

THE HIGHLAND COUNCIL
CAITHNESS, SUTHERLAND & EASTER ROSS
PLANNING APPLICATIONS COMMITTEE

9 FEBRUARY 2010

Agenda Item	
Report No	

WIND FARM WEST OF DUNBEATH
05/00113/S36CA

Report by Head of Planning and Building Standards

SUMMARY	
Description	The proposal is for a 22 turbine (66MW) wind farm adjacent to the Braemore Road, 4km west of Dunbeath. The applicant is West Coast Energy.
Representations	833 timeous objections to and 792 letters of support for the proposal have been received. Dunbeath and Berriedale Community Council has taken a neutral position on the application. Historic Scotland object to the development, a position supported by the Council's Archaeology Unit. Scottish Natural Heritage has also objected to the application on grounds of its landscape and visual impact. All other statutory consultees are supportive of the development.
Development Plan	The development complies with the Development Plan. There are no material considerations to outweigh development plan policy.
Recommendation	Subject to the development of a legal agreement with the developer to secure funding related to a number of areas of mitigation a recommendation is made to raise no objection to the application subject to conditions and completion of a legal agreement.
Ward	4 Landward Caithness
Reason not delegated	<ul style="list-style-type: none"> • Major application • More than 5 objections, • Objections from statutory consultees that cannot be resolved.
Procedures	The application will be subject to the Council's hearings procedure .

1 INTRODUCTION

- 1.1 The proposal is for a wind farm on Dunbeath Estate, Caithness. It has been submitted to the Scottish Government as an application under Section 36 of the Electricity Act 1989. Should Ministers approve the development, it will carry deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997. The Council is a statutory consultee and is required to submit its views to the Scottish Government by **12 February 2010**.

2. PROPOSAL

- 2.1 The application is for the development of a wind farm comprising 22 turbines (amended from 23 turbines) to either side of the Braemore Road 4km west of Dunbeath. The proposal comprises the following main elements: -

- 22 wind turbines (hub height 80m and maximum blade tip height of 125m, with an internal transformer) (micrositing buffer of 80m requested.)
- 1 permanent anemometer masts (80m).
- 8.5km new access tracks with cable circuits adjacent.
- An office compound / control room.
- A temporary construction compound and lay down area.
- A borrow pit (amended from 3 borrow pits) delivering 130,000 tonnes / 67,500m² of stone for turbine bases & access tracks.

- 2.2 The operational lifespan of the development is 25 years after which time the development will be decommissioned, with above ground facilities being removed. Turbines are to be delivered to the site from Wick Harbour. The grid connection, not part of this application, is to be directed to the sub-station south of Houstry, which lies to the north of the site. The project both at the construction stage and operation stage is anticipated to have a positive economic impact both nationally, regionally and locally.

- 2.3 The development is of a scale that requires the application to be supported by an Environmental Assessment under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000. The Environmental Statement (ES) comprises 4 volumes submitted in March 2005.

- 2.4 Three addendums to the ES have also been submitted. The first addendum provided additional information in respect of Landscape and Visual Impact Assessment, Cultural and Natural Heritage, Hydrology and Peat Slide Risk, Roads and Traffic Impact, Electromagnetic Interference and Socio Economic Impacts. This resulted in the application being amended from 23 turbines to 22 turbines and a reduced number of borrow pits from three to one. The second addendum provide further information on Peat Slide Risk, Ornithological Collision Risk Assessment, Landscape and Visual Impact Assessment, Cultural Heritage and Natural Heritage linked to Peat Slide Risk and Hydrology. The third addendum provided further Ornithological Information and Analysis, on Archaeological Setting and likely Social and Economic Impact.

3 SITE DESCRIPTION

- 3.1 The application site totals some 1,213 hectares within Dunbeath Estate, between the Berriedale Water and Dunbeath Water. Plans appended to this report. The site currently comprises rough grazings / moorland, sits on the rolling coastal hills east of Wag Hill. Adherence to estate boundaries in part has resulted in an enlarged wind farm site relative to the extent of development within the application site. The turbines are generally set between 150m and 230m contours approximately in three rows, north to south. The site is bisected by the unclassified public road that leads to Braemore from the A9 trunk road at Balnabruich, Dunbeath.
- 3.2 Dunbeath village lies 2km to the east of the site, with much of the surrounding coastal area accommodating crofting units / croft housing which would see the proposed turbines from distances of a kilometre or more. The nearest house lies within the application site, at Achorn, 1km as measured from the closest turbine.
- 3.3 The development site lies approximately 3km south east of the Caithness and Sutherland Peatlands Special Protection Area (SPA) and Special Areas of Conservation (SAC) and is adjacent to the coastal cliffs which form part of the Caithness Cliffs Special Protection Area (SPA). Dunbeath Water Site of Special Scientific Interest (SSSI) lies to the north of the site. There are significant archaeological remains, including designated Scheduled Ancient Monuments (SAMs) within the site and the Dunbeath Water area generally, including Achorn Bridge SAM and Loedebest, prehistoric settlement and post medieval enclosure SAM.

4 PLANNING HISTORY

- 4.1 **21 Nov 2003** Anemometer mast (No1) granted temporary consent 03/383/FULCA.
21 Nov 2003 Anemometer mast (No 2) granted temporary consent 03/384/FULCA.
Feb 2005 Scoping opinion was provided by the Scottish Government.
- 4.2 The following projects within a 35km radius of this proposed wind farm are: -
- To the north - including Forss, Causeymire, Boulfruich, Flex Hill, Achairn, Baillie, Camster, Bettyhill, Strathy (N&S), South Shebster, Hill of Lieurary, Burn of Whilk, Spittal Hill, Stroupster, Bower, Durran, Olgrinmore and Halsary; and
 - To the south - including Beinn Tharsuinn, Rosehall, Achany, Lairg, Kilbraur and Gordonbush.

5 PUBLIC PARTICIPATION

- 5.1 The proposal was advertised on 9 March 2005 and again on 26 August 2006 for representations to be made under the Electricity Act 1989 and the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000. Following the submission of supplementary information to the Environmental Statement the application and the amendments to the EIA were further advertised on 1 Nov 2006, 26 October 2007 and 31 July 2009. On each occasion copies of the supporting

information were made available locally allowing 28 days for representations to be made.

5.2 The Scottish Government has recorded 833 timeous objectors to the application and 792 letters of support. Their records count of all individuals who have signed representations, rather than the Council's normal practice of recording objections by household. Details on those who have submitted representations are held on the application file, with objectors only being appended to this report.

5.3 Objections to the proposals have highlighted the following matters: -

- visual impact of the development is unacceptable.
- development will detract the current views from the A9 and other locations valued by tourists / visitors to the area.
- adverse impact on the scenic beauty of the area / exceptional open landscape.
- concern over the cumulative impact of wind farm developments upon the area.
- Scaraben, the Maiden's Pap and Morven - hills should be protected.
- adverse impact on nature conservation interests, including protect species (eagle, peregrine falcon, merlin and other bird life) and valued habitat.
- the supporting EIA has conflicting information and is ambiguous.
- the development is contrary to many Development Plan policies and the Highland Renewable Energy Strategy.
- the proposal is contrary EU Directives on the conservation of Wild Birds.
- adverse impact on local archaeology, particularly its setting.
- improvements to the Braemore Road will restrict access during construction, potentially inhibiting access at times of emergency
- negative impact on health - arising from low level sound wave and flicker.
- turbine noise will detract from the tranquillity of the area.
- the turbines are too close to the community of Dunbeath.
- the overall result of this development on the local economy will be negative.
- the development could affect existing peat cutting rights on this site.
- the need for these turbines is unfounded.

