

THE HIGHLAND COUNCIL

CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING APPLICATIONS COMMITTEE – 13 December 2011

Agenda Item	4.3
Report No	PLC/060/11

**11/02554/FUL : Muirden Energy
Nonikiln Farm, Alness, IV17 0XZ**

Report by Area Planning Manager

SUMMARY

Description: Erection of two wind turbines

Recommendation: GRANT

Ward: 07 – Cromarty Firth

Development category: Local

Pre-determination hearing: None

Reason referred to Committee: Objections from Ardross Community Council; and five or more representations.

1. PROPOSAL

- 1.1 The application is for the erection of two ACSA A29 wind turbines at Nonikiln Farm. The turbines are three bladed 225kW machines which have a hub height of 31m, a rotor diameter of 29m and an overall height to tip of the blade of 46.9m. The turbine has a tapered tubular tower and three blades attached to a nacelle housing containing the generator, gearbox and other operating equipment. It is proposed that the finish of the wind turbine towers and blades would be semi-matt and white in colour. A new access road is proposed from the minor Culcairn public road to the south, along the line of existing field boundaries.
- 1.2 A formal Screening Opinion in relation to the proposed development was issued on 1 July 2011, advising that an Environmental Impact Assessment was not required.
- 1.3 The application has been supported by an Acoustic Report; an Environmental Statement; a Traffic Assessment and a Landscape and Visual Impact Report.
- 1.4 The proposed route of the access road to the proposed turbines has been amended twice during consideration of the application, initially because visibility at the existing access point was substandard and secondly to avoid an existing archaeological cairn on the field boundary.

2. SITE DESCRIPTION

- 2.1 The site is located approximately 2km north of Alness, around 500m north of the single track public road linking Nonikiln with Culcairn at an elevation of approximately 155m on rising land to the south-east of the hill of Cnoc Navie (240m). The land is in agricultural use as part of an agricultural holding. A stand of mature trees lies immediately to the north of the westernmost turbine and further north, on the flanks of Cnoc Navie is an area of commercial woodland.

3. PLANNING HISTORY

- 3.1 No planning history.

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Schedule 3 and Neighbour Notification

Representation deadline: 12 August 2011

Timeous representations: 13 (6 objections and 7 in support)

Non-timeous representations: 2 in support

- 4.2 Concerns raised by objectors are summarised as follows:

- Height of turbines
- Prominence on skyline
- Amenity of area and visual impact
- Misrepresentation through photographs lodged as supporting information
- Impact on water table and surface water
- Noise on established quiet area
- Negative impact on established rights to roam
- Increased traffic on roads in existing poor condition.
- Commercial scale of turbines inappropriate within rural context
- Decrease in property value
- Precedent
- Disruption/impact on wildlife

- 4.3 Points made in support of the application are summarised as follows:

- Benefit to local economy
- Co-exist with agriculture through use of poorer land
- No damage to local environment
- Conforms with Government policy

- Good example of diversification in agriculture
- Appropriate development in changing rural landscape

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

5. CONSULTATIONS

5.1 **Ardross Community Council** – Objects to the application for the following reasons:

- Concern over proliferation and cumulative impact of wind turbines and other energy infrastructure in the locality
- Scale of turbines considered too large and not in accordance with draft Highland Council supplementary guidance for onshore wind farms.
- Proposal contrary to Highland Renewable Energy Strategy.
- Detrimental impact on tourism, with specific reference to lack of photomontage from the Fyrish Monument and the Black Isle
- A precedent would be set for approval of other large turbines in the area.
- Proximity of houses to turbine and specifically the impact of noise on those properties.
- No real economic benefit to community where advantage to developer's financial wellbeing is often at expense of others in community, thus being contrary to aims and objectives of Policy 29 of the Highland Wide Development Plan to build a fairer Highlands.
- If permission is granted conditions should be attached to cover the following:
 1. Lifetime limit of 25 years; bond for decommissioning;
 2. Undertaking to erect no more turbines;
 3. Specific enforceable noise conditions where turbines would be shut down if limits were exceeded;
 4. Watching brief for archaeology;
 5. Tree screening from nearby properties.

5.2 **Alness Community Council** – No objections.

5.3 **Historic Environment Team** - No objections. Access road should be taken around existing consumption cairn.

5.4 **Forestry Officer** – No objections subject to conditions relating to tree protection and landscaping.

