

**THE HIGHLAND COUNCIL**

**CAITHNESS, SUTHERLAND AND EASTER ROSS  
PLANNING APPLICATIONS COMMITTEE  
9 February 2010**

Agenda Item	
Report No	

**09/00393/FULSU : Mr A Sutherland  
Land north east of Crocdarroch, East Clyne, Brora**

**Report by Area Planning and Building Standards Manager**

**SUMMARY**

**Description :** Erect 25kW wind turbine on 22.1m high hydraulic tower including blade. Control gear to be located in nearby steading with underground supply cables to turbine and hydro electric supply.

**Recommendation : GRANT WITH CONDITIONS**

**Ward :** 5 – East Sutherland and Edderton

**Development category :** Local

**Pre-determination hearing :** None

**Reason referred to Committee :** 8 letters of objection have been received.

**1. PROPOSED DEVELOPMENT**

- 1.1 The proposal is in detail and is for the installation of a 22.1m high 25kW wind turbine on land to the rear, uphill and north of the single track road at East Clyne. The turbine tower would be 15m in height, with each of the three blades having a diameter of 13m, giving an overall height to the blade tip of 21.5m (22.1m including the base). The turbine blades have a white finish, with the tower being galvanised metal.
- 1.2 The site of the turbine is to the rear of the now derelict stone building adjacent to the roadside. The turbine would be approximately 150m from the single track public road and 120m from the derelict building. Access to the turbine would be from an existing field track off the existing passing place in front of the derelict building.
- 1.3 The base of the turbine is at approximately 69m elevation, with the disused building at approximately 42m elevation. To the rear of the site are two overhead hydro electric lines:
  - 132kV – the large metal pylon line with each pylon typically 26-30m high
  - 33kV line – typically 12m high

- 1.4 In addition to the turbine, the applicant proposes that switchgear will be located within the derelict building, allowing for a connection to the grid.
- 1.5 The equipment comes disassembled and is delivered to the site by a small lorry. The tower is raised and lowered hydraulically and there is no requirement for a crane for erection, dismantling or maintenance. The base of the tower is formed from approximately 16 cubic metres of concrete which is proposed to be mixed on site. The agent has advised that the aggregate and cement will be sourced locally.
- 1.6 Members will note that in terms of the Environmental Impact Assessment (Scotland) Regulations 1999, the need for environmental impact assessment requires to be considered in the case of proposed wind energy developments where the development involves the installation of more than two wind turbines; where the hub height exceeds 15m; or where the site lies within a sensitive area as defined in the Regulations. EIA is only then required where a proposed development is likely to have **significant** effects on the environment by virtue of factors such as its nature, size or location. In this instance, it was concluded that the proposal is not likely to have significant impacts and a formal Screening Opinion was issued to confirm this.

## **2. SITE DESCRIPTION**

- 2.1 The site is located on a southerly facing slope which is covered in a mix of bracken, heather and gorse. It lies above the existing line of houses which follows the single track road within the crofting community and below the overhead 11kV (wooden poles) and 132kV (large metal pylons) overhead electricity lines to the north (uphill). The site can be seen from a wide area on the northern side of Brora. It is very apparent when driving north on the A9(T) through the village, being in the 'centre' of the road and therefore the field of vision on the distant hill from around the Sutherland Arms garage onwards. The existing overhead electricity lines already give a man-made line of vertical points of reference within this landscape.

## **3. PLANNING HISTORY**

### **3.1 There is no previous planning history on the site.**

03/00100/OUTSU - Reconstruction of existing house. Improvement of existing access and installation of septic tank and mounded infiltration system at 250 East Clyne. Refused 6 May 2003. The site is the derelict building now proposed to house electrical equipment.

## **4. PUBLIC PARTICIPATION**

### **4.1 Advertised : Neighbour Notification, Schedule 3**

Representation deadline : 9 October 2009

Timeous representations : 7 letters of objection

Late representations : 1 objection

2 letters of support, received on 14.10.2009

4.2 Material considerations raised are summarised as follows:

- De-value property value
- Vibration and interference
- Noise
- Surface water drainage
- Site is on crofting land
- Visibility
- Separation distance from existing houses
- Size
- Precedent for future
- Poor access for materials to site
- Impact on low flying aircraft
- TV and radio interference
- Impact on birds

4.3 All letters of representation can be viewed at the Area Planning Office and will be available for inspection immediately prior to the Committee Meeting.

