

THE HIGHLAND COUNCIL
CAITHNESS, SUTHERLAND AND EASTER ROSS PLANNING
APPLICATIONS AND REVIEW COMMITTEE
23 June 2009

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| Agenda Item | 3.1 |
| Report No | 29/09 |

Extension to Kilbraur Wind Farm, Sutherland
(09/00111/S36SU)

Report by Head of Planning and Building Standards

SUMMARY

The Council is being consulted by the Scottish Government on a proposal for eight turbines to be erected on the existing (nineteen turbines) Kilbraur Wind Farm, Strath Brora Sutherland. The applicant is West Coast Energy.

The Scottish Government has received 3 objections to the application and 18 letters in support. The objections raise concerns on the visual impact of the development, cumulative impact and impact on valued peatland habitat.

The proposal complies with the development plan. There have been no sustained objections from statutory consultees.

It is recommended that the Council does **not object** to the application subject to conditions.

Ward: 5 East Sutherland and Edderton

1.0 PROPOSALS

1.1 The proposal is for an eight turbine extension to the Kilbraur Wind Farm. As the development of these turbines would result in the wind farm having an overall maximum capacity of 67.5Mw the proposal has been submitted as an application under Section 36 of the Electricity Act 1989, to Scottish Ministers. Should Ministers approve the application the development will have been deemed to have been granted planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997. The Council is a statutory consultee and is required to submit its views to the Scottish Government by **24 July 2009**.

1.2 The development comprises the following main elements: -

- 8 (2.5Mw) turbines (hub height 80m, max tip height 125m).
- 5m wide access tracks (3.14km in total) with underground cables adjacent.
- ancillary site works.
- working of the existing borrow pit.

1.3 Although the new turbines will be identical in nacelle and blade design with the existing nineteen turbines, the new turbine towers will be 10m higher (80m height).

The original towers were 70m to hub height. The turbines will be connected into the existing control buildings and then distributed to the nearby 275Kv grid network. The application is supported by an Environmental Statement (ES) presenting the environmental implications of the development proposals.

- 1.4 The development falls within the existing Kilbraur wind farm site which is set on open moorland on the south side of Strath Brora, approximately 8km north west of Golspie. The majority of the site is open moorland, covered in peat of varying thickness. It also includes a small area of commercial woodland. The townships of Knockarthur and Tannachy lie some 2km west and 3km north-west of the existing wind farm. A scatter of individual properties on the north side of Strath Brora overlooks the wind farm at distances in excess of 3km. Access to the site for abnormal loads is proposed from off the A9(T) road at Drummuie, through the private Ben Bhraggie forest access tracks and upgraded Dunrobin Glen Road (U409).

2.0 PLANNING HISTORY

- 2.1 **16 Oct 2006** - 19 turbine wind farm at Kilbraur granted planning permission with a legal agreement addressing site restoration, wear and tear agreement for the local road network, conservation management, etc. (Planning reference 04/000125/FULSU).
27 April 2007 - Borrow Pit extension granted planning permission (Planning reference 07/00053/FULSU).

3.0 PUBLIC PARTICIPATION

- 3.1 The application was advertised under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 on 13 March 2009 and 24 April 2009. Public representations were invited over a period extending to 28 days on each occasion.
- 3.2 The Scottish Government received 3 objections to the application and 18 letters in support. The Council received no objections and 1 letter in support. Annex A provides the details of all those who submitted representations.
- 3.3 Objections have focused on the following matters: -
- Visual Impact
 - Cumulative Impact
 - Impact on Valued Peatland
 - Conflict with EU Directive 85/337/EEC.
- 3.4 Letters of representation made to the Council are available for inspection in the Planning and Development Service at Headquarters, Glenurquhart Road Inverness and will be available at the committee meeting.

4.0 CONSULTATIONS

- 4.1 Rogart Community Council has no objections.

- 4.2 Golspie Community Council has no objections.
- 4.3 Council's Archaeology Unit has no objections to the development but request further mitigation on the micro-siting of turbines and watching briefs on construction works to ensure appropriate safeguards on valued local archaeology.
- 4.4 TEC Services (Roads) has no objections but request a continuation of the conditions and agreements as set out in the initial planning application.
- 4.5 Trunk Roads Network Management Division has no objections.
- 4.6 Scottish Water has no objections.
- 4.7 Scottish Environment Protection Agency has no objections but has requested conditions to be attached to any approval to secure and safeguard the local water environment.
- 4.8 Scottish Natural Heritage initially had concerns on this development and requested additional survey work into water vole. Further work into this subject resulted in slightly amended plans for the access tracks and the location of turbines No 5 and No 8 that allowed SNH to remove their objection. With regard to landscape and visual impact SNH recommend some design improvements perhaps involving removal of Turbine 7 from the scheme or move it closer to existing turbines. They requested conditions in relation to: -
- construction impact reports on local hydrology securing the mitigation as set out in the Environmental Statement.
 - To resolve potential conflict of the development with the provisions of the existing Conservation Management Plan.
 - A requirement for an ecological Clerk of Works to oversee ecological issues during construction.
- 4.9 Halcrow (Peat Slide Risk Assessment) raises no objection to the application but offered standard conditions that may be useful to apply.
- 4.10 Highlands and Islands Airport Ltd has no objection to the application.
- 4.11 Ministry of Defence (MOD) has no objection but if consent is granted Defence Estates must be advised of key details. Furthermore it is recommended that the turbines be lit with 25 candela omni-directional red lighting at the highest practical point.
- 4.12 National Air Traffic Services (NATS) has no objection.
- 4.13 Civil Aviation Authority (CAA) has no objections however there may be a need to install aviation obstruction lighting. Turbines must be white to conform to international criteria. Consultations must be undertaken with other aviation interests such as the MOD, NATS and local emergency services air support units.