5.5 **TECS (Environmental Health)** – No objections subject to noise condition.

5.6 **TECS (Transport)** – No objections subject to conditions relating to forming new access onto the public road; transport assessment to identify impacts and any improvements required to local road network and infrastructure including bridges;

wear and tear agreement.

- 5.7 **Scottish National Heritage** – No objections.
- 5.8 **Civil Aviation Authority** – No objections.
- 5.9 **Ministry Of Defence** - No response.
- 5.10 **Highlands and Islands Airports Limited** – No objections. The development does not infringe the safeguarding surfaces for Inverness Airport.
- 5.11 **National Air Traffic Services** - No objections. No conflict with safeguarding criteria.

6. **POLICY**

The following Development Plan policies are relevant to the assessment of the proposals: -

Highland Council Structure Plan (Approved March 2001)

Policy G1 Sustainable Economic Growth

Policy G2 Sustainable Development

Policy G3 Impact Assessments

Policy G6 Conservation and promotion of Highland Heritage

Policy A2 Farm Income Diversification

Policy L4 Landscape Character

Policy E2 Wind Energy Development

Policy N1 Nature Conservation

Highland Wide Local Development Plan (Proposed Plan September 2010)

Policy 29 Sustainable design

Policy 31 Physical Constraints

Policy 37 Wider Countryside

Policy 57 Travel

Policy 58 Natural, Built and Cultural Heritage

Policy 59 Protected Species

Policy 60 Other Important Species

Policy 61 Other important Habitats

Policy 62 Landscape

Policy 68 Renewable Energy Developments

Ross and Cromarty East Local Plan (Adopted 2007)

BP3

Highland Renewable Energy Strategy (HRES) (Adopted May 2006)

HRES is currently being reviewed to take account of Scottish Planning Policy (February 2010). Meanwhile it remains the approved Highland Council strategy against which wind energy proposals are assessed.

Highland Council Draft Supplementary Guidance: Onshore Wind Energy (April 2011) – This defines four categories of wind energy development – micro, small, medium and large. While capacity is the preliminary way of identifying the appropriate category for a development, there are a number of specific conditions

(in relation to height, rotor diameter or number of turbines) which can influence the impact of a proposal and which can therefore change the categorisation of a proposal regardless of output.

Scottish Planning Policy (SPP) February 2010 contains policies relevant to this proposed development including: -

- Rural Development
- Historic Environment
- Landscape and Natural Heritage
- Renewable Energy

7. PLANNING APPRAISAL

- 7.1 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.
- 7.2 The detailed application is for the erection of two 225kW turbines and associated access road close to the northern edge of Nonikiln Farm, north of Alness. The turbines are proposed approximately 200m apart and the overall height of the proposed turbines is around 47m to the blade tip. The developer has indicated that the electricity generated will be of particular value to Nonikiln Farm which will be used to offset the electricity used and also assist to diversify the operations, with surplus electricity being exported to the grid.
- 7.3 The proposal was screened for potential **Environmental Impact Assessment (EIA)** under the Environmental Impact Assessment (Scotland) Regulations 1999 and, following consultations undertaken it was assessed as not requiring the production of an EIA. A Screening Opinion confirming this was issued by the Planning Authority in July 2011.
- 7.4 **Representations** have been received and are set out at sections 4.2 and 4.3 above. Both Ardross and Alness Community Councils have been consulted and objections from Ardross Community Council are detailed at section 5.1.
- 7.5 In response, the farmer at Nonikiln has submitted that the family run business has operated from Nonikiln for five generations. The farm specialises in arable crop production, growing Spring Barley for malting, Winter Barley for animal feed, Winter Oilseed Rape for its oil content and Winter Wheat for distilling. The farm also rears 2000 high health landrace breeding pigs per year on contract for a large pig business based in the north of Scotland. It is further submitted by the landowner that the present day backdrop of agriculture's fluctuating prices and soaring input costs as well as impending changes to the agricultural subsidy regime in 2013, has created the need for the business strategy to look at further ways of diversifying the family farming business for its future sustainability. This coupled with the commitment to lower the carbon footprint and offset energy usage at the farm has resulted in the current proposal. Larger turbines were considered however the scale chosen was considered more appropriate to the landscape but also allows enough energy output to provide a viable business proposition. The turbines are no bigger than electricity pylons yet will provide enough power to supply 248 houses and cut 503 tonnes of CO₂ per year.
- 7.6 **Noise** – The Environmental Health officer has assessed the application and has

advised that the noise output from the turbine is within the prescribed limits – that is the sound levels will be below the required standard of 35dB(A)(LA90 10min) at all adjacent residential properties. The nearest property at 5 Culcairn is over 500m distant. A planning condition, as recommended by Environmental Health, can reinforce the noise limits.

