

**THE HIGHLAND COUNCIL**

**CAITHNESS, SUTHERLAND AND EASTER ROSS PLANNING  
APPLICATIONS AND APPEALS COMMITTEE  
13 January 2008**

Agenda Item	2.2
Report No	02.09

**Construction of 25 turbine wind farm and associated development at Cnocan Buidhe,  
Camster, Lybster, Caithness.**

**04/00573/FULCA**

**Change to the proposed access route to proposed wind farm at Cnocan Buidhe, Camster,  
Lybster, Caithness.**

**08/00090/FULCA**

**Report by Director of Planning and Development**

**SUMMARY**

The proposal is to erect a wind farm of 25 wind turbines at Cnocan Buidhe, Camster. The wind turbines have a tower height of 80 metres and total height of 120 metres to the rotor tip with a blade diameter of 80 metres. The wind farm has a maximum output of 50 megawatts. Permission is sought for an operational period of 25 years.

The amended site access (application 08/00090/FULCA) means that the wind farm developer will use the access to the approved Achairn wind farm from the A882(T) which will be extended through forestry to the wind farm site. This avoids use of the Tannach Road for construction traffic.

The nearest house where the owner is not invested in the wind farm is 1.45km from a turbine.

The site lies within 750m of Sites of National and International Importance (SSSI, SPA, SAC, Ramsar) for supporting one of the largest and most intact areas of blanket bog in the world and by supporting a number of rare plants and animals and internationally important populations of birds such as hen harrier, merlin, dunlin and greylag geese during the breeding season. Provided planning conditions and a legal agreement covering habitat management are applied to any permission SNH would withdraw its objection to the proposals.

132 letters of representations against the proposals and 311 (late) letters of support for the proposals have been received.

The key considerations are Scottish Government (including meeting Government renewable energy targets) and Highland Council Policy and Guidance, amenity considerations and traffic impacts during construction, the impact on the SSSI/SPA/SAC/Ramsar site, the potential effects on tourism and the landscape and the cumulative visual impacts of this and other consented wind farms on the landscape of Caithness.

The recommendation is to **grant planning permission** subject to referral to Scottish Ministers, a prior legal agreement and conditions.

**The application is subject to the Council's hearings procedure**

The applicant is E.ON UK Ltd

**Ward 4:** Landward Caithness

## **1.0 Site description**

- 1.1 The proposed development is located on the upland area known as Cnocan Buidhe approximately 7km south of Watten, 11km west of Wick and 16km north of Lybster. The nearest village to the proposed site is Watten at a distance of approximately 7 km from the closest turbine. The nearest dwelling to the site is Lower Camster at 1.13km south east from the nearest turbine. This property is owned by the land owner of the wind farm site and he has a financial interest in the development. To the north west of the site are the non-stakeholder residential properties of Rowens at 1.45km from the nearest turbine and to the north of the site, the residential property of Scoriclet at 1.8km from the nearest turbine.
- 1.2 To the east of the site the Achairn Burn flows in a north-east direction to join the Wick River. To the west and north of the site the Camster Burn flows in a northern direction to also join the Wick River. The closest turbines are shown sited 0.75km from the Camster Burn and in very close proximity to the streams feeding the Achairn Burn. The site is located within these two drainage catchment areas.
- 1.3 The proposed wind farm site covers approximately 356 hectares of which 70% is coniferous forest planted on undulating peatland with an average coverage of 1.1 metres of peat but with depths of up to 4m in several locations on the site.
- 1.4 The extensive Caithness and Sutherland Peatlands, Special Protection Area (SPA), Special Area of Conservation (SAC) and RAMSAR site, The Shielton Peatlands Site of Special Scientific Interest (SSSI), SAC, SPA, RAMSAR and the Oliclett SSSI SAC, SPA, RAMSAR sites lie within 750 metres of the wind farm. These areas are unique for supporting one of the largest and most intact areas of blanket bog in the world and by supporting a number of rare plants and animals. The SPA sites are designated for their bird interests supporting internationally important species of greylag geese and dunlin and a wide range of EU Birds Directive Annex 1 species, notably red and black throated diver, hen harrier, merlin, eagle, golden plover, wood sandpiper and short eared owl.
- 1.5 The area is highly sensitive with regard to the archaeological resource. The most important monument is the Camster Cairns (Grey Cairns of Camster) lying 1km to the south of the wind farm site. In the local area features have been recorded dating from the Neolithic (c 4000-6000 years ago) to the medieval and post medieval. At Oliclett, only 3.6km from the site evidence of Mesolithic activity (7000- 10,000 years ago) has been found. Near the wind farm site is a recumbent stone circle, brochs, hut circles and other evidence of long standing human occupation of the area.

## **1.6 The proposal**

- 1.7 The application is in detail and consists of 25 x 80 metre high towers with tri-blade driven turbines giving a total height of 120 metres to the rotor tip. The proposed turbines would be located on the Cnocan Buidhe at heights ranging between 100m and 50m above sea level and 14 of the turbines and the access tracks are proposed to be located within the existing forestry area to avoid unplanted blanket peat bog areas. It is proposed to clear fell about 295 hectares of immature commercial forestry, mostly Sitka Spruce and restore the peatland habitat by drain blocking and tree mulching.

1.8 HGV and major turbine component deliveries to the site from Wick Harbour would use the A882 to the Achairn wind farm and then westwards through the forestry tracks to the site. The applicants will use an on-site concrete batching plant to reduce the amount of HGV traffic to the site.

1.9 The proposal includes:

- a layout for the 25 turbines with 16m x 16m x 1.5m foundations and 50m allowances for 'micrositing';
- external transformers of 2m x 2m x 2m;
- 8.8 km of new site access tracks; 4.5m wide with 10m wide passing places;
- crane hard-standing areas measuring 20m x 50m adjacent to each turbine base to remain in situ but re-turfed;
- switchgear and metering control building approximately 12m x 8m by 6.5m high with permanent foul drainage system – the detailed design of this building to be agreed prior to any development commencing, and may be within the existing Badlipster farm building;
- a permanent 50m lattice anemometry mast;
- a temporary construction compound 60m x 60m to include temporary concrete batching plant, lay down areas for component and material storage, site offices, toilets and mess, diesel fuel tanks, containers for tool and equipment, vehicle parking;.
- one potential borrow pit site (no details provided); and,
- underground cabling.

1.10 The turbines will be spaced approximately 500 metres apart to maximise the efficiency of the turbines. The turbines will be finished in a pale grey or a pale blue/pink semi-matt finish. The total proposed output is estimated to be up to 50MW. Turbines have been sited to allow 50 metre minimum separation distances from watercourses. It is anticipated the grid connection cable would run underground from the on-site metering building to a grid connection point at Mybster substation but a precise route for this has yet to be determined

1.11 The application is accompanied by an Environmental Statement. The following supplementary information has also been submitted since the application was lodged in 2004.

- Submission of further ornithological data – 1<sup>st</sup> July 2005;
- Submission of further landscape and visual assessment of the proposals on the scheduled monuments – Camster Brochs. – 8<sup>th</sup> July 2005;
- Details of consultations and mitigation for telecommunication in the vicinity of the wind farm. – 11<sup>th</sup> May 2005;
- Indicative design for bus turning area at Camster Cairns – 14<sup>th</sup> September 2005;
- Applicant's response to SNH Consultation response - 18<sup>th</sup> November 2005;
- Wintering Bird and Protected Species Surveys 2005-6 Report and assessment update – 14<sup>th</sup> June 2006;
- Report on Assessment of Peat Stability for Proposed Camster Wind farm – March 2007;
- Additional ornithological submissions to the Highland Council and Scottish Natural Heritage – March 2007;
- Land Management Plan – November 2007;and
- Independent 'Appropriate Assessment' for Camster Wind Farm – June and August 2008.

- 1.12 The application for the amended site access proposes the use of the access to the Achairn wind farm from the A882(T) and thence through the forestry to the site thus avoiding use of the Tannach Road for construction traffic. This application relates only to the section of access track from the A882 to the forestry at Cnocan Buidhe. The proposed route would enable the wind farm site to be accessed with minimal disruption to local residents and businesses.

**The planning applications, Environmental Statement and supplementary information is available for inspection in the Planning and Development Service at HQ, Glenurquhart Road, Inverness and at the Area Planning and Building Standards Office, Market Place, Wick, Caithness and will be available at the Committee meeting.**

## 2.0 Planning History

- 2.1 Planning permission was granted in 1981 to extract peat from part of the site and this shall require to be taken account of in the future use of the site and any site restoration agreement.
- 2.2 Wind power developments within 30km of Camster that had been approved, were subject of appeals, or were applications yet to be determined at the time this application was made and were included in a cumulative assessment are :-

Causeymire - 55MW – 21 turbines - Operational  
Boulfruich - 12.75MW – 15 turbines - Operational  
Flexhill - 4.5MW – 3 turbines - Operational  
Burn of Whilk – 50MW – 13 turbines - yet to be determined  
Achairn – 6MW – 3 turbines – under construction

Since January 2005 there have been several other applications for wind energy development in Caithness but these are not required to be included in the cumulative assessment for this proposal.