## 5. CONSULTATIONS

5.1 **Brora Community Council** – Meeting on 3 November to discuss the proposal. The motion to ‘support this application’ was carried by four votes to one with six abstentions. General issues raised include:

- Site visit undertaken by Planning officer?
- Practicable to grant planning permission subject to re-siting the generator / turbine?
- What about the steading use which is not part of the formal application?
- Is there a government policy on micro generation in rural communities?
- Will the full planning committee consider the application?

5.2 **Council Archaeologist** : No objections. The application will affect a building that is first depicted on the 1<sup>st</sup> edition Ordnance Survey map c.1874. A condition requiring a photographic record of the building is suggested.

5.3 **Environmental Health** :

1. At Wind Speeds not exceeding 12m/s, as measured or calculated at a height of 10m 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), which ever 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), which ever is the greater.

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

At the request of the 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 at location(s) identified by the Planning Authority.

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 carry out a background noise survey, concurrent with wind speeds in accordance with ETSU-R-97 at location(s) identified by the Planning Authority, while the wind farm is not operating.

The measurement and calculation of noise levels shall be undertaken in accordance with "The Assessment & 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.

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

2. Should the noise levels in the forgoing condition be exceeded, the Wind Turbine Operator shall take steps forthwith, to ensure that noise emissions from the wind farm are reduced to the aforementioned noise levels or less.

3. The developer shall assess the potential for the effects of shadow-flicker upon neighbouring properties and appropriate action to eradicate its effects upon neighbouring properties.

5.4 **SEPA** : No objections.

5.5 **Area Roads and Community Works Manager** : No objections.

5.6 **Scottish Hydro Electric** : No objections.

## 6. **DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application:

### 6.1 **Highland Structure Plan 2001**

- Policy G2 – Design for sustainability
- Policy G6 – Conservation and promotion of the Highland heritage
- Policy E1 – Distributed renewable energy developments
- Policy E2 – Wind energy developments

### 6.2 **South and East Sutherland Local Plan**

ENV 3                      The Council will presume against development where there is significant damage to heritage, amenity or public health

## 7. **OTHER MATERIAL CONSIDERATIONS**

### 7.1 **Sutherland Draft Development Plan**

4 - Natural, Built and Cultural Heritage

### 7.2 **Highland Council Supplementary Planning Policy Guidance**

**Renewable Energy Strategy and Planning Guidelines (2006)** – These were approved by the Council as supplementary planning guidance and are a material consideration. For local scale (less than 5 MW) onshore wind projects, Policy E8 states that these will be encouraged within designated preferred development areas, such areas lying within 2km of the existing 11 kV grid network, close to settlements and infrastructure, and having relatively light planning constraint levels. The Policy is qualified by the need to confirm the detailed suitability of all prospective sites through normal planning processes.

The Strategy identifies that local scale onshore wind projects are anticipated to be closely associated with existing settlements or industrial sites where distribution grid connections are nearby. The upper threshold for total installed capacity of these types of development mean that they could include small clusters of turbines as well as single machines. No specific upper size limit has been set for individual generators within these types of development which should not exceed 5 MW installed capacity unless particular local conditions suggest otherwise. The specific circumstances of the site will determine the overall scale of development and the size of individual turbine(s) that are appropriate.

## **8. PLANNING APPRAISAL**

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 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

### **8.3 Development Plan Policy Assessment**

The proposal is considered to be generally supported by the Development Plan policies.

8.4 The site is visible from many northern parts of Brora and the outlying crofting settlements. It is backgrounded by a south facing hill ridge which has existing powerlines crossing it, providing a vertical interjection into the generally horizontal landscape aspect. There is no doubt in my mind that the turbine will be visible. However, Members will note that the turbine is only 22.1m high compared to the existing 26-30m high 132kV line to the rear and upslope of the proposed turbine location. In my assessment, the proposal is acceptable in visual and landscape terms.

### **8.5 Material Considerations**

No technical difficulties have been highlighted by statutory consultees. Due to the size of the turbine and its modular / hydraulic construction, it can be easily transported to the site. Members will note that TEC Services have not objected to the proposal. The materials used for preparing the turbine base can also be easily transported to the site.

