

THE HIGHLAND COUNCIL

CAITHNESS, SUTHERLAND AND EASTER ROSS
PLANNING APPLICATIONS COMMITTEE – 7 June 2011

Agenda Item	3.1
Report No	PLC/022/11

10/04718/FUL: Messrs DB Angus
Barrogill Mains, Mey

Report by Area Planning and Building Standards Manager

SUMMARY

Description: Installation of one 20kW wind turbine 20.6 metres high to hub (as amended)

Recommendation - REFUSE

Ward : 04 - Landward Caithness

Development category : Local

Pre-determination hearing : Not required

Reason referred to Committee : Request of Ward Members

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks permission for a single 20 kW wind turbine at Barrogill Mains Farm, Mey. The turbine measures 20.6m to the hub and 27.1m to tip with a rotor diameter of 13.1m.
- 1.2 The original submission proposed a 50 kW wind turbine with a rotor diameter of 20m and a height of 30.6m to tip.
- 1.3 The application is supported by a shadow flicker assessment, noise assessment, landscape and visual impact assessment and an 'environmental statement'.

2. SITE DESCRIPTION

- 2.1 The site lies to the south-east of the farm buildings at Barrogill. The Castle of Mey, which is a category A listed building that sits in a designed landscape, is to the north-west of the farm. There are a number of houses to the east of the site at East Mey.

3. PLANNING HISTORY

- 3.1 10/03116/FUL
Installation of two small scale 30kW Hannevind wind turbines to provide power to the farm business and the farm house. Application withdrawn.

4. PUBLIC PARTICIPATION

4.1 Advertised : Neighbour notification and Schedule 3 Development

Representation deadline : 20 April 2011 (re-notification of neighbours)

Timeous representations : 30 (18 against, 12 in support)

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- Proximity of houses
- Noise
- Shadow Flicker
- Landscape and Visual Impact
- Impact on the Castle of Mey
- Impact on Natural Heritage Interests
- Safety
- The principle of onshore renewable energy development

4.3 All letters of representation can be viewed online www.highland.gov.uk, at the Area Planning Office and for Councillors, will be available for inspection immediately prior to the Committee Meeting.

5. CONSULTATIONS

5.1 **Conservation Officer:**

The proposal is likely to be a significant feature within the landscape and will inevitably have some impact on the wider setting of the Castle of Mey. The turbine will encroach on views from within the designed landscape and from the category A listed building. The turbine is also likely to encroach in views to the category A listed building from the surrounding landscape and road approaches.

The Caithness landscape, coast line and views to Dunnet Head are all crucial elements of the wider setting of the Castle of Mey. The proposed turbine will impact on each of these elements both individually and collectively and will therefore no doubt have a significantly detrimental impact on the wider setting of the listed building and the associated designed landscape.

Given that there is a lack of supporting evidence to suggest that the environmental benefits of the proposed turbine would outweigh the impact on the setting of the category A listed building and its associated designed landscape it is considered that this application is unacceptable. Highland Council has a statutory duty to have due regard to the desirability of preserving the setting of listed buildings. The proposal presented by this application is such that the setting of the Castle of Mey cannot be preserved if this development is approved. This proposal should be refused.

- 5.2 **Environmental Health:** An assessment of the noise data supplied by the applicant indicates the noise level at the nearest noise sensitive location is calculated to be 45dB(A) which exceeds the screening standard of 40dB(A). This figure is arrived at using the methodology described in the British Wind Energy Association document "Small Wind Turbine Performance and Safety Standard 29 Feb 2008".

The calculation also uses wind speed data obtained from the Department of Energy & Climate Change national wind speed database. It must be understood that this data is based on a topographical model and the accuracy of such information cannot therefore be verified without actual wind monitoring data. However, to be of use, any on site wind monitoring would require to be undertaken over several months.

Based on the available data there is a possibility of this development resulting in a loss of amenity for residents at neighbouring noise sensitive properties.

- 5.3 **Historic Scotland:** No objection to this application.

In certain views, as indicated by Figure 3 of the photomontages, the turbine will have a visual impact along parts of the A836, as well as being visible in parts of the Castle's grounds. However, in the majority of views the proposed turbine will be at a sufficient distance from the Castle so as not to have a major impact. Existing mature planting, along with Barrogill Mains itself, provides a degree of screening from the more significant parts of the grounds immediately adjacent to the Castle itself.