## 3.0 Public Participation

- 3.1 The application has been advertised under Section 34 of the Planning Act and as a departure from the Development Plan. 132 individual timeous letters of objection and a petition containing nine signatures have been received. A further 311 letters of support have been received between late 2007 and the present time.
- 3.2 In summary, the **main grounds of objection against** the grant of planning permission are as follows:

- The adverse impact of construction traffic on residential properties and the local road network, particularly Blingery road and Tannach road
- The adverse effects of traffic and construction noise
- The adverse effect of construction traffic on farms and businesses
- The adverse effects of construction traffic on pedestrian safety.
- The adverse effect of construction traffic on road structures and bridges.
- The adverse effect of construction traffic on emergency services.
- The adverse effect of the proposals on visual amenity
- The adverse effect of the proposals on open moorland views

- The adverse effect of the proposals on tourism
- The adverse effect of the proposals on the ecology of burns and the Wick River system
- The adverse effect of the proposals on the nearby archaeological sites particularly the Grey Cairns
- The adverse cumulative impact of several wind farms in the area.
- The proposals are contrary to the Structure Plan Policies G2, G6 and G4
- The adverse effect on field sport and falconry tourism
- Premature – lack of coherent policy
- Tree felling grant money wasted\*
- Adverse affect of the proposals on protected birds
- Peat slide assessment not adequate
- Grid connection not detailed or secured.
- No economic benefit to the area.
- Loss of forest tracks for horse riding
- Too far from electricity markets to be effective
- Adverse effect on house prices\*

\* Denotes - not a material planning consideration

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

1. Clean, green and positive alternative to coal, gas and nuclear power
2. Support local employment
3. The development will provide community benefit
4. No adverse impacts on environment.

Two objections from residents directly affected by the original access proposal have been withdrawn following the amendment to the access route.

3.4 The Royal Society for the Protection of Birds objected to the proposals as submitted stating that, *“We have concerns regarding the potential impact on species associated with the adjacent Caithness and Sutherland Peatlands Special protection Area (SPA), subject to the provision of further information and clarification of existing data. Furthermore, we are concerned with the potential adverse impact on an area of blanket bog that is in itself an internationally important habitat.”*

RSPB recommends that further bird studies are required particularly for hen harrier and consider that turbines 20 to 25 should be removed from the scheme to preserve the blanket bog and breeding bird area. It also considers that tree mulching should be used instead of ‘fell and place in furrow’ forest removal.

3.5 Supplementary information was sent to the Society by the applicant in July 2005 for its review. The Society recommend that:

- Further winter survey work is undertaken in order to adequately assess the potential impacts of this scheme;
- Further information is provided regarding the collision risk calculations, which still lack sufficient detail to check and verify the modelling and predicted impact;
- Comments relating to mitigation outlined in previous correspondence are maintained.

- 3.6 Following a meeting between RSPB, SNH and the applicant on 12 December 2007, RSPB believe that the applicant has now supplied sufficient information in the required format to enable the Council to make an 'appropriate assessment'. Once an appropriate assessment has been carried out RSPB would be willing to remove their objection subject to conditions that any habitat enhancement package, monitoring proposals and construction method statement should be approved in detail as part of a binding Section 75 agreement prior to works commencing.
- 3.7 The Caithness Archaeology Trust commented that by routing the road building materials over the Haster road, an opportunity would be lost, to improve the Camster road and to lay out a bus turning area at the Grey Cairns. This would be a significant improvement to the presentation of the cairns to the public. The Trust is concerned that any grid connection should not run to the south over the Yarrows Hills. There is huge tourist potential in this very special area of Caithness and great care must be taken in considering any development within it.
- 3.8 12 letters of representations against the amended access proposals have been received. The grounds of objection are wide ranging and relate broadly to the wind farm proposal and are summarised above. An objection from a householder at Achairn to the route of the access has been withdrawn after seeing the construction of the Achairn wind farm access.

**The full text of 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 Committee meeting in Caithness.**

## 4.0 Consultations

- 4.1 Tannach and District Community Council initially registered their objection to the proposed access route to this wind farm and note that signs at both ends of the Tannach Road warn that it is unsuitable for coaches. Concerns include road safety, traffic congestion and delays, access for emergency vehicles, noise, dirt and disturbance, loss of amenities such as walking, cycling, walking dogs, farm vehicle and animal movements as well as general movement between neighbours. Concern is also raised regarding the use of the Tannach road for HGV's transporting rock and the fact that the road is often used as a bypass when the A9 is blocked. They suggested that the applicant should upgrade the Camster road which would allow access for all sizes of vehicles not only for residents on that road, but for visitors to the world renowned Camster Cairns and be an investment for the county and the future. The Community Council consider that upgrading the Tannach road, though desirable, will make no material difference to the area.

In their letter of 11 March 2008 the Community Council state that; "After studying the details of the amended access route for this development we feel that the proposals now fully answer the concerns of our local community members as express previously. The only condition we would hope to see imposed is that construction traffic should use the A9, A99 and/or A882 and not the single track roads such as the C15 Thrumster to Haster Road and the B870 Mybster to Watten Road.

- 4.2 Watten Community Council has made no comment.
- 4.3 Lybster, Latheron and Clyth Community Council has made no comment.

- 4.4 TECS- Caithness Area Roads and Community Works Manager has no objection to the proposals subject to conditions being attached to any consent requiring details of
- haul routes for HGV traffic,
  - sources and tonnages of materials etc and a programme of works,
  - a detailed assessment of haul routes for turbines and effects on road structures,
  - full details of access design to be submitted
  - the access to be concreted with 10m set back from edge of public road and 6m wide at the entry. Visibility splays of 4.5m x 180m at the access should be provided and maintained,
  - wheel washing facilities to be provided at the access,
  - an abnormal Loads consent shall be required
- 4.5 TEC Services - Environmental Health has no objection in principle subject to conditions being applied relating to noise and working hours.
- 4.6 Highland Council Access Officer  
Unless there are over-riding implications for health and safety the access tracks formed for the development should be suitable for multi-user access development (Horse/cyclists/pedestrians). The Camster scheme offers significant access opportunities and could potentially be considered within any future proposed Core Path Networks for the area. There is also opportunity to extend the footpath from Wick to Haster and to make access to the countryside easier.
- 4.7 Highland Council Archaeology Unit initially commented that because access/design issues were not resolved they would require to be consulted once these matters were finalised. However it was noted that any permission would have to be subject to archaeological conditions to allow for recording of archaeological sites in advance of their possible destruction. Due to the nature of the site (peat cover and forestry) it is unlikely that the full extent of archaeological sites have been identified with a walkover/desk top study. A fuller assessment may be required once design/access details are finalised. The applicant should offer compensatory facilities as part of the mitigation of any negative effect on the heritage based tourism in the area The views of the local community regarding the proposals on their archaeological/cultural heritage should be taken into consideration. A condition is recommended requiring that a Heritage Interpretation and Access Plan be prepared and implemented by the applicant.
- 4.8 Scottish Government – Air Climate and Engineering Division has made no comment.
- 4.9 Historic Scotland is concerned that the Environmental Statement did not initially present a full assessment of all nationally important sites in the area and requested further visualisations be supplied to enable a decision to be reached on the wind farm's impact on the setting of the nationally important sites in the area. They were particularly concerned with the Camster Brochs and the siting of turbines 1, 2 and 3. Following receipt of further information and visualisations from the applicant Historic Scotland stated on 21 September 2005 that they had reviewed the visual information and had no comments to make. They were therefore content with the revised environmental statement and have no further comments to make on the application.  
However, Historic Scotland has reservations to any changes to the immediate environment of the Grey Cairns including such items as bus turning area and a

visitor parking/picnic area and interpretation as they do not see any evidence of demand for such facilities.

4.10 Scottish Water has no objection to the proposal. The development will not impact on the catchment area for Scottish Waters interests but any borrow pits must be located outwith the Loch of Yarrows catchment area. If this area is to be considered for borrow pits Scottish Water shall require details of location, type and timescale of activities before an investigation stage could begin.

4.11 Scottish Environment Protection Agency  
SEPA considers the content of the applicant's ES acceptable subject to conditions requiring

- the submission of a full site specific Construction Method Statement (CMS),
- satisfactory pollution control measures in relation to the substation and control building and grid connection area,
- submission of a peat management scheme in order to ensure that the carbon benefits of the scheme are maximised.

Details of water abstraction for possible concrete batching plant and details of water crossings should be detailed in the Construction Method Statement (CMS).

4.12 Scottish Natural Heritage

In their letter of 6<sup>th</sup> September 2005 SNH objected to the proposal as follows:-

- Landscape and visual impacts: Although SNH is not against the principle of siting a wind farm in this location. SNH considers that the development as proposed would result in an adverse impact on the historic landscape setting of the Grey Cairns of Camster. SNH recommends that the applicant explores landscape mitigation measures.
- Cumulative landscape impacts: Given that significant cumulative impacts are predicted SNH recommend that the Highland Council considers the applications at Bilbster, Achairn and Camster concurrently.
- Blanket bog is a priority habitat listed under Annex 1 of the Habitats directive (43/92/EC). SNH recommends the removal or relocation of turbines 20-25 which are located on areas of deep peat.

4.13 Following receipt of the applicant's Wintering Bird and Protected Species Surveys 2005-6 Report and assessment update – 14<sup>th</sup> June 2006 SNH made a further response. SNH maintained its objection to the proposals on the following grounds:-

- European Interest – Caithness and Sutherland Peatlands SAC: SNH's advice is that there is no information regarding potential impacts on otter. SNH therefore objects to the proposal as currently submitted.
- European Interest – Caithness and Sutherland Peatlands SPA: SNH's advice is that there is insufficient information regarding impacts on hen harrier, merlin and short-eared owl to determine whether there are likely to be significant impacts on these qualifying interests. SNH therefore objects to the proposal as currently submitted.
- Protected Mammals: SNH's advice is that the potential impacts of the development on species of note, including those listed on Annex IV of the Habitats directive (European Protected Species (EPS)), and also Schedule 5 of the Wildlife and Countryside Act 1981, and the UK Biodiversity Action Plan (BAP) species have not been adequately assessed to determine the



likely impact on these species. SNH therefore objects to the proposal as currently submitted.

SNH adds that due to the data presented with the supplementary information they also objected to the proposals on the following additional grounds:

- European Interest: - Caithness Lochs Spa and Ramsar site: SNH's advice is that there is insufficient information regarding potential impacts on greylag geese.

