

THE HIGHLAND COUNCIL
CAITHNESS, SUTHERLAND & EASTER ROSS
PLANNING APPLICATIONS AND REVIEW COMMITTEE –
04 DECEMBER 2007

Agenda Item	2.1
Report No	38/07

RESPONSE TO CONSULTATION BY THE SCOTTISH EXECUTIVE ON AN APPLICATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 FOR CONSENT TO CONSTRUCT AND OPERATE A WIND FARM AT WESTFIELD, BY THURSO BY BAILLIE WIND FARM LIMITED
04/00342/s36CA

Report by Head of Planning and Building Standards

SUMMARY

It is proposed to establish a wind farm development, with optimum output of 63MW, adjacent to the settlement of Shebster, 7.5km south-west of Thurso. The application has been made to The Scottish Ministers under Section 36 of the Electricity Act 1989. The Planning Authority has been consulted by The Scottish Government. If the Council objects the Scottish Government may be required to hold a public local inquiry.

The key issues raised relate to impact upon natural heritage in relation to the Caithness Lochs SPA, cultural heritage and visual amenity. The proposal is a scheme of significant size that has the ability to assist in meeting the Government targets for energy generation through renewable sources, but will have significant local impacts on visual amenity. On balance, the recommendation is that the Council, subject to conditions and agreements, should not object.

The applicant is Baillie Wind Farm Ltd.

Ward 4: Landward Caithness

This consultation is subject to the Council's hearings procedures.

1.0 INTRODUCTION

1.1 The Council has been consulted by the Scottish Executive on an application submitted under section 36 of the Electricity Act 1989 to construct a wind farm with planned output of over 50MW. This is not a planning application. However, should Ministers approve the 'power station,' approval carries with it deemed planning permission under section 57(2) of the Town and Country Planning (Scotland) Act 1997. The Council is therefore an important consultee. As it carries with it deemed planning permission, the format of this report will follow that applied to wind farm planning applications under 50MW.

2.0 PROPOSAL

- 2.1 It is proposed to erect 21 wind turbine generators (reduced from 25), with a capacity to produce up to 63MW of electricity, and associated works. The associated works will include the laying out of access tracks and underground cabling as required, the construction of an electrical sub-station building, and provision of a contractor's compound.
- 2.2 Each wind turbine will have an overall height of 110m from base to tip of blade (70m to hub height with 40m long blades). Foundations will be approximately 2.1m deep and 324sq m in area. The turbines will be laid out in a non-linear fashion in a single group. The turbines will be coloured matt grey. The proposed sub-station building will be of traditional construction finished in white coloured render with slate roof.
- 2.3 The wind farm site is located around 7.5km south-west of Thurso on Bardnaheigh Farm, Westfield, near Shebster. The site comprises of around 560 hectares of a mixture of rough grazing and arable farmland and plantation woodland. The wind turbines are located on the western side of the site, on a hillside. The turbine bases will be located in the range of 75 – 110m above sea level. Access to the site is from the C1 Thurso – Isauld road some 300m west of the entrance to Bardnaheigh Farm. Two overhead power lines run through the site; one 132kV and one 33kV line.
- 2.4 The site is wholly within the catchment of the River Forss. No part of the site is designated at an international, national or local level for its nature conservation interest. However, the closest international designated site is only 2km to the north, Broubster Leans (SSSI) Special Area of Conservation (SAC) the qualifying interest of which are the transition mires and quaking bogs. Broubster Leans also forms part of the Caithness Lochs Special Protection Area (SPA) its qualifying interest being Greenland white-fronted goose, whooper swan, and also greylag goose. Within 5km of the site is the Loch Calder SSSI (also part of the Caithness Lochs SPA), and the Loch Lieurary SSSI designated for its wet meadow and fen features. The closest nationally designated site is the Westfield Bridge SSSI (grassland and wet meadow), located just over 2km to the south-east of the nearest turbine.
- 2.5 There are no formal landscape related designations affecting the site. The nearest National Scenic Area is at the Kyle of Tongue some 35km to the west. There are several proposed Areas of Great Landscape Value within 20km of the site. The nearest are Strathy Point, 15km west, and Dunnet Head, 16km to the east.
- 2.6 With regard to the historic environment, there are seven scheduled monuments within the vicinity of the site and three Category A listed buildings within 10km.
- 2.7 The application is supported by an Environmental Statement (ES).

3.0 PLANNING HISTORY

3.1 There is no relevant planning history associated with this application.

4.0 PUBLIC PARTICIPATION

4.1 The application and the Environmental Statement was advertised in two national (Edinburgh Gazette and The Scotsman) and two local newspapers (The John O'Groats Journal and Caithness Courier) in July 2004. The addendum and the second addendum, which focused on peat stability, to the Environmental Statement were similarly advertised in February 2006 and November 2007 respectively.

4.2 Representations were required to be submitted to the Scottish Government. However, individual letters of objection have also been received by the Council, either addressed directly or as copies of letters to the Scottish Government. At the time of writing, a total of 42 letters of representation against the proposal has been received by the Council. However, The Scottish Government has received 269 representations against the proposal.

4.3 In summary, the **main grounds of objection against** the grant of planning permission are as follows:

1. Adverse impact upon wildlife – particularly geese and whooper swans
2. Landscape and visual impacts
3. Impact upon tourism and thereby the economy
4. Cumulative impacts
5. Lead to population decline
6. Noise nuisance
7. Adverse health effects of moving blades and vibration
8. Impact upon water quality
9. General misgivings of wind energy, including:-
 - Need
 - Government policy
 - Economic viability
 - Greenhouse gas emissions
 - Alternatives
10. Perceived devaluation of property prices*
11. Contrary to the policies contained within the Development Plan
12. Contrary to the Highland Renewable Energy Strategy & Planning Guidelines
13. Degrading areas of peat bog
14. Road safety
15. Impact on cultural heritage/archaeology
16. Loss of television signal

* Denotes not a material planning consideration

3.4 One letter of support has been received directly by the Council. At the time of writing, The Scottish Government has received 13 individual letters of support

and a petition containing around 830 signatories.

3.5 In summary, the **main grounds of support** are as follows:

1. Clean, green and positive alternative to power
2. Support local employment

All letters of representation are available for inspection in the Planning and Development Service at Council Headquarters, Glenurquhart Road, Inverness and will be available at the meeting in Halkirk.

5.0 CONSULTATIONS

5.1 The Area Roads and Community Works Manager comments on the need for the applicant to upgrade sections of the road infrastructure prior to commencement and for the applicant to enter into a Section 96 'wear and tear' agreement under the Roads Scotland Act to ensure that damages to be repaired at the applicant's expense. There is no objection. Further comments regarding technical standards can adequately controlled by condition.