- 5.4 **Scottish Natural Heritage:** Responded to the initial application for a single 50kW turbine, 30.6m to blade tip, on the 15 February 2011. SNH did not object to this proposal following an appraisal of the impacts on the Caithness Lochs Special Protection Area (SPA). Although SNH considered the proposal to have a likely significant effect on the whooper swan interest of the above Natura site, on the basis of the information provided and the appraisal carried out, SNH determined that the proposal would not adversely affect the integrity of the site. SNH maintain this position in relation to the amended specification for a 20kW turbine with a height of 27.1m to blade tip.

However, SNH's assessment is based on the report provided by Julian Smith to support the initial application which determined the area is not used by SPA geese and swans for foraging or air space through which they directly fly. This assessment is not based on the information contained within the 'environmental statement' for the amended proposal dated 25 February 2011 which SNH would consider to be inadequate, and also the information contained to be inaccurate with respect to the natural heritage interests (specifically cumulative impact assessment).

- 5.5 **Factor of the Castle of Mey:** No response

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Structure Plan 2001

G2	Design for Sustainability
G6	Conservation and promotion of the Highland Heritage
E2	Wind Energy Development
BC4	Historic Gardens and Designed Landscapes
BC5	Listed Buildings and Conservation Areas

6.2 Caithness Local Plan

PP1	Primary Policy 1
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7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Highland Wide Local Development Plan

Policy 29 Sustainable Design

Policy 35 Settlement Development Areas

Policy 58 Natural, Built and Cultural Heritage

Policy 68 Renewable Energy Developments

7.2 Highland Council Supplementary Planning Policy Guidance

Highland Renewable Energy Strategy

Onshore Wind Energy (Draft) Supplementary Guidance

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (SPP), Scottish Historic Environment Policy (SHEP)

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**

Local and national policy and guidance is broadly supportive of onshore wind energy developments however each case must be considered on its own merits. Highland Structure Plan policy G2 and Draft Highland Wide Local Development Plan Policies 29 and 68 require proposals to be assessed on the extent to which they impact on individual and community amenity and to demonstrate sensitive siting in keeping with the historic environment. Structure Plan Policy E2 requires proposals to be assessed in respect of noise. Structure Plan Policies BC4, BC5 and G6 and Draft Local Development Plan Policy 58 seek to preserve and protect historic buildings and designed landscapes. Caithness Local Plan Policy PP1 requires the consideration of detailed site factors. In failing to demonstrate that noise will not have a significantly detrimental impact on residential amenity and in having a significantly detrimental impact on the setting of the Castle of Mey and its associated designed landscape the proposal is considered to be contrary to the development plan.

8.4 **Material Considerations**

- 8.5 **Proximity of houses**– A number of representations make comments on the proximity of the development to houses and the attendant issues of noise and shadow flicker. Supporters assert that the development is unlikely to have any undue impact on neighbours but the proximity of houses to the site and particularly the potential impact from shadow flicker and noise is a concern for some objectors.
- 8.6 **Noise** – Environmental Health state that noise associated with the development may result in a loss of amenity at neighbouring properties. They advise that an assessment of the noise data supplied by the applicant indicates the noise level at the nearest noise sensitive location is calculated to be 45dB(A) which exceeds the screening standard of 40dB(A). This figure is arrived at using the methodology described in the British Wind Energy Association document ‘Small Wind Turbine Performance and Safety Standard 29 Feb 2008’. This methodology is used by the Council to assess the noise impact of wind turbines with a rotor diameter of 16m or less.
- 8.7 The applicant’s agent disputes the methodology for assessing this as the results do not match their own assessment. Environmental Health advise that the discrepancy has arisen because the agent has based their assessment on a reference wind speed of 8m/s while the Council’s assessment was based on a reference wind speed of 12m/s.
- 8.8 The agent has also raised what he considers to be inconsistencies in the Council’s assessment of noise in relation to small wind turbines. Environmental Health are content that the appropriate methodology has been used. It is the case that this methodology was adopted relatively recently but it is now being applied throughout the Council area. It should be noted that an appeal (PPA-270-2048) against the refusal of an application in Lochaber, which rested partly on the appellant’s contention that this is not a competent methodology, has recently been dismissed.

