

**THE HIGHLAND COUNCIL**

**CAITHNESS, SUTHERLAND AND EASTER ROSS PLANNING APPLICATIONS AND REVIEW COMMITTEE – 12 May 2009**

Agenda Item	
Report No	

**Erection of 5 wind turbines, 60m high to hub, formation of access roads and associated infrastructure, construction compound and electrical control building (in detail) and formation of visitor centre comprising of fishing lochan with enclosed crannog style centre, archaeological trail and woodland walk (in outline) at land to the north of Broubster Cottage, West Shebster, Thurso, Caithness.  
Application number 05/00594/FULCA**

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

**SUMMARY**

The proposals consist of a detailed application to erect a wind farm comprising of 5 wind turbines on land to the north of Broubster Cottage, West Shebster, Thurso, and an outline proposal for a visitor centre. The proposed wind turbines have a tower height of 60 metres and total height of 100 metres to the rotor tip with a blade diameter of 80 metres. The maximum total output of the 5 turbines is 10 megawatts. Permission is sought for an operational period of 25 years. The wind farm site access will be from the Shebster to Broubster (U204) minor road and then by an existing track to the site. The nearest houses to turbines are Roadside Cottage (833m), properties at Mackay Terrace, Shebster (830m) and Broubster Cottage (1.0km),

The site lies within 1.75km of Sites of International Importance (Sites of Special Scientific Interest (SSSI), Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar site) 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. SNH have no objections to the proposals on natural heritage or landscape grounds.

A total of 124 letters of representation have been received. Of these 66 individual timeous letters of objection have been received. 12 timeous letters of support and a petition with 264 signatures in support have been received.

The key considerations are Scottish Government and Highland Council Policy and Guidance, amenity considerations and traffic impacts during construction, the impact on the SSSI, SPA, SAC Ramsar site, the potential negative effects on tourism and the landscape and the cumulative visual impacts on the landscape of Caithness.

Potential benefits include local economic benefits from the construction and operation of the wind farm, potential tourism benefits from the proposed visitor attraction and because the proposal is a scheme of significant size that has the ability to assist in meeting Government targets for renewable energy generation. The recommendation is to **grant planning permission** subject to notification to Ministers, a prior legal agreement and conditions.

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

The applicant is Mr and Mrs C W Sutherland and Family

**Ward 4:** Landward Caithness

## **1.0 Site description**

- 1.1 The site lies 9km southwest of Thurso and 1km south of Shebster village. The proposed development is located on 125ha of marginal agricultural land used for Christmas tree production and sheep grazing. The nearest dwellings to the site are at Mackay Terrace, Shebster at 830m north east from the nearest turbine. To the south of the site is the residential property of Broubster cottage at 1km from the nearest turbine and to the north of the site is the residential property of Roadside Cottage at 833km from the nearest turbine.
- 1.2 To the east of the site the Forss water flows in a northern direction to join the Pentland Firth. To the west and north of the site the Achverasdal Burn and Shebster Burn flows in a northern direction to also join the Pentland Firth. The turbines are shown sited more than 500m from these Burns but in closer proximity to the streams feeding these Burns. The site is located within these two drainage catchment areas. There are no significant peat deposits on the site and therefore minimal risk of any land slip.
- 1.3 The extensive Caithness and Sutherland Peatlands SPA, SAC, RAMSAR, lies within 3.95km of the wind farm The Caithness Lochs (Broubster Leans) SSSI, SAC, SPA, RAMSAR lies within 1.75km of the site. 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.
- 1.4 The area is sensitive with regard to the archaeological resource. The most important monuments are the Shebster Hill and Cnoc Freiceadain chambered cairns at 1.5km north of the site and the Buaile Oscar fort and cairns lying 6km 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 periods. Near the wind farm site are burnt mounds, cairns, hut circles, old farmsteads and other evidence of long standing human occupation of the area.

## **2.1 The proposal**

- 2.2 The wind energy development application is in detail and consists of 5 x 60 metre high towers with tri-blade driven turbines giving a total height of 100 metres to the rotor tip. The proposed turbines would be positioned on the site at heights ranging between 70m and 90m AOND. There is no planning history on the site.
- 2.3 Major turbine component deliveries to the site will be from Scrabster Harbour and would use the A9, A836, C1 route to Shebster then the U204 road south to the wind farm site and then westwards through the proposed tracks to the turbine locations. HGV and other construction traffic would approach the site from the Isauld/Glengolly road and the Shebster/Shurrey road over a construction period of approximately 5 months. A traffic management plan would avoid HGV movements at peak commuting times.

2.4 The proposal includes:

- a layout for the 5 turbines with 14m x 14m x 1.25m foundations and 50m allowances for 'micrositing';
- external transformer housings
- 1.4km of new site access tracks; 4.5m wide with 10m wide passing places;
- crane hard-standing areas measuring 30m x 30m 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
- 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;
- underground cabling to the control building.

2.5 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 semi-matt finish. The total proposed output is estimated to be up to 10MW. 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 the nearby 11KV line which will be upgraded to 33KV back to the substation at Dounreay.

2.6 The application also includes an outline proposal for a visitor attraction (crannog), archaeological trail and forest walk including a fishing lochan. No details are provided.

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

- Details of consultations and mitigation for telecommunications in the vicinity of the wind farm. - November 2006
- Additional ornithological submissions to the Highland Council and Scottish Natural Heritage – Collision risk modelling report April 2008 and Ornithological Queries report July 2008
- Hydrology and culverting assessment , SAC Environmental, December 2005 and November 2006

2.8 Applications for wind power developments in Caithness 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 :-

Forss - 2MW - Operational  
Forss II - 5MW - Operational  
Flexhill - 4.5MW - Operational  
Boulfruch - 12.75MW - Operational  
Causeymire - 55MW - Operational  
Achairn - 6MW – Approved  
Lieurary II - 2 turbine scheme yet to be determined  
Baillie - 63MW – yet to be determined  
Camster - 50MW - Approved

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.