8.6 **Representations** have been made and Members will note that these are mainly localised to East Clyne. The representations relate to the following:

#### **Objections**

- De-value property value – This is not a material planning consideration.
- Noise – I would advise Members that it is not considered that there will be any significantly detrimental impact on the amenity of residents in the area as a result of any noise from the wind turbine or from the grid connection in the derelict building.
- Surface water drainage – It is not considered that the erection of a single turbine will have a significantly detrimental impact on the drainage characteristics of the hillside.
- Site is on crofting land – The development of the turbine is seen as a diversification of land use on a croft and is considered to be acceptable.
- Separation distance from existing houses – The proposed turbine is around

130m to the NE and uphill of the nearest house at Cnocdarroch. This is considered to be an acceptable degree of separation.

- Size and Visibility – The proposed height will undoubtedly make the turbine a very noticeable man-made structure on the hillside. Nevertheless, its height should be seen in the context of the existing overhead powerlines to the rear. Furthermore, as the turbine is set to the rear of the existing housing, it is not considered that it will have any impact on the outlook currently enjoyed by residents of the area from their houses.
- Precedent for future – It is not considered that the proposed development would set any precedent for the future. Any further application(s) would be considered on their individual merits.
- Poor access for materials to site – The site can be readily accessed from the public road. TECS have advised that they have no objections to the proposal. The existing agricultural access will have to be upgraded – details of this can be controlled by appropriate planning conditions.
- Impact on low flying aircraft – The turbine would be no higher than the existing pylon line to the north and it is not considered that it will impede any low flying aircraft.
- TV, radio, vibration and interference – The development of the turbine is not considered to have a significant impact on these matters.

## **Support**

Development sets an example of local electricity generation which is a way of investing in the future. Proposal is a beacon to like minded power conscious communities to safeguard power for future generations. Communities should take some responsibility for power consumption and generation and know where their power comes from. Sets an example for the community.

8.7 **The Community Council** has not objected to the proposal, but does raise several issues:

- Practicable to grant planning permission subject to re-siting the generator / turbine? – No. The application is being made for the siting of the turbine in this location. Any other location would have to be subject of a new planning application.
- Is there a government policy on micro generation in rural communities? Not specifically.

8.8 The proposal is considered to have an impact on the visual amenity of the area due to its height and location. Members will note that in policy terms the test is whether the proposal will have a significantly detrimental impact on either individual or community residential amenity. In my assessment, the proposal will not have a significantly detrimental impact on amenity and therefore accords with Policy G2.

8.9 There are no technical difficulties with the proposal and therefore no technical reasons to warrant a recommendation to refuse planning permission. Furthermore,

national and Highland Council policies (including the Highland Renewable Energy Strategy) generally support small-scale renewable energy projects such as this.

- 8.10 I consider that the proposal is acceptable and that planning permission should be granted for a time limited period of 25 years, following which the turbine should be removed from the site, or a further application for its continued siting submitted for consideration by the Planning Authority.

## 9. CONCLUSION

- 9.1 I consider that the proposal is acceptable and that planning permission should be granted for a time limited period of 25 years, following which the turbine should be removed from the site, or a further application for its continued siting submitted for consideration by the Planning Authority.

## 10. RECOMMENDATION

### Action required before decision issued n

Notification to Scottish Ministers n

Notification to Historic Scotland n

Conclusion of Section 75 Agreement n

Revocation of previous permission n

It is recommended the application be **Granted** subject to the following conditions and reasons.

- (1.) The development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice.

Reason In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

- (2.) No development shall start on site until the completed Notice of Initiation of Development (NID) form attached to this planning permission/approval of matters has been submitted to and acknowledged by the Planning Authority.

Reason In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

- (3.) Upon completion of the development the completed Notice of Completion form attached to this decision notice shall be submitted to the Planning Authority.

Reason In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

- (4.) The permission hereby granted shall endure for a period of 25 years from the date of this consent within which period, unless with the express approval of



the Planning Authority, the site shall have been cleared including the removal of the wind turbine and thereafter reinstated to the satisfaction of the Planning Authority.

Reason: In order to allow the Planning Authority to retain effective control over this development which is temporary by nature.