- 7.7 **Archaeology** – The proposed access track passes one of a series of cairns which run along the hillside. They are most probably consumption or clearance cairns, most of which date from the formation of the fields, probably in the early 19th century. The pre-existing stone pile may be field clearance from the early historic or prehistoric period, or a prehistoric burial cairn. Given that there are a number of large burial cairns in the immediate area, this is a distinct possibility. The Council's Archaeologist recommends that the cairn is not disturbed and that the access track goes around it. No watching brief is recommended.
- 7.8 **Access and traffic** - TEC Services has indicated that the proposal is acceptable, subject to suitable conditions. A traffic assessment submitted with the application advises that over the two month construction period the following vehicles will be required to access the site – 6 standard articulated lorries (bearing under 30 tonnes) to transport turbine components and tower (single trips); 8 concrete mixing lorries for the creation of the turbine foundations and crane hardstandings (single trips); and 3 cars per day (daily trips). It is submitted by the applicants that the loads will be no heavier than standard agricultural vehicles.
- 7.9 **Scale and Prominence of turbines** - The proposed turbines are both 225kW machines with hub heights of 31m and overall height to tip of the blade of just less than 47m. According to the Council's Draft Supplementary Guidance: Onshore Wind Energy (April 2011), the proposal falls between the small and medium categories insofar as it is well within the small category for output being less than three turbines between 50kW and 5MW but is just over the threshold of 30m to the hub, which would place it marginally into the medium sized category on height alone.

Whilst it is accepted that the turbines will be visible in longer views from the town of Alness, the A9 trunk road and beyond, it is considered that the relatively small scale of the turbines viewed predominantly with rising afforested land behind will not create a significant negative impact on the landscape. This is particularly true in relation to their location within the developed fringes of the Cromarty Firth. The scale of the turbines and their location on rising land will have a more significant localised visual impact, particularly the easternmost turbine, as viewed from the minor Culcairn public road, and will be skylined from a short section along this road. However the surrounding topography and presence of existing mature trees ensures that such views are intermittent and the development will not appear unduly prominent within this landscape. Additional tree planting to the north is proposed and a condition is recommended to secure this.

It has been assessed that the landscape can therefore absorb this twin turbine development and accordingly it is considered that the proposal accords with Development Plan policies in relation to the turbine's visual impact on individual and community residential amenity.

- 7.10 **Contrary to Development Plan policy** – The proposal is not considered to be contrary to the Council's Development Plan policies, the thrust of which encourage

appropriate renewable energy developments.

- 7.11 **Precedent** – The proposal is not considered to provide any precedent for future wind turbine development. Any future applications for wind energy developments in the area, will be assessed on their own individual merits against policy and taking into consideration any cumulative impact.
- 7.12 **Public access** – The proposal does not affect any existing paths or rights of way and therefore has no impact on existing public access rights.
- 7.13 **Impact on wildlife and habitat** – SNH has advised no objections to the application. At EIA screening stage it was accepted by SNH that given the scale and location of the turbines the turbines as proposed would have no impact on the special interests of any designated site within the area. The Environmental Report submitted as supporting information confirms that as the site is located wholly within an area of worked agricultural land there are no significant ecological impacts.
- 7.14 **Tourism** – There is no evidence or reasoned justification to suggest that the development will be detrimental to tourism. The visibility of two modest turbines will appear insignificant within a landscape which already contains a large scale wind farm at Novar; oil rigs along the Cromarty Firth; large deep water ports and associated industrial development at Highland Deephaven and Invergordon; and a number of quarries on the edge of existing developing towns.
- 7.15 **Impact on water table and surface water** – The limited areas of hardstanding required for the proposed development will have little impact on the existing surface water drainage system. Furthermore, it will be in the landowner's best interests to ensure that field drainage is maintained on the slope below the turbines, given the continued use of surrounding land for agricultural use.
- 7.16 **Decrease in property value** – This is not a material planning consideration.