- 8.9 The impact of noise from the development is likely to result in the loss of amenity of neighbouring properties and as such the proposal is considered to be contrary to policy.
- 8.10 **Shadow Flicker** - National guidance suggests that in order to preclude undue impact from shadow flicker, wind turbines should be separated from other properties by a distance at least equal to ten times the rotor diameter. However, this is a national average and arguably the landscape and conditions of Caithness make it less applicable. The applicant therefore submitted a site specific shadow flicker assessment. The revised proposal shows a turbine with a rotor diameter of 13.1m with the boundary of the nearest property 220m from the application site. The separation distance would comply with the national guidelines and the applicant's Shadow Flicker Assessment indicates that none of the neighbouring properties would be affected. It is therefore considered unlikely that there would be any undue impact from Shadow Flicker as a result of the development.
- 8.11 One objector draws attention to the requirement in the Highland Renewable Energy Strategy (HRES) that turbines should be sited at least 1km from any dwelling but this relates primarily to wind farms rather than single turbines. HRES is currently under review.
- 8.12 **Landscape and Visual Impact and Impact on the Castle of Mey** – A number of contributors have commented on the potential landscape and visual impacts of the development and specifically the impact on the Castle of Mey. Supporters express the view that the development will not be detrimental in this respect with some suggesting that a wind turbine would enhance the landscape. However, a number of objections raise concerns over the visual impact of the turbine. Objectors have also expressed concerns about the quality of the visualisations submitted with the application.
- The application site sits within a wide, open landscape and is on higher ground than both the existing farm complex and the Castle of Mey. A wind turbine in this location is likely to be a significant feature and it is considered that it would be unduly prominent in the landscape.
- 8.13 **Impact on the Castle of Mey.** – A number of objectors raise concerns about the impact of the development on the Castle of Mey. Some objectors express the view that the impact on the Castle would be such that it would damage tourism in the area.
- 8.14 The Castle of Mey is a category A listed building and sits within a designed landscape. Historic Scotland do not object to the proposal suggesting the site is sufficiently removed from the Castle to avoid major impact. However the Council's Conservation Officer does object. It is the Conservation Officer's view that the wind turbine is likely to be a significant feature in the landscape and as such will impact on the setting of the Castle. The Caithness landscape, coast line and views to Dunnet Head are all crucial elements of the wider setting of the Castle of Mey. The proposed turbine will impact on each of these elements both individually and collectively and will therefore have a significantly detrimental impact on the wider setting of the listed building and the associated designed landscape.

- 8.15 In having a detrimental impact on the setting of Castle and the designed landscape the proposal is considered to be contrary to policy.
- 8.16 **Impact on Natural Heritage Interests** - Objectors raise concerns about the impact on birds and the proximity of designated sites. SNH do not object to the proposal. In their response to the revised proposals SNH stress that their position is based on assessment of the independent bird report that was submitted on 25 January and not the information contained within the 'environmental statement' dated 25 February which they consider to be inadequate and inaccurate in respect of natural heritage interests and cumulative impacts. An Appropriate Assessment concluded that the development would not adversely affect the integrity of the site.
- 8.17 **The principle of onshore renewable energy**– A number of supporters applaud the principle of renewable energy and the benefits such development can bring for individuals and the wider community. Objectors suggest that renewable energy targets for Caithness have already been met and that marine renewables should be encouraged over on shore turbines. Local and national policy remains broadly supportive of appropriately sited onshore renewable energy developments particularly if development will support the local or national economy. However, this must be weighed against all other issues and each application is considered on its own merits.
- 8.18 **Community Council** – Dunnet and Canisbay Community Council submitted a letter of objection on the grounds of shadow flicker, environmental impact, proximity of house and the impact on the Castle of Mey. The Community Council subsequently submitted a letter stating that they had been asked by the applicant to point out that information would be produced in relation to shadow flicker and noise, a mistake in the plan had been rectified, the Castle of Mey do not object to the development and the importance of the development to the farm business. It should be noted that The Factor of the Castle of Mey has not responded to consultations.
- 8.19 **Safety** – Ensuring that the turbine is properly and safely installed and operated is a matter for the developer.
- 8.20 **Mistakes in submission** – Objectors have identified a number of apparent inaccuracies or inconsistencies in the plans. A serious error in stating the distance between the application site and the nearest turbine was rectified and supporting information altered accordingly.
- 8.21 **Other Considerations – not material**
- Supporters referred to the contribution made by the applicant to the local community. This is not a material consideration.
- 8.22 **Matters to be secured by Section 75 Agreement**
- None