5.4 Supporters of the proposal have highlighted: -

- The need to address climate change concerns.
- The need to secure a clean energy supply.
- Welcome projects that help meet government renewable energy targets.
- The economic value of such construction projects.
- The environmental benefits that such projects can bring to the local countryside
- Wind farm projects can reduce carbon emissions.
- Wind Farm projects are beneficial and would not deter visitor numbers to the area.

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

6 CONSULTATIONS

- 6.1 Dunbeath and Berriedale Community Council has determined to take a neutral position on the application, but highlighted that: -
- the development will have high visual impact from the A9 particularly from Laidhay and Newport.
 - there are no plans for the grid connection. Any connection must be underground across Dunbeath Strath.
 - there are concerns regarding noise near Achorn.
 - there needs to be effective discussion on road works / road closures if approved.
- 6.2 TEC Services (Environmental Health) has no objection to the development subject to conditions controlling noise and construction activity being attached to any consent.
- 6.3 TEC Services – Geo- Technical Unit has no objection to the development. The area does not represent a great peat slide risk. The mitigation proposed within the application is regarded as adequate.
- 6.4 TEC Services (Roads) has no objection to the development subject to conditions and provision of a legal agreement securing wear and tear responsibilities for the local road network. Details of road improvements can be managed through the Road Construction Consent process.
- 6.5 Trunk Roads Network Management Division has confirmed that the proposed development is likely to have no impact on the trunk road network.
- 6.6 Scottish Water has no objection. However there are substantive Scottish Water assets in the area, which must be protected from risk and damage. Any approval will require being conditional requiring detailed method statements and risk assessments being submitted and cleared by Scottish Water.
- 6.7 Historic Scotland **object** to this proposed development on the basis that it will have an unacceptable adverse impact on the setting of a number of scheduled monuments both individually and as part of a wider archaeological landscape. The mitigation offered by the applicant will not address those impacts or reduce them to an acceptable degree. The project would have significant adverse impact upon nationally important elements of Scotland's historic environmental resources and that those considerations outweigh any benefits of this development in this location. Mitigation through the removal or relocation of 8 turbines and the relocation of a further 4 turbines has been recommended to the applicant.
- 6.8 Scottish Natural Heritage (SNH) initially objected to this application on account of its predicted impact on natural heritage interests associated with the Caithness and Sutherland Peatlands Special Area for Conservation (SAC) / Special Protection Area (SPA) / and "Ramsar" Site; East Caithness Cliffs SPA; Dunbeath Waters SSSI; breeding birds; valued habitat; protected mammals and also on grounds of its anticipated landscape and visual impacts. Following further assessment on

nature conservation matters by the applicant SNH has remove its objections on these matters and have recommended conditions requesting mitigation measures for example pre-construction surveys to protect the interests of breeding birds. On landscape and visual impact issues however SNH **maintains its objection** to the scheme.

- 6.9 Scottish Environment Protection Agency initially objected to the development but this was subsequently removed following the submission of further information. Should the application be approved conditions are requested addressing: -
- Construction during the wettest periods of the year.
 - Approval of a construction method statement.
 - 50m safeguard buffer from watercourses.
 - Site monitoring of local watercourses.
 - Management of peat.
 - Submission of water crossing designs.
 - Water abstraction.
 - Controls on borrow pit workings
- 6.10 Defence Estates initially objected to the development but subsequent mitigation has changed this standpoint. Any approval must be conditional to address the following comments. If the development is altered in any way we must be consulted again as even the slightest change could affect us unacceptably. Furthermore that the corner most turbines and 6 turbines in the middle of the proposal should be fitted with 200 candela omni-directional red lighting at the highest practicable point.
- 6.11 Civil Aviation Authority has no objections subject to conditions on notification. Turbines, if coloured white, would align with international criteria.
- 6.12 Highlands and Islands Airports Ltd has no objection to the application.
- 6.13 National Air Traffic Services (NATS) has no objections to the development.
- 6.14 OFCOM (Office of Communications) has no objections have highlighted three users of microwave links who may be affected by the development. All three parties have subsequently confirmed they were content with the proposals.
- 6.15 CSS Spectrum Management Services Ltd has no objection in relation to Ultra High Frequencies (UHF) Scanning Telemetry communications operated in that region.
- 6.16 Association of Salmon Fisheries Board has no objections. The applicant needs to be made aware of views from the local fisheries board, taking account of potential impact on watercourses and implement appropriate mitigation.
- 6.17 Health and Safety Executive has no additional comments.
- 6.18 Crown Estates has no interests affected by this application.

7 POLICY

7.1 The following policies are relevant to the assessment of the proposal: -

Highland Structure Plan (March 2001)

7.2	Policy G1	Conformity with Strategy
	Policy G2	Designed for Sustainability
	Policy G3	Impact Assessment
	Policy G4	Community Benefit and Commitment
	Policy G6	Conservation and Promotion of the Highland Heritage
	Policy BC1	Preservation of Archaeological Sites
	Policy BC2	Archaeology, Education and Tourism
	Proposal BC3	Archaeological Heritage Areas.
	Policy E1	Distributed Renewable Energy Developments
	Policy E2	Wind Energy Developments
	Policy N1	Nature Conservation
	Policy T6	Scenic Views
	Proposal L3	Areas of Great Landscape Value
	Policy L4	Landscape Character

Caithness Local Plan (Sept 2002): -

7.3	PP2	Favour Development, unless affecting important features.
	PP3	Against Development where there are significant effect on heritage, amenity or public health.
	Dunbeath Strath	Tourist and educational initiatives arising from archaeology / historical resources.
	Scenic Views	Seek to identify and safeguard scenic views from unsympathetic development.

Highland Renewable Energy Strategy and Planning Guidelines (HRES) (May 2006)

7.4 HRES is currently being reviewed to take account of Scottish Planning Policy (SPP) 6. Meanwhile it remains the approved Highland Council strategy on which wind energy proposals are assessed. Relevant policies include: -

Policy E7	presumes against the development of a major onshore wind farm
Policy N1	local content' of the works.
Policy S2	1km separation zone dwellings and wind turbines.

National Planning Policy

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

SPP 1	The Planning System
SPP 2	Economic Development
SPP 6	Renewable Energy
NPPG14	Natural Heritage

SPP 15	Planning for Rural Development
SPP 23	Planning and the Historic Environment
SHEP	Scottish Historic Environment Policy
PAN 42	Archaeology
PAN 45	Renewable Energy Technologies
PAN 56	Planning and Noise
PAN 58	Environmental Impact Assessment
PAN 60	Planning for Natural Heritage
PAN 73	Rural diversification

8 PLANNING APPRAISAL

Determining Issues

- 8.1 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.
- 8.2 The determining issues are:
- does the proposed development accord with the development plan?
 - if it does accord, are there compelling reasons for not approving the proposed development?
 - if it does not accord, are there any compelling material considerations for approving the proposed development?