8. CONCLUSION

- 8.1 The Council's Development plan policies provide general support for wind energy developments provided that impacts, including visual and noise, are not significantly detrimental.

The proposal is for two small to medium sized wind turbines. The turbines will be absorbed within a semi-rural landscape of rising land framing the town of Alness, north of the A9 development corridor. The turbines will have acknowledged localised visual and landscape impacts, but these are not considered to be significantly visually detrimental on either individual or community residential amenity. There are no technical objections and public opinion is divided. Accordingly, the proposal is considered to accord with Development Plan policies.

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 **Granted** subject to the following conditions and reasons:

(1.) The permission hereby granted shall endure for a period of twenty five 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 turbines and all hardstanding and thereafter reinstated to the satisfaction of the Planning Authority.

Reason: To order to allow the Planning Authority to retain effective control over this development.

(2.) The wind turbines shall be maintained in good order over the lifetime of this consent to the satisfaction of the Planning Authority in consultation with the Environmental Health Authority. The operator shall maintain a dated maintenance log which shall clearly specify the date and time of maintenance works, any maintenance works undertaken and comment regarding the condition of the turbine in accordance with the manufacturers operational parameters. This log shall be made available for inspection at the request of the Planning Authority.

Reason: To ensure the turbine operates within set parameters and to safeguard individual and community residential amenity.

(3.) Within six months of the date of this permission, the developer / owner / operator of the wind turbine shall submit a Decommissioning Plan for the approval in writing of the Planning Authority in consultation with SEPA and SNH, or other successor bodies. The plan shall detail measures in writing and on plan for the decommissioning of the site. The decommissioning of the site shall be undertaken in accordance with the approved plan by the developer / owner / operator. At such time all machinery and infrastructure related to the turbine shall be cleared from site and disposed of in accordance with best waste management practice.

Reason: To clarify the terms of the permission hereby granted and to allow the Planning Authority to retain effective control over the development.

(4.) In the event that the wind turbine fails to produce electricity supplied to a local grid

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

Reason: In the interests of visual amenity and to ensure that redundant equipment is removed from the site.

(5.) Access to the site by heavy goods vehicles shall be restricted to 0800 to 1800 on Mondays to Fridays and from 0800 to 1300 on Saturdays with no such access on Sundays. Any work on site outwith these times shall only take place with the prior written approval of the Planning Authority.

Reason: In the interests of safeguarding the established amenity of surrounding properties.

(6.) Noise arising from the wind turbines shall not exceed an LA90, 10 min of 35dB at the nearest noise sensitive premises. This condition shall apply at wind speeds not exceeding 10ms⁻¹, as measured at a height of 10m above ground level at the turbines and shall apply to dwellings or other Noise Sensitive Premises existing or the subject of full Planning Permission at the date of this Planning Permission (vacant or occupied). Should those noise levels be exceeded, the turbines shall be closed down until the noise emissions can be reduced to the aforementioned noise levels or less.

Reason: In the interests of safeguarding the established amenity of surrounding properties.

(7.) For the avoidance of doubt, the make and model of the turbines shall be as stated within the application and accompanying Environmental Report (ACSA A29) or as otherwise agreed in writing with the Planning Authority. Prior to delivery to the site, full details of the turbines to be used, including the make, model, design, power rating and sound power levels of the turbines to be used shall be submitted to, and require the approval in writing of the Planning Authority. Furthermore, the developer shall secure a warranty from the turbine supplier and/or manufacturer for the absence of tonality of the turbines, as determined in accordance with a recognised standard. A copy of the standard detailing the assessment method shall be submitted for the approval of the Planning Authority. In the absence of such warranty a tonal penalty of 5dB shall be assumed and noise levels specified in Condition 6 above shall be reduced by 5dB.

Reason: In the interests of safeguarding the established amenity of surrounding properties

(8.) The wind turbines shall be finished in a non-reflective semi-matt white colour, and that colour shall not be altered thereafter unless previously approved in writing by the Planning Authority.

Reason: In the interests of safeguarding the established visual amenity of the area.

(9.) No symbols, signs, logos or other lettering by way of advertisement shall be

displayed on any part of the wind turbine without the prior approval in writing of the Planning Authority.

Reason: In the interests of safeguarding the established visual amenity of the area.

(10.) All cables between the wind turbine and the point of connection to the Grid, shall be laid underground and the ground thereafter reinstated to the satisfaction of the Planning Authority. For the avoidance of doubt, full details of the proposed substation building shall be submitted for the written approval of the Planning Authority prior to this aspect of the development proceeding.