- 4.14 OFCOM have not objected to the application, but they highlight “frequency bands” that cross close to the stated turbine locations requiring further consultations with license holders.
- 4.15 British Telecom (BT) has no objections.
- 4.16 Marine Scotland – Fresh Water Laboratory has no objections.
- 4.17 River Brora District Salmon Fishery Board has no objections but requests appropriate construction safeguards to minimise any potential impact on local fish stocks / local river system.
- 4.18 Royal Society for the Protection of Birds object to the application which will impact on known areas of avian interest. Turbines 1, 2, 5 and 8 are of particular significance. RSPB have no objection to the principal of further turbines on this site. The current concerns relate to the environmental impact assessment conclusions which can be given little weight, as survey work was undertaken when construction was still ongoing.
- 4.19 Historic Scotland has no objections but have concerns over the encroachment of development by turbine 6 on the Croc an Ruidhean Chuaidh hut circles.
- 4.20 Health and Safety has no objections.

5.0 POLICY

- 5.1 The following development plan policies are relevant to the assessment of the proposals: -

Highland Council Structure Plan (March 2001)

- 5.2
- | | |
|------------|--|
| Policy G1 | Conformity with Strategy. |
| Policy G2 | Designed for Sustainability. |
| Policy G3 | Impact assessments. |
| Policy G4 | Community benefit and commitment. |
| Policy E1 | Distributed renewable energy developments. |
| Policy E2 | Wind energy developments. |
| Policy N1 | Nature conservation. |
| Policy L4 | Landscape character. |
| Policy BC1 | Preservation of archaeological sites. |
| Policy U3 | Water supplies. |

South and East Sutherland Local Plan (adopted May 2000)

- 5.3
- Strategic Policy 16 Alternative Energy.
 - Strategic Policy 17 Biodiversity.
 - Para 1.19 Crofting.
 - Para 1.26 Tourism.

Sutherland Local Plan Deposit Draft (Nov 2008)

- 5.4 Strategic Objective SO4 Growing our economy
 Strategic Objective SO6 Promoting Environmental benefits
 Para 4.43 A Competitive Place – policies a, i, k, q and r.
 Para 4.45 A Place of Outstanding Heritage – policies a, h, k and l.
 General Policy Wider Countryside
 General Policy Natural, Built and Cultural Heritage
 General Policy Protected Species
 General Policy Other important Species
 General Policy Important Habitats
 General Policy Developer Contributions

Highland Renewable Energy Strategy and Planning Guidelines (2006)

- 5.5 Policy C1 Project Efficiency and Productivity

National Planning Policy

- 5.5 The proposals require to be assessed against the following relevant Scottish Planning Policies (SPP); NPPG, and Planning Advice Notes (PAN).

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|--------|---------------------------------------|
| SPP 1 | The Planning System |
| SPP 2 | Economic Development |
| SPP 6 | Renewable Energy |
| NPPG5 | Archaeology and Planning |
| NPPG14 | Natural Heritage |
| SPP 15 | Planning for Rural Development |
| SPP 23 | Planning and the Historic Environment |
| PAN 45 | Renewable Energy Technologies |
| PAN 56 | Planning and Noise |
| PAN 58 | Environmental Impact Assessment |
| PAN 60 | Planning for Natural Heritage |

6.0 PLANNING APPRAISAL

Determining Issues

- 6.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

- 6.2 The determining issues are whether:

- The proposal accords with the development plan?
- If they do accord, are there compelling material considerations for not approving them?
- If they do not accord, are there any compelling material considerations for approving them?

Assessment

- 6.3 To address the determining issues, the Committee must consider the following:-
- a) Policy - Development Plan & Supplementary Planning Guidance
 - b) Roads
 - c) Nature Conservation
 - d) Layout and Design
 - e) Amenity
 - f) Noise
 - g) Construction Impacts, Peat Stability and Control Generally.
 - h) Other Material Considerations