5.2 The Archaeology Unit has concerns regarding the assessment of the potential for buried archaeological remains but has no objection subject to conditions.

5.3 The Council's Access Officer, Caithness views a potential here for a network of paths to be constructed around and through the wind farm site connecting the Cnoc Frieceadain cairns with the C1 public road.

5.4 TEC Services - Environmental Health has not objected to the proposals.

5.5 Caithness West Community Council object to the proposal on several grounds including, visual impact including cumulative impacts, impact on amenity, impact on ornithological interests, and inadequacy of the ES.

5.6 Transport Scotland has made no comment with regard to trunk road impacts.

5.7 Highlands and Islands Airports Authority consider that the proposal is unlikely to impact upon operations at Wick Airport.

5.8 National Air Traffic Services Ltd (NATS) has no safeguarding objection.

5.9 Civil Aviation Authority advises that there may be a need to install aviation obstruction lighting.

5.10 Ministry of Defence has no objection.

5.11 Ofcom advises that two telecommunication operators may be affected by the proposal BT and Thus and that the applicant should have clearance from these licensed link operators.

5.12 Health and Safety Executive has no comments to make on the Environmental

Statement.

- 5.13 Scottish Water. No response received.
- 5.14 SEPA was initially concerned that the proposals did not adequately address the issue of hydrology. This now appears to have been addressed and SEPA raise no objection subject to conditions on the need for a pollution prevention plan and protection of watercourses.
- 5.15 SNH initially objected to the proposal on the basis that the greylag goose interest of the Caithness Lochs SPA and Ramsar site, and Loch Calder SSSI is likely to be significantly affected by the development to the detriment of the integrity of the SPA. SNH raised no objection to landscape and visual aspects of the development, or impacts upon otter and salmon, breeding birds and water vole. SNH has now **withdrawn its objection** to the proposal.
- 5.16 RSPB objects to the proposal as it believes that the ES underestimates the potential risk to Icelandic greylag goose, Greenland white-fronted geese and whooper swan that are all qualifying features of interest of the Caithness Lochs SPA. The mitigation proposed (turbine switch off) may be insufficient to offset potential adverse effects.
- 5.17 Historic Scotland is of the opinion that the proposals would have an unacceptable adverse impact on the historic environment, specifically on the landscape setting of the Cnoc Freiceadain long cairns, on visitors enjoyment and understanding of the cairns, and on our appreciation and understanding of their visual and associative relationship both with the wider landscape and with other scheduled monuments in the vicinity, especially Hill of Shebster chambered cairn and the Cnoc Freiceadain stone rows.

All consultation responses are available for inspection in the Planning and Development Service at Council Headquarters, Glenurquhart Road, Inverness and will be available at the meeting in Halkirk.

6.0 POLICY

- 6.1 While this is not a planning application per se, Members are reminded that any consent carries with it a deemed planning permission under s57(2) of the Town and Country Planning (Scotland) Act 1997. It is therefore appropriate that any determination is made on the planning merits.
- 6.2 Section 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan in this case comprises the Highland Structure Plan (approved March 2001) and the Caithness Local Plan (adopted September 2002).
- 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

Highland Structure Plan (2001)

6.4 The key policies of the structure plan are:

- **Policy G2** – Design for sustainability
- **Policy G6** – Conservation and promotion of the Highland heritage
- **Policy E1** – Distributed renewable energy developments
- **Policy E2** – Wind energy developments
- **Policy L4** – Landscape character
- **Policy T6** – Scenic views
- **Policy BC1** – Preservation of archaeological sites

Caithness Local Plan (2002)

6.5 The applicable policies of the local plan are:

- **Primary Policy 2** – General support for development
- **Landward Area Environment Policy 46** – Protection of scenic views

National Policy

6.6 The following statements of national policy and advice notes apply:

- **National Planning Framework**
- **SPP1** The Planning System
- **NPPG5** Archaeology and Planning
- **SPP6** Renewable Energy
- **NPPG14** Natural Heritage
- **SPP15** Planning for Rural Development
- **PAN45** Renewable Energy Technologies
- **PAN56** Planning and Noise
- **PAN58** Environmental Impact Assessment
- **PAN60** Planning and Natural Heritage

Highland Council's Renewable Energy Strategy and Planning Guidelines (2006)

6.7 The strategy was approved by the Highland Council on 4 May 2006 as

supplementary planning guidance that now forms a material consideration in the determination of relevant planning applications. It is also used to promote appropriate renewable energy development in terms of achieving local business and community benefit whilst seeking to influence national policymaking and regulatory activity.

6.8 **Policy E7 of the Strategy** states that apart from preferred and possible development areas for national and major scale onshore wind farms:

“Elsewhere in Highland there will be a presumption against development. Any proposals for national and major projects will have to overcome a precautionary approach to planning approval. Any development would also need to show that there is no scope for alternative development within other preferred and possible development areas.”

6.9 **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.

6.10 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.

7.0 **ASSESSMENT**

Determining issues

7.1 The determining issues are whether the proposals accord with the development plan?;

- if they do accord, are there any compelling reasons for not approving them?
- if they do not accord, are there any compelling reasons for approving them?

Planning Considerations

7.2 In order to address the determining issues, the Committee must consider a) compliance with the development plan and national policy, b) compatibility or otherwise with the Highland Renewable Strategy and Planning Guidelines, c) the visual impact and impact upon landscape resource, d) the impact on natural heritage e) the impact on built and cultural heritage, f) transport

impacts, g) noise, h) peat stability, construction impacts and control generally, and i) the impacts on the local economy but particularly tourism.

Development Plan and National Policy

- 7.3 The Development Plan is based on policies of sustainability including the use of resources to produce renewable energy. Various safeguards are built into policy wording. Policies G2 (Design for sustainability), G6 (Conservation and promotion of Highland heritage), L4 (Landscape character), and T6 (Scenic Views) of The Highland Structure Plan are all relevant in this regard and require to be given due weight. However, it is Policy E2 (Wind energy developments) which encompasses these matters that is the key policy consideration in assessing this application.
- 7.4 While many objectors challenge the rationale of the UK and Scottish Executive policy on renewable energy, particularly the extent to which on-shore wind farms are promoted, it is not the role of the Planning Authority to review the adequacy of national planning policy or guidance here. This policy and guidance is, however, a material consideration in the determination of this application.
- 7.5 The Executive has recently re-emphasised its commitment to not only 18% renewable output in Scotland by 2010, but 40% by 2020. It is expected that renewable energy, much of which will initially be from on-shore wind farms, will make a significant contribution to electricity supply and reduce dependence upon imported oil, gas, and coal.
- 7.6 Both Scottish Executive and Development Plan Policy is supportive in principle of renewable energy development. Providing that the impacts are not **seriously adverse** or **significantly detrimental** in relation to issues in the locality of the site, the proposals would comply with the Development Plan and Scottish Executive policy and guidance.