4.14 Following these comments the applicant carried out further bird and mammal surveys and SNH responded in May 2007 as follows:-

- European Interest SAC – Otter – SNH advice is that the proposal is unlikely to have a significant impact on the otter.
- European Interest SPA – Greylag Goose – SNH advice is that there is a likely significant effect but the proposals will not adversely affect the integrity of the site
- Protected mammals – SNH advice is that there are potential impacts on mammal species but will be able to withdraw the objection if a number of planning conditions are applied.
- European Interest SPA – SNH advice is that this proposal is likely to have a significant effect on hen harrier, merlin and short eared owl qualifying interests of this site. Suitable mitigation needs to be developed prior to determination that would ensure that the proposal will not adversely affect the integrity of the site.

4.15 In summary, the issue is that once the forest is felled prey species (voles, small birds etc) will move into the wind farm site and the hen harriers and merlin will be attracted into the site to hunt for prey thus increasing the collision risk and the significant adverse effect on these birds.

4.16 Following this response from SNH the applicant produced a draft Habitat Management Plan in July 2007. The plan suggested maintaining a low sward over the wind farm site to discourage voles etc, to provide a flight 'by-pass' to the east of the site and to provide more attractive hunting areas to the north of the site. However, SNH in their letter of 20 March 2008 stated that they maintained their objection and were of the opinion that it had not been demonstrated that the HMP would be effective in practice. SNH asked that the developer consider felling the forest, implement the HMP and then observe what happens over a two year period. This would enable an understanding of the connection between habitat management, prey availability and hen harrier use of the felled area. SNH considered that without this information the development could not pass the third Natura test, i.e. Regulation 48(5) – "*the plan or project...will not adversely affect the integrity of the site*"

4.17 The applicant then commissioned an independent assessment of the likely impacts of the development and the land management plan on the hen harrier, merlin and short eared owl and this final assessment was submitted to SNH in September 2008.

4.18 SNH responded on 7 November 2008 stating that if the proposal was undertaken strictly in accordance with

- a.) the condition that pre-construction surveys be carried out to identify nesting sites of Annex I birds (merlin, hen harrier, short eared owl) and implement exclusion zones around nests if found and;
- b.) that details of the mitigation, habitat management and monitoring proposed to avoid adverse effects on the qualifying interests of the SPA should be agreed with

the Council and SNH and be secured as a legal agreement.

- 4.19 Defence Estates has no concerns regarding the construction of the wind farm at Camster subject conditions requiring the developer providing further information including height above ground level of the tallest structure and mapping information.
- 4.20 Civil Aviation Authority has no objection subject to possible requirement for aviation obstruction lighting and a requirement that all structure over 300 feet high have to be charted on aviation maps.
- 4.21 National Air Traffic Systems has made no comment.
- 4.22 Joint Radio Company Ltd has no objection
- 4.23 NTL (Now Virgin Media – TV and fixed link broadband provider) has no objection subject to appropriate mitigation being part of a legal agreement.
- 4.24 Ofcom note that one microwave link may be affected and the developer should contact SSE to ensure there is no affect on the link.

**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 Committee meeting.**

## **5.0 Policy**

- 5.1 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).
- 5.2 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. The following are most likely to be relevant:-
- Scottish Government policy and guidance
  - views of statutory and other consultees
  - public representations, when on planning grounds
  - 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)

- 5.3 The key polices of the structure plan are:
- **Policy G1** – Support to developments that promote and enhance social, economic and environmental wellbeing of the people of the Highlands
  - **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)

5.4 The applicable policies of the local plan are:

- **Primary Policy 2 (PP2)** – The Council will favour development unless this would significantly affect important features.
- **Primary Policy 3 (PP3)** - Presumption against development particularly where there would be significant damage to heritage, amenity or public health
- **Landward Area Environment Policy 46** – Protection of scenic views
- **Landward Area Environment Policy 29** – encouragement of archaeological and history based tourism
- **Landward Area Environment Policy 43** – encourage access to the countryside

Part of the site 500m east of the Camster Road is shown as being subject to Policy PP2 while the remainder of the site is subject to Policy PP3 (about 28% of the site area is subject to PP2 and 72% is subject to PP3).

#### National Policy

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

- **National Planning Framework**
- **SPP** The Planning System
- **SPP23** Planning and the Historic Environment
- **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)

5.6 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. In March 2007 Scottish Planning Policy 6 – Renewables was published setting out a framework for Supplementary Planning Guidance for wind farms over 20 MW. HRES is currently being reviewed to take account of SPP6 and to align it with Government policy meanwhile it remains the approved Highland Council SPG on wind energy proposals.

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

- 5.8 “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.”
- 5.9 **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.
- 5.10 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.
- 5.11 The proposal requires to be assessed against both the appropriate policies of the Development Plan, supplementary guidance and National Planning Policy and Guidelines as referred to in the Policy section. In particular, the proposal requires detailed assessment of the following fundamental issues:
- whether the principle of development is appropriate in terms of policy
  - whether the layout of development is appropriate
  - the impact on the amenity of the area and residents
  - other material issues raised by the objectors

## 6.0 **Assessment**

### Determining issues

- 6.1 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?
- 6.2 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.

### National Policy and Development Plan

- 6.3 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.
- 6.4 While many objectors challenge the rationale of the UK and Scottish Government policy on renewable energy, particularly the extent to which on-shore wind farms are promoted, it is not the role of the Council to review the adequacy of national planning policy or guidance here. This policy and guidance is, however, an important material consideration in the determination of this application.
- 6.5 The Scottish Government has recently re-emphasised its commitment to not only 18% renewable output in Scotland by 2010, but 50% 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. The Scottish Ministers expect planning authorities to make positive provision for renewable energy developments by
- supporting a diverse range of renewable energy technologies including encouraging the development of emerging and new technologies,
  - recognising the importance of fully engaging with local communities and other stakeholders at all stages of the planning process,
  - guiding development to appropriate locations and providing clarity on the issues that will be taken into account when assessing specific proposals,
  - maximising environmental, economic and social benefits while meeting international and national statutory obligations to protect designated areas, species and habitats and protecting the historic environment from inappropriate forms of development and
  - ensuring that impacts on local communities and other interests are satisfactorily addressed and that there will be no significant long term detrimental impact on people living nearby.
- 6.6 The Highland Renewable Energy Strategy sets out targets for export onshore wind energy that the Council hopes to achieve. These are 800MW by 2010, 1200MW by 2015, 1400MW by 2020, 2900 MW by 2050. At present 22 schemes have been approved in the Highland Council area totalling 608MW. However because of grid constraints and other constraints there are only 10 operational schemes with 321MW capacity. There are a further 13 schemes with 1GW capacity in pending applications. The majority of the large scale schemes that will be needed to meet the 2020 target are in Caithness and Sutherland.
- 6.7 Both Scottish Government and Development Plan Policy are 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 Government policy and guidance.

## Highland Renewable Energy Strategy and Planning Guidelines

- 6.8 The Strategy is being revised to accord with SPP6 but until a new SPG is approved HRES remains as the Council's SPG. According to the Highland Renewable Energy Strategy and Planning Guidelines (HRES), the proposed Camster 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.
- 6.9 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.
- 6.10 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.
- 6.11 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 of several considered by the applicants in the north of Scotland and is believed to be well suited with a nearby 132KV grid connection and ideal wind conditions.
- 6.12 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

- 6.13 The turbines lie within a landscape defined as 'sweeping moorland', 'coniferous woodland' and 'flat peatland' within the *Caithness and Sutherland Landscape Character Assessment* (SNH 1998). This moorland and peatland character is described as 'vast and open – a simple landform covered by several characteristics – physical, cultural and experiential. The landscape is influenced by the activity of people, the extreme nature of the weather and the unique light conditions. It is a landscape in constant change.'
- 6.14 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 these landscape character types. There are a number of man made features within this landscape, particularly the coniferous forestry and the wind turbines at Causeymire and Flexhill. 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.

- 6.15 Like most proposed wind power developments, the Camster wind farm will have significant landscape and visual effects. The 'zone of theoretical visibility' (ZTV) contained within the Environmental Statement (ES) indicates that visibility of turbines from roads would be most apparent on the A882 Wick to Thurso Road, the Camster Road and sections of the B874 and the A99 north and west of Wick.
- 6.16 Areas that would have very limited or no views of the turbines are generally located on low lying coastal fringes to the south and east of the site. There would be little or no visibility of this wind farm from the A99 south of Wick or on the A9(T) Causeymire Road.
- 6.17 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 granted, this development would be seen intermittently at various places in Caithness along with the existing turbines at Causeymire, Flexhill and Boulfruich and in due course with the approved turbines at Achairn, with varying degrees of impact and significance. It is generally recognised that cumulative impacts will in due course limit the acceptability of wind energy development. While there is currently capacity in this part of Caithness for a large scale wind farm the limits of further development beyond this may be limited. Further landscape capacity and sensitivity studies to be carried out as part of the SPP6 Annexe A Spatial Guidance will help inform a future SPG dealing with this subject.
- 6.18 It must be remembered that the landscape, within which the Camster wind farm site lies, has been managed and altered extensively for forestry, grazing and hunting and a wind farm could be seen as yet another stage in the human management of the landscape, albeit reversible. The removal of commercial forestry and the restoration of the peatland ecosystem can be seen as a positive step to the enhancement of the local environment. The effect of these turbines on the historic landscape is relatively short lived given that the lifespan of the wind farm is 25 years set against monuments which have endured for many thousands of years.
- 6.19 SNH comments on landscape impact are that the issues that give most concern are the visual impact of the development on the Grey Cairns of Camster and the cumulative impact that may result between the Camster wind farm, the Bilbster wind turbines and the Achairn wind turbines. SNH recommended that consideration be given to reducing the number of turbines or a redesign of the layout to reduce impact on the Grey Cairns and removal of turbines 20-25 to avoid blanket bog. These options have been discussed in detail with the applicant but given the size of the turbines and the site area available whatever iteration of the layout is made there will be impacts on the setting of the Camster Cairns. The relatively small impacts on the blanket bog will be more than offset by the restoration of the moorland habitat in the existing forestry area that is to be felled.

