Reason: In the interests of amenity and to ensure that redundant equipment is removed from the site.

29. Within three months of completion of construction a final Road Condition Survey of construction traffic routes utilised during construction within the Highland area shall be undertaken to identify any reinstatement works necessary to the public road network which can be reasonably attributed to the wind farm construction traffic, such works to be implemented thereafter at the developer's expense to the satisfaction of the Planning Authority in consultation with the Roads Authority and the Scottish Executive – Trunk Road Network Management Division.

Reason – in the interests of public safety.

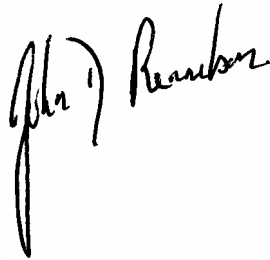
30. Within twelve months of the date of electricity first being generated to the grid network, an indicative scheme for the ultimate reinstatement of the site, including the removal of all wind turbines and ground reinstatement, shall be submitted for the prior written approval of the Planning Authority in consultation with Scottish Natural Heritage and the Scottish Environment Protection Agency. Such scheme will be reviewed and amended as necessary taking into account scheme operation and monitoring at least twelve months prior to actual decommissioning and reinstatement works.

Reason – In the interest of amenity.

Informatives

1. The Council would support / prefer turbines with internal transformers should these become an option through the commissioning process, as opposed to the proposed external transformers.
2. Listed Building Consent will be required for the proposed access improvements by the old Schoolhouse, Brora.

C Separate from the planning consideration, it would be desirable that a community benefit package is finalised prior to the commencement of work on site, and that the Scottish Executive encourage the developer to conclude terms which are satisfactory to the Council