(5.) All access arrangements shall be provided to the satisfaction of the Planning Authority in consultation with the Roads Authority prior to the wind turbine being commissioned. For the avoidance of doubt the access to the public road shall be formed in bituminous macadam to the satisfaction of the Planning Authority and the access track shall be finished in a dark non-reflective material.

Reason: In the interests of road safety and for the avoidance of doubt.

(6.) Prior to the commencement of development, a photographic record shall be made of the remains of old buildings and / or other features affected by the proposed development, in accordance with the attached specification, and shall thereafter be submitted to the Planning Authority. No site clearance work shall take place until confirmation in writing has been received from the Planning Authority that the record made has been lodged and is satisfactory.

The remains of buildings and other features affected are of historic interest and are of value to future research, and as such they should not be destroyed without being recorded.

(7.) 1. At Wind Speeds not exceeding 12m/s, as measured or calculated at a height of 10m 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:-

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2. Should the noise levels in the forgoing condition be exceeded, the Wind Turbine Operator shall take steps forthwith, to ensure that noise emissions from the wind farm are reduced to the aforementioned noise levels or less.

3. The developer shall assess the potential for the effects of shadow-flicker upon neighbouring properties and appropriate action to eradicate its effects upon neighbouring properties.

Reason: In the interests of amenity and for the avoidance of doubt.

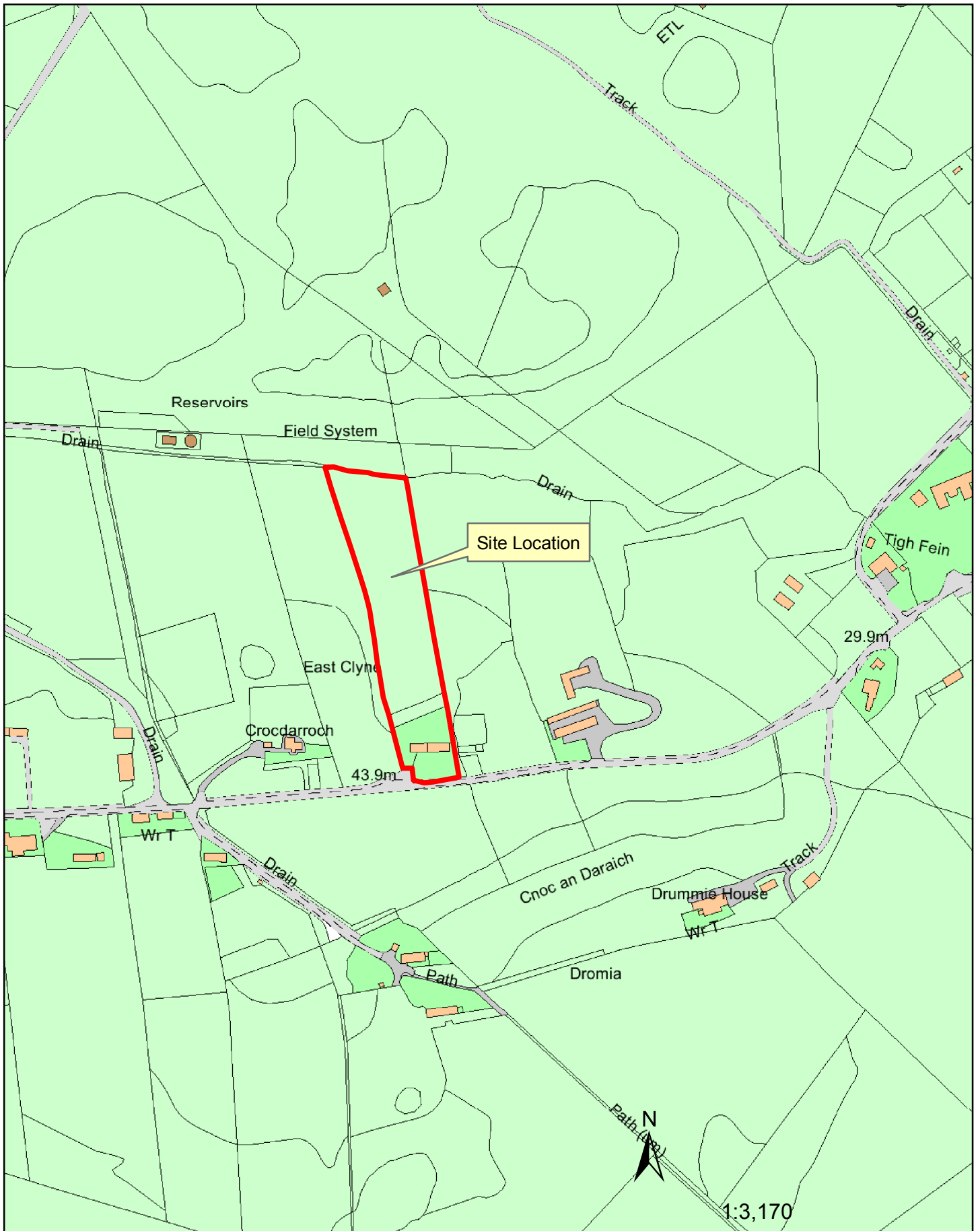
(8.) The turbine hereby approved shall have a maximum height to the blade tip of 22.1m.