### Natural Heritage

- 6.20 The Caithness and Sutherland Peatlands site has status as a Special Area of Conservation, Ramsar Site and Special Protection Area under the EC Directive 79/409/EEC on the Conservation of Wild Birds (The Birds Directive) and this means that the provisions of the Revised Circular 6/95 and the Conservation (Natural Habitats etc) Regulations 1994 (The Habitats Regulations) apply. The Regulations require that where an authority concludes that a development proposal unconnected with the nature conservation management of a "Natura 2000" site is likely to have a significant effect on that site then it must undertake an appropriate assessment of the implications for the conservation interest for which the area has been designated. The need for the appropriate assessment extends to plans or projects outwith the boundary of the site in order to determine their implications for the interest protected within the site.
- 6.21 As noted above (Para 4.18), SNH maintained an objection to the proposal on the basis that the applicants Habitat Management Plan proposes provisions that are untried and therefore it cannot be guaranteed, at this stage, that the development proposals will meet the third Natura test i.e. Regulation 48(5) that is "...*the plan or project...will not adversely affect the integrity of the site.*" SNH therefore maintains its objection to the proposal as currently submitted in relation to hen harrier and merlin. SNH would reconsider their objection if the forest area is felled and a two year study is carried out to evaluate whether the applicants land management plan will be effective in preventing prey species (voles and small birds) colonising the site.
- 6.22 In April 2008 the applicants funded an independent scientific assessment from Natural Research. The conclusion are that:-
- "the proposed Camster wind farm potentially impinges on four conservation objectives of the SPA, classified for its breeding hen harrier and merlin interest.
  - An examination of the main issues which may affect hen harriers and merlins as a result of the proposal suggested that collision risk with turbine blades was the most likely potential impact, and that this would be relevant to the requirement to maintain the population of hen harriers and merlins as viable components of the SPA.
  - More detailed scrutiny of available evidence confirmed that three conservation objectives relating to avoiding significant disturbance, and avoiding detrimental impacts on habitats and their structure and functioning, would not be adversely affected by the proposed development.
  - Mortality through collision with turbines, as predicted from baseline studies, is very obviously insufficient in both species even to approach an adverse impact on the SPA populations because much of the flight activity was probably not due to the SPA interest and the predicted mortality was too low *per se*. This conclusion is also apparent even when additional mortality caused by expanding populations was accounted for.
  - Population modelling also suggests that even higher mortality levels would have barely discernible effects on the SPA populations of harriers and merlins, giving a degree of 'tolerance' for any uncertainty in how activity levels may change as a result of the Land Management Plan (LMP).

The Land Management Plan is based on sound principles and on evidence that its approach should be successful. Hence, it is extremely difficult to see how the LMP which is deliberately and diligently attempting to keep raptor activity low through the best available scientific knowledge, will generate an adverse impact, when hen



harrier and merlin activity which is several times greater than recorded pre-construction can be 'tolerated'. Consequently, an adverse impact on the SPA interest through collision mortality should not occur."

- 6.23 The study concludes that overall, the proposed wind farm will not have an adverse impact on the integrity of the SPA. It follows that under the rigorous requirements for assessment imposed by the Habitats Regulations that in an absence of an adverse impact on the SPA interest, the designated hen harrier and merlin interest for the component SSSI's will not be significantly affected by the proposal.
- 6.24 Following detailed consideration of this assessment SNH advise the Council that if the proposals are carried out strictly in accordance with conditions that :
- pre construction surveys are carried out for nesting hen harrier, merlin and short eared owl and appropriate exclusion zones agreed around any nest that are found and
  - that details of mitigation, habitat management and monitoring shall be agreed with SNH and The Highland Council and secured with an appropriate legal agreement.

### Archaeology and Historic Buildings

- 6.25 There are no scheduled monuments on the application site but there are several scheduled monuments of international and national importance within the immediate vicinity - The Grey Cairns of Camster being the most accessible and impressive.
- 6.26 The Council's Archaeologist accepts the overall conclusions of the Environmental Statement that there will be no direct impacts on recorded archaeological remains from the proposed development. It is also recognised that there is considerable potential for unrecorded buried remains in the area of the development. Mesolithic finds have been made 4Km east of the site (7000 to 10,000 years ago) and the Grey Cairns of Camster date from about 4000BC. While it is unlikely that further, upstanding archaeological features will be discovered there is potential for the discovery of subsurface finds and other features. Provided the proposed mitigation measures (Volume 2, section 8.8.5 to 8.8.10 of the Environmental Statement) are integrated with any permission then there are no objections on archaeological grounds. 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.
- 6.27 It is accepted that the visual experience of the area will be significantly altered by the proposal, however, the sites will retain their respective integrity despite the presence of the wind farm. The visitor's experience with regard to the archaeological importance of the area should not be significantly affected. The applicant is agreeable to produce and implement a heritage interpretation and access plan to enhance the appreciation of the cultural heritage.

### Transport Impacts

- 6.28 In response to objections to the initial proposed access to this wind farm from the Haster/ Tannach Road, the access route was reconsidered. It is now proposed to use the A882 public road to the access point for the Achairn wind farm and then across agricultural land to the forest tracks. It is now proposed to deliver turbines to the site from Wick via the A882 to a new site entrance located 1.5km west of Haster. This access will be formed when the Achairn wind farm begins construction.

Visibility at the proposed site 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. Other construction vehicles will approach the site from a variety of routes depending on their point of origin. Some construction vehicles will use the Watten/Strath road to Badlipster, but beyond this point there is a weight restriction on the Camster Road.

6.29 Transport Scotland who is responsible for the A882(T) trunk road has no comments to make on the proposal as 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 local bridges, and to a number of other conditions that can be covered by an agreed transport management plan. This would include restricting the use of unclassified roads and roads with weight restrictions that could lead to the site.

6.30 It is not considered that there will be a significant adverse impact on the existing road structures or upon road safety. The applicant has agreed to produce an access plan and provide for public access to the site and improvements to the public footpath from Wick to Haster.

#### Noise and other perceived health impacts

6.31 Objections to wind turbine proposals frequently cite noise impact on residential amenity as a particular concern. Noise impact is assessed by technical guidance in PAN 45. TEC Services – Environmental Health is satisfied that the noise levels predicted by the applicant and required by technical guidance can be met on the site.

6.32 The turbines are at a minimum of 1.45km and greater distances from the nearest residential properties who have no financial involvement in the project. At these separation distances there is no reason to reject these turbines on the basis of operational noise impact on residential properties. There are no dwellings close to the wind farm site which would be affected by construction noise or traffic noise. However, it is recommended that conditions on noise are included in any consent as a safeguard to protect residential amenity and allow for review of the situation in the future.

6.33 Shadow flicker effects and the possibility of blades becoming detached while in operation must also be considered. In the first case, shadow flicker is a particular characteristic of certain light conditions and separation distances from receptors. Given that the site is elevated, and the majority of houses without any financial interest in the wind farm are generally more than 1.45km from the site, there is a reasonable expectation that shadow flicker will not be of any significance at the separation distances involved. It is generally held that at a distance of 10 times the height of turbine (i.e. 900 metres) there is no occurrence of shadow flicker and the sun is seen as a stationary object through the rotating blades. There is also no evidence to suggest that blade throw, if it occurred, is likely to cause risk to dwellings or the public at the separation distances presently proposed.

6.34 Objections have been received regarding the visual impact of turbines on properties and loss of amenity. However all non wind farm invested residential properties in the area are located more than 1.45Km from the proposed turbines and are most

unlikely to be adversely affected by any noise, shadow flicker or adverse visual effects from the wind farm turbines at this separation distance.

- 6.35 Considerable objections were made to the initial proposal to access this wind farm from the Haster/ Tannach Road. This led to reconsideration of the access route to use the A882 public road to the access point for the Achairn wind farm and then across agricultural land to the forest tracks. This has several benefits as discussed above but there may be some impacts on residents along the A882 from construction traffic noise and disturbance during the construction of the wind farm. Restriction of the working hours with no working on weekends will help mitigate any impacts.

#### Impact on the local economy and tourism

- 6.36 Over the last decade several studies have been carried out by the tourism and wind energy industries and the Scottish Government into the effects of wind farm developments on tourism and public acceptability respectively. These have indicated both benign and neutral effects. The most recent study "*The Economic Impacts of Wind Farms on Scottish Tourism*" by Glasgow Caledonian University and Cogent Strategies International Ltd for Scottish Government March 2008 concluded as follows;-

*"In general this research has found that the negative impact of wind farms on tourism at national level is small and any reduction in employment in tourism will be less than the numbers currently directly employed in the wind power industry. However the impacts in some local areas are important enough to warrant specific consideration by planning authorities. These should include the following:*

- *The number of tourists travelling past on route to elsewhere,*
- *The views from accommodation in the area,*
- *The relative scale of tourism impact i.e. local and national*
- *The potential positives associated with the development*
- *The views of tourist bodies i.e. local tourist board or VisitScotland*

*In many cases this consideration would be greatly assisted if the developers produced a 'Tourist Impact Statement' as part of the Environmental Impact Analysis. The core of the statement would be the tourist accommodation and the number of tourists on roads within the ZVI. However in tourist areas the developer might also be expected to generate proposals to make use of the positive aspects of the development.*

- 6.37 At the national planning level the research in this report identifies that from a tourism viewpoint:

- *Having a number of wind farms in sight at any point in time is undesirable*
- *The loss of value when moving from medium to large developments is not as great as the initial loss. It is the basic intrusion into the landscape that generates the loss.*

This suggests that to minimise the impact on tourism very large single developments are preferable to a number of smaller developments, particularly when they occur in the same general area.