Policy – Development Plan & Supplementary Planning Guidance

- 6.4 Within the adopted South and South East Sutherland Local Plan the Council is generally supportive of “Alternative Energy” projects. Renewable energy projects however are to be supported in accordance with the policies within the approved Structure Plan. The Structure Plan is supportive of wind energy projects provided that impacts are not shown to be significantly detrimental. Assessment of proposals must have regard for Visual Impact, Noise, Electro Magnetic Interference, Roads Bridges and Traffic, Aircraft flightpaths/MOD operations and cumulative effects.
- 6.5 The Highland Renewable Energy Strategy (HRES) preferred development areas includes the siting of major onshore wind farms generally within this locality of East Sutherland. With the principle of a wind farm having already been established at this location through the initial consent the key consideration with regard to HRES is Policy C1 the maximisation of electricity generation without compromise to the local environment (neighbours, wildlife, landscape and heritage). Regard also has to be had on any secondary implications upon the grid network, roads or more distant communities. The assessment criteria for determining applications are similarly set out within Scottish Planning Policy (SPP) 6 Renewable Energy.
- 6.6 Taking into account the provision of these policies, if the impacts of the development are not judged as being significantly detrimental, the proposals comply with the Development Plan and the Council’s additional supplementary guidance as set out within the Highland Renewable Energy Strategy. The application is supported by an Environmental Statement (ES) which has addressed the likely impact of the development on the local community and surrounding communities. It been supplemented by additional information and clarification during the period since submission of the application. There are no outstanding technical objections to the application subject to appropriate conditions being attached. Accordingly it is submitted that the development is compliant with the criteria set out in the Development Plan.

Roads

- 6.7 The existing accesses to the site for the initial wind farm development have proven satisfactory. This included substantive improvements to the local road network, a

wear and tear agreement, the utilisation of a private road through Ben Bhraggie Woods and Dunrobin Glen. The latter in particular allowed abnormal loads and other heavy goods traffic coming north on the A9 Trunk Road turn off at Drummuie, rather than progress into and through Golspie. Should this application be approved, it will be necessary for the existing transportation arrangements and legal agreements to be extended to permit the construction of these eight additional turbines. This should also continue the local liaison group to deal with any concerns arising from the construction works.

Nature Conservation

- 6.8 The proposed development does not fall within any designated site, however it is within 6km of Coir' an Eoin SSSI, which is a part of the Caithness and Sutherland Peatlands Special Protection Area (SPA), Ramsar site and a Special Area of Conservation (SAC); Lairg and Strath Brora Lochs SSSI; Strath Carnaig and Strath Fleet Moors SSSI and SPA; Carol Rock SSSI and Craig na Croiche SSSI. In their assessment of the application Scottish Natural Heritage has advised the Council that it considers the proposal is unlikely to have a significant effect on any of the qualifying interests of the nearby designated sites either directly or indirectly. Similarly the expected impact upon Annex 1 Birds and Schedule 1 birds in the wider countryside is limited. This of course recognises the commitment by the applicant, under the existing wind farm to the Kilbraur Conservation Management Plan that seeks to improve habitat for Hen Harrier.
- 6.9 Representations from RSPB however highlight concerns over the quality and timing of the bird survey work used to support this application in addition to the potential impact of the application on Golden Plover and Merlin in the area. RSPB is not however against the principle of additional turbines at this site. One key difference on views between SNH and RSPB is that the former did not want habitat improvements within the wind farm site for fear of attracting bird species into the site, potentially increasing mortality through collision.
- 6.10 The initial submission, particularly the access tracks to turbines No 5 and No 8, was subsequently shown to be impacting upon an area of value to water voles. By moving the access tracks and the sites of these two turbines marginally southwards the development can minimise the risk of damage to this valued habitat. This change also had to maintain some separation from an area of archaeological interest. The extent of ditch blocking, under the Kilbraur Conservation Management Plan, as updated in May 2009, will not be compromised by the current application. These amendments and updates have allowed Scottish Natural Heritage not to object to the application. The local fisheries board have not objected to the proposal, nor has the Scottish Environment Protection Agency.

Layout and Design Issues

- 6.11 The proposal involves the setting of eight turbines within and around the current wind farm. Six turbines are to be located within the central core, with two further turbines slightly extending the length of the eastern and western array. Consequently the impact of the new turbines on the local landscape is limited. The additional 10m height of these turbines, from the existing turbines, is not significant.

Indeed the different dimension of these turbines will be difficult to identify, given the changing contours across the whole site and the proposed turbines will very much match the existing turbines in colour and appearance.

- 6.12 Scottish Natural Heritage has advised that Turbine 7 appears to stand out on its own and have strongly recommended that it either be dropped or be located closer to the existing turbines. Viewpoints 2 and 3 within the ES perhaps best demonstrate the predicted outcome. Turbine 7 will remain located very much within the site boundaries of the existing wind farm. The siting of the proposed new turbines is a consequence of a number of factors including landscape issues, but also wind capture efficiency, impact to and from other turbines, standoff from water courses, grid lines, microwave links, etc. Whilst the linear effect of the wind farm is extended through the development of Turbine 7, the overall effect is not seen as being significantly detrimental.