Highland Renewable Energy Strategy and Planning Guidelines

- 7.7 According to the Highland Renewable Energy Strategy and Planning Guidelines (HRES), the proposed Baillie wind farm lies wholly within an area where there is a "presumption against" major scale onshore wind development where a precautionary approach to development should be taken. It should be noted however that the Strategy is not intended to be a site specific planning tool, but a strategic document for the siting of renewable energy developments in the Highlands. At this strategic level the Strategy cannot be prescriptive but it does nevertheless provide a starting point for the assessment of a proposal.
- 7.8 The key constraints identified by the Renewable Energy Resource Assessment (RERA), the model that informs HRES, that indicate a presumption against development relate to proximity to houses, visibility from houses, moorland, and archaeology. Should these constraints be overcome through a more rigorous assessment of the site in the Environmental Statement, the precautionary approach could be set aside and the site may

then be considered appropriate for wind farm development. If not, the Highland Renewable Energy Strategy has correctly identified the site as not appropriate for wind farm development.

- 7.9 The applicant believes that taking a site specific approach to assessing the values attributed to the constraints identified would remove the presumption against. It is possible if the proposals were to be 're-scored' in light of this that a 'possible development area' may be created. However, this is not the purpose of the strategy. The strategy seeks to identify suitable areas where there are few constraints. It provides an indication of where proposals may well be acceptable in principle and conversely where the level of constraints suggests that development might not be acceptable.
- 7.10 No detailed justification of alternative sites has been given as required by the strategy. Having said this, the ES does acknowledge that this is only one site considered by the applicants in the north east of Scotland and is believed to be well suited with a nearby 132kV grid connection and ideal wind conditions.
- 7.11 Until such time as a viable turbine manufacturing base is established within the Highlands, it is unlikely that schemes will be capable of meeting with the agreed guideline levels for local content set out above. The applicant has however indicated that they intend to comply with this requirement and aim to use as many local suppliers as possible.

Landscape and visual impact

- 7.12 The turbines lie within a landscape defined as of 'mixed agriculture and settlement' character within the *Caithness and Sutherland Landscape Character Assessment* (SNH 1998). This character is described as 'vast and open – a simple landform covered by a confusion of characteristics – physical, cultural and experiential. The landscape is highly influenced by the activity of people, the extreme nature of the weather and the unique light conditions. It is a landscape in constant change.'
- 7.13 The *Caithness and Sutherland Landscape Character Assessment* (SNH 1998) regards the sensitivity to change on this landscape to be low as it is considered to be capable of accommodating substantial change without loss of its inherent character. While the proposed turbines will become a key characteristic of this particular area and therefore have a significant effect, the proposals will not conflict with the other characteristics of this landscape character type. It is worth pointing out that there are a number of man made features within this landscape, particularly the electricity pylon lines and forestry. These have all become significant features within the landscape, without significantly impacting upon the key characteristics and qualities of the landscape resource. This is likely also to be the case should this wind farm be constructed.
- 7.14 The 'zone of theoretical visibility' (ZTV) contained within the Environmental Statement (ES) indicates that the turbines, will be visible from both Strathy Point and Dunnet Head AGLV's. However, given the extent of this landscape

type within this part of Caithness, the distances involved and the wider panoramic views, the proposed development is unlikely to have a significant effect on landscape character when viewed from afar.

- 7.15 The effects on visual amenity relates to changes to available views rather than perceived changes to whole areas of a distinctive landscape character. The Environmental Statement (ES) provides an assessment of the most relevant views in this case. The changes to views are likely to be most significant for two particular groups; those passing the site by road, and those communities surrounded by the development.
- 7.16 There are two key tourist routes passing the site. To the north is the A836 coastal route and to the west the C1 Thurso – Isauld road that is also a National Cycle Route. The visual experience of the area when viewed from both routes, particularly when travelling east or west for a short distance between Reay and Forss, has the potential to be changed by the proposal. There will be intermittent views from the A9 travelling north but at some distance. The revised proposal for 21 turbines has improved the impact on views along the C1 road through removal of the three closest turbines to it. The development will however continue to remain prominent in the landscape.
- 7.17 Within the immediate area, less than 1km, there are several houses, mainly grouped around Skiall to the north, Shebster to the south and Stemster to the east, but some scattered. There are a further number of properties beyond this, particularly along the Lythmore Road and at Buldoo, which the wind farm would be visible from. The applicant has carried out an assessment of visual amenity from houses which indicates that the majority will not be adversely affected as, despite the proximity, the principal elevations face away from the turbines. There are however several householders who are not stakeholders whose visual experience of the area will be impacted by the proposal. In particular, the properties at Kintail to the south and Stemster House to the east are likely to be significantly affected given their proximity. The topography of the site provides little opportunity to mitigate against this impact on visual amenity.
- 7.18 It is recognised that the acceptability or otherwise of the visual impacts of wind farm developments is largely a subjective matter. Indeed this issue constitutes the majority of representations received against the proposal, while in its consultation response SNH considers ‘that siting and design of this proposal have been carefully considered to minimise adverse impacts on the landscape and visual amenity, following our comments on the original proposal.’ The revised proposal for 21 turbines has provided a development with a more cohesive grouping of turbines and an overall improved design, yet the particular characteristics of the site and proximity to houses means that designing a scheme that will be acceptable in terms of its visual impact is extremely difficult. A distance of 1km from houses is normally recommended. Even where the principal views from properties are not towards the wind farm, at distances of less than 1km, it is still conceivable that amenity will still be adversely affected.

- 7.19 With regard to cumulative impact, it is likely that more than one wind farm would be visible at any one time within the same view. For example, if approved, this development would be seen along with the existing turbines at Forss when travelling along the A836. SNH has indicated that the landscape has capacity to accept these proposals without unacceptable cumulative landscape and visual impacts. This view is not without merit given the settled and developed characteristics of this part of Caithness. However SNH is concerned that the capacity of the landscape to absorb further development in this part of Caithness and the A9 corridor from Dunbeath to Thurso is very close to being reached. The acceptability of Lieurary and South Shebster with regard to their cumulative impact with these other development may be more difficult to accept.