Reason: In the interests of safeguarding the established visual amenity of the area.

(11.) For the avoidance of doubt the existing dry stone field boundary walls adjacent to the access track and hardstanding areas shall be retained and repaired where necessary in perpetuity to the satisfaction of the Planning Authority, except where specifically shown to be removed on the plans hereby approved. As agreed with the developer, the access track shall be routed around the existing stone cairn on the field boundary, so as not to disturb this feature, to the satisfaction of the Planning Authority.

Reason: In the interests of safeguarding the established visual amenity and archaeological interest of the area.

(12.) Prior to any development commencing on site, the following details of work shall be submitted for the written approval of the Planning Authority and thereafter implemented in full for the area of trees immediately to the north of the western turbine:

1. All trees proposed for removal shall be clearly marked on site and approved in writing by the Council's Forestry Officer. This will include the area of trees identified for removal on the approved plans and any other trees which would benefit from removal due to their condition.
2. A detailed tree planting and maintenance programme shall be submitted for the written approval of the Planning Authority, which must include adequate protection measures against deer and rabbit damage.
3. All approved felling shall be undertaken in full.
4. All approved tree planting shall be undertaken in full and maintained thereafter.
5. All retained trees, including those planted, shall not be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

Reason: In the interests of protecting existing trees and safeguarding the established visual amenity of the area.

(13.) Access onto the public road shall be constructed to the satisfaction of the Roads Authority in accordance with the attached Schedule, with all works carried out prior to first use of the access to serve the proposed wind turbine development. This shall incorporate visibility splays of 4.5m x 90m to be provided and maintained unrestricted in perpetuity and the first 15m surfaced in bitumous macadam.

Reason: In the interests of road safety.

(14.) Prior to any development commencing on site, a transport assessment shall be submitted for the approval of the Roads Authority, identifying potential impacts of traffic associated with the development on local transport infrastructure, including all bridges along the construction access route(s), measures to mitigate those impacts and a timescale for implementation. Such works as approved shall be carried out to the satisfaction of the Roads Authority within such approved timescale.

Reason: In the interests of road safety.

(15.) Within one week from the date of the erection of the turbines, the developer shall provide a 12 figure Ordnance Survey Grid Reference and / or Latitude and Longitude of the turbine for the approval in writing of the Planning Authority.

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

INFORMATIVE NOTE REGARDING THE TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

Conditions: Your attention is drawn to the conditions attached to this permission. Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to meet these conditions may invalidate your permission or result in formal enforcement action.

Flood Risk: It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (of emanating from) the application site. As per Scottish Planning Policy 7: Planning & Flooding, planning permission does not remove the liability position of developers or owners in relation to flood risk.

Road Openings Permit / Road Construction Consent: You will require consent from the Roads Authority prior to the commencement of this development. You are therefore advised to contact them direct to discuss the matter. A Wear and Tear agreement in accordance with Section 96 of the Roads (Scotland) Act 1984 will be required under which the developer is responsible for the repair of any damage to the road network that can reasonably be attributed to construction related traffic.

Signature: Dafydd Jones

Designation: Area Planning Manager North

Author: Dorothy Stott

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

Relevant Plans: Plan 1 - Location Plan 1:50,000
Plan 2 – Location Plan 1:5,000
Plan 3 – Detailed site layout of turbine 1
Plan 4 – Detailed site layout of turbine 2
Plan 5 – Elevation drawing of turbine