### 3.0 PUBLIC PARTICIPATION

3.1 The application was advertised on 10.02.06 under Section 34 of the Planning Act and as a departure from the Development Plan. The application was re-advertised on 23.01.09 following submission of additional information and clear identification of the site area for the visitor centre proposal. A total of 124 letters of representation have been received. Of these 66 individual timeous letters of objection and 12 timeous letters of support have been received together with a petition in support containing 264 signatures.

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

- Adverse flicker effects on residential properties to north of the site
- Proposals are too close to houses, several are less than 1km to the turbines.
- Concerns about the proximity (150m) of turbine T3 to the U204 road
- The adverse impact of construction traffic on residential properties and the local road network,
- 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 particularly the C1 Isauld to Glengolly national cycle route.
- The adverse effect of the proposals on the ecology of burns and the river system
- The adverse effect of the proposals on the nearby archaeological sites
- The adverse cumulative impact of several wind farms in the area.
- That the proposals are contrary to the Structure Plan Policies G2, G6 and G4
- Premature – lack of coherent policy
- Tree felling grant money wasted\*
- Adverse affect of the proposals on protected birds
- Grid connection not detailed
- No economic benefit to the area.
- Too far from electricity markets to be effective
- Adverse effect on house prices\*
- It is unlikely that the visitor centre etc will be built as it is only included as a 'softner'.

\* Denotes - not a material planning consideration

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

- Clean, green and positive alternative to coal, gas and nuclear power
- The proposal will support local employment.
- The development will provide local community benefit and a much needed visitor and tourist attraction.
- No adverse short or long term impacts on the environment.
- The project is locally owned
- The project is sited on poor quality agricultural land.
- The project is situated in a sparsely populated area.
- The lack of electricity in this area in the early 20<sup>th</sup> century caused economic decline and depopulation.
- The Community Council members are not representative of the general public opinion on this proposal.

3.4 The Royal Society for the Protection of Birds objected to the proposals as submitted. They believed that there were significant unexplained inconsistencies between the additional information (Nov 2007) and the ES submitted in 2006. RSPB consider that an appropriate assessment is required to assess the potential impact on Icelandic greylag geese. Following submission of further information and the assessment by SNH, RSPB do not wish to maintain an objection to this proposal subject to the conditions that,

- i) enabling and construction works will be undertaken outside the main bird breeding season -15 April to 1 August, and
  - ii) that cabling will be trenched to the point of connection,
  - iii) that an appropriate monitoring study and report is commissioned to verify wildfowl movements and potential interactions with the wind farm, covering one season pre-construction and three years post construction, the details of which should be agreed between all relevant parties prior to consent being granted.
- SNH did not recommend that any similar conditions be applied.

3.5 Objections have also been received relating to the identification of the site area of the wind farm and the visitor centre. In December 2008 the applicant clarified the site area for the visitor centre and provided a plan showing the area and paid an additional fee. Neighbours were notified and the proposals were then advertised for 21 days from the 23 January 2009 to bring those who made representations, up to date.

**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.**

## 4.0 CONSULTATIONS

### 4.1 Caithness West Community Council .

The Community Council was concerned at the linking of a detailed application for a wind farm with an outline application for a visitor attraction as it appeared that community benefit was being offered in a planning application.

- The Community Council object to the proposals on the following grounds:
- The proposal is a bad neighbour development too close to existing housing and contrary to Planning Policies.
- The proposed visitor attractions are predicated on the grant of permission for a wind farm
- The local community are overwhelmingly opposed to this development following a survey of local opinion by the Community Council.

- The wind farm proposal will adversely affect house building and property amenity in the area.
- Noise levels at Mackay Terrace are predicted to exceed recommended limits.
- The proposal will adversely affect the Tourist Cycle Route No1 and also the tourism industry in Caithness.
- There is no peat slide risk assessment in the EIA.

4.2 Area Roads and Community Works Manager has no objection to the proposals subject to conditions being attached to any consent requiring details of:

- Transport Management Plan
- Baseline road condition survey
- 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,
- Road widening to 3.3m to the U1941 from the junction with the C1001 Isauld-Glengolly road to the site entrance, lay-by and access design to be submitted for Road Construction Consent
- 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,
- Road sweeping to be carried out as required by TECS
- Dust control
- An abnormal Loads consent shall be required

TECS recommend that serious consideration be given to the use of an on-site borrow pit to reduce the need for haulage and damage to the public road. In addition the applicant must demonstrate to the Council's TECS that less than 25,000cu m of water would be impounded in the proposed 'lochan'. If this limit is exceeded then the proposed lochan needs to be registered under the Reservoirs Act 1975

4.3 TEC Services, Environmental Health - no objection in principle subject to conditions being applied relating to noise and working hours and safeguarding of private water supplies.

4.4 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 scheme offers significant access opportunities and could potentially be considered within any future proposed Core Path Networks for the area. An access plan is required to detail existing and future access.

4.5 Highland Council Archaeology Unit 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 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.

4.6 Historic Scotland  
No comments received

4.7 Scottish Water  
No comments received

4.8 Scottish Environmental 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), and conditions that the turbines are sited more than 34 metres from any drains or watercourses.
- satisfactory pollution control measures in relation to the substation and control building and grid connection area,

Details of water crossings should be set out in the Construction Method Statement (CMS) and covered by condition.

SEPA maintains an objection to the proposed visitors centre and fishing lochan as details of foul drainage, surface water drainage and water supply have not been provided. They consider that a SUDS assessment should be required for any outline application and details of how foul drainage would be dealt with. It is considered that as no details of any proposed visitor centre building has been provided at this time the further submission of foul drainage and SUDS information can be dealt with as a reserved matter on any outline planning permission.

4.9 Scottish Natural Heritage

Natura sites and protected species

Initially SNH objected to this proposal on the grounds of lack of information on which to make an assessment of the effects of the proposals on protected sites and species. Following receipt of the applicant's further bird studies and collision risk assessment in October 2008 SNH made a further response and withdrew their objection.