Amenity

- 6.13 The existing wind farm has been successfully developed and generally accepted into the local landscape. There are no reasons to suggest that the additional eight turbines will not also be as successful. Considerable support for the application has been made, however a few public representations have highlighted concerns over the visual impact and cumulative impact of the proposals on the local landscape / community.
- 6.14 The applicant has demonstrated through the Environmental Statement the assessment of the likely impact of the development on the landscape, designated landscapes and visual amenity, particularly from local viewpoints, local outdoor facilities, tourist routes, historic and cultural features, etc. This has also taken into account the possible cumulative impact of other wind farm developments such as Beinn Tharsuinn, approved schemes including Gordonbush, Achany, Rosehall and other proposals including Cambusmore and Nigg. The assessment is seen as being comprehensive and fair, the results of which can be accepted in full. It highlights that the proposals will not result in significant adverse effect on the landscape. Indeed it concludes that the proposals can be regarded as acceptable in landscape and visual terms.

Noise

- 6.15 The nearest habitable properties to the existing wind farm lie to the south west at Farley. These properties will lie at 800m from the proposed nearest turbine, turbine 7. Other properties in the locality are more distant with Glen Cottage to the south at 1.2km and properties at Kilbraur, Balnacoil and Scibercross to the north being at a distance in excess of 2km. Assessment of the existing wind farm and predictions of the effects of the proposed turbines have indicated that there are not anticipated to be any significant disturbance from noise or vibration. There are no objections raised to the development from TECS (Environmental Health), however standard conditions are requested to ensure that should problems emerge at a future date, information will be available to fully assess that noise levels are contained within clear performance parameters.

Construction Impacts, Peat Stability and Control Generally.

- 6.16 Further development at Kilbraur will require careful management of construction works consistent with the initial project and with particular regard to the development of the new turbine locations and access tracks. These will impact on local hydrology and peat deposits. Floating access tracks are proposed particularly in accessing turbines No 1 and No 2 and thereby should minimise the potential impact on the local peatland including an area of blanket bog. It should not negate the existing ditch blocking that is currently being undertaken to assist with local nature conservation interests. Using appropriate construction methodologies and undertaking risk assessments of local peat resources there is no reason to suggest that this development can not be undertaken successfully with negligible impact on the local environment.
- 6.17 The construction compound and borrow pit from the initial development remain for future use, should this development be approved. Provided the same construction practices are adopted for any future works addressing hours of working, pollution controls, dust management, waste management, etc. there is no reason to suggest this development proposal should be refused. Any approval should continue the conditions managing construction practices as set out in the initial grant of planning permission.
- 6.18 The development of Turbine 7 will result in the loss of some commercial forestry. It is normal practice to request compensatory woodland planting at another location. Decisions on the extent, type and siting of woodland planting that might be provided needs to be determined, however the applicant has indicated that they, together with the local landowners, would be content to accede to this request.

Other Material Considerations

- 6.19 A request has been made from the Defence Estates and the Civil Aviation Authority for air navigation warning lights to be attached to the proposed turbines. This will enable aircrew to readily identify where tall structures are and navigate around them. A lighting request on the original site was requested but did not make its way through the proposal cycle and into the planning process. Standard aviation obstruction lighting is 200 candela (about as bright as two standard car brake lights). This has been dropped to 25 candela (roughly the same as a single dim(ish) car tail light). The normal naked eye will only see a 25 candela red light out to around a ¼ mile easily, with around a ½ mile as a practical visual limit.
- 6.20 The need for lighting is clearly a safety issue that has to be respected, however its introduction to the landscape will change the hitherto darkness of this rural area. The applicant is aware of the MOD trials with Infra Red (IR) lighting. If these prove successful this could overcome the need to install standard red air navigation lighting and there impact of such lighting during hours of darkness. As the turbines within the current application are at a height lower than parts of the original scheme, it would make sense to address the lighting issues for the whole wind farm and not just the new turbines.

6.21 The applicant's environmental statement has highlighted features of interest in respect of archaeology of national and local importance. Assessment of these historical features together with the commitment to mitigation including micro-siting limitations on the turbines suggests that the development can be permitted without detriment to local interests.

7.0 CONCLUSION

7.1 This application presents a relatively small scale expansion to a wind farm. Nevertheless it has attracted a small number of objections from third parties who have concerns over this type of project. Objections in the main relate to the visual impact upon Strath Brora and the unacceptable cumulative impact with other developments in the locality. However the assessment of the project by the applicant, other statutory consultees and the Council have not suggested that the proposals are significant detrimental on either of these factors.

7.2 The Council needs to consider this application within the provisions of the existing development plan and supplementary planning policy which has highlighted the potential for major on shore wind farm developments within this locality. The existing development has demonstrated that this type of development can be pursued without significant adverse effects. Statutory consultees have raised no substantive concerns to the application, which cannot otherwise be managed through legal agreement and conditions.

7.3 Overall the application complies with both Highland Council policy and national policy. There are no material considerations to indicate that consent should be withheld. A recommendation is made for the application to be supported by the Council subject to conditions as set out below within the recommendation.

RECOMMENDATION

That the Council does **not object** to this application being approved subject to the conditions as highlighted below and subject to the extension of the existing Section 75 legal agreement to cover: -

- The existing "wear and tear" agreement be extended to cover the costs of any damage to the local road network,
- Minor amendments to the existing Conservation Management Plan to provide for some compensatory woodland and take the extended life of proposed turbines into account,
- The financial bond against radio or communications interference within the local community,
- The financial bond to cover the final restoration of the development site be extended.