Natural Heritage

- 7.20 There are no natural heritage designations on the site. The site however is known to support a number of species of conservation importance. In particular the site is a feeding area for the Greenland white-fronted goose and Icelandic greylag goose; both Annex 1 species of the EC Wild Birds Directive and qualifying interest of the Caithness Lochs SPA. It is also known to contain a number of European Protected Species listed under the EC Habitats Directive including otter, and several species of bat. Atlantic Salmon, a species also protected by the EC Habitat Directive, are found in Forss Water.
- 7.21 In respect of potential impacts on European Protected Species, SNH advises that the mitigation measures proposed by the applicant for otter are generally acceptable. No bats or signs of bats have been recorded on the site. SNH are content that subject to strict pollution prevention guidelines being implemented, there will be no adverse impact upon Atlantic Salmon.
- 7.22 SNH initially considered that the applicant had not adequately demonstrated that the proposal would not have an adverse impact on the integrity of the greylag goose interest of the Caithness Lochs SPA. However, on submission of further clarification, SNH accepts that the proposal will not adversely affect the integrity of the site. SNH does not consider that the Greenland white-fronted goose and whooper swan qualifying interests of the SPA will be significantly affected by the proposal. RSPB however maintains its objection to the proposal in respect of all three species. As the Council has no specific ornithological expertise, it is entitled to rely on the advice and guidance of the Government's advisors in this respect. In any case, as the Council is not the determining authority but Scottish Ministers it is for the latter to undertake the necessary 'appropriate assessment' required by European law.
- 7.23 The primary habitat on the site is improved grassland. There is no blanket bog on the site, which is classified under Annex 1 of the EC Habitats Directive, but there is a patch of wet modified bog in the area known as 'Yellow Moss' on which it is proposed to locate two turbines. SNH has made no specific comment on the likely impact on this habitat. This habitat would more than likely have been blanket bog at one time that has been significantly degraded. In light of this, the moorland constraint identified by the RERA assessment can

be considered removed.

- 7.24 In view of the above, it is considered that the impacts on species and habitats will not be significantly detrimental.

Archaeology and Historic Buildings

- 7.25 There are no scheduled monuments on the site but there are seven within the immediate vicinity. Historic Scotland is concerned that the proposal will have an adverse impact upon the relationship between and intervisibility of some of what are considered to be the oldest scheduled monuments in Caithness in their landscape setting. This is considered to be a key factor in visitors understanding of their form and function according to Historic Scotland. The sites of particular concern are the Cnoc Freiceadain cairns, Hill of Shebster chambered cairn and Baillie Cairn.
- 7.26 It is accepted that the visual experience of the area will be significantly altered by the proposal as discussed above. However, the sites will retain their respective intervisibility despite the presence of the wind farm since there is no intervisibility between all three sites. The visitor's experience with regard to the archaeological importance of the area should not be significantly affected.
- 7.27 There are a number of unscheduled sites of archaeological interest have been identified. There is therefore considerable potential for sub-surface archaeological remains to be uncovered during ground works. However, a watching brief placed on the construction of all the elements of the development, as well as the creation of buffers around the most sensitive archaeological areas would ensure that archaeological interest on the site can be preserved or, if uncovered, adequately recorded.
- 7.28 There will be no significant adverse impact upon the character or setting of nearby listed buildings. Historic Scotland has not objected to the proposal on this basis.

Transport Impacts

- 7.29 It is proposed to deliver turbines to the site from Scrabster via the A9(T) onto the A836 to Isauld and then onto the C1 to a new site entrance located around 300m west of the existing access to Barnaheigh Farm. Other construction vehicles will approach the site from a variety of routes depending on their point of origin. Visibility at the access is generally good and the proposed junction will allow for heavy goods vehicles to access/egress the site without causing inconvenience to existing users. Subject to ensuring that mud or debris is not brought onto the public road this junction is unlikely to have an adverse impact on road safety.
- 7.30 Transport Scotland who is responsible for the trunk road has no comments to make on the proposal but only a short section of the proposed turbine delivery route will use the trunk road. The Area Roads and Community Works Manager has no objection, subject to a wear and tear agreement to ensure that the

existing integrity of the road network from HGV and abnormal loads is maintained, including the bridge over the Forss Water on the A836, and to a number of other conditions that can be covered by an agreed transport management plan. This would include restricting the use of a number of unclassified roads that lead to the site.

- 7.31 It is not considered that there will be a significant adverse impact on the existing road structures or upon road safety.

Noise and other perceived health impacts

- 7.32 A noise prediction assessment was carried out for five nearby noise sensitive properties at Achiebraeskiall, Stemster, Bardnaheigh, Hillcrest and Skiall, the latter three being properties with a financial interest in the development. It was concluded that predicted levels, based on the measured sound power level of a Nordex N80 2.5MW candidate wind turbine, should be below the lower absolute noise criteria contained within the ETSU-R-97 – *Recommended Good Practice on Controlling Noise from Wind Farms* (DTI, 1997) guidance.

- 7.33 While the development is likely to meet with the ETSU-R-97 levels, the proposed wind farm is not capable of complying with the more stringent night time noise levels required by the Council's Environmental Health function without mitigation in the form of turbine shut down. TEC Services (Environmental Health) has not objected to the proposal. It can therefore be concluded that there will be no significant adverse impact upon the amenity of neighbouring residents as a result of noise, subject to conditions.

- 7.34 Representations received claim that the development will cause adverse health effects through, for example, low frequency noise and shadow flicker. It is unlikely that shadow flicker will be significant issue given the relative distance from sensitive properties. As a general guide, 10 rotor diameters is considered a safe distance. The only property without a financial interest where effects are predicted to be significant is at Achiebreaskiall. Mitigation has been identified in the form of a control system which automatically shuts down the turbines. With regard to low frequency noise, recent advice from TEC Services (Environmental Health) indicates that while the source of low frequency noise is generally industrial/commercial it can also be generated from internal domestic sources such as refrigerators. In addition, there are some natural sources such as the wind, sea and thunder. One of the principal study findings in a 2006 report by the Department of Trade and Industry, *The measurement of low frequency noise at three UK wind farms*, is that infrasound associated with modern wind turbines is not a source which will result in noise levels that would be injurious to a neighbour of a wind farm.

Peat stability, construction impacts and control

- 7.35 Naturally occurring sudden peat slide events are relatively rare in the UK, but are not unknown. Erosion tends to be progressive rather than catastrophic and occurs as a result of natural factors. A comprehensive study of the site with regard to peat has been carried out. This has included a desk study, site

reconnaissance and field testing, and risk assessment. Only two turbines are proposed to be built on peat and the site is of low risk. Scottish Ministers will need to satisfy themselves that this is the case if approving the scheme.

- 7.36 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. The construction method statements can also incorporate measures to ensure that there will be no impacts upon private water supplies.
- 7.37 It is not considered that the amenity of neighbouring occupiers will be unduly affected by noise, vibration or dust created during the construction phases but hours of working should be conditioned to ensure that amenity is not significantly impacted upon.