Assessment

- 8.3 To address the determining issues, the Committee must consider: -
- a) Planning Policy / Guidance.
 - b) Road, Access and other Infrastructure.
 - c) Historic Environment / Scheduled Ancient Monuments / Archaeology
 - d) Nature Conservation
 - e) Layout / Amenity/ Visual Impact
 - f) Tourism
 - g) Other Material Considerations

Development Plan and other Planning Policy / Guidance

- 8.4 The Council's Structure Plan (para 1.6) and the Caithness Local Plan recognises the area of this proposed development as being economically fragile, where development initiatives are founded upon rural development principles. When considering new development a balance has to be achieved allowing a proactive approach to the wise use of the natural environment, recognising the economic benefits of sustainable forms of development. Various safeguards are built into the policy including sustainability, environmental safeguards and conservation interests. Structure Plan policies G2 (Design for sustainability), G6 (Conservation and promotion of Highland Heritage), BC1 Preserving Archaeology), L4 (Landscape character), and T6 (Scenic Views) are all relevant and need to be considered in the context with other policies.

- 8.5 With regard to wind energy developments the Structure Plan is supportive of projects provided that impacts are not shown to be significantly detrimental (Policy E1 and E2). Assessment of proposals must have regard for Visual Impact; Noise; Electro Magnetic Interference; Roads Bridges and Traffic; Aircraft flightpaths / MOD operations and Cumulative Effects. In addition Policy BC 2 (Archaeology, Tourism and Education) is supportive of development opportunities that can increase the tourist potential of archaeological sites or increase public understanding and awareness through research projects.
- 8.6 The Caithness Local Plan recognises the interest in renewable energy projects in Caithness. Such projects have to recognise the area's other primary interests including agriculture and agricultural diversification, tourism, valued landscape, history, culture and archaeology. The site of this application falls between two general planning policies. PP 2 which favours development unless it affects important features and PP 3 which applies a policy against development where significant effects impact on heritage features, amenity or public health. The PP 3 allocation coincides with the area proposed under L3 as highlighted within the Structure Plan for designation of an Area of Great Landscape Value (AGLV) including Berriedale, Langwell & Knockfin which overlaps with the south west side of the proposed wind farm site.
- 8.7 The Highland Renewable Energy Strategy (HRES) does not allocate this area as a preferred location for major onshore wind farm development. Indeed the proposal lies within an area where there is a "presumption against" major scale onshore wind farm development where a precautionary approach to development should be taken. The Strategy is not intended to be a site specific planning tool, but a strategic tool for the siting of renewable energy developments in the Highlands. At this level the strategy cannot be prescriptive but it does nevertheless provide a starting point for the assessment of a proposal. Identified constraints for this area within the HRES assessment included Archaeology, Annex 1 Species, Moorland, Proximity to Housing and Landscape (AGLV). However following the publication of Scottish Planning Policy 6 Renewable Energy (SPP 6) HRES is now under review.
- 8.8 Within Scottish Planning Policy 6 (SPP 6) "Renewable Energy" the Scottish Government in responding to climate change and advancing sustainable development has emphasised its support and commitment to 50% renewable output in Scotland by 2020. The aim of the policy is to assist the planning system in the process of encouraging, approving and implementing renewable energy proposals when preparing development plans and processing planning applications. Representations that argue against investment in this type of renewable energy technology can only be given limited weight given the very positive stance set by the Scottish Government.
- 8.9 SPP 6 also highlights that support for renewable energy projects and the need to protect and enhance Scotland's natural and historic environment must be regarded as compatible goals. The planning system has a significant role to secure appropriate protection to the natural and historic environment without unreasonably restricting the potential for renewable energy. National policies highlight potential areas of conflict however it also advises that detrimental effects can often be

mitigated and or effective planning conditions can be used to overcome potential objections to development. SPP 6 does advise that the integrity of national or inter-national designations is not to be compromised.

- 8.10 SPP 23 “Planning and the Historic Environment” highlights the role of the planning system for the protection of both the site and setting of Scheduled Ancient Monuments (SAMs). This application does not present any works that will impact directly on an SAM but consideration needs to be given to the issue of impact on the setting of several SAMs. Securing the preservation of the monument ‘within an appropriate setting’ as required by national policy is solely a matter for the planning system and professional judgement. There is no statutory definition of “setting” but Historic Scotland recognise the following but not exhaustive list of factors including the archaeological / historical context, the visual appearance and the aesthetic qualities of the site’s surroundings. SPP 23 also recognises the value of archaeological resources to the regeneration of communities through enabling education, training and employment opportunities.
- 8.11 NPPG14 “Natural Heritage” highlights a key role of the planning system is to ensure that society's requirements are met in ways which do not erode environmental resources. The protection of natural heritage may sometimes impose constraints on development. However, conservation and development can often be fully compatible and, with careful planning, the potential for conflict can be minimised. Planning authorities are to have full regard to natural heritage considerations in determining individual applications. Authorities should always consider whether environmental concerns could be adequately addressed by modifying the development proposal or attaching appropriate planning conditions.
- 8.12 Applications which are consistent with the above noted policies and the criteria which they set out would accord with the Council’s Development Plan. In this regard, the Environmental Impact Assessment (EIA) has been prepared after a scoping exercise involving the principal consultees. It addresses all the main issues and this has been supplemented by additional information and clarification during the period since submission of the application. There are some outstanding objections from statutory consultees including Historic Scotland and Scottish Natural Heritage which remain to be addressed in the round of all material considerations. However providing that the impacts of the development are judged as not being “seriously adverse” or “significantly detrimental,” the development would comply with the Development Plan.

Road, Access and other Infrastructure.

- 8.13 The site is very accessible lying across the Dunbeath – Braemore single track road, some 2 - 3 km off the A9 Trunk Road. The Council’s unclassified road from the A9 road will require to be improved including pre construction surveys, general widening, increased passing places, junction improvements and bridge strengthening to accommodate the expected construction traffic and in particular heavy HGV’s and 188 turbine parts using an abnormal loads vehicle. Turbines parts would arrive at the site from Wick Harbour using the A99 and A9 roads.
- 8.14 The Environmental Impact Assessment (EIA) assesses that there could be 120

people working on the site, whose traffic movements to the site can also be managed without adverse effect on local traffic movements. Roads authorities have raised no objections to the application subject to conditions and legal agreements securing road improvements and a wear and tear agreement and the appropriate Road construction Consents (RCC). Community concerns regarding traffic hold-ups especially for emergency and other vehicles serving the needs of Braemore can also be addressed by conditions requiring effective traffic management and community liaison. The use of an on-site borrow pit will assist in reducing the number of vehicles delivering construction materials to the site.