9. CONCLUSION

9.1 Conclusion

The application has failed to demonstrate that noise resulting from the development will not have a significantly detrimental impact on the amenity of neighbours. Furthermore it is considered that the impact on the Castle of Mey and the associated designed landscape will be unacceptable. The application is considered to be contrary to policy and as such is recommended for refusal.

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

Subject to the above, it is recommended the application be **Refused** for the following reasons:

1. Noise from the proposed development is likely to have a significantly detrimental impact on the amenity of neighbouring properties contrary to Highland Structure Plan Policies G2 and E2, Caithness Local Plan Policy PP1 and Draft Highland Wide Local Development Plan Policies 29 and 68.
2. The proposal fails to demonstrate sensitive siting contrary to Highland Structure Plan Policies G2 and E2, Caithness Local Plan Policy PP1 and Draft Highland Wide Local Development Plan Policies 29 and 68.
3. The proposal will have a significantly detrimental impact on the setting of the Castle of Mey and its associated designed landscape contrary to Highland Structure Plan Policies G6, BC4 and BC5 and Draft Highland Wide Local Development Plan Policy 58.

Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager
Caithness, Sutherland and Easter Ross

Author: Lisa MacKenzie

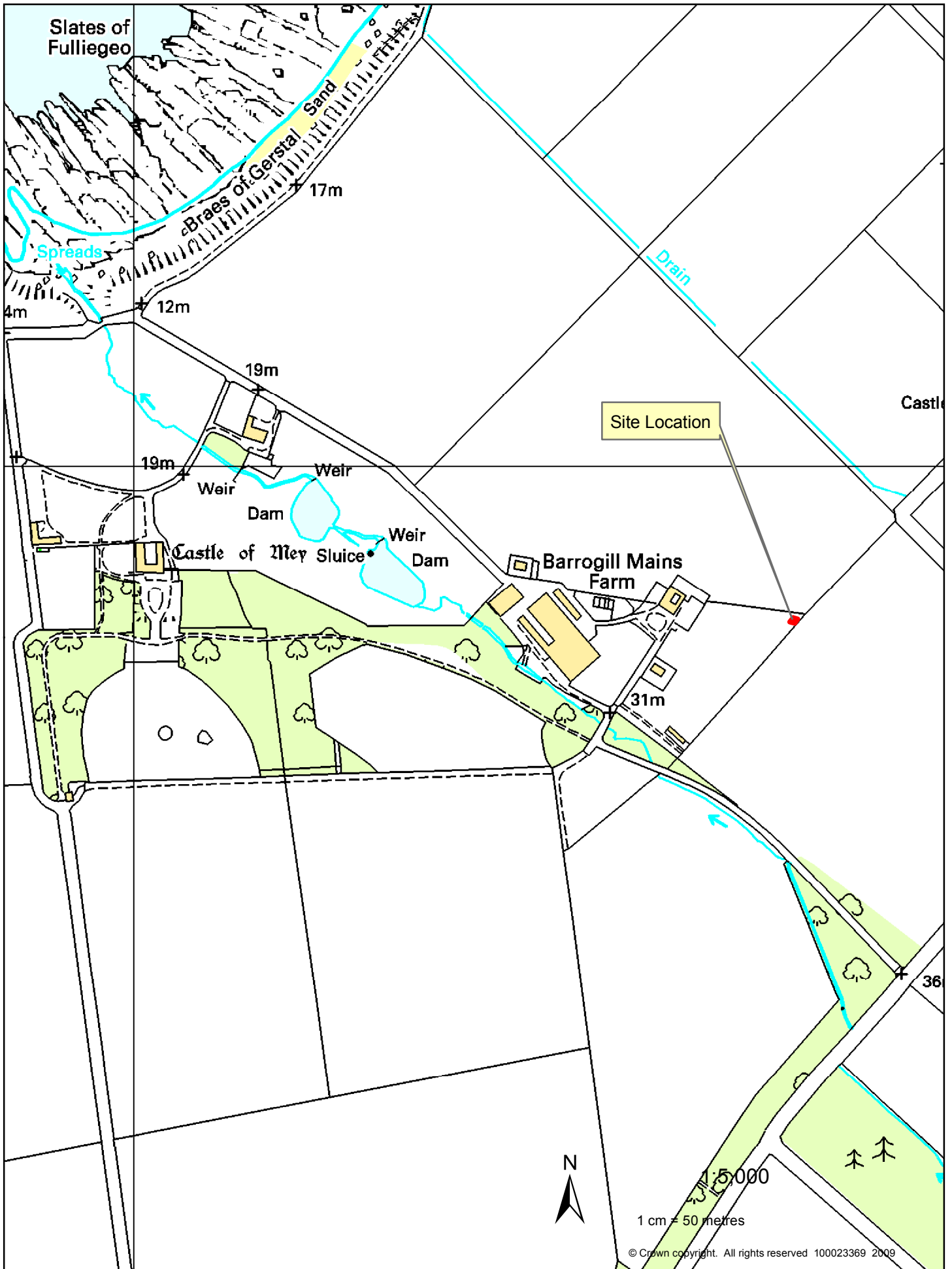
Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Plan
Plan 3 – Turbine Details