- European Interest – Caithness Lochs SPA and Ramsar site : SNH's advice is that the proposals will have no likely significant effect on the Greenland-white fronted goose and whooper swan qualifying interest.
- European Interest – Caithness Lochs SPA and Ramsar site: SNH's advice is that this proposal will have a likely significant effect on the greylag goose qualifying interest through collision risk. On the basis of the appraisal carried out by SNH to date SNH consider that the proposals will not adversely affect the integrity of the site.
- European Interest – Caithness and Sutherland Peatlands SPA - SNH's advice is that the proposals will have no likely significant effect on the qualifying interest of this SPA.

SNH also removes their previous objection with regard to other wider countryside Annex 1 bird species

4.10 Landscape

Due to the relatively flat nature of the Caithness landscape, turbines of this height will be highly visible particularly within 10km of the site. While there will be significant visual impacts from local views the large scale of the turbines relates to the open exposed nature of the landscape character. SNH does not consider that the impacts

on visual amenity are sufficient to warrant objection on these grounds. When considering the scenario of the operational wind farms together with other wind farms in the planning system including Baillie Hill wind farm, Baillie Hill will give marked additional cumulative impact. Adding Shebster wind farm to this scenario will result in a level of impact that is considerable. While SNH are of the opinion that this level of cumulative impact is acceptable there now leaves little scope for further wind energy development in this area without adversely tipping the balance to that where wind farms will dominate this landscape.

SNH are therefore of the opinion that the landscape and visual impacts of this proposal when considered on their own and cumulatively are acceptable.

- 4.11 Health and Safety Executive/UKAEA – an initial objection relating to a microwave communication link was removed by UKAEA stating that the problem would be overcome prior to the commencement of the development of the wind farm.
- 4.12 Highlands and Islands Airports Ltd - no objections but would wish to be informed of any construction dates.
- 4.13 Defence Estates has no concerns regarding the construction of the wind farm provided that any change in layout or design, however slight is notified to them and subject to conditions requiring the developer providing further information including height above ground level of the tallest construction equipment, latitude and longitude of every turbine and start and end date of construction.
- 4.14 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.
- 4.15 National Air Traffic Systems - no objection to the proposals.
- 4.16 Ofcom /Joint Radio Company Ltd CSS Spectrum - no objection

**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. Scottish Government Guidance (SPP) suggests the following are most likely to be relevant:-
- Scottish Government policy and guidance
  - views of statutory and other consultees
  - public representations
  - the environmental impact of the proposal including cumulative impact
  - the design of the proposed development and its relationship to its



- surroundings
- access, provision of infrastructure and planning history of the site

#### Highland Structure Plan (2001)

5.3 The key policies 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

About half of the site 250m from the Shebster Road to Shurrery Road is shown as being subject to policy PP2 while the remainder of the site is subject to Policy 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. However, the publication of SPP6 has meant that some of the planning guidance in the strategy does not accord with government guidance. Until the Council's strategy for on-shore wind energy development is reviewed only those parts of the strategy that comply with SPP6 should be relied on.

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 material considerations for not approving them?

- if they do not accord, are there any material considerations 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, in so far as they are compliant with SPP6
- 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) impacts on the local economy but particularly tourism.

#### Development Plan and National Policy

- 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. Therefore the contribution of current large scale wind farm proposals in Caithness and Sutherland are essential if these targets are to be met.
- 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 According to the Highland Renewable Energy Strategy and Planning Guidelines (HRES), the proposed Shebster 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 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 but the site is well suited for wind energy development with a nearby grid connection and ideal wind conditions.
- 6.12 Until such time as a viable turbine manufacturer 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’, within the *Caithness and Sutherland Landscape Character Assessment* (SNH 1998). To the west, south and east lies coniferous woodland and to the south west an area of ‘Dispersed small farm and crofts and to the north lies an area of mixed agriculture and settlement. This moorland 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’.
- 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, industrial buildings at Dounreay and the wind turbines at Forss. 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 Shebster 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 within a 10Km radius of the site on the A836 tourist route between Forss and Reay, the Thurso to Isauld Road, and the Halkirk to Westfield and Halkirk to Thurso roads.
- 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, to the areas west of Reay and most locations east of Thurso.
- 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 particularly at Forss and Causeymire and with Flexhill 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 wind farm the scope for further development beyond this may be very 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.
- 6.19 SNH comments on landscape impact are that the issues that give most concern are the potential cumulative visual impacts of the development. SNH conclude that the landscape and visual impacts of the proposal when considered on its own and cumulatively are acceptable. They advise that should this scheme be approved the threshold capacity of acceptable landscape change, taken with the Baillie wind farm proposal, in this area is likely to be reached.
- 6.20 Objections have been received regarding the visual impact of turbines on properties and loss of amenity. However, all residential properties in the area are located more than 800m from the proposed turbines and are unlikely to be adversely affected by visual effects such as overshadowing or loss of daylight/sunlight from the wind farm turbines at this separation distance. However, conditions can be applied to any permission to require mitigation should there be any adverse effects from flicker effects or noise although neither of these effects is predicted by modelling to be significant.

### Natural Heritage

- 6.21 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.

The qualifying interests of the SPA are Greenland white fronted goose, whooper swan, greylag goose, hen harrier and short eared owl. SNH initially objected to the proposal but following submission of supplementary information by the applicant, SNH withdrew their objection. RSPB have also removed their objection.

### Archaeology and Historic Buildings

- 6.22 There are no scheduled monuments on the application site but there are several sites of international and national importance within the immediate vicinity. The Cnoc Freiceadain long cairns lying 1.5km to the north being the most accessible and impressive.
- 6.23 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. However, it is also recognised that there is considerable potential for unrecorded buried remains in the area of the development. 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 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.
- 6.24 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 and should permission for the wind farm be granted to develop a visitor centre and archaeological trail.