- 8.15 Although SEPA has not objected to the application, it has drawn the developer's attention to the need to secure authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) with respect to several water crossings. In addition it has highlighted the need when micro siting the final turbine base locations to protect local watercourses through a 50m buffer. Further conditions have also been requested by SEPA in respect of any waste water and over the management of waste disposal, particularly through the construction phase.
- 8.16 The developer within their Environmental Statement accompanying the section 36 application has committed to a number of mitigation measures addressing pollution prevention, vehicle washers, bunds, active drainage management and wildlife management. The submission of an Environmental Policy and Developers Construction and Environmental Management Plan (CEMP) required by condition attached to any consent including a statement on all of these elements will satisfy the requests made by statutory consultees. There are no outstanding technical objections to the application subject to appropriate conditions being attached.
- 8.17 The development will improve access across open ground particularly towards Wag Hill and Dunbeath Waters. Access is already possible through a number of tracks including linkages across the fisherman's bridge to private tracks on the north side of the Strath. Improved arrangements, and track maintenance for non motorised public access, with appropriate information boards, leaflets and signage have the potential to benefit not only recreation for local residents but visitors to the area. The development of an access plan for the locality should be conditioned within any approval, including requirements to undertake an appropriate scale of works within the wider area to secure improved countryside access.

Archaeology

- 8.18 The proposed wind farm is located within an area of considerable archaeological interest. Based on a 5km buffer around the application site there are 63 scheduled monuments, with a further 16 located within the application boundary of which 2 are within the envelope of proposed turbines. Scheduled sites are of national importance. The survey work associated with this application identified two previously unrecorded sites during the walkover investigation of the proposed wind farm. So there is the potential for finding further unknown / unrecorded archaeology, particularly during construction.
- 8.19 The archaeological sites within and around the application site are considered

important because they form a coherent group that provides information on the history and settlement patterns of the valleys that cut inland from the coast of southern Caithness and the northern part of Sutherland. The majority of the archaeological sites within the wind farm site are associated with medieval (1,100 AD – 1500 AD) or later rural settlement, comprising sheilings or groups of sheilings. There are also a number of prehistoric sites. The development of the wind farm, including a borrow pit and construction areas will not impact directly on any Scheduled Ancient Monuments.

- 8.20 Historic Scotland's (HS) objection is founded upon its view that the development would have an unacceptable adverse impact on the setting of eight scheduled monuments partly or wholly within the wind farm site at Achorn and Loedebest. Furthermore the setting of 14 other SAMs in the vicinity of the wind farm will be adversely affected including sites at Balcraggie Lodge, Balantrath, Loedebest, Cairn Laith, Wag Hill, Dail Mhor and Achnaclyth. At SAM Ref No 5092 by Turbine 17 for example HS advise that "the three hut circles and associated field system represents an area favoured for human settlement over a long time period". "Their setting is within an open upland area, typical of Caithness". "The open nature of the surroundings ensures that the cultural and archaeological significance can be appreciated." "Views to the surrounding upland pastures constitute an important element of their setting" The inhabitants "would have regarded views to other settlements in the vicinity as important." The development, HS advise, by the proximity of the scale and number of turbines in the vicinity would "**majorly adversely**" affect the setting of the settlement. Historic Scotland do recognise the temporary nature of the development (25 operating years). Assessment by the applicant considers the impact to be only "**moderately adverse**". It is recognised that the site "could not be interpreted as a whole landscape" after development but it is argued that elements of the setting would survive.
- 8.21 The archaeological resource of the area will be well known to locals and those with a particular interest in this field, but is not so well known to many potential visitors. In part this may be a consequence that casual visitors are not encouraged to visit the area, notwithstanding that the archaeology of this area is easily accessible. Some archaeological sites in the area are visibly impressive, regularly visited and interesting to the general public. However in other areas there is little to see at individual sites. Many features although always unique in themselves are relatively common types of monuments. Clearly it is the density of features that provide a catalogue of historical development in this area which has real and distinct value. Existing land uses practices and activities wittingly or otherwise are causing damage to some scheduled features.
- 8.22 The Dunbeath Heritage Centre is already active in the area promoting the heritage of the Strath, encouraging both local residents and visitors to learn and experience the resource that exists in this locality. The centre seeks to attract attention to the history of the area including The Meal Mill, Chapel Hill and Dunbeath Broch features low in the Strath which will have little impact from the proposed wind farm. Further up the Dunbeath Waters however other significant archaeological features such as two chambered burial cairns in the Loedebest area, the horned long cairn known as Carn Liath extending to the standing stone on the hill Cnoc na Maranaich which may have been aligned with the setting sun and a notch in the hills further to

the west. Such features and many others remains in this area are more open in the landscape, from which the proposed wind farm would have some impact. The impact is not seen as significantly adverse to the local archaeological resource.

- 8.23 There is a conundrum here between the existence of local archaeological heritage that appears to be known and appreciated by only a few, which has a limited social and economic impact. The benign land management and indeed the fragile nature of the wider economy of this community perhaps has helped to safeguard these historical sites from disturbance. Yet the Development Plan is supportive of development opportunities that can increase the tourist potential of archaeological sites or increase public understanding and awareness through research projects. A largescale renewable energy project has the potential to enable more positive management of the archaeological resource through access improvements and management, repairs to eroded ground, interpretation and funding for research related to the area's heritage. Such endeavours may be of archaeological value as well as enabling wider benefits to the local economy in part founded on services for tourists and visitors to the area.

Nature Conservation

- 8.24 The site has no formal designations as a nature conservation site. However it lies adjacent to Dunbeath Water SSSI, it is also close to several other sites of European and National importance upon which it is essential that the implications of the proposal are assessed in respect of the qualifying interest of these sites. In this regard the applicant has undertaken considerable research and assessment, which in turn has been assessed by Scottish Natural Heritage (SNH), the Scottish Government's advisers on such matters. Similar assessment has been undertaken of the proposals likely impact on protected species and valued habitat within the development site.
- 8.25 The site lies within 2km of the Caithness and Sutherland Peatland Special Area of Conservation SAC, also designated as a Special Protection Area (SPA) and as a Ramsar Site, such is the value of this extensive nature conservation site. The habitat of this sizable (14,354ha) wetland area attracts and sustains considerable valued and protected bird species. In particular the interests of dunlin, greenshank, common scoter, black throated diver, red throated diver, wood sandpiper, golden plover and wigeon, golden eagle, hen harrier, merlin and the short eared owl were of concern when this proposal was being evaluated. Further bird interests were recognised within the designated East Caithness Cliffs SPA to the east of the proposed wind farm site, including herring gull and the greater black – backed gull. The advice of SNH is that the development is unlikely to have adverse impact on either site or the qualifying interests of each site. Furthermore that with regard to the other nearby designated sites, including Dunbeath Peatlands SSSI and Berriedale and Langwell Waters SAC it was determined that the development would unlikely to have a significant effect of the qualifying interests of each of these additional conservation sites.
- 8.26 Having recognised that the site carries no formal nature conservation site it is nevertheless important to recognise that the proposed wind farm site has features of conservation interest including valued habitat (heath and blanket bog) used by

protected species. Having undertaken an assessment of valued habitat on the site, its use by otters, wider countryside birds, water vole, badgers and the water catchment for the Dunbeath Water including interests such as Atlantic salmon, Scottish Natural Heritage is content that the development as proposed can be permitted subject to conditions to secure some small measures of mitigation on valued habitats and other conservations interests particularly recognising breeding birds.