- 6.38 Caithness and Sutherland was selected for detailed appraisal and the research

conclusions were as follows:-

*“The research has shown that even using a worst case scenario the impact of current applications (on the tourism economy in Scotland) would be very small and for three of the four case study areas, would hardly be noticed. The fourth, Caithness and Sutherland, has an extremely fragile economy with its largest, indeed dominant, employer disappearing (Dounreay). Renewable Energy offers an alternative but whilst business tourism would probably expand in the short term it would negatively affect those tourists to Caithness looking for scenery and tranquillity. It might well be argued that one answer is to utilise the strongly positive attitudes of some tourists and market the area as **the** region for Renewable Energy and seek to ensure farms are accessible and have information boards and centres.”...*

*“There is very extensive development planned in Caithness and Sutherland in areas where there is little natural protection and which most tourists will see. We estimate only 15% of tourists to Caithness and Sutherland will not see a wind farm at some stage. However the number of tourists is small and consequently in absolute terms the loss of employment and income is small, certainly less than the full time jobs in the wind farm industry nationally. We believe it will not exceed 30 jobs in total, probably less, considerably fewer than might be expected from the emerging renewables industry.”*

6.39 Therefore, the study found that at a certain (unspecified) cumulative level of turbines in Caithness the tourism economy will be adversely affected. However, it is considered that the cumulative level of turbines in Caithness, sufficient to adversely affect tourism, would not be reached by the construction of the Camster wind farm due to its limited visibility from the main coastal tourist route, the A9(T) and the limited cumulative visual effects with Causeymire and Bilbster wind farms.

6.40 Local social and economic benefits from the proposals could include:-

- Donation of felled timber to Wick District Heating Scheme or other biomass plant
- Interpretation/development of the archaeological and natural heritage
- Improved public access to the countryside and new footpaths
- Direct Community support – i.e. community benefit
- Opportunities for local business – the proposed development will cost in the region of £45million (2004) with civil, electrical, project management and a number of smaller contracts worth up to £5.5million (2004) are hoped to be placed locally by the applicant.

#### Peat stability, construction impacts and controls.

6.40 Peat slides are relatively rare events which occur when the top layer of a peat bog becomes separated from the lower layer or from the underlying ground and slides down a slope as a slow moving mass or as a free flowing flood. This can then cause injury, damage to property and/or a pollution incident. The factors which might cause a peat slide are:-

- Deep peat over impermeable bedrock or minimal soil.
- Whether the peat is fibrous or amorphous
- The presence of slope angles in excess of 4 degrees
- Natural drainage paths
- Evidence of past failure

- Drying of the peat by forestry
- Drainage features at the base of slopes which can lead to undercutting.

Whether or not a peat slide can occur depends on various factors such as peat structure, ground and ground water conditions, weather conditions and human activities on and around the site.

- 6.41 The applicant has provided a Peat Stability Risk Assessment for the wind farm site which confirms that the Camster wind farm site lies on an area of upland blanket peat bog. The presence of deep peat of more than 4m in areas on the site causes the potential for peat instability. The majority of the site is covered with conifer plantation and there is no evidence from the growth characteristics of the trees that there has been any peat instability. The applicant's specialist engineer concludes that no areas of peat movement have been identified in this assessment and ground surface slope angles are generally 'low risk'. He states that with an understanding of the nature of peat and peat slides and with appropriate measures, techniques and monitoring, adequate controls can be developed to manage the risk of peat instability at the site. The applicant's consultants have also stated that further ground condition investigation will be required prior to construction.
- 6.42 The Highland Council Geotechnical Unit has developed a method for testing and this suggests that additional fieldwork would be required where there are marked differences between the two ratings. The tabulation used identifies fourteen turbine locations where second stage fieldwork is required because there may be a risk of localised peat slips during construction of turbine bases. The applicant is of the view that the detailed siting and design of mitigation measures, including slope stabilisation if necessary, can be agreed in due course if the development proceeds.
- 6.43 It is normal practice to impose conditions on any permission 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 any risk to the quality of the water environment will be minimised. I also consider that because of the risk of silt pollution to the river system that specialised plate silt traps should be used when excavating roads, tracks and turbine bases in addition to the conventional mats, straw bales and other less effective measures.

#### Amended access route

- 6.44 A major section of this access route has already been approved as part of the Achairn wind farm proposal. The remaining section of the route runs across rough grazing and crosses the Achairn Burn. No objections have been made by consultees to the proposals subject to conditions being applied regarding construction methods, details and management. Most objections from the public are concerned with the proposed wind farm and not specifically with the access route. One property owner, while not objecting to the access road would like the applicant to consider some minor alternative routing. The local community council now have no issues with the proposed access subject to a traffic management agreement being in force to restrict use of local single track roads by construction traffic.

## **7.0 Consideration of proposals affecting European Sites**

- 7.1 The status of the Caithness and Sutherland Peatlands as a classified SPA under

the EC Directive 79/409/EEC, the 'Birds Directive,' means that the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), (the 'Habitats Regulations,') apply.

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

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

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

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

7.5 It is evident that the proposal is not connected with or necessary to site management for conservation, hence further consideration is required. Because it may increase the risk of fatalities of hen harrier and merlin (the SPA interests), the proposal may have a significant effect on the qualifying interests. The Council is therefore required to undertake an appropriate assessment of the implications of the proposal for the Special Protection Areas in view of the site's conservation objectives.

## **8.0 Appropriate Assessment**

8.1 In April 2008 The applicant funded an independent scientific assessment of the effect of the proposals on the qualifying interest and the proposed mitigation set out in the habitat management plan (HMP). Following comments from SNH it was revised in August 2008. Its findings are that there is sufficient confidence from scientific data and results of studies previously conducted that the HMP will work in the manner that has been proposed and that the viability of the SPA population of hen harrier and merlin is of sufficient robustness to withstand significantly higher rates of collision than has been predicted in the Camster Wind farm collision risk studies without risk of adverse impact on the SPA's harrier and merlin interests.

8.2 The Council are usually advised by SNH on the adequacy or otherwise of a proposal as the Council has no specialised ornithological expertise. The Council is entitled to rely on the advice and guidance of the Government's advisors in this respect.

- 8.3 SNH's opinion is that they would remove their objection subject to a condition requiring pre-construction surveys of Annex I birds nests and forming exclusion zones around any nests that are found and a legal agreement requiring that details of mitigation, habitat management and monitoring to be agreed with SNH and the Council. The Council's appropriate assessment may therefore be based on the appraisal by SNH.
- 8.4 It is therefore recorded that the Council has undertaken the appropriate assessment required by the EU Directive.

## **9.0 Conclusion**

- 9.1 Planning Advice Note 58 - Environmental Impact Assessment states that experience shows that there will usually be a small number of major issues 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 in this regard.
- 9.2 As is evident from the assessment, most impacts of the proposed development will not be significantly detrimental to people living nearby and could be adequately controlled through both the mitigation measures proposed or through conditions. Similarly the impacts on natural heritage and the birds of the Special Protection Area can be mitigated.
- 9.3 The major issues in this case are the impacts on visual amenity and its link to tourism and the cumulative impacts taken with other existing or proposed wind energy developments. There is also an issue with regard to the compatibility with Highland Renewable Energy Strategy and Planning Guidelines. These are the issues that constitute many of the representations received.
- 9.4 The acceptability of the proposals with regard to their visual impact is ultimately a subjective matter. It is considered that visual impacts from the proposals are significant but are acceptable overall. Residential property in the vicinity of the wind farm will have little or no loss of visual amenity or from noise and disturbance during both the construction and operation of the wind farm. However, if judged to be unacceptable in terms of proximity to historic sites and/or unacceptable with regard to cumulative impacts with other wind farms, the development could be considered not to comply with the Highland Renewable Energy Strategy and Planning Guidelines or Development Plan Policy. While there is an indirect impact on the Camster Cairns, Historic Scotland have not objected and SNH have not raised an objection on grounds of cumulative impacts on the local landscape of this proposal and other built and planned developments.
- 9.5 It is considered that this development is of such a scale as to provide a very significant contribution to the Government's and Highland Council's renewable energy targets and considerable weight must be given to this factor. It is considered that this places the balance firmly in favour of the proposal.

## RECOMMENDATION

Grant planning permission subject to notification to Scottish Ministers and to a prior legal agreement covering;

- Provision of a financial bond or similar financial instrument of an amount to be specified by the Council to ensure reinstatement of the public road to its current state of repair prior to construction commencing in the event of a failure of the public road caused by traffic directly attributable to the wind farm construction.
- A “wear and tear” agreement to cover any damage to the local road network (Local Roads) directly attributable to the Wind Farm construction
- Provision of a financial bond or similar financial instrument of an amount to be specified by the Council to guarantee the cost of correction of any interference with television/radio reception during the first 12 months of operation of the wind farm;
- Provision of a financial bond or similar financial instrument in a sum to be agreed by the Council and the applicant for the restoration of the site at the expiry of the permission or at the cessation of operation of the wind farm for a period exceeding six months.
- Provision for a commitment to prepare, implement and monitor a conservation management plan to mitigate potential adverse effects on birds and mammals arising from the proposed development in consultation with SNH and the Council.
- Provision of a financial bond or similar financial instrument for rehabilitation of any peat extraction carried out under planning permission CA/1981/37 of 3 April 1981

and to the following conditions:

### General

1. The permission hereby granted shall endure for an operational period of twenty-five years from the date that electricity is first sold to the grid network, such date to be notified in writing to the Council within three months of this time. At the end of this period, unless with the express approval in writing of the Council, 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 Council in accordance with the relevant conditions listed below.

Reason: The anticipated design life of the wind farm is 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 Environmental Statement (submitted in December 2004 and revised by the supplementary information to the Environmental Statement) and the submitted and approved plans. This permission shall be for a maximum of 25 wind turbines and an anemometer mast, to be sited as shown on the site layout drawing “*Camster Wind Farm Planning Application - Plan 1*”. The prior approval in writing of the Council in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage 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 wind turbines and access roads.

Reason: To ensure that 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 Council, 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 Council.