### Transport Impacts

- 6.25 It is proposed to use the public roads from Scrabster to the access point off the Shebster/Shurrery Road for turbine component transport. 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.
- 6.26 Transport Scotland is responsible for the trunk road network and has no comments to make on the proposal. 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. A weight restriction on the U204 has been removed following strengthening of a culvert.

- 6.27 It is considered that there will not 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 and encourage public access to the site on foot, horse and bicycle.

#### Noise and other perceived health impacts

- 6.28 Objections to wind turbine proposals frequently cite noise impact on residential amenity as a particular concern. Objections were also made to the proposal on the grounds of shadow flicker effects risk of blade throw, ice throw or collapse of turbines near to the public road.
- 6.29 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. The turbines are at a minimum of 800m and greater distances from the nearest residential properties. At these separation distances there is no reason to reject these turbines on the basis of operational noise impact on residential properties. Predicted noise levels at the nearest residential properties are well below the recommended maximum permissible noise levels. There are no dwellings close to the wind farm site which would be directly 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.
- 6.30 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 are generally more than 800m from the site, there is a reasonable expectation that shadow flicker will not be of any significance at the separation distances involved. However, given the low winter sun angles and long summer days in Caithness flicker effects have been identified to possibly affect about 8 properties to the north of the site. Predicted duration of possible flicker effect varies between 3 hours to 33 hours in a year. Mitigation can be implemented to apply a computer control to shut down turbines should flicker occur at residential properties and a condition can be attached to any permission to deal with this.
- 6.31 Representations cite the proximity of the proposed turbine T3 to the road and the safety issue that this could present to passers by. There is 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. PAN 45 advises that turbines should be distanced by at least their total height from public roads to safeguard passers by from any turbine collapse, disintegration or ice throw. Turbine T3 is therefore adequately distanced from the public road to avoid any possible physical collapse of the structure affecting the road. Turbine 3 is shown positioned at 140m from the public road and is 100m high to tip. This positioning would therefore exceed the recommendation of PAN 45.
- 6.32 There may be private water supply catchments in the vicinity of the windfarm and it is recommended that a condition be attached to any permission requiring an assessment of possible effects on water supplies prior to any development

commencing.

### Impact on the local economy and tourism

- 6.33 Over the last decade several studies have been carried out by industry 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.*

- 6.34 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.

- 6.35 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.”*

- 6.36 *“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.”*
- 6.37 Therefore the study found that at a certain (unspecified) cumulative level of turbines in Caithness the tourism economy will be adversely affected.
- 6.38 At present there are no turbines in this part of Caithness. Visitor attractions in the area are focussed on the archaeological sites and tourism is mostly through-traffic or limited to visitors who come to enjoy the wildlife and open landscapes. The effect of the development on the tourist route would not be significant given that most tourists are travelling east/west and views of the turbines would be transitory. The applicant would intend to develop a tourist attraction/ visitor centre adjoining the wind farm site should he get planning permission for the turbines. This development would help to offset any loss of tourist appeal from the turbines.

#### Construction impacts and controls.

- 6.39 The ground conditions at the site are of woodland and semi-improved agricultural land and there is no peat present therefore a peat slide risk assessment is not necessary
- 6.40 It is the Councils 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. It is also considered 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 measures.

## **7.0 CONCLUSION**

- 7.1 Planning Advice Note 58 - Environmental Impact Assessment states that experience shows that there will usually be a small number of major issues, perhaps only one, on which the acceptability of a project hinges and that these major issues should be highlighted in the planning report, drawing on the content of the Environmental Statement. The Environmental Statement is considered to be comprehensive for this development.
- 7.2 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. The major issues in this case are the impact on residential amenity, visual amenity and its link to tourism and the impact on birds particularly those associated with the Special

Protection Area.

- 7.3 There is also an issue with regard to the compatibility with Highland Renewable Energy Strategy and Planning Guidelines in so far as these are compliant with SPP6. These are the issues that constitute the majority of representations received.
- 7.4 The acceptability of the proposals with regard to their visual impact is ultimately a subjective matter. It is considered that residential property in the vicinity of the wind farm will not suffer a significant loss of amenity during both the construction and operation of the wind farm due to separation distances from the turbines and mitigation proposed by the developer. Once constructed and in operation there will be significant visual impacts but these are considered to be acceptable given the separation distances from houses. However, if judged to be unacceptable in terms of proximity to houses, settlements, historic sites, and/or unacceptable in cumulative impacts with other wind farms the development would therefore not comply with the Highland Renewable Energy Strategy and Planning Guidelines or Development Plan Policy.
- 7.5 However, it is considered that this development is of a scale to provide a 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 in favour of the wind energy proposal.
- 7.6 The proposed lochan and visitor attraction is an outline proposal and raises no significant environmental issues. Details of any drainage requirements or access can be dealt with in any subsequent reserved matters application.

## **8.0 CONSIDERATION OF PROPOSALS AFFECTING EUROPEAN SITES**

- 8.1 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.
- 8.2 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.
- 8.3 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.
- 8.4 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 Greenland white fronted geese, greylag geese, whooper swan, hen harrier and short eared owl (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.

- 8.5 The Council are advised by SNH that the proposals will not have a significant effect on the Greenland white fronted geese, whooper swan, hen harrier and short eared owl qualifying interests of the SPA. While the proposal will have a likely significant effect on the greylag goose qualifying interest SNH are of the opinion that the proposal will not adversely affect the integrity of the site. There is no reason to depart from the advice of SNH therefore it is recorded that the Council has undertaken the appropriate assessment required by the EU Directive.

## RECOMMENDATION

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

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

and the following conditions:

### General

1. The permission hereby granted for the wind energy development 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 January 2005 and revised by the supplementary information to the Environmental Statement) and the submitted and approved plans. This permission shall be for a maximum of 5 wind turbines and an anemometer mast, to be sited as shown on the site layout drawing titled "*Shebster Wind Farm Planning Application.*" 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 60 metres above existing ground level in hub height and 100 metres above existing ground level in overall height. Turbines shall 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 construction methods shall be implemented.