Layout / Amenity/ Visual Impact

- 8.27 The applicant has advised that the layout has been designed to take advantage of the general direction of the prevailing winds, with regard to local topography and environmental constraints. The development is fairly simple in form presenting three rows of turbines running approximately north south divided almost equally by the Dunbeath – Braemore Road with twelve turbines on the southern side and ten on the north side. The turbines will have internal transformers, which minimises potential clutter around the turbine bases, in line with the Council's HRES policy. The loss of a turbine from the original scheme arises from concerns over construction issues on local peat deposits, with minor location amendments to some turbines taking into accounts archaeological interests.
- 8.28 The siting of turbines also recognises the proximity of residential properties, with the main settlement Dunbeath located 3.5km to the east, properties within the crofting settlements of Balnabruich and Achnagoul. The closest habitable property lies 1.2km to the east, on the Braemore Road, forming part of Balnabruich. Many individual properties to the north and east of the wind farm will have a view of the wind farm from distances generally in excess of 2km. The development as shown within the photomontages from viewpoints No 7 Achorn, No 8 Badnagie, Viewpoint 13 Balnabuich, No 14 Dunbeath and Viewpoint 15 demonstrates that the proposal would emerge as a simple cluster with the turbines and blades being seen above the skyline.
- 8.29 The development would introduce a significant new man-made feature into the landscape. As seen from Environmental Impact Assessment (EIA) Volume 2 Figure 13 the zone of visual influence (ZVI) of the turbine towers, the hubs and blade tips are predicted to be seen from a range of locations principally within a 15km radius. Clearly for houses within the nearby crofting communities around Dunbeath the full extent of the wind farm will be evident. However many existing communities within a wider radius will have no views of the proposed wind farm in full or in part. The development is anticipated to be visible from short sections of the A9 Trunk Road both north and south of Dunbeath, small sections of the A99 by Lybster and also part of the main north railway line between Forsinard and Georgemas Station, but at a distance of over 15km.
- 8.30 Scottish Natural Heritage (SNH) objects to the proposed development on grounds of its anticipated landscape and visual impact. In particular SNH highlighted in its assessment of significant adverse impact upon: -
- the landscape characteristics of the area
 - visual amenity

- the experience of the Flow Country AGLV
- the experience of a search area for wild land; and
- the sequential and cumulative effect of the wind farm in addition to Causeymire and Boulfruich Wind Farms along the A9.

- 8.31 There are no statutory landscape designations such as National Scenic Areas on the proposed wind farm site or its surroundings. Although there are two properties highlighted by Historic Scotland in terms of the Historic Gardens and Designed Landscapes within the study area of the Wind Farm at Dunbeath Castle (2.5km) and Langwell House (6.5km) these are not seen as being significantly affected by the development.
- 8.32 The development and its supporting EIA has recognised two further potential designations including three proposed Areas of Great Landscape Value (AGLV's as highlighted within the Council's Structure Plan and a potential search area by SNH for wild land to the north west of Wag Hill. Neither of these potential designations have been confirmed, limiting what consideration can be given to each attribute. The Council's proposed AGLV closest to the proposed development appears is focused upon the catchment area of the Berriedale Waters and upper sections of the Berriedale Water. The principal development area of the wind farm fall outwith the proposed AGLV designation but clearly lies adjacent to it, with turbines 20 and 23 falling just within the proposed AGLV designation.
- 8.33 In landscape terms the proposed wind farm is set within an area characterised as "sweeping moorland" which extends across an extensive area of ground principally inland from Dunbeath west and north. This fairly flat gently sloping topography as seen from the EIA Volume 2 Figure 16b Viewpoint 7 at Achorn means that there will be extensive visibility of the wind turbines and of its construction. To the south of the site lies an extensive area of "moorland slopes and hills" on the margins of which are two lone mountain features. This can be seen from the EIA Volume 2 Figure 16a Viewpoint 5 at Buolfruich. Other less extensive areas of landscape in the vicinity of the proposed development includes the broad-leafed wooded Strath around the Dunbeath Waters and Coastal Cliffs. It is the lone mountain feature of such as Scaraben, Morven and the Maiden's Pap that has attracted most concern. When these lone mountains are viewed from the Dunbeath area, their impact could be compromised by the wind farm development.
- 8.34 A further important issue to consider is whether or not a further wind farm development in this landscape will effect a change that would be significantly detrimental because of the cumulative impact. Clearly there has been substantive renewable energy development within Caithness and East Sutherland. Projects around the application site are listed in paragraph 4.2. The applicant's EIA acknowledges that from selected viewpoints to the south for example from Morven (Viewpoint 22) the development of Dunbeath Wind Farm would add to the cumulative impact of wind farms that would be seen at distance when looking north, but the impact would be relatively confined.
- 8.35 In the open Caithness landscape the wind farm is clearly visible from many parts, as are other wind farm developments in the area. Lone mountains such as Scaraben, Morven and the Maiden's Pap equally are widely visible. Existing wind

farms at Causeymire and Boulfruich demonstrate that the Caithness landscape can absorb large scale onshore wind farms. These early developments have changed the wider landscape which now includes clusters of largescale working turbines. These earlier developments have therefore initiated a change in the local landscape. When travelling south on the A9 from Thurso to Dunbeath and beyond the experience is already one where short sections of road provide exceptional views of the open landscape across Caithness and Sutherland interspersed with views which include major wind farms developments. The addition of the proposed Dunbeath Wind Farm is not anticipated to significantly or adversely change this experience.

Tourism

- 8.36 The number of tourist attractions within Caithness, particularly within the local area around Dunbeath is limited. Fishing, walking and touring this remote rural area of Scotland are principal activities of visitors to the area. A number of local dwelling houses provide Bed and Breakfast accommodation and other commercial facilities in the area provide services to passing tourists. The primary potential impact of the proposed development therefore would mainly be related to its effects on the landscape and tourists who will view the countryside from the road network.
- 8.37 Travellers on the A9 road both north and south will see this proposed development in short bursts, more often when travelling south from Thurso than when travelling north. As noted above (see para 8.34) travellers will see in short bursts a number of wind farm developments. The addition of the proposed Dunbeath Wind Farm is not anticipated to significantly or adversely change this experience.
- 8.38 One particular A9 roadside attraction, the Croft Museum and Café, just north of Dunbeath attracts considerable passing trade in part due to its location and position on the road network. The site offers attractive roadside views to the south and south east including views of Scaraben, the Maiden's Pap and Morven as well as the cliff shoreline and Moray Firth. From this location the nearest turbine is some 4.6km distance. Accordingly the impact of the development is less immediate but all turbine tips and hubs will be visible to viewers from this location. It is debateable whether the development would have a positive or adverse effect on this business. However even if the effect proves to be slightly negative this has to be balanced against the limited impact that the proposed development is anticipated to have on tourism in the area generally. The application also has the potential to improve visitor experiences in the area, through access management and information / interpretation boards.

Other Material Considerations

Construction Impact – Traffic, Noise, Peat, etc.