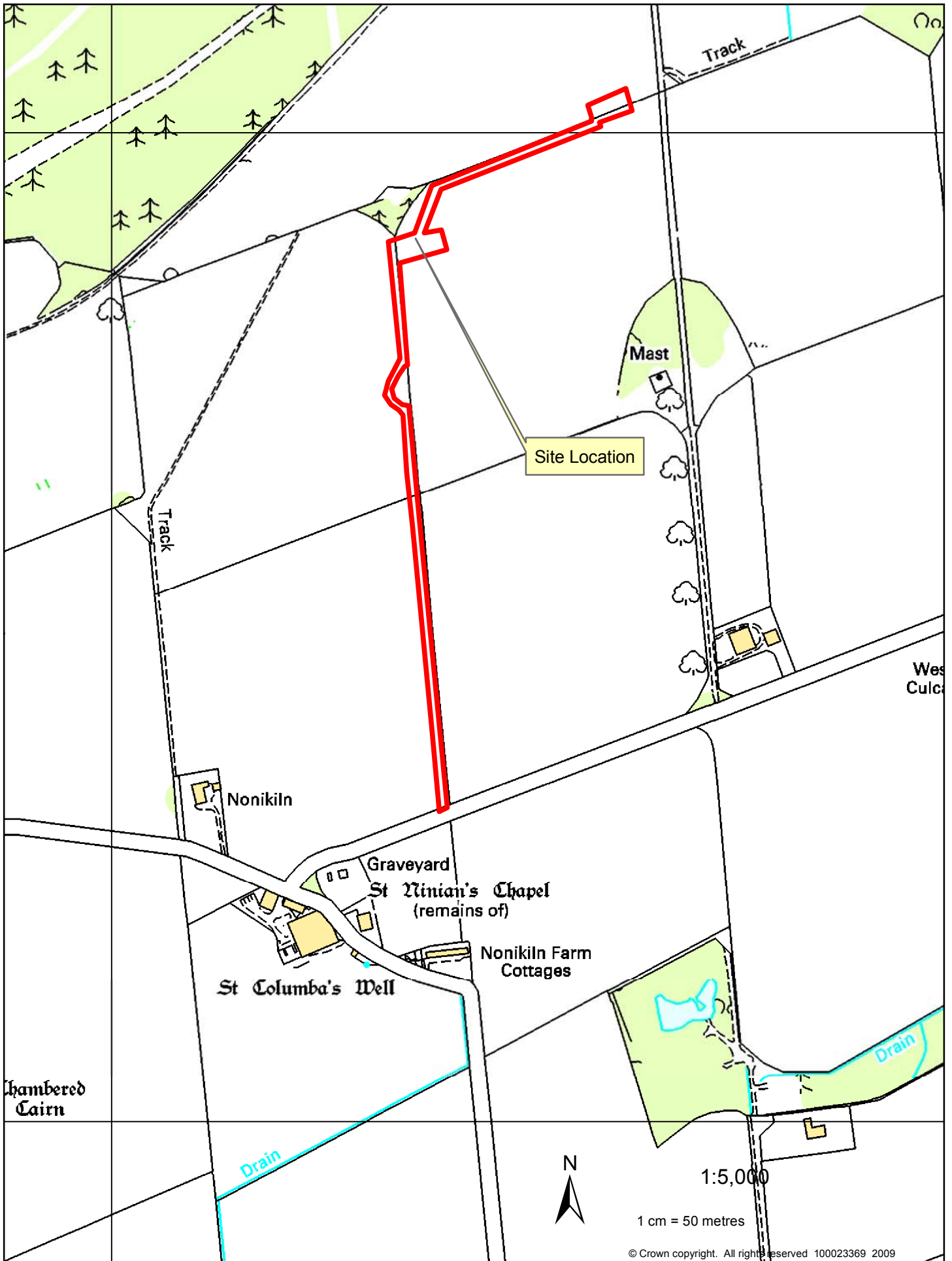
Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Phil Andrews		12.08.2011	Against
Nicolas Chamberlain	Millcraig Cottages, Millcraig, Alness	11.08.2011	Against
Iain Henderson	Eilean Dubh, Caplich Road, Alness	11.08.2011	Against
Anthony Chamier	Achandunie House, Achandunie, Ardross	09.08.2011	Against
Mr & Mrs P A Chamberlain	Millcraig Farm, Alness	11.08.2011	Against
Mr & Mrs Conlon	Wester Culcairn	08.08.2011	Against
Ashley Duncan	The Byre, Sunnyhill Croft, Turriff	15.08.2011	Support
Margaret Farquhar	50 High Street, New Deer, Aberdeenshire	15.08.2011	Support
Angus Elder	Muirden, Turriff	12.08.2011	Support
Martin MacDonald	Nonikiln, Alness	12.08.2011	Support
V Woodward	3 Nonikiln Farm Cottages	12.08.2011	Support
	1 Old Farmhouse, Noniklin	12.08.2011	Support
George Bell	2 Old Farmhouse, Nonikiln	12.08.2011	Support
ADC Manson	Newmore Mains House	12.08.2011	Support
Robert & Sandra Paterson	Easter Rhicullen, Invergordon	12.08.2011	Support