Impact on local economy/tourism

- 7.38 Separate studies have been carried out by industry and the Scottish Executive into the effects of wind farm developments on tourism and public acceptability respectively. These had indicated both benign and positive effects. Members may not wish to rely on these studies entirely in forming a view given the unique circumstances in Highland.
- 7.39 Having said this, tourism is a key component of the Caithness economy. The applicants have not attempted to quantify the likely effects of the scheme on tourism. Having said this, impacts would be difficult to predict. Most tourists are likely to visit the area to enjoy a wide range of amenities over a wide area and not only the local area. It is considered that the landscape and visual amenity impacts a very localised; however a visitor's experience of the landscape when passing the area on the A836 is likely to be affected to some extent. Whether this is likely to be significantly adverse with regard to tourism is still very much a matter of subjective judgement given the range of individual responses to wind farm development.

8.0 CONCLUSION

- 8.1 Planning Advice Note 58 - Environmental Impact Assessment states that experience shows that there will usually be a small number of major issues, perhaps only one, on which the acceptability of a project hinges and that these major issues should be highlighted in the planning report, drawing on the content of the Environmental Statement. The Environmental Statement is considered to be comprehensive.
- 8.2 As is evident from the assessment, most impacts of the proposed development will not be significantly detrimental and could be adequately controlled through both the mitigation measures proposed or through conditions. The major issue in this case is the impact on visual amenity and its link to tourism but most importantly the localised adverse visual impacts. There

is therefore also a potential issue with regard to the compatibility with Highland Renewable Energy Strategy and Planning Guidelines. This is the issue that constitutes the majority of representations received.

- 8.3 The key constraints raised within HRES were heritage, moorland and proximity and visibility from houses. The applicant has overcome the heritage and moorland constraints. The other two however are closely related to visual impact.
- 8.4 The acceptability of the proposals with regard to their visual impact is a subjective matter. The redesign and deletion of four turbines has greatly enhanced the design of the scheme but has not significantly reduced the localised impacts. If judged to be unacceptable in terms of proximity and views from houses, the development would not overcome these constraints and therefore not comply with the Highland Renewable Energy Strategy and Planning Guidelines or Development Plan Policy.
- 8.5 Given the subjectivity of this aspect of the proposal it is for Members to make this judgement. It is however considered that this development is of a large enough scale to provide a significant contribution to the Government renewable energy targets and on this basis the likely significant adverse impacts on a few in the interest of the many places the balance in favour of the proposal.

RECOMMENDATION

That the Council does NOT OBJECT to the proposals, subject to a prior legal agreement covering;

- site restoration,
- safeguarding against radio or communications interference, and
- a 'wear and tear' agreement to cover any damage to the local road network,

and the following conditions:

1. The permission hereby granted shall endure for a period of twenty-six years from the date that electricity is first supplied to the grid network such date to be notified in writing to the Planning Authority within three months of this time. At the end of this 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 satisfaction of the Planning Authority in accordance with the relevant conditions listed below.

Reason: In order to clarify the terms of permission and to ensure restoration of the site.

2. Except as otherwise provided for and amended by the terms of this approval, the operator shall construct and operate the development in accordance with the

provisions of the Section 36 application, the submitted plan, and the Environmental Statement (as revised by the Addenda and Supplementary Information to the Environmental Statement). This permission shall be for a maximum of 21 turbines, 2 anemometer masts and 1 substation and control building, to be sited as shown on the amended Section 36 application plan showing the amended overall wind farm (Application Boundary and Proposed Site Layout (rev u) , figure number 1.2,). The access track leading to turbines 4 and 10 will be amended as shown on the revised plan forming part of the Second Addendum (Application Boundary and Revised Layout (rev x, figure 1.2) as agreed with the Scottish Environmental Protection Agency. 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 shall include a revised site layout for the location of all turbines and access roads.

Reason: In order to clarify the terms of permission and to ensure restoration of the site.

3. Unless otherwise agreed by the Planning Authority, the wind farm shall be wholly constructed and commissioned within one construction period in accordance with this approval.

Reason: In order to clarify the terms of permission and retain effective control over the development.

4. 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 (whose consent shall not be unreasonably withheld), 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 order to clarify the terms of permission and retain effective control over the development.

5. The site shall not be permanently illuminated by lighting either during construction or operation 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. 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. The noise assessment shall be updated as necessary to reflect the turbine specification chosen. For the avoidance of doubt, wind turbines on this site shall not exceed 70 metres

above existing ground level in hub height and 110 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 semi-matt pale grey colour or other finish as agreed with the Planning Authority. Prior to the commencement of development samples of the turbine colour will be submitted to and agreed in writing by the Planning Authority.

Reason: In order to clarify the terms of permission and retain effective control over the development.

7. Prior to the commencement of development, details, including means of access, fencing, design, materials and colours/external finishes, of all ancillary elements to the development shall be submitted for the prior written approval of the Planning Authority.

Reason: In order to ensure a high standard of design in the interest of visual amenity.

8. All cables between the wind turbines and the site electricity sub-station shall be laid underground and the ground thereafter reinstated to the satisfaction of the Planning Authority.

Reason: In the interest of visual amenity.

9. Within twelve months of the date of electricity first being generated and supplied 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 order to clarify the terms of permission and to ensure restoration of the site.

10. Prior to the commencement of development, the applicants shall submit construction method statements for the prior written approval of the Planning Authority in consultation with Scottish Natural Heritage and the Scottish Environment Protection Agency. These statements shall detail contractor arrangements for the following:

- (i) the appointment of a suitably qualified ecologist to supervise construction activities.
- (ii) detailed justification for any culverting elements and design of such culverting.
- (iii) measures to prevent entry of cement materials to watercourses.
- (iv) the source of all fill and bulk materials.
- (v) identification of waste streams arising from the works, such as peat, spoil and other excavated material, and the means of dealing with these.
- (vi) excavation and make-up of internal access tracks and hardstanding, including measures to address silt-laden run-off from temporary and permanent access

- tracks, soil storage and other engineering operations.
- (vii) construction arrangements for turbine foundations including concrete batching and dewatering arrangements to treat potentially sediment-laden water.
 - (viii) cable laying within the site.
 - (ix) construction management operations including site lighting, temporary servicing for workers, vehicle storage and other storage arrangements.
 - (x) associated vehicle movements and routing for different phases of construction.
 - (xi) 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.
 - (xii) the detailed siting and design of the construction works compound together with associated concrete batching areas including a strategy for their eventual removal and satisfactory reinstatement.
 - (xiii) reinstatement of ground post-construction, including re-vegetation of access track edges and hardstanding areas , together with measures to monitor its success.
 - (xiv) 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.
 - (xv) measures to prevent erosion, sedimentation or discolouration of water courses together with monitoring proposals and contingency plans.
 - (xvi) measures to monitor pre and post construction surface water run off and, where necessary, further mitigation measures to be implemented to manage surface water flow.
 - (xvii) surface water drainage arrangements, to comply with 'Sustainable Urban Drainage Systems' (SUDS) principles, including provision of calculations of pre and post development runoff to equivalent of predevelopment runoff, and sensitivity testing of the effect of large return period rainfall events.
 - (xviii) provision of welfare facilities on site during construction and the means of disposal of sewage effluent.
 - (xix) 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.
 - (xx) contingency measures for periods of unexpected bad weather.
 - (xxi) avoiding excavation close to watercourses where possible, especially in wet weather.
 - (xxii) avoiding construction activity near watercourses suitable for spawning/juvenile fish habitat in sensitive periods.
 - (xxiii) measures for monitoring fisheries during construction.
 - (xxiv) measures including the installation of box culverts, ramps and covers over excavations to minimise potential impacts on otter

Reason: In order to ensure satisfactory construction arrangements and any necessary mitigation.