- 8.39 As with any development of this nature concerns have been raised over the expected impact of the development through construction. The impacts can generally be broken down into three distinct stages including as a first stage the establishment of the site for construction / erection of the turbines which includes the preparation of the ground for development including a construction compound. At this stage the borrow pit needs to be opened and material produced to enable the establishment of local access tracks to each construction site / turbine base. This stage will include the arrival onsite of construction accommodation and equipment, delivered by HGV. The second stage includes the construction of the principal elements of development, including each turbine and the control building. This requires the delivery of turbine parts, with abnormal loads from Wick Harbour causing some disruption to local traffic. The third stage includes in the main a small specialist work force involved with the commissioning of the electrical components of the new development, moving onto the operational phase with turbines be repaired and services as necessary.
- 8.40 The assessment of the vehicular movements upon the trunk road and local road network has determined that there will be no significant difficulties with the construction of this project, provided some localise road improvements are undertaken on the Braemore Road. Traffic management of abnormal loads involved with the initial construction and the delivery of turbine parts is to be provided to minimise the disruption to local traffic and accessibility generally. A particular concern raised within the representations noted the potential for construction traffic to reduce the accessibility of essential services to and from Braemore in times of emergency. Effective traffic management of abnormal loads required as a condition of any consent can ensure that emergency services can continue to operate efficiently and effectively provided in any locality during periods of construction. The use of an on site borrow pit to win construction material for the access routes tracks and turbine bases is seen as desirable to reduce the requirement to deliver fill material to the site from further afield.
- 8.41 Planning conditions addressing the construction practices near watercourses, working within peaty and or muddy environments, dust or waste creation, etc can minimise the environmental impact within acceptable levels. Such conditions can also effectively restrict the operating hours of construction to ensure that the impact on local communities are contained within acceptable levels. The initial plans have already been amended to take account of potential concerns of working within a peat environment, which can be unstable. This resulted in Turbine 1 within the initial application being lost to the proposed development. The mitigation in respect of working within peat as set out within the application (and the supporting EIA) is regarded as adequate.

Operational Noise, Flicker, etc.

- 8.42 A number of representations have highlighted concern over the potential impact of

the development on nearby residential properties. In particular the potential noise arising from the turbines as well as the issue of shadow flicker arising when the sun is low in the sky. The assessment of the current application has demonstrated that the turbines are generally located some distance away from occupied housing. Noise impact assessment within five locations around the proposed site has indicated that anticipated noise levels are below the required criteria for human exposure. Clearly turbines 8, 10, 14, 16, 21 and 22 lie closest to properties at Achorn at a distance of 1km. Provided these turbines operate within minimum noise output criteria then there should be no difficulties. A planning condition needs to reinforce this requirement. The applicant will also be seeking assurances from the turbine manufacturers.

- 8.43 The EIA has also advised that given the distances between the turbines and the nearest residential properties no shadow flicker effect will occur in a way that will cause nuisance or annoyance. With regard to the development disrupting electromagnetic waves / signals within the area, relevant consultees have assessed the application and raised no objections. The Council has a standard approach when addressing such concerns, which have been raised within representations. This requires the provision a bond to secure improvements if the development has caused a negative effect on existing service provision.
- 8.44 There are no other material considerations raised by representations that have not otherwise been addressed within this report.

9 CONCLUSION

- 9.1 This application, under Section 36 of the Electricity Act 1989, sets out a major proposal for a 22 turbine wind farm development with the potential to generate 66MW of electricity. If approved it would contribute one further step towards helping the Scottish Government meet its target of generating 50% of Scotland's electricity from renewables by 2020. Schedule 9 of the above Act requires the proposal to be considered within the context of the desirability of preserving natural beauty, conserving flora and fauna, and protecting certain sites of architectural or historic or archaeological interest. Approval of the application by Ministers will in effect grant that planning permission for the development.
- 9.2 National energy policy as set out in SPP 6 encourages renewable energy developments, with a range of differing technologies, where projects can be located without undue environmental or amenity impact. The many representations against this application have specifically highlighted a number of such concerns highlighting conflict with protected species principally birds, adverse impact on scenic and open landscape and particular views of Scaraben, Morven and the Maiden's Pap. Objectors have also highlighted that these concerns would also impact adversely on local tourism and local viewpoints of value to tourists. Furthermore a number of parties has highlighted the area's rich heritage, with significant archaeological remains whose setting it is argued would be adversely affected by the proposed wind farm.
- 9.3 Under the Council's responsibilities for planning proposals for development are always assessed against the provisions of the Council's Development Plan made

up from both the Structure Plan and Caithness Local Plan. Both plans are supportive of renewable energy projects unless they affect important local features or they have significant effects on heritage features, amenity or public health. The area is identified as being a fragile rural locality, where rural development opportunities are encouraged. The Development Plan highlights a proposal for an Area of Great Landscape Value to be established on part of the development site however citation of this designation has not formally been published.

- 9.4 The Council's Highland Renewable Energy Strategy, which is not supportive of major onshore wind farm development within this locality. However given the more recent national policy statement on renewable energy matters SPP 6, which is more supportive of such projects, the Council's own HRES policy can only be given limited weight given that it is founded on a strategic approach. The assessment of the HRES policy has however highlighted key constraints all of which have come to the fore in the consideration of this application and with the concerns highlighted above, help with the assessment of this development proposal.
- 9.5 With regard to local archaeological interests this is a material consideration for the Council to take into account. It is clear that the proposed application will have no direct impact on any designated site / Scheduled Ancient Monument. The issue of the adverse impact on the setting of these ancient monuments and archaeological landscape interests is less than certain, given that there is no widely accepted or legal definition of setting. Historic Scotland has objected to the application, a position which has the support of the Council's Archaeology Unit. Balancing such conflict is very much seen as a role for the planning system which the Council is familiar. It is suggested that the weight that should be given to this matter is not sufficient to require the policies of the development plan, supportive of renewable energy projects, to be set aside.
- 9.6 In the consideration of landscape and visual impact matters the proposed development will be seen to have an impact on the local landscape if approved and developed. Turbine towers with blades to a tip height of 125m high will be seen in the Caithness landscape around Dunbeath. It is disappointing that the Council's proposed AGLV designation as set out in the Local Plan for Berriedale, Langwell and Knockfin has not been sufficiently advanced to allow proper consideration of its formal designation and therefore this matter can only be limited weight in the final assessment. Whilst the application site includes a small area of land highlighted for this potential designation, it is felt that the location of the turbines would not prejudice proposals for the AGLV to emerge at a future date given that its focus is upon the Berriedale Waters and more inland moors of the Flow Country.
- 9.7 Some residents in the area will have open views on the development, but most local communities will not have no sight of the development. The expected impact of the development is not seen as one that is significantly adverse as viewed from many sections of the main roads and other tourist routes in the area. In the wider landscape the development will be visible, as are other similar developments in the area. However the impact of this proposal either individually or cumulatively with other wind farm developments in the surrounding area are not considered to be significantly adverse. Consequently it is seen that tourist numbers, other visitors to the area and tourist related business in the area are also unlikely to be adversely affected by the development.

9.8 As stated at the outset, the project carries considerable support in principle by virtue of the government's policy towards greater renewable energy production. The project will bring about valued short term economic benefits should the application be approved and constructed. A small number of ongoing service related jobs will also be secured in an area where the number of such projects is increasing. This all has a knock on effect to enhance the reputation of Caithness and Sutherland as a centre to base more renewable energy employment opportunities. The applicant has given a commitment to enhancing access and interpretation facilities in the locality to add to the recreational opportunities for local visitors. Such small measures will have some economic benefit which is important to recognise.

9.9 There are no material considerations substantive enough to indicate that consent should be withheld. The application is therefore consistent with the Development Plan. It is recommended that application be supported, subject to conditions as detailed below.