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

#### Natural Heritage including Birds

9. 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.

10. 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 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 Forss Water 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.

11. 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.

12. 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

13. 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.

14. 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 13 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.

15. 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

16. 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 Shebster Burn and other streams in the catchment of the Forss Water 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

17. 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 Shebster 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.

Reason: In the interests of road safety.

18. Details of road widening to the U1941, formation of laybys and site access shall be submitted to and approved by the Council, after consultation with the Roads Authority, and shall be constructed in accordance with those agreed details 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

19. Prior to commencement of development on site, the first 10m of the access is to be constructed to a bound finish, e.g. dense bound macadam or concrete with a 4.5m x 180m visibility splay provided and maintained in both directions and 10m bellmouth radii are to be provided. Lay bys on the public road are to be constructed at appropriate locations agreed with the Council and constructed to the following minimum specification of 12m by 3m with 20m tapers on either end with a carriageway width of 3.3m. Construction details and locations for road improvements and lay bys are to form part of a Road Construction Consent application

Reason: In the interests of road safety

20. Prior to commencement of development, details of wheel wash facilities are to be submitted for the further written approval of the Council together with measures to prevent silting of ditches, drains or water courses. Dry wheel wash facilities (using vibration) may be acceptable. All mud and other debris shall be removed from the public road by mechanical sweeping prior to sunset each day of construction on site to the approval of the Council.

Reason: In the interests of road safety

21. 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

22. 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

23. 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

24. 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

25. 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.

26. 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.

27. 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.

#### Safeguarding of private water supplies.

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

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

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

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

#### Liaison Group

30. 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

31. 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.

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

access to the countryside.

### Temporary Facilities

32. 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.

### Decommissioning and Reinstatement

33. 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.

And,

B) Grant outline planning permission for formation of a visitor centre subject to the condition that details of the siting, design and external appearance of all buildings, the means of access thereto, and proposals for landscaping including the design and appearance of boundary enclosures, car parking, all surface water infrastructure (SUDS), water supply and any required augmentation, foul drainage, open space amenity and recreation areas, footpaths, cycle ways (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced.

Application for the approval of reserved matters shall be made to the Local Planning Authority no later than the expiration of three years from the date of this permission and the development must be commenced before whichever is the later of the following dates :

(i) the expiration of five years from the date of this permission

(ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

### Information

- For the avoidance of doubt, any proposal to form borrow pits or quarries along the route of the proposed access road or within the wind farm site shall be the subject of separate application(s) for planning permission.
- 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.
- All contractors working on adopted roads and bridges are to be approved by the Highland Council TECS prior to any works being undertaken. Details of contractor competency, public liability insurance and staff qualification are required. All works on adopted roads are to be carried out only by staff certified under the New Roads and Streetworks Act 1994.
- The applicant must demonstrate to the Council's TECS that less than 25,000cu m of water would be impounded in the proposed 'lochan'. If this limit is exceeded then the proposed lochan needs to be registered under the Reservoirs Act 1975.
- 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 construction.
  - details if the turbines will be lit by navigation lights.
 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 facilities.