Reason: In the interests of amenity and for the avoidance of doubt.

Signature: Allan J Todd  
Designation: Area Planning & Building Standards Manager Caithness Sutherland and Easter Ross  
Author: Bob Robertson  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – Location plan

Plan 2 – Block plan

Plan 3 – Elevation of proposed wind turbine



09/00393/FULSU  
 Erect 25kw wind turbine on 22m high hydraulic tower including blade. Control gear to be located in nearby steading with underground supply cables to turbine and Hydro Electric supply at Land 100m North East of Crocdarroch, East Clyne, Brora.

Mr A N G Sutherland  
 per Heartland Home Services  
 West Clyne  
 Brora  
 Mr J Gunn



**THE HIGHLAND COUNCIL**  
**PLAN 1 OF 3 OF APPLICATION REFERENCE**  
**09/00393/FULLSU**  
**RECEIVED 14/9/09**

**Heartland Home Services Ltd**  
 West Clyne, Brora. KW9 6NH. Tel 01408 621617 - Fax. 01408 621162

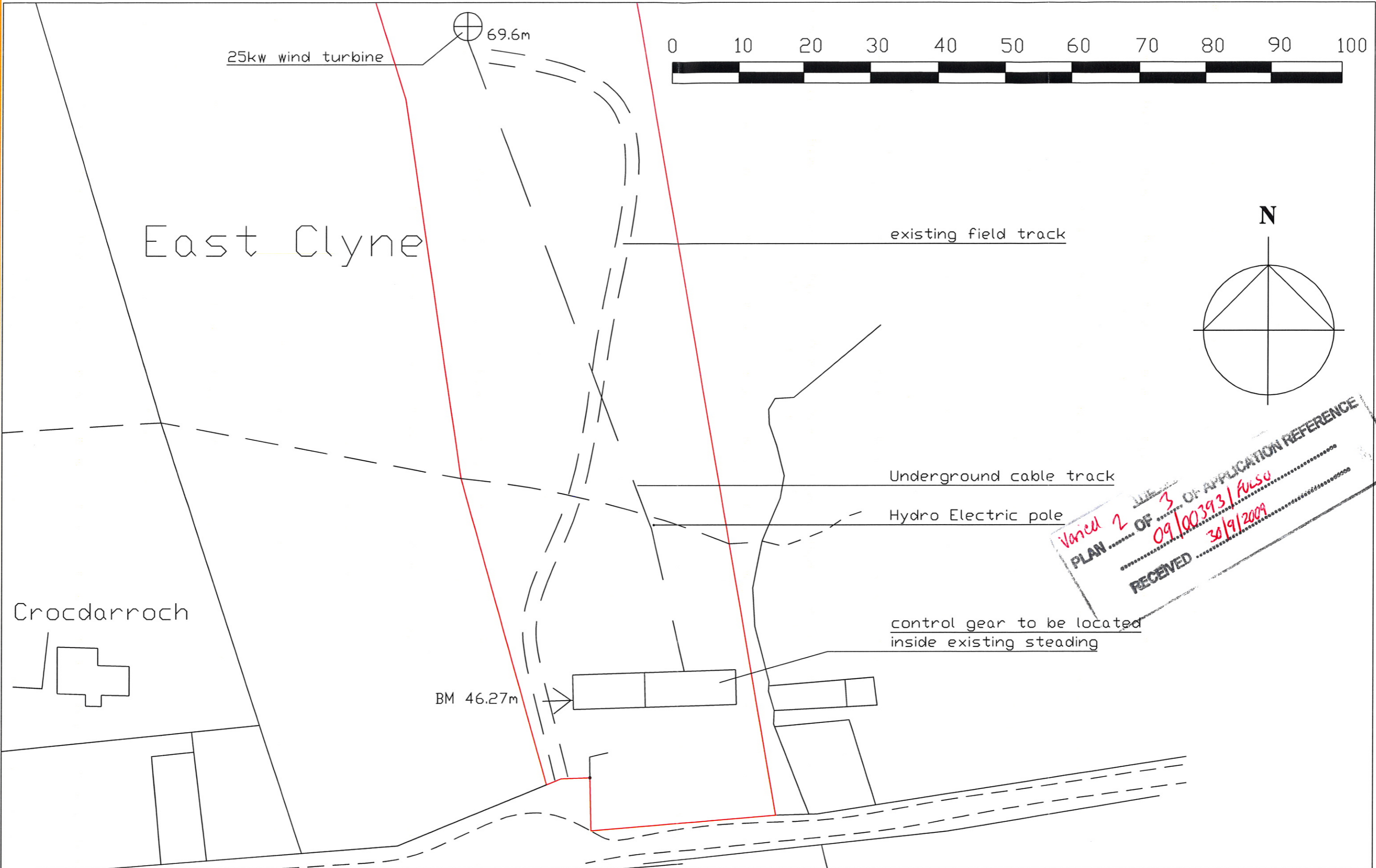
CLIENT Mr ANG Sutherland

DESCRIPTION Proposed 25Kw Wind Turbine at Croft 250, East Clyne, Brora.

REF\_NO 1751

DETAILS Location Plan

DATE 04-09-2009



**Heartland Home Services Ltd**  
 West Clyne, Brora. KW9 6NH. Tel 01408 621617 - Fax. 01408 621162

CLIENT Mr ANG Sutherland

DESCRIPTION Proposed 25kw Wind Turbine at Croft 250, East Clyne, Brora.

REF\_NO 1751-Rev 'A'