Proposed Conditions

1. This permission shall be for 8 turbines and access tracks to be sited as shown on the approved plans. Except as otherwise provided for and amended by the terms of this approval, the operator shall construct and operate the development in accordance with the provisions of the application, the submitted plans and the Environmental Statement.

The prior written approval of the Planning Authority in consultation with Scottish Natural Heritage and the Scottish Environment Protection Agency shall be required for the siting of any wind turbine or access track more than 10 metres from the approved location, any such submission by the developer to include a revised site layout for the location of all turbines and access roads.

Reason – to protect features of interest close to the proposed development.

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

Reason: The proposals have been designed with an operational life of 25 years.

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

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

4. Prior to the commencement of development the final specification of the wind turbine details shall be submitted for the prior approval in writing of the Planning Authority, including the make, model, design, power rating and sound power levels. The noise assessment shall be updated as necessary to reflect the turbine specification chosen. For the avoidance of doubt, wind turbines on this site shall not exceed 80 metres above existing ground level in hub height and 125 metres above existing ground level in overall height.

Reason – In the interests of visual amenity.

5. The wind turbine blades shall all rotate in the same direction consistent with the existing wind farm scheme approved under planning permission 04/000125/FULSU.

Reason: In the interests of visual amenity.

6. The wind turbines shall be finished in a non-reflective semi-matt pale grey colour ((RAL Colour 7035), and that colour shall not be altered thereafter unless previously agreed in writing by the Planning Authority.

Reason: In the interests of visual amenity.

7. Other than the provision of air navigation lights the site shall not be permanently illuminated by lighting without the prior written approval of the Planning Authority which,

if the lighting is required by law, shall not unreasonably be withheld.

Reason – In the interests of visual amenity.

8. No symbols, signs, logos or other lettering by way of advertisement shall be displayed on any part of the wind turbines nor any other buildings or structures without the prior approval in writing of the Planning Authority.

Reason: In the interests of visual amenity.

9. The Wind Farm Operator shall log wind speed and wind direction data continually and shall retain the data which has been obtained for a period of no less than the previous 12 months. The data shall include the average wind speed in metres per second for each 10 minute period. The measuring periods shall be set to commence on the hour or in 10 minute increments thereafter. The wind speed data shall be made available to the Planning Authority on request. The data shall be provided on a Microsoft Excel spreadsheet in electronic format. In the case where the wind speed is measured at a height other than 10 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 order to ensure satisfactory noise control arising from operation of the development.

10. 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 Planning Authority, 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.
 - c) 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 Planning Authority, following a valid complaint to the Planning Authority relating to noise emissions from the wind turbines, the Wind Farm Operator shall measure, at its own expense, the level of noise emissions from the wind turbines. The measurement and calculation of noise levels shall be undertaken in accordance with "The Assessment 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 Planning Authority.

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

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

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

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

Reason: In order to ensure satisfactory noise control arising from operation of the development.

11. The permission shall also include the working of the existing borrow pit granted under 07/00053/FULSU. This must retain the buffer zone (10 metres) between the adjacent burn and the borrow pit excavations. Prior to the commencement of any works hereby approved, revised plans for the restoration of the borrow pit site shall be submitted to and approved by the Planning Authority. The restoration plans shall thereafter be implemented on an agreed timetable with appropriate after care management.

Reason – In the interests of amenity and to safeguard local watercourses.

12. Prior to the commencement of development on site a Written Scheme of Archaeological Investigation must be submitted to the Council for approval. This is to form the basis of an agreed programme of works for the project to be implemented consistent with the supporting approved Environmental Statement and to the satisfaction of the Planning Authority. As a minimum the following additional stages of archaeological investigation by a suitably qualified expert must be undertaken by the developer: -

- a. For Turbine 1, Turbine 2 and Turbine 4 and their respective access tracks an archaeological watching brief be maintained on all ground-works.
- b. Turbine 3 will need to be micro-sited to avoid impacting upon existing shooting butts.

- c. The vicinity around Turbine 4 will be marked out to ensure the area of Ballynacirdach, depopulated township (site reference HA9) it is not impacted upon.
- d. The vicinity of the access track serving Turbine 5 be marked out to ensure the area of Meall Odhar, depopulated township (site reference HA8) it is not impacted upon.
- e. The area of Turbine 7 and it's access to be subject to a walkover survey by a professional archaeologist, after tree felling has taken place and in advance of construction works commencing in this area.

Reason: - to ensure all archaeological interests are identified and appropriate archaeological mitigation secured.

13. Prior to the commencement of development the applicant will provided both the Ministry of Defence and the Defence Geographic Centre (AIS Information Centre) with a statement, copied to the Planning Authority and Highland and Islands Airport Authority Ltd, containing the following information:

- I. The date of commencement of the construction;
- II. The exact position of the turbine towers in latitude and longitude;
- III. A description of all structures over 300 feet high
- IV. The maximum extension height of any construction equipment;
- V. The height above ground level of the tallest structure; and
- VI. Details a scheme for air navigation safety lighting to be agreed with the Planning Authority and other relevant parties.