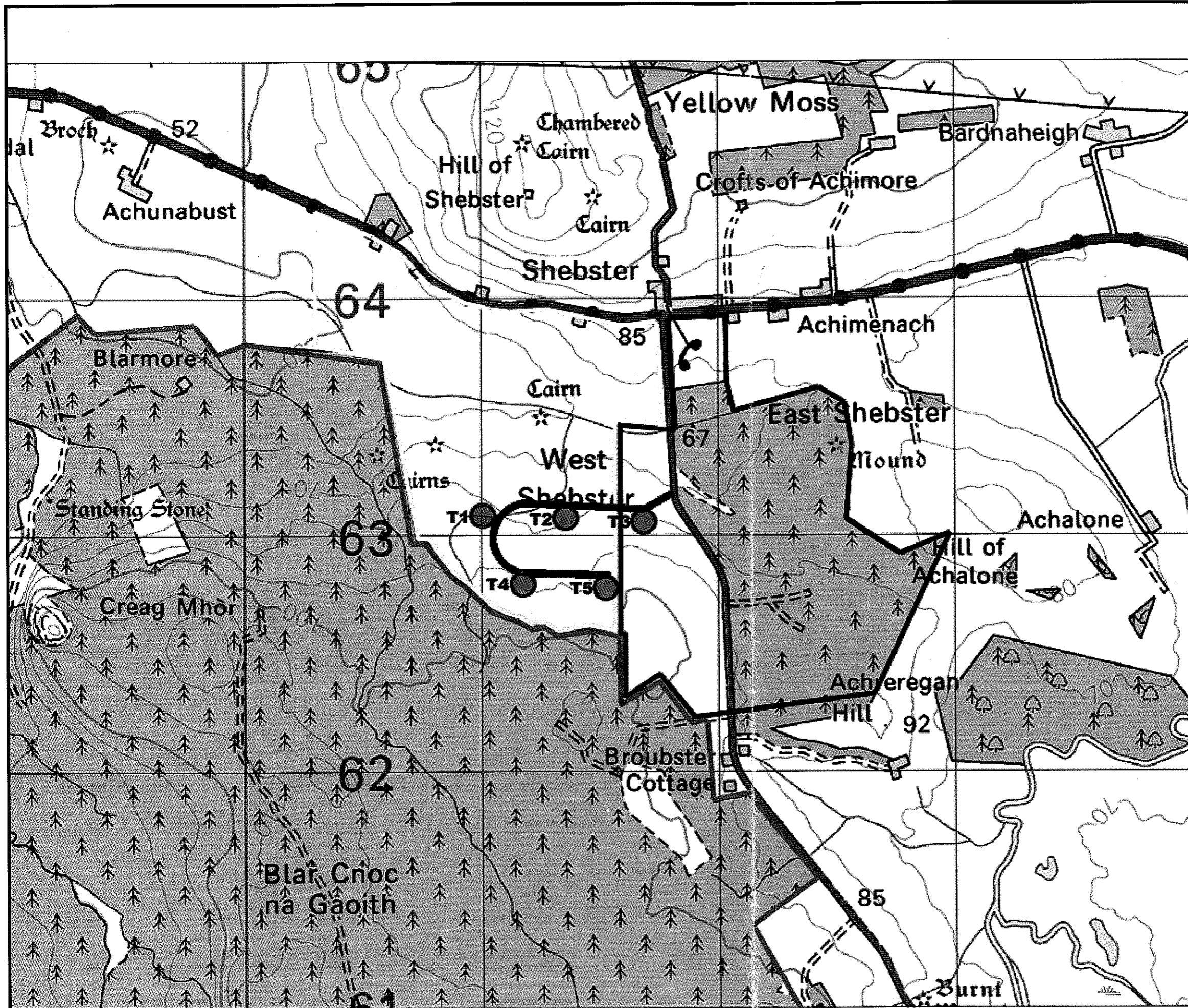
Signature: Richard Hartland

Designation: Head of Planning and Building Standards

Author: Gordon Mooney, Principal Planner (01463) 702249

Background Papers: Case File

Date: 5 May 2009



**Figure A: Shebster Wind Farm Layout**

- Wind Turbine Location
- Site Boundary
- Landowner Boundary (Mr & Mrs C. Sutherland)
- Landowner Boundary (Mr W. Oag)
- Landowner Boundary (Mr. M. Loyd)

THE HIGHLAND COUNCIL  
 PLAN 1 OF 2 OF APPLICATION REFERENCE  
 U5 / 594  
 RECEIVED 19 DEC 2005



**Shebster Wind Farm  
Planning Application**



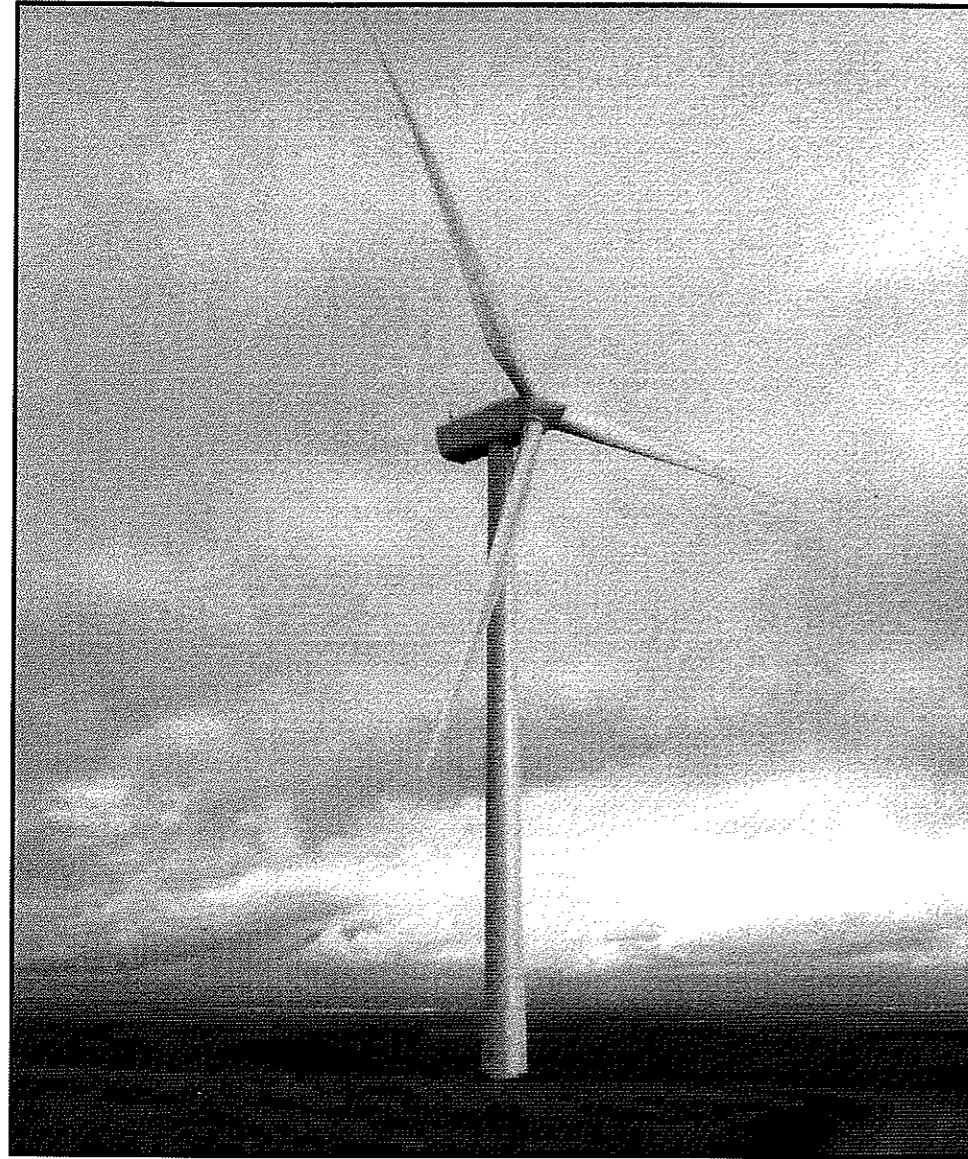


Figure 6.1: Photograph of a typical V80 wind turbine proposed for Shebster.