10 LEGAL AGREEMENT

10.1 It is normal practice in approving a wind farm development to secure certain matters by way of a legal agreement in parallel with conditions – for example, where financial bonds are to be provided or where actions require the involvement of parties other than the applicant and the Planning Authority.

10.2 It would be appropriate to request a Section 75 legal agreement to secure: -

- the provision of a bonded sum for the ultimate restoration of the site.
- a "wear and tear" agreement, including a bonded sum, under Section 96 of the Roads (Scotland) Act 1984 to cover the costs of any damage to the local road network arising from construction traffic associated with the proposed development.
- an agreed bonded sum to be held to correct any interference that is caused to television/radio reception by the proposed wind farm during its first 12 months of operation.
- A plan, with funding made available, addressing heritage, interpretation and access and countryside management measures to enhance visitor numbers / visitor opportunities within Dunbeath Estate to be agreed with the Planning Authority.
- A plan, with funding made available, to advance some archaeological research within the area of Dunbeath to be agreed with the Planning Authority.

10.3 Members should note in relation to Structure Plan Policy G4, which requires community benefit, discussions have commenced in this regard outwith the confines of the application process.

RECOMMENDATION

Raise no objection to the application for the development of: -

- 22 wind turbines (hub height 80m and maximum blade tip height of 125m, with an internal transformer) (micrositing buffer of 80m requested.)
- 1 permanent anemometer masts (80m).
- 8.5km new access tracks with cable circuits adjacent.
- An office compound / control room.
- A temporary construction compound and lay down area.
- A borrow pit delivering 130,000 tonnes / 67,500m² of stone for turbine bases & access tracks.

subject to securing a legal agreement as outlined in para 10.2 the following conditions: -

1. The development permitted shall be commenced within three years of the date of any consent.

Reason: pursuant to Sections 58 & 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006.

2. The permission granted shall endure for a period of 25 years from the date when electricity is first exported from any of the wind turbines to the electricity grid network ("First Export Date"). Written confirmation of the First Export Date shall be provided to the Planning Authority within 1 month of the First Export Date.

Reason: In recognition of the expected lifespan of the wind farm

3. Not later than 12 months before the end of the consent period, a decommissioning and site restoration scheme shall be submitted for the written approval of the Planning Authority, such scheme to include the removal of above-ground elements of the development, management and timing of any works, environmental management provisions and a traffic management plan to address any traffic impact issues during the decommissioning period. The scheme shall be implemented as approved.

Reason: To ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration of the site, in the interests of safety, amenity and environmental protection.

4. If any wind turbine fails to supply electricity to the grid for a continuous period of 9 months then, unless otherwise agreed in writing with the Local Planning Authority, a scheme for the removal of that wind turbine and any surface ancillary works solely relating to that wind turbine shall be submitted in writing for the approval of the Planning Authority. The scheme shall then be implemented as approved.

Reason: To ensure that any redundant wind turbine is removed from site, in the interests of safety, amenity and environmental protection.

5. Turbines and tracks may be micro-sited within 50 metres of the positions shown on

Revised Layout, Plan Reference 0666/GIS/1715/01, submitted with the application. Such micro-siting of the turbines and tracks must also maintain a 50m buffer from any existing watercourse.

Reason: To take account of local ground condition and protect the existing water environment.

6. Development shall not commence until a Construction Traffic Management Plan has been submitted to and agreed in writing by the Planning Authority. The Construction Traffic Management Plan shall include proposals for construction vehicle routing, the location and design of accesses from the public highway onto the site, management of traffic at junctions to and crossings of the public highway and other public rights of way, the scheduling and timing of movements, details of escorts for abnormal loads, temporary warning signs, temporary removal or replacement of highway infrastructure and street furniture, off-site road works and banksman details. The approved Construction Traffic Management Plan shall be implemented as approved in writing by the Planning Authority.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way

7. Development shall not commence until an agreement dealing with liability for remedial work required as a result of any damage to the local road network directly attributable to the Wind Farm construction and providing for pre and post construction surveys of the said local road network has been submitted to and agreed in writing with the Planning Authority.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way

8. Development shall not commence until a Construction and Environmental Management Plan is submitted to and in writing by the Local Planning Authority in consultation with SNH, SEPA and Scottish Water. Construction of the development shall proceed in accordance with the approved Plan, unless otherwise agreed in writing by the Planning Authority. The Plan shall address the following matters (and shall be implemented as approved):

- Environmental Policy – Statement of responsibility for all environmental features, safeguards and mitigation.
- Details of construction works, the construction methods and surface treatment of all hard surfaces and tracks.
- Details of temporary site compounds for storage of materials and machinery (including areas designated for car parking).
- Siting and details of wheel washing facilities
- Details of the timing of works and methods of working for cable trenches and foundation works
- Details of the timing of works and construction of the substation/ control buildings and anemometry mast
- Details of the bridges and culverts for all new water crossings.
- Details of Borrow Pit working methodology including blasting operations, noise

controls and restoration.

- Peat Stability including implementation of mitigation requirements contained within Peat Stability Risk Assessment.
- Dust management
- Cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to / from the site to prevent spillage or deposit of any materials on the highway.
- Pollution control arrangements, including protection of water courses and ground water and soils, bunding of fuel storage areas, and sewage disposal
- Disposal of surplus materials
- Post construction restoration/reinstatement of the temporary working areas and borrow pit
- Construction noise management plan (including identification of access routes, locations of materials lay-down areas, details of equipment to be employed, operations to be carried out, mitigation measures and a scheme for the monitoring of noise in the event of complaints)
- Appointment and scope of work for a Project Ecologist who shall have responsibility for monitoring compliance with the provisions of the approved Plan and who shall report all breaches of the approved Plan to the Planning Authority.

Reason: To protect highway safety, water assets, amenity and the environment.

9. The hours of construction work during the development and any traffic movements to or from the site associated with the construction of the development shall be to 0730 to 1900 hours on Mondays to Fridays and 0700 1400 hours on Saturdays other than as allowed for under condition 10. No work shall take place outside these hours or on Bank Holidays unless otherwise previously agreed in writing by the local Planning Authority.

Reason: For the protection of residential amenity

10. Notwithstanding the provisions of condition (above), delivery of turbine and crane components may take place outside the hours specified subject to not less than 24 hours prior notice of such traffic movements being given to the local Planning Authority and such deliveries first being approved in writing by the local Planning Authority.

Reason: For the protection of highway safety, for the amenity of users of the public highway, and for amenity of local residents

11. No wind turbine, transformer unit or anemometer mast shall be erected or installed on site until details of the following have been submitted to and approved in writing by the Planning Authority:

- all the wind turbine towers, nacelles and blades, which shall incorporate a semi-matt finish and shall be identical in the terms of this condition unless otherwise agreed in writing by the Planning Authority
- external transformer units (if any)
- anemometer masts

The development shall be implemented in accordance with the approved details

Reason: For the avoidance of doubt and in the interests of visual amenity

12. No name, sign or other logo shall be displayed on any external surfaces of the wind turbines or external transformer units save as required by law.