DETAILS Block Plan

SCALE 1 : 500

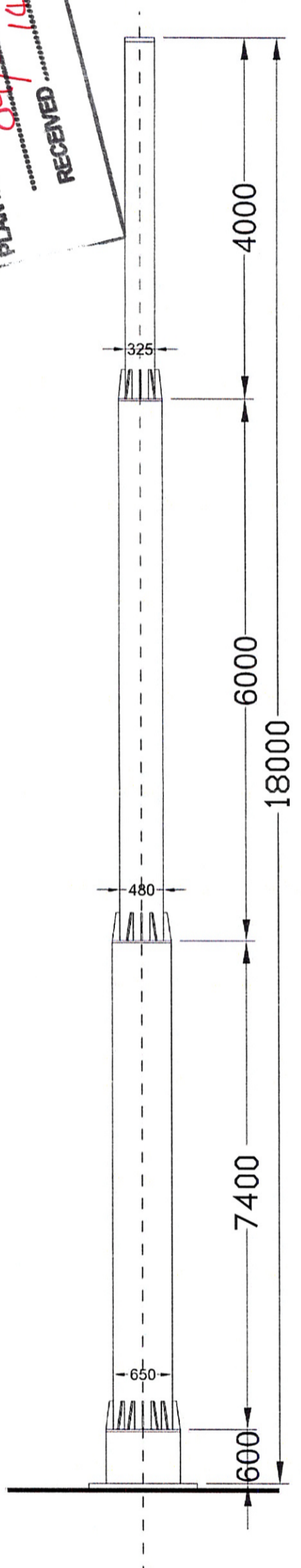
DATE 30-09-2009

THE HIGHLAND COUNCIL  
 REFERENCE  
 PLAN 3 OF 3 OF APPLICATION REFERENCE  
 09/00393/FK/09  
 14/19/09  
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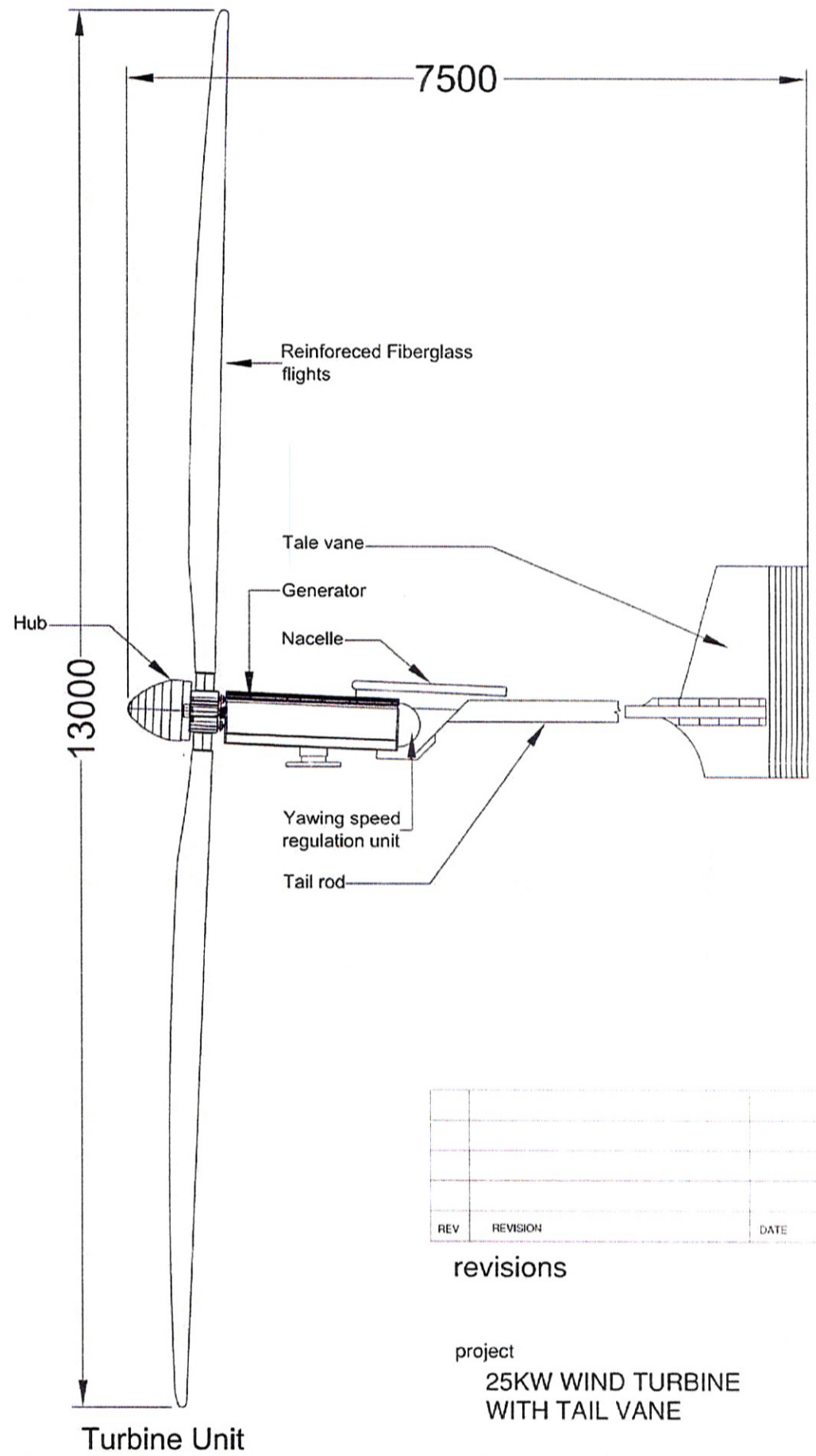
UK Wind Energy Sales, 49 Bridge Street,  
 Dollar, FK14 7DG

Telephone: 01259 740021 Mobile: 07786 757481  
 Email: sales@ukwindenergy.net



Hydraulic Tower Tower

- Physical Dimensions
- Tower height - 15000mm
  - Hub height - 15600
  - Tip height - 22100mm



Turbine Unit

REV	REVISION	DATE

revisions

project  
 25KW WIND TURBINE  
 WITH TAIL VANE

client **Mr ANG Sutherland**

content

drawn by; KS

checked by;

date; AUG 09

drawing no. 1751-Rev "A"