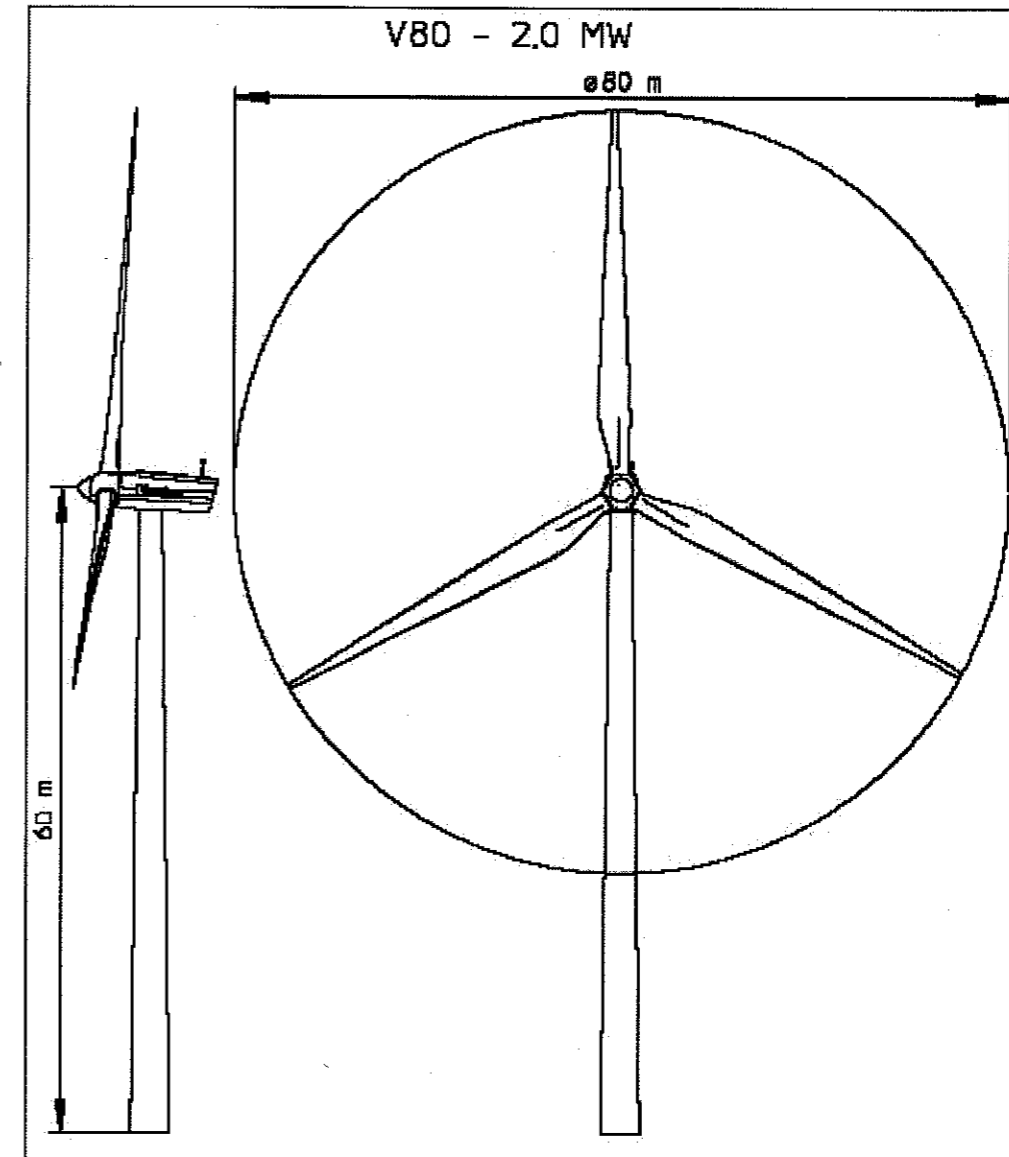
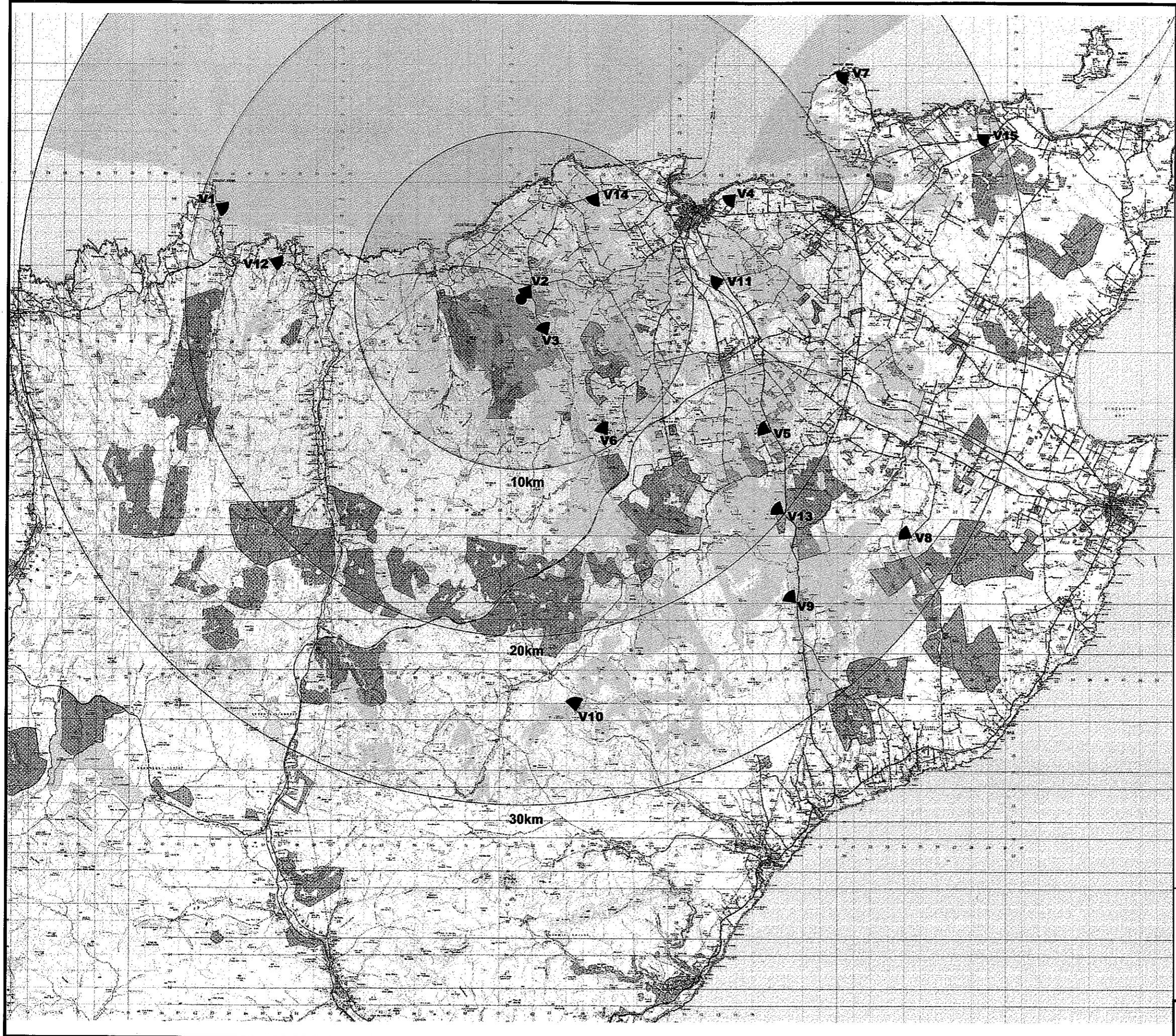