11. 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 reused 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 order to ensure satisfactory construction arrangements and any necessary mitigation.

12. Notwithstanding the 50m micro-siting allowance set out at condition 2, no turbines shall be located within 20m of a water body. Other than at watercourse crossings, there shall be no construction works within: 10 m of a headwater stream less than 2m wide; 20m of a stream wider than 2m; 20m of a loch or lochan and 50m of any watercourse in areas of peat.

Reason: in order to prevent pollution of any waterbody

13. Within two months of the issue of planning permission, detailed proposals for ornithological monitoring, including vantage point surveys and monitoring of breeding birds, shall be submitted to and approved in writing by the Planning Authority in consultation with Scottish Natural Heritage. As far as is practicable, monitoring will be carried out prior to, during, and for a period of at least five years after the date that the wind farm becomes operational, in accordance with the approved proposals for monitoring. The results of monitoring shall be submitted to the Planning Authority.

Reason: In order to safeguard the conservation interest of the site.

14. Prior to the commencement of development, arrangements for an archaeological watching brief to be carried out on site clearance and excavation works shall be submitted to and require the approval in writing of the Planning Authority. This shall be prepared in accordance with a Specification obtained in advance from the Council Archaeology Unit. No site clearance or excavation works shall take place until that approval has been given and all such works shall thereafter be implemented in accordance with the approved arrangements.

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

- !5. Prior to the commencement of development, the following sites of archaeological/historical interest shall be identified and physically marked out on the ground:

- (a) the sheepfold (ND06NW0100);
- (b) the enclosure (ND06NW0099);
- (c) the two cairns and sheepdip on Stempster hill (ND06NW0037).

Reason: In order to protect any features of archaeological importance and to avoid accidental damage.

- !6. 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 that 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 on a Microsoft Excel spreadsheet in electronic

format. Where the wind speed is measured at a height other than 10m, the data shall be supplemented by adjusted values which allow for wind shear, normalised to 10 metre height. Details of the wind shear calculation shall be provided.

At Wind Speeds not exceeding 12 metres/second, as measured or calculated at a height of 10 metres above ground level (at the location of the meteorological mast shown at location Easting 302610 Northing 965639 on the approved layout plan) the Wind Turbine Noise Level at any house or other Noise Sensitive Premises shall not exceed:-

- (a) during Night Hours, 38 dB LA90,10min, or the Night Hours LA90,10min Background Noise Level plus 5 dB(A), whichever 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), whichever is the greater, and
- (c) at all times 45dB LA90, 10 min or the (Day/Night as appropriate) Hours LA90, 10min Background Noise Level plus 5dB(A) , whichever is the higher in respect of any house where the occupier is a stakeholder in the development.

providing that this condition shall only apply to dwellings or other Noise Sensitive Premises lawfully existing at the date of this Planning Permission.

At the request of the Planning Authority and 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 and Rating of Noise from Wind Farms", September 1996, ETSU 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 Section 36 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, 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 on the site at a specified Ordnance Survey grid reference agreed

with the Planning Authority.

“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 existing premises, the occupants of which could be exposed to noise from the wind farm and includes hospitals, residential homes, nursing homes, etc.

Should the noise levels be exceeded, the Wind Farm Operator shall take immediate steps to ensure that noise emissions from the Wind Farm are reduced to the aforementioned noise levels or less, to the written satisfaction of the Planning Authority.

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

17. Access to the site by heavy goods vehicles shall be restricted to 07.00 to 19.00 on Mondays to Fridays and from 07.00 to 12.00 on Saturdays with no such access/egress on Sundays or Bank Holidays (always excepting the delivery of abnormal loads under escort. Unless agreed in writing by the Planning Authority in advance, any construction activity involving audible noise from cutting, hammering and welding shall also be subject to the foregoing hours restriction.

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

18. The developer shall undertake all works within the terms of “Guidelines for Preventing Pollution from Civil Engineering Contracts” published by the Scottish Environment 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: In order to prevent pollution of groundwater or any watercourse.

19. Prior to the commencement of construction of the substation and control and maintenance building, full details of design, materials and construction, including 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: In the interest of visual amenity and to prevent pollution of groundwater or any watercourse.

20. The development shall be carried out in accordance with a Road Safety and Traffic

Management Plan to be submitted to and agreed in writing by the Roads Authority prior to the commencement of the development. This plan shall cover:

- allowing traffic to pass on at least 3 occasions during the transportation of abnormal loads;
- utilising optimal size abnormal load convoys to reduce incidences of delay;
- appropriate route and signage for contractors and public safety;
- co-ordination of abnormal loads with Network Rail and rail operators;
- appropriate contingency plans in the event of breakdown; and,
- the avoidance of potential combined effects with other wind farm construction traffic.

Reason: In order to minimise the impact of construction of the development on the public road network and its users.

21. Prior to the commencement of development, the applicant shall provide the Ministry of Defence (Defence Estates - Safeguarding) and CAA with the following information, a copy to be submitted to the Planning Authority:

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

Reason: In order to ensure aviation safety.

22. Within one month of the commissioning of the final turbine, the applicant shall provide the CAA and MOD (Defence Estates - Safeguarding) with written confirmation of the date of completion of construction, the height above ground level of the tallest structure and the latitude and longitude of that structure, with a copy to be submitted to the Planning Authority,

Reason: In order to ensure aviation safety.

23. Fixed low intensity red navigation warning lights shall be installed on the nacelle of turbine 5. Details of cut-off shields to reduce their visibility from ground level shall be submitted to and approved in writing by the planning authority prior to the commencement of the development.

Reason: In the interests of aviation safety and visual amenity

24. Prior to the commencement of development, the applicant shall provide the Planning Authority with further details in respect of how they intend to address the aspiration for local content in capital expenditure identified by Policy N1 of the Highland Renewable Energy Strategy and Planning Guidelines.

Reason: To accord with the Highland Renewable Energy Strategy and Planning Guidelines requirement for more targeted local placement of capital and other contracts from developments.