Appendix – Letters of Representation

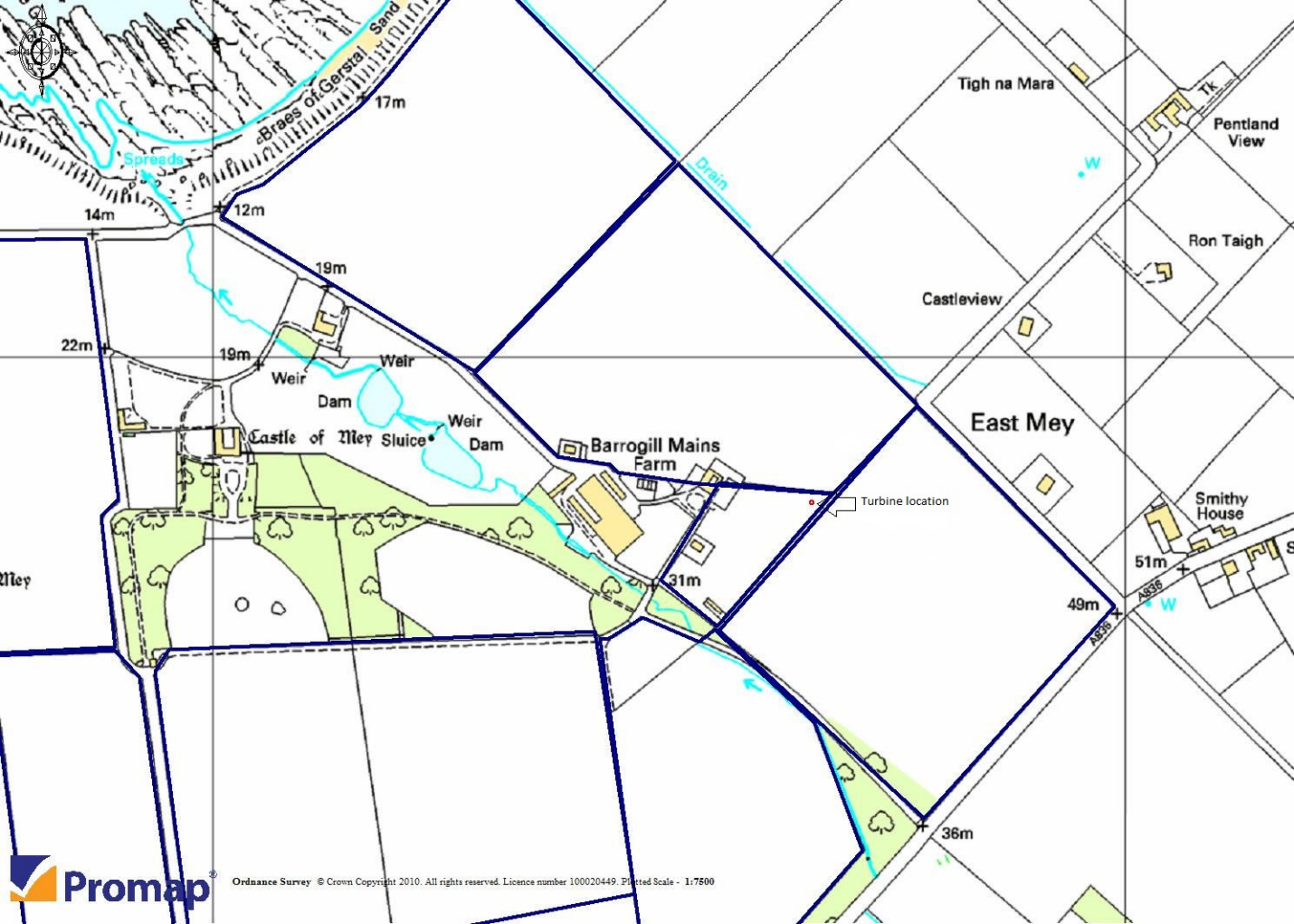
Name	Address	Date Received	For/Against
Erica Hamilton	Lowood House, Melrose	05/12/10	Against
Mrs A E Lewis	Mill Cottage, Corsback, Dunnet	06/12/10	Against
Dr Wm & Mrs P Batey	Tigh Na Mara, East Mey	06/12/10 04/04/11	Against
Mr Colin Farley Sutton	Shepherd's Cottage, Watten, Wick	07/12/10 30/03/11	Against
Mr John Mainprize	Ha of Gills, Upper Gills, Canisbay	07/12/10	Against
Mr Colin Gilmour	Shenaval, Altass, Lairg	08/12/10 21/04/11	Against
Philip Colville	Persie, East Mey, Mey	08/12/10 11/04/11	Against
Mrs Christina Murray	Farr Mains, Farr, Inverness	08/12/10	Against
Helen Hamilton	House Of Corsback, Dunnet	08/12/10	Against
Dr Graham Elliott	9 Mill Way, Brora	09/12/10 31/03/11	Against
Rt Hon Lord MacLennan of Rogart	Ham Farm, Dunnet	09/12/10 14/04/11	Against
Dunnet and Canisbay Community Council	Per Keith Muir, 2 Houston Drive, Canisbay	10/12/10 14/02/11	Against (second submission putting forward comments submitted by the applicant)