Reason: In the interests of visual amenity

13. Construction of the substation building and compound shall not commence until details of the external appearance, dimensions, and surface materials of the building and any associated compound or parking area have been submitted to and approved in writing by the Planning Authority. The development shall be implemented in accordance with the approved details

Reason: In the interests of visual amenity

14. No development shall take place until a written scheme for archaeological investigation and monitoring during the construction period has been submitted to and approved in writing by the Planning Authority in consultation with Historic Scotland. The scheme shall be implemented as approved.

Reason: For the protection of archaeological interests

15. Prior to the commencement of development a Heritage Interpretation and Access Plan shall be submitted to and agreed in writing with the Planning Authority. The Heritage Interpretation and Access Plan 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 Plan is required as part of this condition.

Reason: To improve access and interpretation across this development site, whilst securing a measure of control and protection of valued local archaeology.

16. No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with SNH, providing for measures for pre construction site survey to establish the presence of protected birds breeding within the site and appropriate mitigation as required. This scheme, which shall be implemented as approved

Reason: To protect and enhance local nature conservation interests.

17. No wind turbine shall be erected until a scheme to secure the investigation and alleviation of any electro-magnetic interference to TV reception at residential properties lawfully existing at the date of this permission caused by the operation of the turbines has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: For the protection of amenity of local residents

18. The level of noise emissions from the combined effects of the wind turbines (including the application of any tonal penalty), when calculated in accordance with the Guidance Notes (not attached as part of the committee report), shall not exceed the values set out in the Tables 1 and 2. Noise limits for residential properties which are lawfully existing at the date of this consent but not listed in the Tables attached shall be those of the nearest location listed in Tables 1 and 2 unless otherwise requested by the Planning Authority.

Reason: For the protection of residential amenity

19. At the request of the Planning Authority following a complaint in writing to it the wind farm operator shall assess the level of noise emissions from the wind farm at the complainant's property following the procedures described in the Guidance Notes (not attached as part of the committee report).

Reason: For the protection of residential amenity

20. Wind speed, wind direction and power generation data for each wind turbine shall be continuously logged and provided to the Planning Authority at its request and in accordance with the attached Guidance Notes within 28 days of such request.

Reason: For the protection of residential amenity

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

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

For Information: -

1. SEPA has advised that authorisation under CAR will be required for some activities proposed.
2. Contact should be made with TR-NMD Bridges Branch (Tel No 0131 244 4363) as to the feasibility of abnormal load movements from the nearest suitable port.
3. Maintenance issues, requiring HGV or Abnormal traffic movements to the site, may be necessary throughout the 25 year lifetime of the development. Such access issues need prior discussion with the Council's TEC Services.

4. No development shall start on site until the completed Notice of Initiation of Development (NID) form attached to this decision notice has been submitted to and acknowledged by the Planning Authority.
5. Upon completion of the development the completed Notice of Completion form attached to this decision notice shall be submitted to the Planning Authority.

Signature:

A handwritten signature in black ink that reads "Richard Hartland". The signature is written in a cursive style with a large initial 'R' and a distinct 'H'.

Designation

Richard Hartland, Head of Planning and Building Standards.

Author







Ken McCorquodale, Principal Planner (01463) 702256

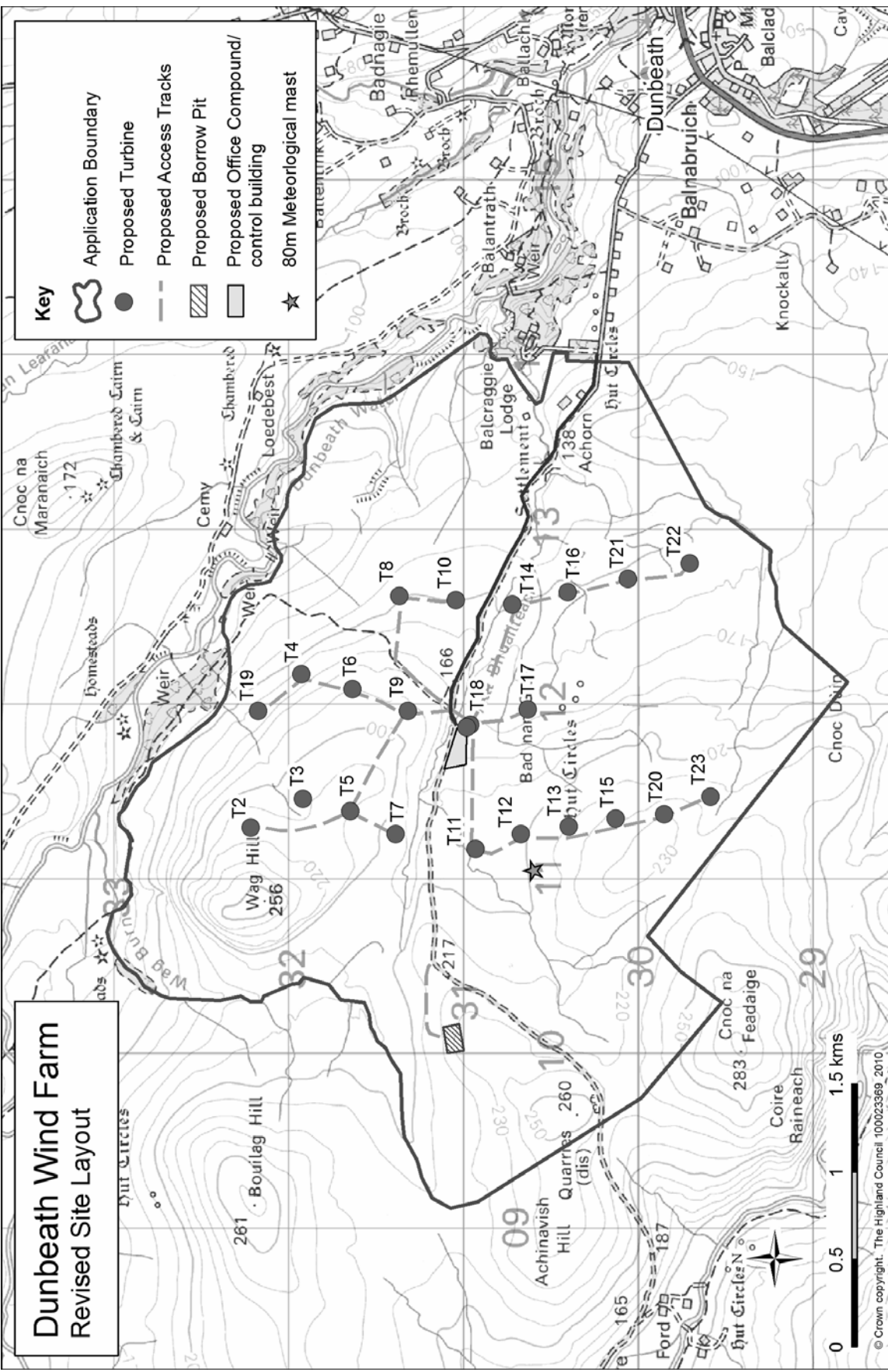
Background Papers:

File Reference 05/00113/S36CA

Dunbeath Wind Farm Revised Site Layout

Key

-  Application Boundary
-  Proposed Turbine
-  Proposed Access Tracks
-  Proposed Borrow Pit
-  Proposed Office Compound/
control building
-  80m Meteorological mast



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