Signature

Designation Director of Planning and Development

Author Ken McCorquodale (01463) 702256

Date 14 June 2007

Background Papers

1. Planning Application Case File 03/236/S36SU
- 2 All other references as cited within the report.

LIST OF OBJECTORS

PROPOSED WINDFARM AT GORDONBUSH ESTATE, BRORA, SUTHERLAND

03/00236/S36SU

1. Kenny Graham, RSPB, Main Street, Golspie
2. Hazel MacMillan, The Flat, Lochiel Place, Dingwall, Ross-shire, IV15 9SB
3. Mrs Diana Royce, Ballinreach, Kintradwell, Brora, Sutherland, KW9 6LU
4. Diana Royce, Chairman/*Landscape* , The Sutherland Campaign for Action to Protect our Environment, Ballinreach, Brora, Sutherland, KW9 6LU
5. Brora Community Council, 5 Dudgeon Drive, Brora, Sutherland, KW9 6PN
6. Mrs E K Faassen de Heer, Sycamore Cottage, Mosshill, Brora, Sutherland, KW9 6LW
7. W P Faassen de Heer, Sycamore Cottage, Mosshill, Brora, Sutherland, KW9 6LW
8. Bob Graham, Craigsview, Inchberry, Orton, Moray, IV32 7QH
9. Mrs Jeremy Clay, Kildonan Lodge, Kildonan Estate, Helmsdale, Sutherland, KW8 6HY
10. Alan M Macdonald, Ballinreach, Kintradwell, Brora, Sutherland, KW9 6LU
11. R B Roseveare, The Point, Brora, Sutherland, KW9 6LX
12. E M Reeves, Director, The London & Northern Estates Company Ltd., Hinwick Lodge, nr Wellingborough, Northamptonshire, NN29 7JQ
13. Edward M Reeves, Kildonan Farmhouse, Suisgill, Helmsdale, Sutherland, KW8 6HY
14. Arthur & Carmichael, Solicitors, Notaries & Estate Agents, Cathedral Square, Dornoch, Sutherland, IV25 3SW on behalf of the proprietors of fishings in the River Helmsdale and the Helmsdale District Salmon Fishery Board
15. Victoria Reeves, Kildonan Farm, Suisgill, Helmsdale, KW8 6HY
16. Sarah Egan, Secretary, Helmsdale Heritage Society, Dunrobin Street, Helmsdale, Sutherland, KW8 6JX
17. Caroline McMorran, Balnacoil, Strath Brora, Sutherland, KW9 6LX
18. Dr Malcolm Rider, Blarich, Rogart, Sutherland, IV28 3UB
19. Dr N G Lindsay, Chairman, Clyne Heritage Society, Sunnybrae, West Clyne, Brora, Sutherland, KW9 6NH
20. Michael J Baird, The Bank House, Dornoch Road, Bonar Bridge, Ardgay, Sutherland, IV24 3EB
21. Air Vice-Marshal W K MacTaggart, Croft Stones, Lothmore, Helmsdale, Sutherland, KW8 6HP
22. Mrs Kathleen MacTaggart, Croft Stones, Lothmore, Helmsdale, Sutherland, KW8 6HP
23. Alun Kelvin-Davies, 133 Fishpool Street, St Albans, Hertfordshire, AL3 4RY
24. Rowland Chamberlain, Station House, Station Road, Crakaig, Loth, Helmsdale, Sutherland
25. A Vittery, 164 West Clyne, Brora, Sutherland, KW9 6NH
26. Ms Penny Woodley, 68 Gartymore, Helmsdale, Sutherland, KW8 6HJ
27. D M Macleod, Burn Cottage, Main Street, Golspie, Sutherland, KW10 6RP
28. Mr and Mrs B J Eagles, Fairburn, 24 Lothmore, Helmsdale, Sutherland, KW8 6HP
29. David Watson, The Hawthorns, Woodland Road, Bristol, BS8 1UQ
30. Fiona Wilkie, University of Bristol, The Hawthorns, Woodland Road, Bristol, BS8 1UQ
31. Philip Wilkie, 36 Border Way, Kirkintilloch, Glasgow, G66 2BB
32. Jackie Caldwell, 28 Oak Road, Cumbernauld, Glasgow, G67 3LH
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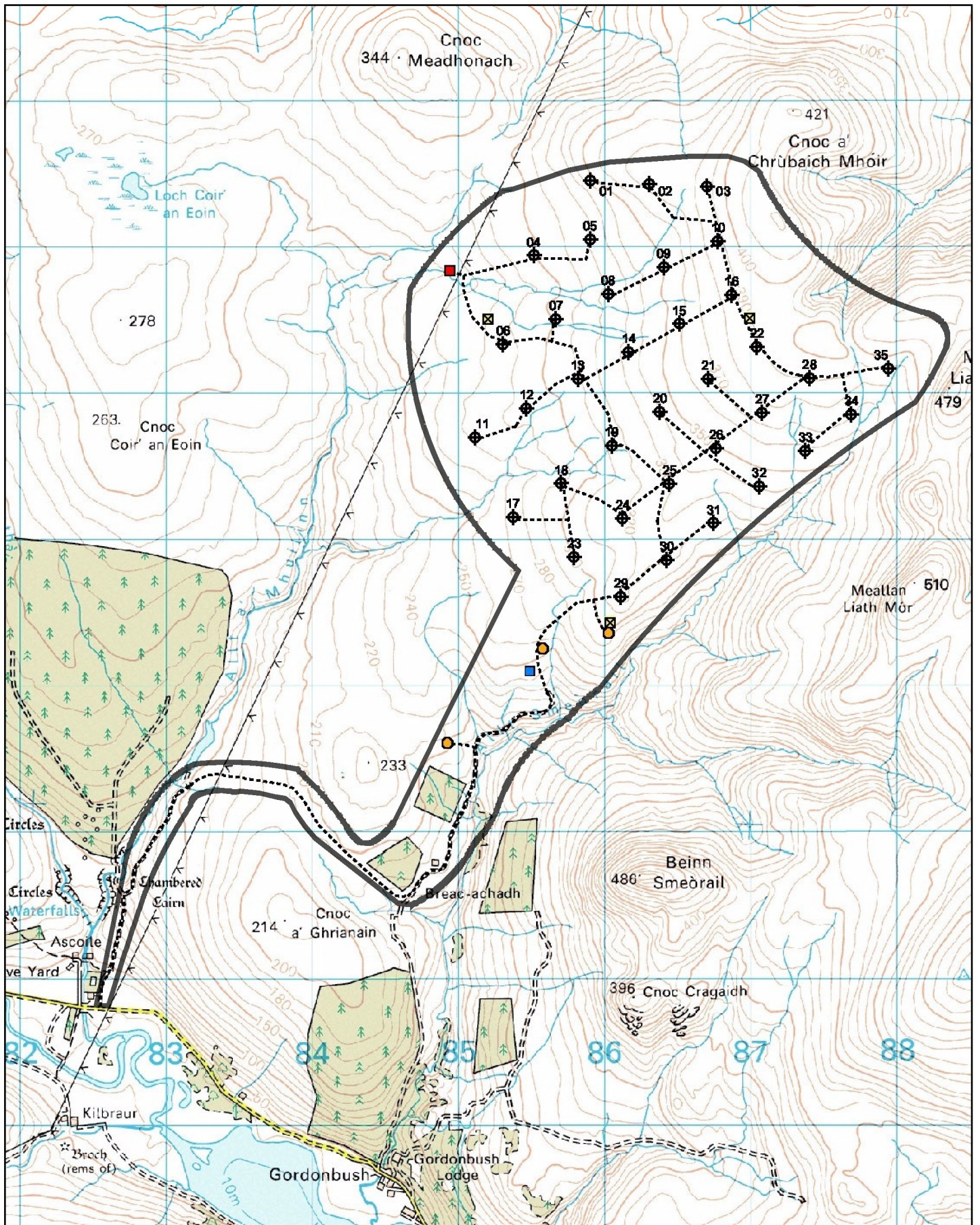
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The Highland Council
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