Mrs Christine Cariss	Jacks Cottage, Westside, Dunnet	15/12/10	Against
Mr & Mrs John Johnstone	Schoolhouse, Murkle	16/12/10	Against
Mr James Fleming	Blingery, Wick	16/12/10	Against
Mr Peter Keyser	Drumleys House, Airlie, Kirriemuir	06/01/11	Against
Richard Hunt	Tigh a' Bhuiridh , Mey	07/01/11	For
Colin Ian Liddell	Castlebridge, Mere, Warminster	10/01/11	Against
Mr John Bain	Maligoe, Mey	12/01/11	For
Mr P Hughes	Wester Haven, Harrow, Mey	12/01/11	For
Mr Alexander Ham	Harrow, Mey	14/01/11	For
Christian Van Rooyen	Creag Na Mara, East Mey, Mey	17/01/11	For
Karen Graham	East Mey, Mey	17/01/11	For
Grant Napier	Head Gardener, Castle of Mey	19/01/11	For
Jon Dawkins	Kinrara, West Mey	19/01/11	For
Illegible	Castleview, Mey	19/01/11	For
Illegible	Harrow Farms, Mey	19/01/11	For
Illegible	Pentland View, East Mey	19/01/11	For
Ian Mackenzie	Inkstack, Barrock	20/01/11	For
Mr Edward Usborne	Smithfield, Tomatin, Inverness	28/03/11	Against



10/04718/FUL
 Installation of one 20KW wind turbine 20.6 metres high to hub (as amended) at
 Barrogill Mains, Mey, Thurso KW14 8XH

Messrs DB Angus
 per Ecodyn Ltd
 Fliskmillan Steadings
 Newburgh
 Cupar
 KY14 6HN