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

4. Prior to the commencement of the development the final specification of the wind turbine details shall be submitted to and require the approval in writing of the Council, 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 80 metres above existing ground level in hub height and 120 metres above existing ground level in overall height. Turbines should meet British Standards BS EN 61400-1:1995 and transformers shall be housed within the towers or bases unless otherwise agreed in writing with the Council. 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 Council, and that prior to the commencement of development samples of the colour will be submitted to and agreed in writing by the Council prior to the commencement of development.

Reason: In the interests of safety and amenity.

5. Prior to the commencement of development details including location, means of access, fencing, design, materials and colours of external finishes, including the access track surface colour, and of all ancillary elements to the development, including the substation building and its connection to the electricity line within the site, shall be submitted to and require the approval in writing of the Council. Full details of the proposed arrangements for the disposal of any foul drainage from any ancillary building shall be submitted to and require the approval in writing of the Council.

Reason: In the interests of amenity.

6. The site shall not be permanently illuminated by lighting without the prior approval in writing of the Council 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 Council.

Reason: In the interests of visual amenity.

7. 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 Council in consultation with Scottish Natural Heritage. The duration of this appointment shall be determined by the Council in consultation with Scottish Natural Heritage, and shall be for not less than the whole duration of the construction and for the whole duration of the post-construction restoration periods of the wind farm development.

Reason: To protect and enhance the ecological habitat of the site.

#### Construction Method Statement

8. Prior to the commencement of development the developer shall submit a construction method statement for the prior written approval of the Council in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage. This statement shall include a written commitment to adhere to the construction method statement and detail contractor arrangements for the following:

(i) the excavation and make-up of internal access tracks and hardstanding, including measures to prevent silt-laden run-off from temporary and permanent access tracks, soil storage and other engineering operations. For the avoidance of doubt, a bridging solution shall be used at all watercourse crossings.

(ii) measures to prevent entry of cement materials to watercourses

(iii) the source of all fill and bulk materials

(iv) identification of waste streams arising from the works, such as peat, spoil and other excavated material, and the means of dealing with these

- (v) construction arrangements for turbine foundations including concrete batching and dewatering arrangements to treat potentially sediment-laden water
- (vi) cable laying within the site
- (vii) construction management operations including site lighting, temporary servicing for workers, vehicle storage and other storage arrangements
- (viii) associated vehicle movements and routing for different phases of construction
- (ix) 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
- (x) construction works compound including its eventual removal and satisfactory reinstatement
- (xi) reinstatement of ground post-construction, including re-vegetation of access track edges and hardstanding areas, together with measures to monitor its success
- (xii) 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
- (xiii) 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
- (xiv) measures to protect private water supplies
- (xv) measures to address silt-laden run-off from access tracks and other engineering operations, including the use of 'siltbuster' plate silt traps or similar methods.
- (xvi) provision of welfare facilities on site during construction and the means of disposal of sewage effluent
- (xvii) 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
- (xviii) arrangements for the prevention of mud and debris being deposited on the road surface by construction vehicles

Thereafter the approved construction methods shall be implemented.

Reason: In the interests of amenity and to prevent pollution of watercourses.

#### Peat Stability

9. Prior to the commencement of development full details of the mitigation measures identified in section 5 of the Peat Slide Stability Assessment prepared by AGECE Ltd and dated March 2007 including a revised site layout plan to illustrate any micro-siting amendments to the location of wind turbines and access tracks and details of engineered slope stabilisation techniques and effective plate silt traps together with proposals for the safe temporary storage of peat until such time as it is used for the restoration of the shoulders of access roads, around wind turbine bases and for other post-construction restoration, shall be submitted to and require the approval in writing of the Council in consultation with the Geotechnical Unit in the Council's TEC Services. The wind farm shall thereafter be constructed in accordance with the approved details and also, generally, in accordance with the mitigation measures described in section 5 of the Peat Slide Stability Assessment prepared by AGECE Ltd and dated March 2007. For the avoidance of doubt, any peat surplus to the requirements of post-construction restoration shall not be removed from the site.

Reason: In the interests of amenity and to prevent pollution of watercourses.

10. Prior to the commencement of development a rapid reaction strategy for dealing with the consequences of a peat slide event, shall be submitted to and require the approval in writing of the Council in consultation with the Geotechnical Unit in the Council's TEC Services. Prior to the commencement of development above detailed proposals for monitoring the stability of the peat resource by accurate topographic survey methods using settlement plates and pegs prior to, during and after construction, shall be submitted to and require the approval in writing of the Council in consultation with the Geotechnical Unit in the Council's TEC Services. The proposals thereby approved shall be implemented thereafter to the satisfaction of the Council.

Reason: In the interests of amenity and to prevent pollution of watercourses.

### Natural Heritage including Birds

11. Prior to the commencement of development surveys shall be carried out for birds listed in Annex I of the EC Directive on the Conservation of Wild Birds (79/409/EEC), including hen harrier, merlin and short-eared owl. The scope of these surveys shall be agreed in writing with SNH. If nests of these birds are found in or in the vicinity of the development, appropriate exclusion zones shall be agreed in writing with SNH and thereafter implemented.

Reason: To avoid disturbance to hen harrier, merlin and short-eared owl species that may be connected to the Caithness and Sutherland Peatlands SPA.

12. In order to avoid disturbance to nesting birds listed in Annex I of the EC Directive on the Conservation of Wild Birds (79/409/EEC) during the construction period, the development shall be constructed outwith the main bird breeding season being March to July inclusive unless otherwise agreed in writing with the Council in consultation with Scottish Natural Heritage.

Reason: To protect and enhance the ecological habitat of the site.

13. For the avoidance of doubt, a bridging solution shall be used at watercourse crossings unless otherwise agreed in writing with the Council. Prior to the commencement of development detailed designs of the bridges, and of the culverts for all other new water crossings, shall be submitted to and require the approval in writing of the Council in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage.

Reason: In the interests of amenity and to prevent pollution of watercourses.

14. Prior to development commencing appropriate mitigation measures for the protection of otters and their resting places from disturbance during the construction, operational and decommissioning phases of the development shall be submitted for the further written approval of the Council and the agreed mitigation measures will be implemented in consultation with SNH and the Council.

Reason: To protect and enhance the ecological habitat of the site.

15. Prior to the commencement of development and in consultation with SNH, SEPA and the Council, the sediment and contamination mitigation measures identified in the Environmental Statement will be put in place ahead of track construction and forestry operations. Silt traps shall be portable plate silt traps ("*Siltbuster*" or similar) in addition to mats and straw bales. Monitoring shall be carried out daily and equipment maintained weekly to ensure that sediment entering the Wick River SAC and its tributaries does not exceed a threshold of 25mg/litre suspended solids. No development or storage of materials will take place within 50 metres of all surface water features on site.

Reason: To protect and enhance the ecological habitat of the site.

16. Prior to the commencement of development details of mitigation measures for water vole shall be submitted to and approved in writing by the Council in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage. These mitigation measures shall be incorporated in full in the design of the proposed site access roads and water-crossings and thereafter implemented during the construction of the access roads and water-crossings to the satisfaction of the Council.

Reason: To protect and enhance the ecological habitat of the site.

17. Prior to the commencement of the development a long-term Land Management Plan detailing measures to offset the potentially adverse effects of the proposed development on the natural heritage, particularly on peatland habitat interests and on birds shall be submitted to and require the approval in writing of the Council in consultation with the Council, SNH and the landowners, this to include proposals

for:

- a) the method of tree felling and mulching or removal
- b) the methodology for producing and spreading forestry chippings;
- c) restoration of ground conditions and vegetation cover;
- d) the subsequent management of the vegetation;
- e) the timing of forest felling to safeguard wildlife;
- f) appropriate measures to ensure the maintenance of the water quality and ecological status of the Wick River SAC;
- g) appropriate general management measures;
- h) timeous commitment on the eventual after use of the site;
- i) the timescale for the implementation of the various components of the management plan.

Reason: In the interests of the amenity of the area and to ensure that the site is satisfactorily managed.

18. For all the mitigation measures set out in the Environmental Statement and Supplementary reports involving a scheme of works, the applicant shall provide detailed plans for the approval in writing of the Council prior to any work commencing on the site. The mitigation works shall be carried out within timescales agreed in writing with the Council.

Reason: In the interests of the amenity of the area.

#### Archaeology

19. Prior to the commencement of 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, all in accordance with a specification to be obtained in advance from the Council's Archaeology Unit, shall be submitted to and require the approval in writing of the Council. All arrangements thereby approved shall be implemented by the developer at his expense in accordance with the approved timetable for investigation.

Reason: To ensure that the cultural heritage is adequately preserved and recorded.

20. No development shall take place until fencing has been erected, in a manner to be agreed with the Council, to form 20m buffer zones around those archaeological sites identified in the specification referred to in condition 19 above. No works shall take place within the areas protected by the fencing without the prior approval in writing of the Council.

Reason: To ensure that archaeological sites are protected.

21. Prior to commencement of development a Heritage Interpretation and Access Plan (HIAP) shall be submitted to and agreed in writing with the Council. The HIAP will detail which archaeological sites should have their access improved and which sites would benefit from interpretation, along with proposals for maintaining and encouraging public access to the archaeological resource as well as details of signage and promotion of a Heritage Trail. Implementation of the HIAP is required as part of this condition.

Reason: To enhance the access to and interpretation of the cultural heritage

#### Pollution Prevention

22. 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 Council in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage. Prior to the commencement development details of the proposed water quality monitoring on the Achairn Burn and Camster Burn and other streams in the catchment of the Wick River in terms of location and the parameters to be recorded, together with details of an emergency pollution prevention plan to be implemented in the event of spillage or other incident, and arrangements to be made for formally submitting the results of monitoring, shall be submitted to and require the

approval in writing of the Council in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage.

Reason: In the interests of amenity and to prevent pollution of watercourses.