Figure 6.2: Dimensions of a typical V80 wind turbine proposed for Shebster.



**Figure LV03: Shebster Wind Farm ZVI**

- Wind farm location
- ▲ Viewpoint with full photomontage
- ▲ Viewpoint with wireline only
- 1 or more turbines visible

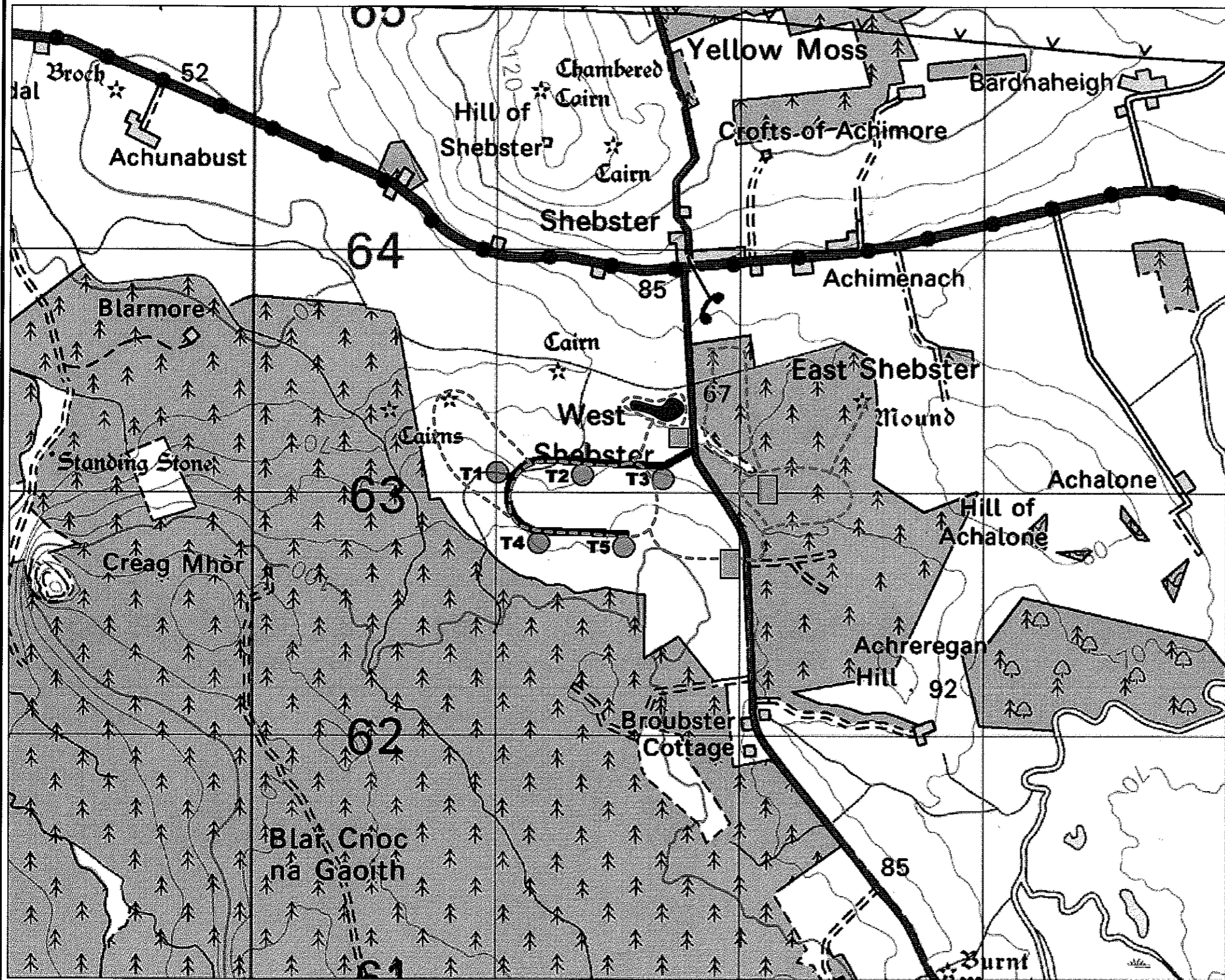
0km  15km

**Shebster Wind Farm  
Environmental Statement**








**October 2005**



Figure 7.3: Shebster Wind Farm and Visitor Centre Site Layout



**Key:**

-  Wind Turbine Location
-  New Access Track
-  Visitor Trail (Archaeology/Woodland/Wind Farm)
-  Crannog
-  Children's Activity Area
-  Fishing Lochan
-  Parking Area

0m 1500m

Shebster Wind Farm  
Environmental Statement