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

14. Prior to the commencement of development amendments to the existing Conservation Management Plan shall be submitted to and require the approval in writing of the Planning Authority in consultation with Scottish Natural Heritage. The amendments shall recognise in particular the extended period of operation of the additional turbines, promote compensatory tree planting and any other final mitigation measures appropriate for inclusion / amendment in the CMP highlighted in advance of construction. The approved CMP, as amended, shall be implemented thereafter to the satisfaction of the Planning Authority.

Reason: to effectively manage the arrangements for the enhancement of the site and associated areas for the benefit of nature conservation.

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

Reason: In the interests of residential amenity.

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

Reason: In order to prevent pollution of groundwater or any watercourse.

17. Prior to the commencement of development the developer shall submit an Environmental Management Plan (EMP) for the prior approval of the Planning Authority in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage. This statement shall detail arrangements for the following: -

- a) detailed pollution avoidance and mitigation measures for all construction elements (including watercourse crossings) potentially capable of giving rise to pollution during all phases of construction including restoration and reinstatement.
- b) Detailed measures to prevent erosion, sedimentation or discolouration will be required. This should include the proposed water monitoring regime for the identified private water supplies and proposed mitigation measures.
- c) Monitoring proposals and contingency and emergency plans to include the establishment of an environmental checklist to monitor and plan construction activities, specifically; -
 - a. Proposals for daily visual inspections and the recording of required environmental actions (for example, in relation to silt management or peat stability);
 - b. Proposals for planning activities in light of the weather (up to 3 day forecast), particularly in relation to heavy rain. Various commercial companies and the Met Office can provide (at a cost) three to five day forecasts tailor made for an individual site;
 - c. Details of temporary peat and vegetation storage areas and management to prevent environmental impact; and
 - d. Aspects relating to peat and vegetation storage stability mitigation and pollution control contingency plans.
- d) Specific measures to address silt-laden run-off from temporary and permanent access tracks and other engineering operations.
- e) Proposals and mitigation measures for the dewatering of excavations. Of specific relevance is demonstration that there is sufficient area to allow settlement of silty water and if not other appropriate means for treating the dirty water.
- f) Specific measures to prevent entry of cement materials to the water environment and proposed mitigation related to this.
- g) The location and design of bulk storage of fuel or oils and its subsequent use.
- h) Details of any cable laying, especially in relation to watercourse crossings.

- i) Dust management and details of any dust sprays.
- j) arrangements for the prevention of mud and debris being deposited on the road surface by construction vehicles
- k) A Site Waste Management Plan (SWMP) which identifies all of the waste streams (such as peat and other material excavated in relation to infrastructure) associated with the works and measures utilised for dealing with these.
- l) Details of on-site welfare facilities including foul drainage and waste facilities.
- m) Arrangements for the appointment of a site ecologist / environmental scientist to supervise operations on site during construction.
- n) 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

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

18. Prior to the commencement of development a final (brief) Peat Slide Assessment and Mitigation Statement shall be prepared and submitted for the prior written approval of the Planning Authority. This should provide commentary from an appropriate expert on the implementation of the development proposals, with specific recommendations on best practice procedures to be adopted and any mitigation measures. This Statement shall include proposals for the safe temporary storage of peat until such times as it is used for restoration of the shoulders of roads and tracks, around turbine bases and for other post-construction restoration. The Statement shall also include a rapid reaction strategy for dealing with the consequences of a slide event commensurate with the scale of anticipated risk. For the avoidance of doubt, any peat surplus to the requirements of post-construction restoration shall be removed from the site.

Reason – to safeguard the local environment and public safety.

19. Prior to the commencement of development a Road Assessment Condition Survey to identify the capacity of the public road network from point of origin to the site for the movement of construction materials and equipment, to include any improvement and modification measures necessary to accommodate the transport within the Highland area of normal and abnormal loads, all such costs to be met by the developer, shall be submitted to and require the approval in writing of the Planning Authority in consultation with the Roads Authority and the Scottish Executive - Trunk Road Network Management Division unless otherwise agreed in writing by the Planning Authority in consultation with the relevant authorities of one or more of the Roads Authority and the Scottish Executive - Trunk Road Network Management Division..

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

20. 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 Planning Authority in consultation with the Roads Authority and the Scottish Executive - Trunk Road Network Management Division.

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

21. No stone, fill material or ready-mix concrete shall be imported to the site from other sources without the prior approval in writing of the Planning Authority in consultation with the Roads Authorities.

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

22. Prior to the commencement of delivery of abnormal loads along the public road network, a detailed traffic management plan, including a programme for the movement of abnormal loads, and a contingency plan in the event of the public road network becoming blocked by a vehicle carrying an abnormal load, shall be submitted to and require the approval in writing of the Planning Authority in consultation with the Roads Authority and the Scottish Executive - Trunk Road Network Management Division.

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

23. All abnormal loads shall be escorted to and from the development and measures shall be adopted to ensure that all Trunk Road users are made aware in advance of any turning vehicles which may be occupying both lanes of the trunk road during turning manoeuvres to and from the development at the trunk road junction. No southbound abnormal loads shall be permitted to enter the development.