#### Access and Transportation

23. That prior to the commencement of development a Transport Management Plan (TMP) shall be submitted to and agreed in writing in consultation with the Council, to cover HGV and abnormal load transport to the Camster wind farm site. The TMP will include;-

- i) a health and safety access plan for emergency services and a contingency plan in the event of a vehicle break down or road blockage.
- ii) schedules for road improvements and/or repairs to be undertaken prior to or during the construction period of the wind farm, and will include any temporary removal of street furniture that may be necessary during the period of turbine component delivery.
- iii) A date of commencement of road haulage operations and the duration of the road haulage operation.
- iv) For the avoidance of doubt the section of the Camster Road that is subject to a weight restriction shall not be used for wind farm construction traffic.

Reason: In the interests of road safety.

24. The access shall be constructed in accordance with details that shall be submitted to and approved by the Council, after consultation with the Roads Authority, before any part of the development is commenced. The new access to the site shall be formed before any works commence on the site unless otherwise agreed in writing with the Council in consultation with the Scottish Environment Protection Agency, Scottish Natural Heritage and the Roads Authority. An adequate and unobstructed turning area shall be provided within the curtilage of the site.

Reason: In the interests of road safety

25. 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 Council in consultation with the Scottish Executive – Trunk Road Network Management Division unless otherwise agreed in writing by the Council in consultation with the relevant authorities of one or more of the Council and the Scottish Government – Trunk Road Network Management Division.

Reason: In the interests of road safety

26. Prior to the commencement of delivery of construction materials and equipment along the public road network within the Highland area, all the necessary and approved improvements and modifications to such parts of the network in order to accommodate the transport of normal and abnormal loads shall have been implemented to the satisfaction of the Council in consultation with the Scottish Government – Trunk Road Network Management Division.

Reason: In the interests of road safety

27. At monthly intervals during the construction, Road Condition surveys 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 Council in consultation with the Scottish Government – Trunk Road Network Management Division.

Reason: In the interests of road safety

28. 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 Council in consultation with the Scottish Executive – Trunk Road Network Management Division.

Reason: In the interests of road safety

### Noise

29. 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 Council, 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 the amenity of noise sensitive premises.

30. 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 Council 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 metres, 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.

Reason: In the interests of the amenity of noise sensitive premises.

31. At Wind Speeds not exceeding 12 metres/second, as measured or calculated at a height of 10 metres above ground level at the wind farm at a grid reference or grid references to be approved by the Council, the Wind Turbine Noise Level at any dwelling or other noise sensitive premises shall not exceed:-

(a) during Night Hours, 38dB 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 providing that this condition shall only apply to dwellings or other Noise Sensitive Premises existing at the date of this Planning Permission.

At the request of the Council, following a valid complaint to the Council 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, 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, 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 Council.

“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 Council.

Reason: In the interests of the amenity of noise sensitive premises.

### Liaison Group

32. Prior to the commencement of development, arrangements for liaison between the company/contractors and the local community during construction, to include the establishment of a Local Liaison Group, a single point of contact for the community, and regular reporting arrangements, shall be submitted to and require the approval in writing of the Council. Thereafter the approved arrangements shall be implemented for the duration of construction of the whole development to the satisfaction of the Council.

Reason: In the interests of general amenity and community relations.

### Public access

33. Prior to the commencement of development a Public Access Plan shall be submitted to and agreed in writing by the Council. The Access Plan shall detail existing and proposed access routes and tracks, proposals for providing for maintaining and encouraging public access and details of signage. The access plan will include details of an extension to the public footway to join Wick to Haster and a commitment to implementation of this new footway provided that land owners affected are agreeable.

Reason: In the interests of amenity, public safety and to facilitate and encourage responsible public access to the countryside.

### Temporary Facilities

34. All portacabins, containers, machinery and equipment associated with construction, temporary areas of hardstanding, geogrids and other lay-down materials, shall be removed from the site within three months of the wind farm becoming operational, and the ground reinstated to the satisfaction of the Council, all in accordance with a method statement which shall be submitted to and require the approval in writing of the Council in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage.

Reason: In the interests of amenity.

### Peat Extraction

35. Prior to the commencement of development, a Peat Management Plan for the continued extraction of peat and rehabilitation thereafter in the south western area of the site, outwith existing forestry shall be submitted for the further written approval of the Council in consultation with Scottish Natural Heritage and the Scottish Environment Protection Agency. This shall take account of conditions as presently imposed under approval CA/1981/37 dated 3<sup>rd</sup> April 1981 for this area and shall include a timescale concurrent with the wind farm as a whole. Once approved this management Plan shall be strictly adhered to.

Reason: to ensure that the site is managed and restored.

#### Borrow Pits

36. Prior to the commencement of development full details of the proposed borrow pit including finished profiles and cross-sections and details of restoration of the borrow pit site shall be submitted for the further written approval of the Council.

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

37. Extraction of rock shall have ceased from the borrow pit site hereby approved and the borrow pit site shall have been restored

- within 24 months from the commencement of extraction of material from the site,
- within 1 year of the commencement of generation of electricity at the wind farm the subject of planning permission Ref. 04/00573/FULCA

whichever is the soonest.

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

38. Material excavated from the borrow pit site shall be used solely in the construction of the wind farm the subject of planning permission Ref. 04/00573/FULCA

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

39. Details of arrangements for fencing the site and storage of explosives shall be submitted to and approved in writing by the Planning Authority prior to the commencement of the development of the borrow pit.

Reason: In the interest of amenity and safety.

40. Development of the borrow pit shall be carried out in accordance with the following:

- No work shall be carried out except between the following times 07:00 - 19:00 hours Monday to Friday, and 07:00 - 12:00 hours on Saturdays and not at all on Sundays and Bank Holidays.
- Noise from the development shall not exceed 48dB LAeq(1hour) at any Noise Sensitive Premises.
- Prior to the development starting a scheme for noise monitoring, in accordance with PAN 50, Annex A shall be submitted to the Local Planning Authority for written approval. The approved scheme shall be fully implemented unless agreed in writing by the Local Planning Authority.
- No blasting shall be carried out except between the following times 10.00 - 12.00 hours and 14:00 - 16:00 hours on Mondays to Fridays and 10:00 - 12:00 hours on Saturdays and not at all on Sundays and Bank Holidays.
- Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 10mm s<sup>-1</sup> in 95% of all blasts measured over the period of the development and no individual blast shall exceed a peak particle velocity of 12 mm s<sup>-1</sup> as measured



at vibration sensitive buildings. The measurement to be the maximum of 3 mutually perpendicular directions taken at the ground surface at any vibration sensitive building.

- Prior to the commencement of any blasting operations a scheme for the monitoring of blasting including the location of monitoring points and equipment to be used shall be submitted to the planning authority for written approval. The approved scheme shall be fully implemented unless agreed in writing by the Local Planning Authority.
- Trial blasts shall take place in agreement with the Local Planning Authority prior to starting normal blasting operations in order to monitor noise and vibration levels.
- Blasting operations shall be carried out in accordance with good practice as defined in PAN50 Annex D.
- All noise and vibration monitoring results shall be made available to the Local Planning Authority.

Reason: In the interest of amenity.

#### Decommissioning and Reinstatement

41. Within twelve months of the date of electricity first being sold to the grid network, an indicative scheme and method statement for the decommissioning and ultimate reinstatement of the site, comprising the removal of all above-ground structures and ground reinstatement, shall be submitted to and require the approval in writing of the Council in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage. The scheme shall be reviewed and amended as necessary, taking into account the operation of the scheme and monitoring, at least twelve months prior to actual decommissioning and reinstatement works.

Reason: In the interests of amenity.

#### Information

- The development will not impact on the catchment area for Scottish Waters interests but any borrow pits must be located outwith the Loch of Yarrows catchment area. If this area is to be considered for borrow pits Scottish Water shall require details of location, type and timescale of activities before an investigation stage could begin. Contact Scottish Water, 419 Balmore Road, Glasgow, G22 6NU, tel 0845 601 8855.
- Under the UK Air Navigation Order 2000 there may be a need to install aviation lighting to some or all of the wind turbines and there is also a requirement in the UK for all structures over 300 feet high to be charted on aviation maps. To achieve the charting, required details of the proposal should be sent to :- Defence Geographic Centre, AIS Information Centre, Jervis Building, Elmwood Avenue, Feltham, Middlesex, TW13 7AH.
- All works on site should be undertaken with strict adherence to Pollution Prevention Guidelines numbers 1, 2 ,3 ,4, 5, 6, 8 and 21 available on SEPA's website [www.sepa.org.uk/guidance/ppg/ppghome.htm](http://www.sepa.org.uk/guidance/ppg/ppghome.htm) or free of charge from any SEPA office.
- If mobile crushing plant is to be used on site authorisation will be required from SEPA under the provisions of the Environmental Protection Act 1990. Any proposed concrete batching plant may require a prior Part B authorisation and any water abstraction may require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR). SEPA should be contacted to discuss requirements at Pentland Environmental Protection and Improvement Team, tel 01851 706477.
- An Abnormal Loads Consent shall be required under the Roads (Scotland) Act 1984 and The Road Vehicles (Authorisation of Special Types) (General) Order 2003, Statutory Instrument 2003 No. 1998. Advice and information can be obtained from Shane Manning,

Traffic Support Officer, Highland Council TECS, Glenurquhart Road, Inverness tel01463 702470.

- Any modifications or additions to the public road, for example to form a new access, shall require Road Construction Consent and the Caithness Area Roads and Community Works Manager, Area Office, Market Place, Wick, tel 01955 607760 should be contacted to discuss requirements.
- It is a requirement of the Ministry of Defence (Defence Estates - Safeguarding) that they be provided with the following information to enable military aircrew to avoid over flying of the site.
  - 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
  - confirmation that the site will not be lit during operation.