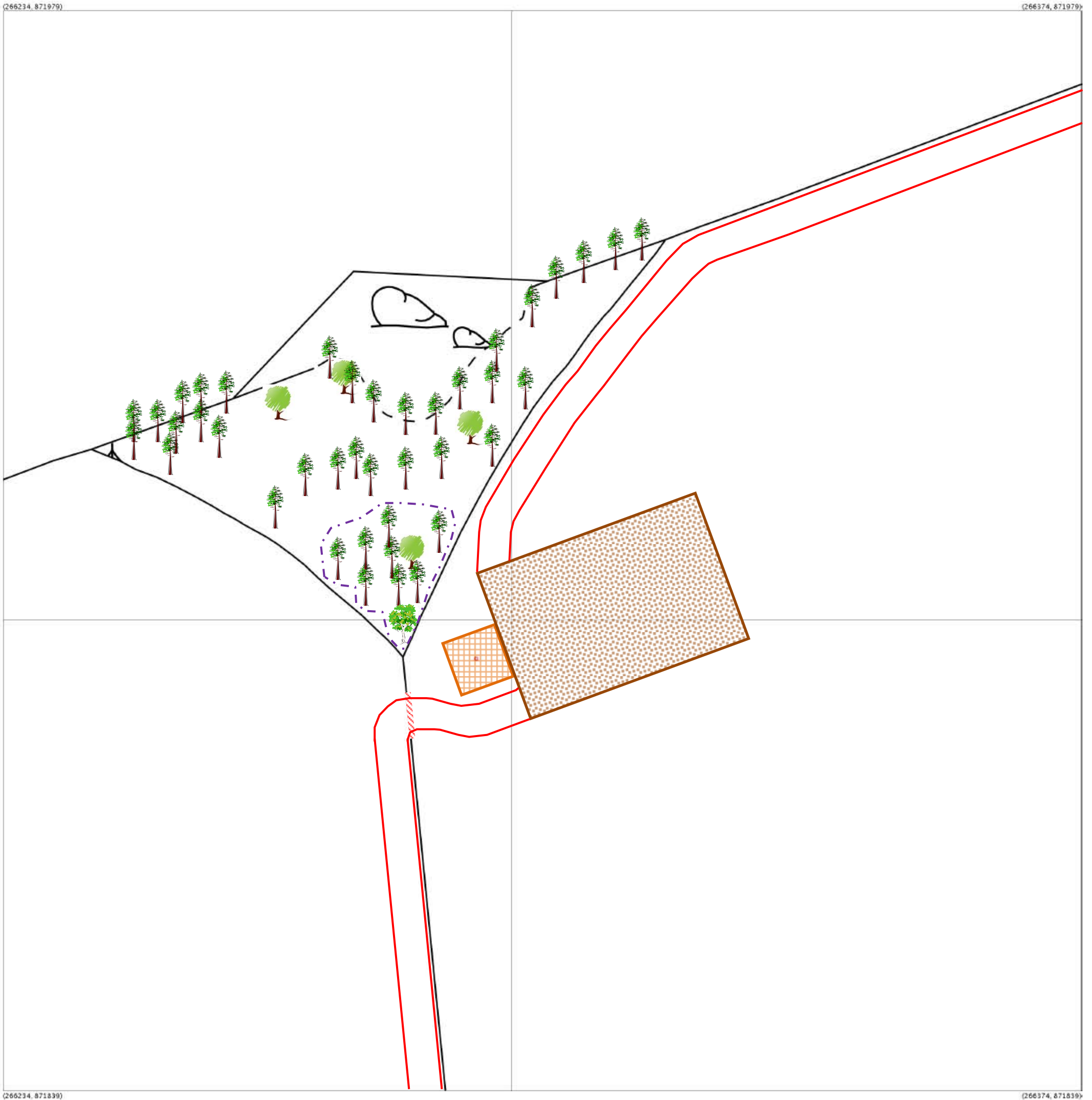
11/02554/FUL
 Erection of 2 wind turbines at
 Land 600m NE of Nonikiln Farm
 Alness.