Reason: In order to ensure that construction and maintenance vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.

24. 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 Planning Authority. Thereafter the approved arrangements shall be implemented for the duration of construction of the whole development to the satisfaction of the Planning Authority.

Reason: In the interests of residential amenity.

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

Reason: In order to minimise the impact of construction of the development on the public

road network and its users.

26. 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 Planning Authority, all in accordance with a method statement which shall be submitted to and require the approval in writing of the Planning Authority in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage.

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

27. 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 Planning Authority 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 order to clarify the terms of this permission and to ensure restoration of the site.

Signature: Richard Hartland

Name / Designation: Richard Hartland / Head of Planning and Building Standards

Author: Ken McCorquodale / Principal Planner - (01463 702256)

Background Papers: Files 08/00407/OUTSU and 08/00408/FULSU

Annex A
LOCATION PLAN



The Highland Council
Comhairle na Gàidhealtachd

PLANNING & DEVELOPMENT SERVICE
Stuart Black
Director of Planning & Development

Ref. 09/00111/S36SU

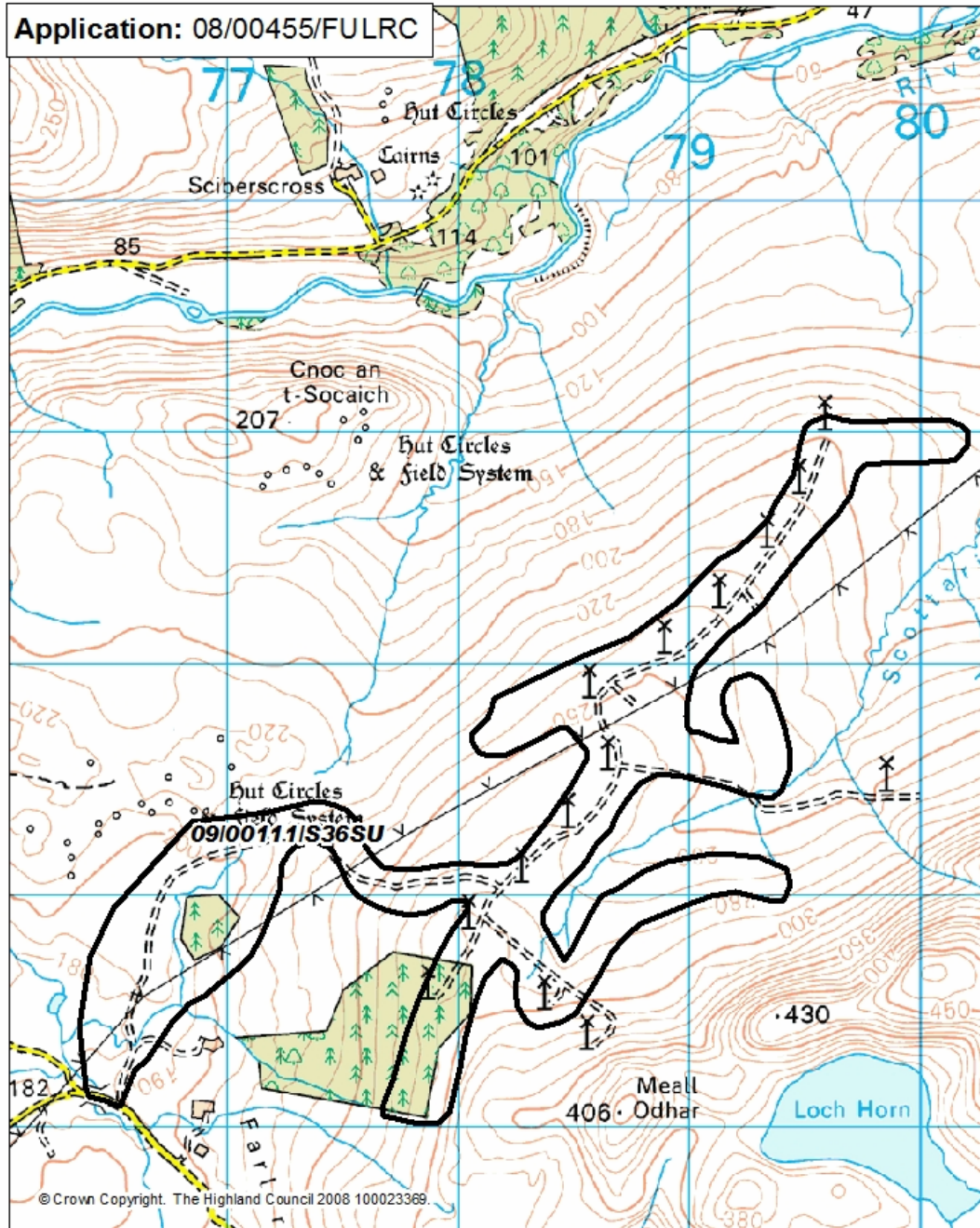
Proposal
EXTENSION TO WIND FARM

Address
KILBRAUR, STRATH BRORA, SUTHERLAND

1 centimetre equals 708.524675 metres

metres
0250001,000,500,000

Annex B
SITE PLAN



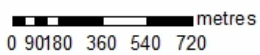
PLANNING & DEVELOPMENT
SERVICE
Stuart Black
Director of Planning & Development