Contact Defence Estates, Safeguarding, Kingston Road, Sutton Coldfield, West Midlands, B75 7RL. Tel 0121 311 3847

- A Building Warrant may be required for any building works and/or to provide foul drainage at Badlipster Farm.
- Circular 5 of 2007 'The Notification of Planning Applications' requires that all EIA development must be notified to Scottish Minister for them to consider whether to clear the application back to the planning authority or call it in for their own determination.



Signature:

Designation: Head of Planning and Building Standards

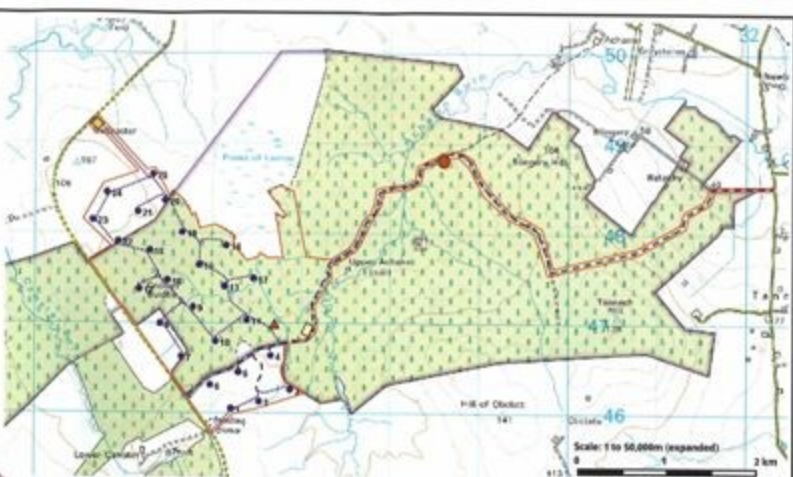
Author: Gordon Mooney, Principal Planner (01463) 702249

Background Papers: Case File

Date: 7<sup>th</sup> December 2008



Location Maps: Camster, Caithness



Site Map above shows Planning Application Boundary and proposed locations for turbines and other equipment. Map above shows enlarged detail of highlighted area of map below left.

**KEY:**

- Turbine Location and ID
- ▲ Permanent Anemometer Mast
- ◇ Construction Compound
- ◇ Switchgear / Metering Building (Conversion of existing buildings)
- New Site Tracks
- ..... Upgraded Existing Tracks
- Borrow Pit Location
- Planning Application Boundary (to include routes of access tracks, turbine and other equipment locations, borrow pit location, construction compound and area of forestry affected by felling proposals)

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Date: 16 Oct 2004  
 Project: Camster  
 Layout: LPHC Final Site Track and Equipment Layout  
 Prepared by: CDP

**Camster**

**Figure 2.1:** Location Map and Application Boundary for Proposed Wind Farm Development

E.ON UK Renewables Limited

Westwood Way  
 Westwood Business Park  
 Country  
 CV9 4JZ  
 United Kingdom

Tel: +44(0)1223 7642-6668  
 Fax: +44(0)1223 7642-5443  
 Web: www.eon-uk.com/renewables

Project:  
**Proposed Wind Farm at  
 Camster, Highlands**  
 Title:  
**Planning Application  
 for Proposed Camster  
 Wind Farm**

**Key**

- Proposed turbine location
- ★ Proposed anemometer location
- Revised Planning application boundary
- Proposed construction compound
- Planning application boundary selection
- Switchgear & metering building location
- ★ Proposed borrow pit
- Existing access tracks to be upgraded
- New access tracks
- Tracks included in original planning application
- Access as to be constructed by Achen Wind Farm Ltd (or such variation as eventually built)

**THE HIGHLAND COUNCIL**  
 ADDITIONAL PLAN  
 APPLICATION REFERENCE:  
24/S73/CA  
 RECEIVED 18/06/24

- Notes:
1. All information on this map is directly reproduced from digital and non-digital sources and is not intended to be used for any purpose other than that for which it was originally prepared. Distribution is permitted where necessary, but is made through the use of hard copies.
  2. For the avoidance of doubt and unless otherwise stated, the boundary edges in this plan are the edges of the map.
  3. The Planning Application Boundary is shown in red. The boundary edges are shown in red on the map. The boundary edges are shown in red on the map. The boundary edges are shown in red on the map.
  4. The map is intended to be used for information purposes only, unless specifically stated otherwise or accompanying documentation.

Scale: 1:15,000



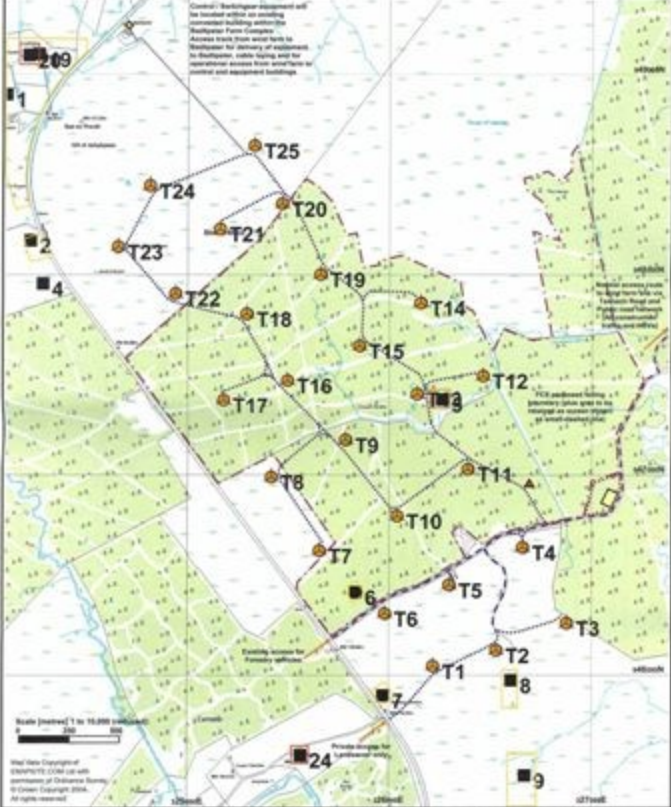
Date: 25-05-05 Prepared by: HW Checked by: NM  
 Ref: 280\_M\_074 Rev. No:

Drawing by:  
 Natural Power Consultants Ltd  
 The Green House  
 Church Road, Lark  
 Castle Douglas, TD7 8AS, UK  
 Tel: 01546 470000  
 Fax: 01546 470000  
 www.naturalpower.com

Client:



Control / Backloger equipment will be located within an existing permanent building within the Backloger Farm Complex. Access track from west field to Backloger for delivery of equipment to Backloger, public lighting and for maintenance. Access from west field to control and equipment buildings.



Scale (metres) 1 to 10,000 (kilometres) 0 200 400

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**Camster**  
**Figure 2.2: Site Layout Map**

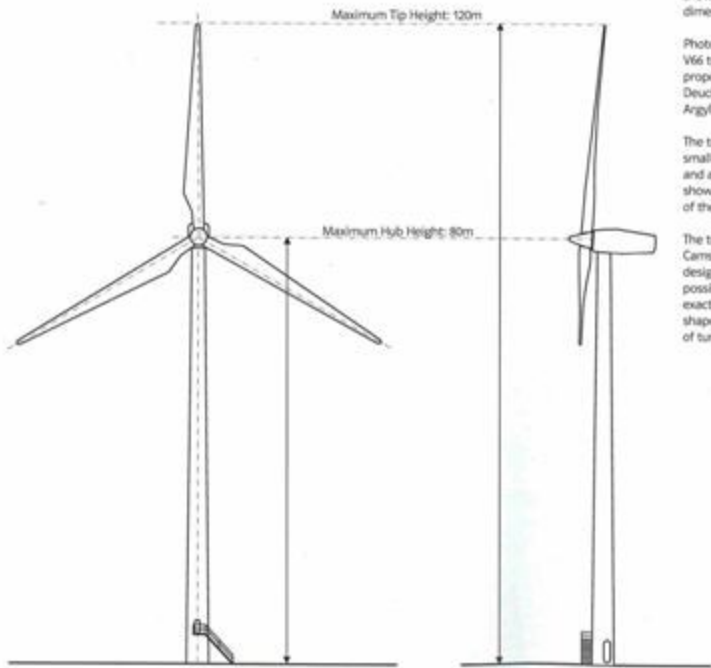
Date: 16 October 2004  
 Project: Camster  
 Prepared by: IEP

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KEY:	Turbine Position & ID	Access Road to be improved
Archaeological sites:	T1	New Access Road (Indicative route)
Scheduled	T4	Indicative area of Forestry to be removed
Regional Importance	T24	Permanent Wind Monitoring Mast (for Control purposes)
Local Importance	T20	Temporary Site Compound
Permanent Site Control and Equipment Building	T25	
Power Line Route from Substation to Grid Connection Point at Myleburn	T24	

E.ON UK Renewable Limited  
 Registered Office:  
 Registered Business Name:  
 Country:  
 CH-UK  
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The drawing is of a generic turbine and the exact nacelle and blade shape is not known at this time. The drawing shows the maximum dimensions.

Photo (right) shows a Vestas V66 turbine of similar proportions at E.ON-UK's Deucheran Hill wind farm in Argyll.

The turbine shown has a smaller rotor diameter of 66m and a hub height of 60m but shows the relative proportions of the turbine.

The turbines proposed for Camster would be of a similar design and proportion with possibly slight differences in exact blade, hub and nacelle shape. Photos of other types of turbine are shown below:



Photo (above right) shows a Bonus 1.3 turbine (92m rotor, 49m hub) at Out Newton in Humberstone and photo (right) shows a NEG Micon NMB0 (80m rotor, 40m hub) at Holmside wind farm in Durham. These serve to illustrate the variation in blade, hub and nacelle shape that can occur between different turbine manufacturers.

Scale: 1:600 (Main drawing)

0 10 20 30 m

Date: 12 Oct 2004  
Prepared by: CDF

Project: Camster

## Camster

**Figure 2.3: The Proposed Scheme**  
Typical Wind Turbine

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