Muirden Energy
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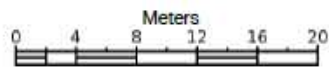
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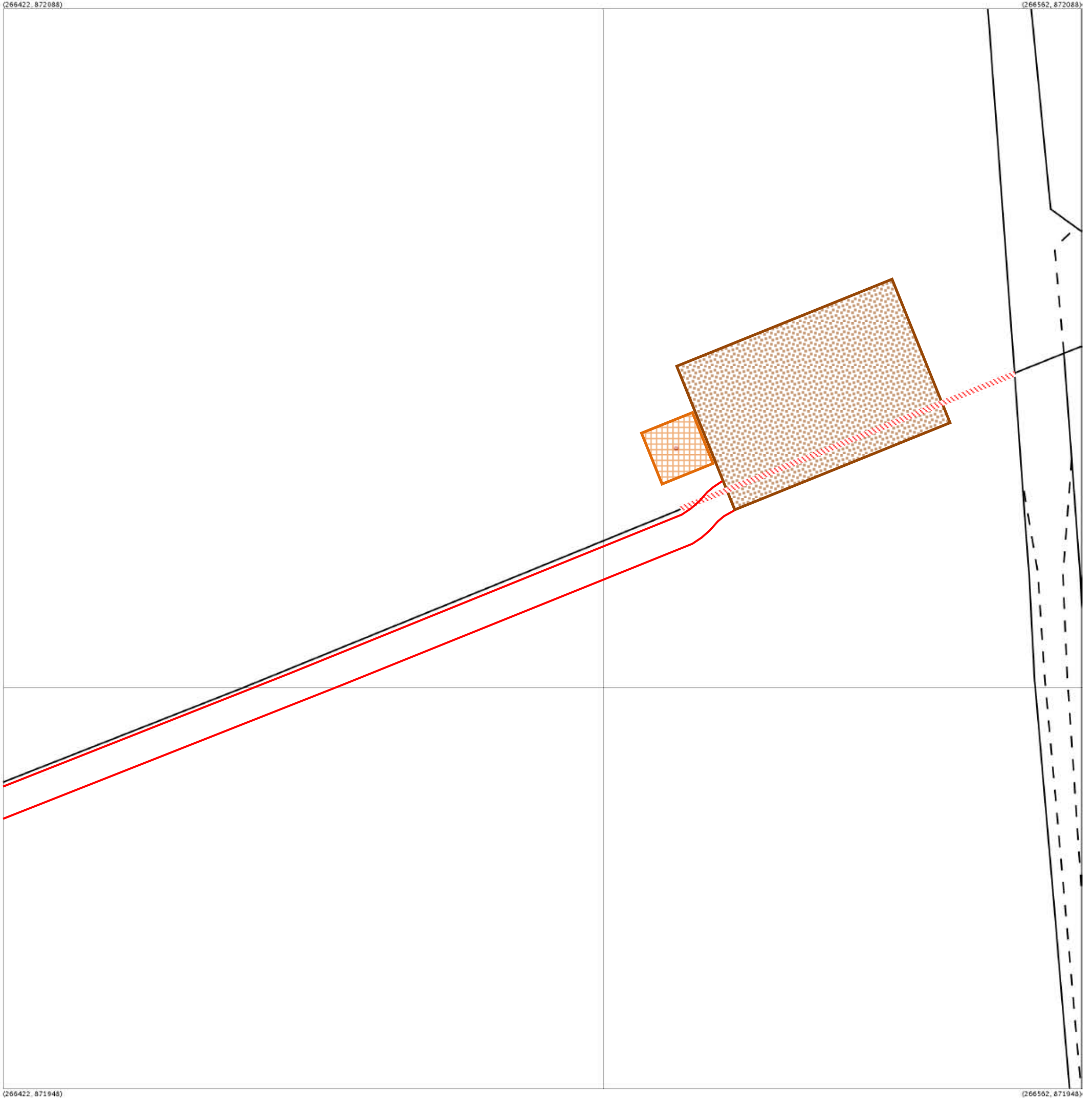
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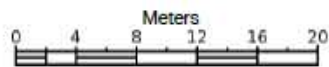
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|--|----------------------------|---|------------------------------|---|--------------------------------|
|  | Access Tracks |  | Individual Oak tree |  | Area of woodland to be removed |
|  | Crane Hardstanding |  | Individual Silver Birch tree |  | Turbine location |
|  | Wind Turbine Foundations |  | Individual Scots Pine tree | | |
|  | Area of wall to be removed | | | | |



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





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Key:

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-  Crane Hardstanding
-  Wind Turbine Foundations
-  Area of wall to be removed
-  Turbine location