Ref. 09/00111/S36SU

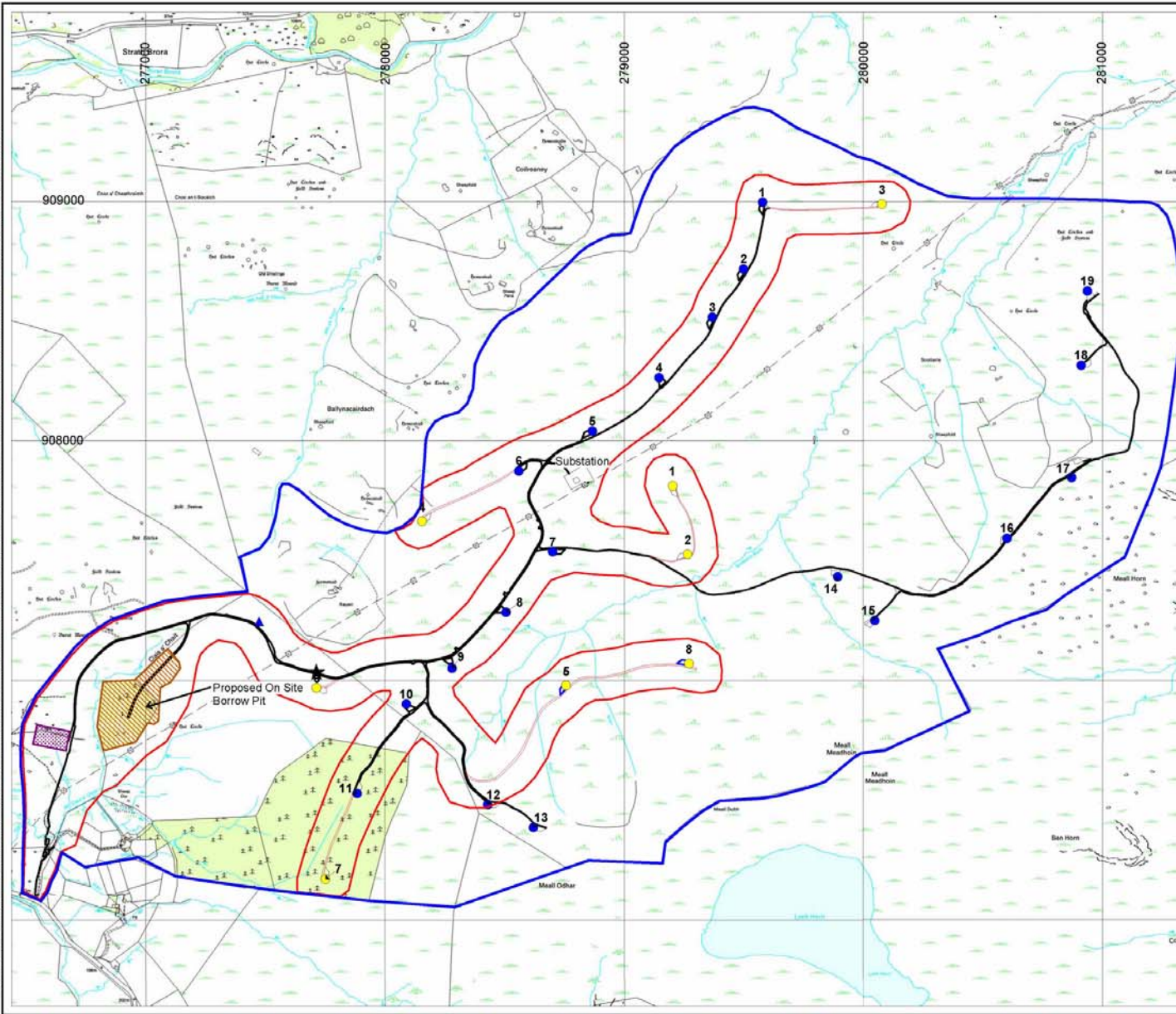
Proposal
EXTENSION TO WIND FARM

Address
KILBRAUR, STRATH BRORA, SUTHERLAND

1 centimetre equals 224.181636 metres



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Kilbraur Wind Farm Section 36 Extension



Key

- 19 Permitted Turbine Location
Kilbraur Wind Farm
- 8 Proposed Turbine Location
Kilbraur Section 36 Extension
- Application Boundary for
Kilbraur Wind Farm (April 2004)
- Proposed Planning Application
Boundary Section 36 Extension
- Tracks - Existing On site Site Tracks
- Proposed Access Tracks Section 36
Extension
- ★ Existing Permanent Met Mast
- ▲ Proposed Permanent Met Mast
- Proposed On Site Borrow Pit
- Temporary Construction Compound



0 0.25 0.5 0.75
Kilometres

Scale: 1:15,000 @ A3



Figure 3
Site Layout

Drawn by : KG 28/02/2008
Checked by : GS 1226/SL/012c
Approved by : SG TL 01m