Signature:

Designation: Head of Planning and Building Standards

Author: David Mudie, Team Leader (01463) 702255


Background Papers: Case File

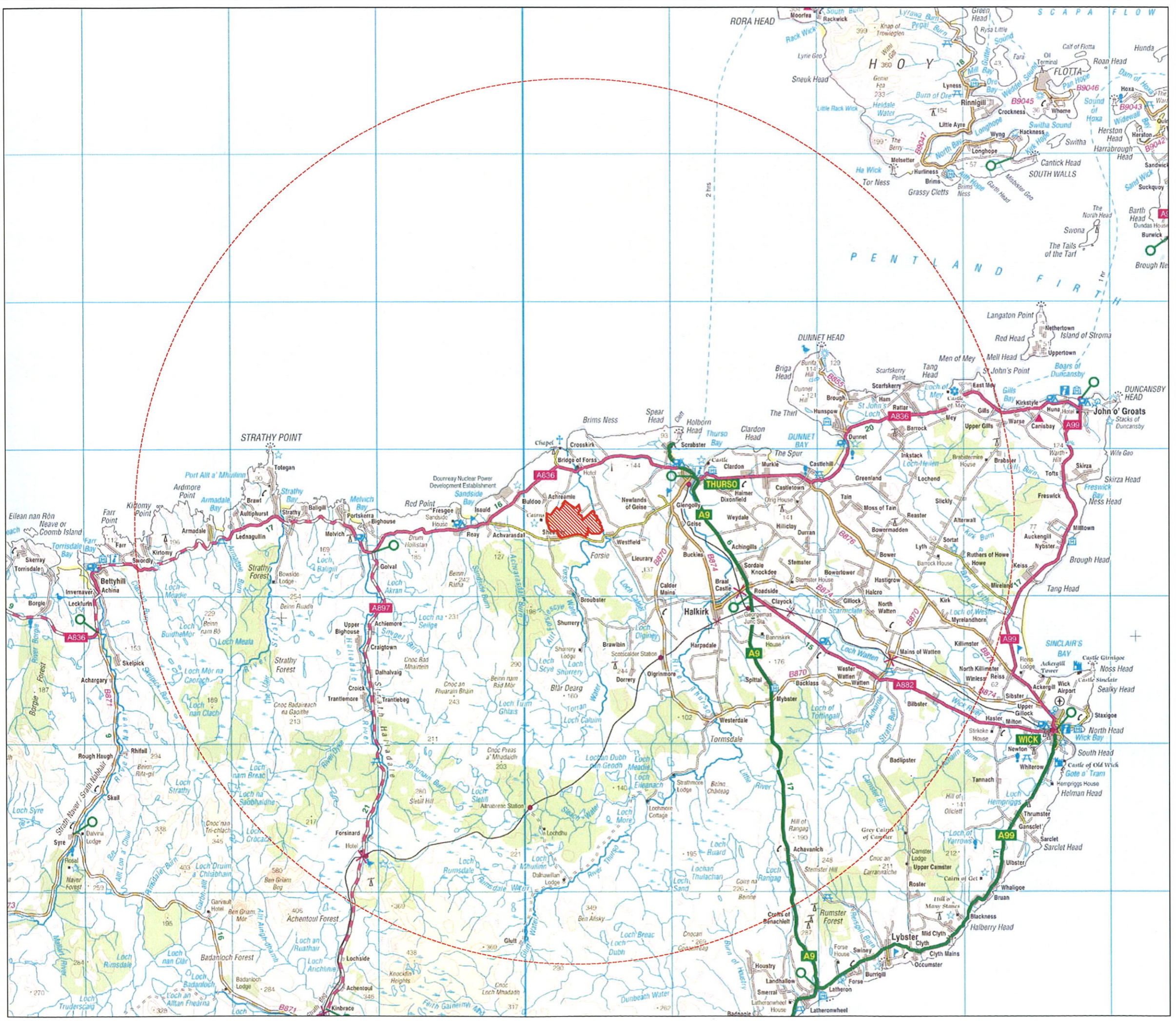
Date: 22 November 2007

Baillie Wind Farm Ltd

RPS

Key

-  Site location
-  Study Area boundary (30km radius from site centre)