The Cottage

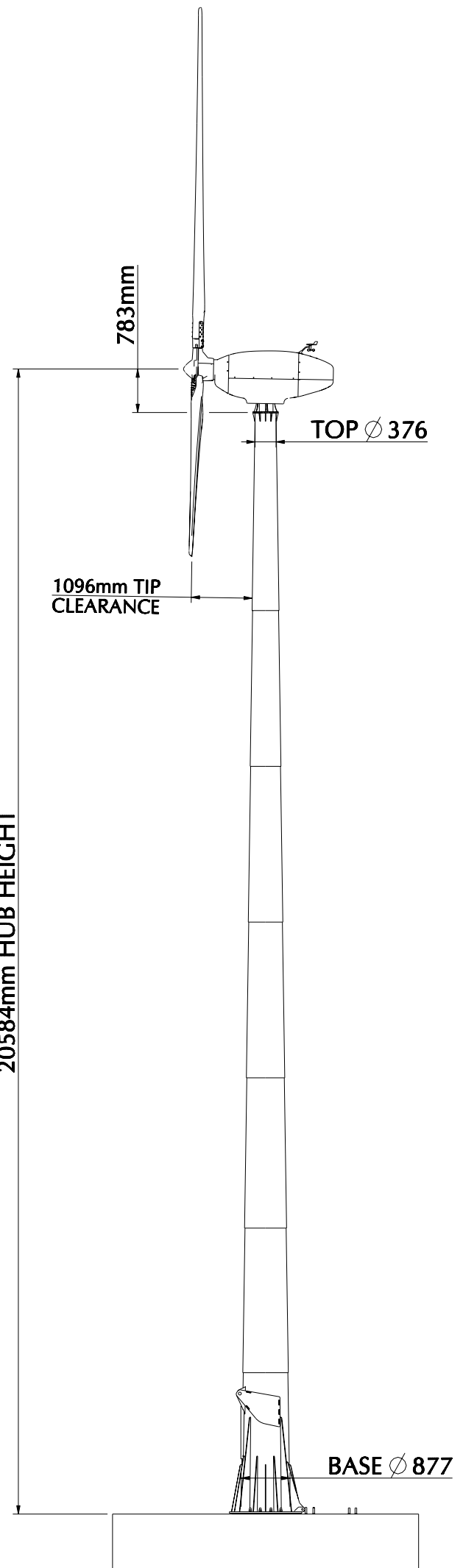
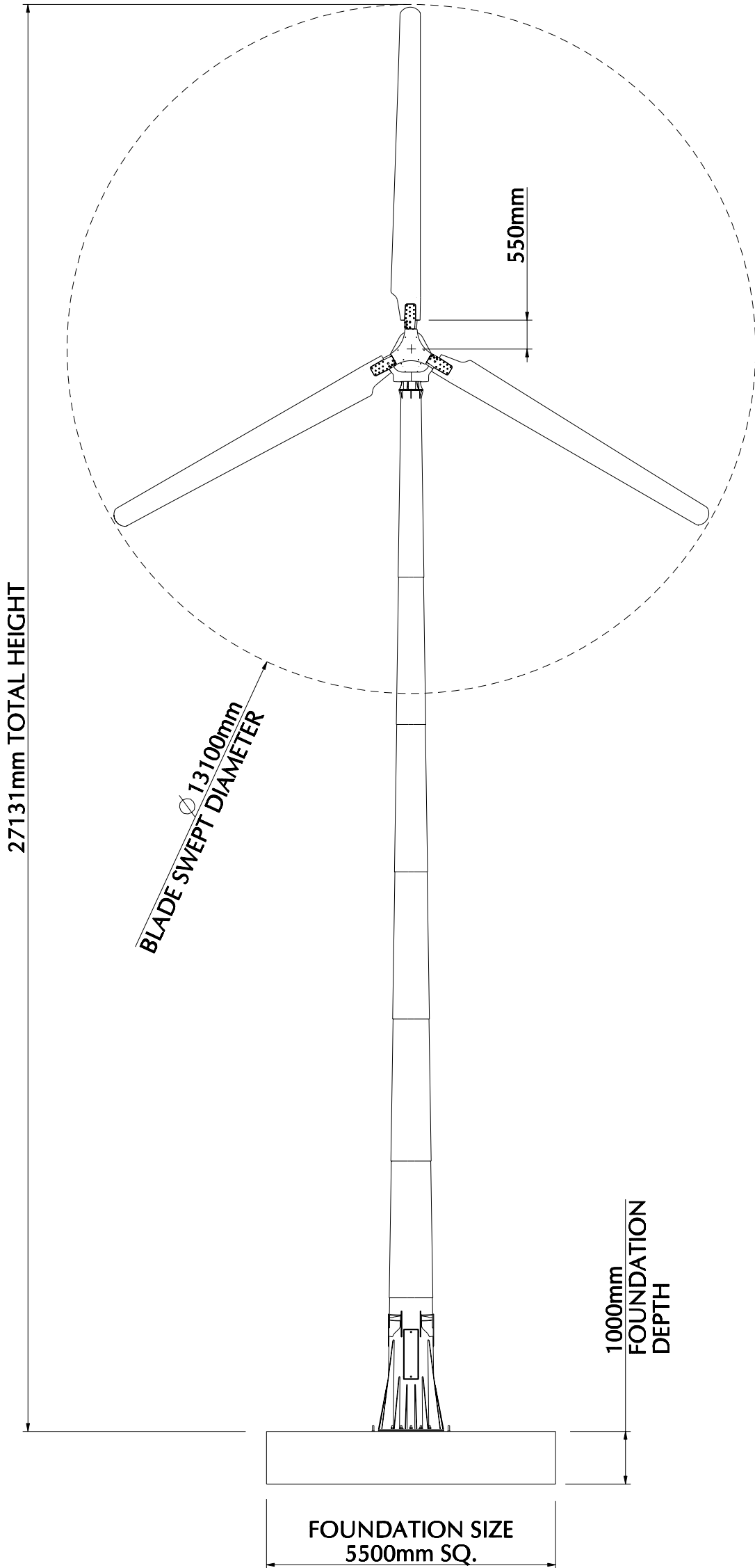
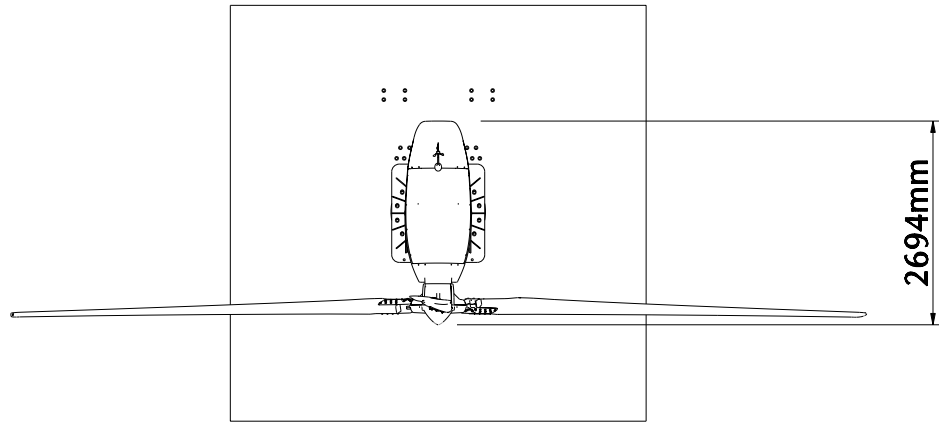
Sheep Pens

Barrogill
Mains Farm

Kennefields

31.4m





**OVERALL DIMENSIONS FOR CF20 TURBINE:
20kW GENERATOR / 20m MAST / 6m BLADES**

C&F Green-Energy		CF20 All Dimensions in mm	
DESCRIPTION: OVERALLS / PLANNING		QTY PER UNIT: -	SCALE: 1:100
MATERIAL: Mast: S275 Galv		 THIRD ANGLE PROJECTION	 DRAWING CONFORMS TO AS/NZS 1546:1994
DRAWN: C O'Neill	PAINT: -		
CHECKED: -	FINISH: -	<small>THIS DRAWING IS THE PROPERTY OF C&F GREEN ENERGY LTD. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED IN THE DRAWING TITLE. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF C&F GREEN ENERGY.</small>	
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