Scale 1:250,000 @ A3



Site Location Plan

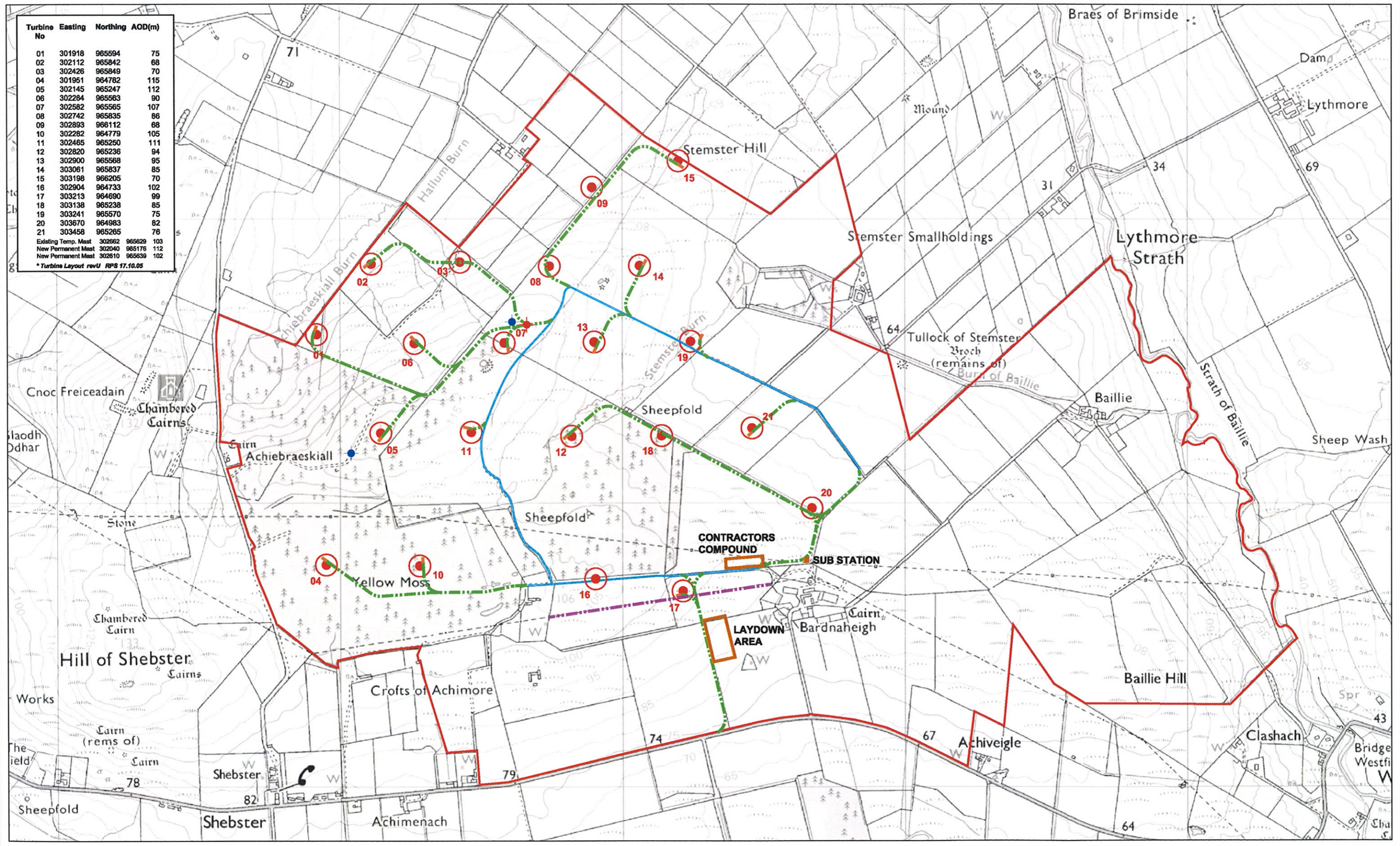
Figure No 1

**Baillie Wind Farm
ES Addendum -
Non-Technical Summary**

Turbine No	Easting	Northing	AOD(m)
01	301918	965594	75
02	302112	965842	68
03	302426	965849	70
04	301951	964782	115
05	302145	965247	112
06	302284	965563	90
07	302582	965565	107
08	302742	965835	86
09	302893	966112	68
10	302282	964779	105
11	302465	965260	111
12	302820	965236	94
13	302900	965568	95
14	303061	965837	85
15	303198	966205	70
16	302904	964733	102
17	303213	964690	99
18	303138	965238	85
19	303241	965570	75
20	303670	964983	82
21	303458	965265	76

Existing Mast	302662	965629	103
New Permanent Mast	302040	965178	112
New Permanent Mast	302610	965639	102

* Turbine Layout revU RPS 17.10.05



Baillie Wind Farm Ltd

Key

- Planning Application Boundary
- Turbine Locations
- Existing track
- Temporary contractors compound and Laydown Area
- Proposed temporary access tracks
- Proposed permanent access tracks
- Section of Overhead Line to be Undergrounded
- New Permanent Masts (302040,965178) (302610,965639)
- Existing Mast (302662,965629)

Scale 1:12,500 @ A3



Application Boundary & Proposed Site Layout (rev U)
Including track layout
Figure No 1.2

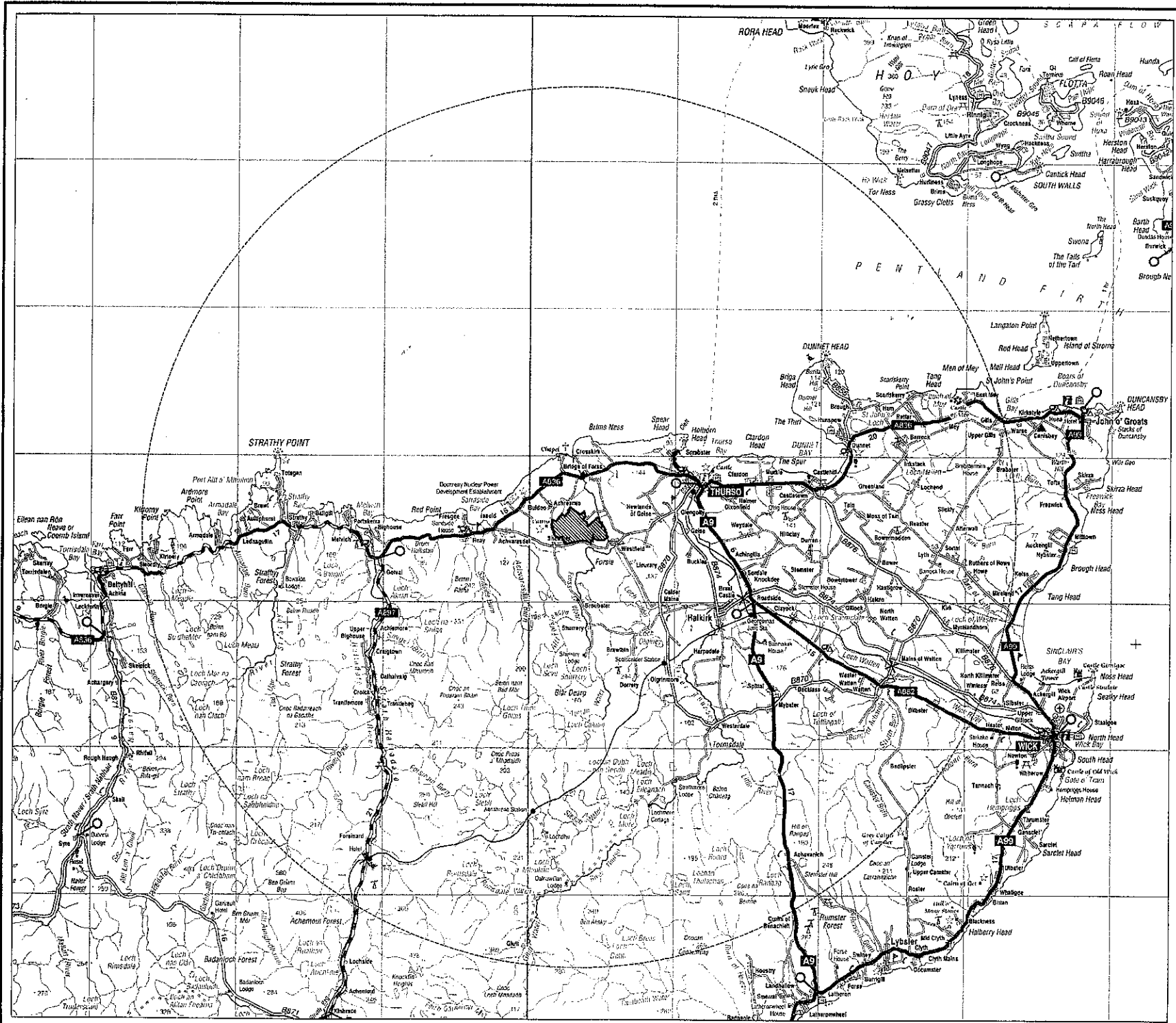
Baillie Wind Farm ES Addendum

Baillie Wind Farm Ltd



Key

-  Site location
-  Study Area boundary (30km radius from site centre)



Scale 1:250,000 @ A3
 0 2.5 5 10km



Site Location Plan
 Figure No 1

Baillie Wind Farm ES Addendum - Non-Technical Summary