

**THE HIGHLAND COUNCIL**

**CAITHNESS, SUTHERLAND AND EASTER ROSS  
PLANNING APPLICATIONS COMMITTEE  
13 DECEMBER 2011**

Agenda Item	<b>4.5</b>
Report No	<b>PLC/062/11</b>

**11/03315/FUL: Mr Graham Burnett  
Land 590m west of Aldie House, Tain**

**Report by Area Planning Manager**

**SUMMARY**

**Description :** Erection of 2 wind turbines

**Recommendation - GRANT**

**Ward :** 08 - Tain And Easter Ross

**Development category :** Local

**Pre-determination hearing :** Not required

**Reason referred to Committee:** Five objections from third parties.

**1. PROPOSED DEVELOPMENT**

- 1.1 This application seeks permission for two wind turbines on farm land at Aldie, Tain. Each wind turbine will be a 20kw machine and will measure 27.13m to the blade tip and 20.58m to the hub with a rotor diameter of 13.1m.
- 1.2 A previous application (11/01364/FUL) on the same farm was withdrawn. The current application was submitted without any pre-application advice being sought.
- 1.3 The application is supported by visualisations of the proposed development.

**2. SITE DESCRIPTION**

- 2.1 The site is open farm land to the south of Tain. There are existing farm buildings immediately to the west of the application site. There are a number of houses close by. The nearest neighbour is the property known as Aspen to the north west of the proposed turbines but there is also a collection of houses to the east around Aldie House and to the south at Glenaldie and Rosemount.

**3. PLANNING HISTORY**

- 3.1 11/01364/FUL – Erection of two wind turbines. Withdrawn 12/09/11

## 4. PUBLIC PARTICIPATION

### 4.1 Advertised : Schedule 3 development

Representation deadline : 07/10/11

Timeous representations : 6 letter of objection (5 parties)

Late representations : 0

### 4.2 Material considerations raised are summarised as follows:

- Noise
- Proximity of houses
- Impact on amenity
- Landscape and visual impact
- Impact on natural heritage
- Potential for aviation hazard
- Risk of blades being shed by the turbine

### 4.3 All letters of representation can be viewed online [www.highland.gov.uk](http://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 **TECS - Environmental Health:** The nearest noise sensitive location is taken to be the house Aspen at an approximate distance of 350m and 375m from the proposed turbine site. An assessment of the noise data supplied by the applicant indicates the noise level at this location is calculated to be 39.8dB(A) which is below 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, I can advise that I have no adverse comments to make on this application.

(For information purposes the approximate minimum separation distance to meet the 40dB standard for two turbines is 350m.)

### 5.2 **Tain Community Council :** No response

### 5.3 **NATS (En Route) Public Limited Company (NERL):** The proposed development has been examined from a technical safeguarding aspect and does not conflict with

our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

- 5.4 **Civil Aviation Authority (CAA):** There is currently a high demand for CAA comment on wind turbine applications which exceeds the capacity of the available resource to respond to requests within the timescales required by Local Planning Authorities. The CAA has no responsibilities for safeguarding sites other than its own property, and a consultation by a Council is taken as a request for clarification of procedural matters. Councils are reminded of their obligations to consult in accordance with Scottish Government Circular 2/2003, and in particular to consult with NATS and the Ministry of Defence as well as any aerodromes listed in Annex 3 of the above documents, taking note of appropriate guidance and policy documentation. Should the Council be minded to grant consent to an application despite an objection from one of the bodies listed in the circular, then the requisite notifications should be made. In addition, consultation should be undertaken with any aerodrome particularly if it has lodged an unofficial safeguarding map with the Council, including local emergency service Air Support Units (e.g. Police Helicopter or Air Ambulance).

- There is an international civil aviation requirement for all structures of 300 feet (91.4 metres)\* or more to be charted on aeronautical charts.
- Any structure of 150 metres\* or more must be lit in accordance with the Air Navigation Order and should be appropriately marked. Smaller structures may also be required to be lit by aviation stakeholders particularly if they fall under Section 47 of the Aviation Act.
- Cumulative effects of turbines may lead to unacceptable impacts in certain geographic areas.

The Ministry of Defence will advise on all matters affecting military aviation.

- 5.5 **Ministry of Defence (MOD):** The MOD has no objection to the proposal.

- 5.6 **Highlands and Islands Airport Limited (HIAL):** It is confirmed that our calculations show that, at the given position and height, this development would not infringe the safeguarding surfaces for Inverness Airport.

Therefore, Highlands and Islands Airports Limited would have no objections to the proposal.

## 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

E2 Wind Energy Developments

### 6.2 Ross and Cromarty East Local Plan 2007

BP3 Background Policy 3

## 7. OTHER MATERIAL CONSIDERATIONS

## **7.1 Draft Highland Wide Local Development Plan**

Policy 68 Renewable Energy Developments

Policy 58 Natural, Built and Cultural Heritage

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

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

Highland Council Draft Supplementary Guidance: Onshore Wind Energy

## **7.3 Scottish Government Planning Policy and Guidance**

Scottish Planning Policy

## **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 development is considered to be sensitively sited and not significantly detrimental to individual or community amenity in line with Highland Structure Plan Policy G2 and Draft Highland Wide Development Plan Policy 29. It is not considered to have a significantly detrimental effect in terms of visual impact, noise or flight or MOD operations in accordance with Highland Structure Plan policy E2 or Draft Highland Wide Local Development policy 68. The development is not judged to have an unacceptable impact or significantly adverse effect on amenity or public safety in accordance with Ross and Cromarty East Local Plan policy BP3 and Highland Wide Structure Plan policy 58. The proposal is considered to accord with the development plan.

### **8.4 Material Considerations**

#### **8.4.1 Noise**

A number of objectors have raised concerns about noise associated with the turbines. Noise has been assessed by Environmental Health using the methodology described set out in the British Wind Energy Association (BWEA) document Small Wind Turbine Performance and Safety Standard 29 Feb 2008. The nearest noise sensitive property is 'Aspen' which is not the address of any of the objectors. The noise level here was measured at 39.8 dB(A) which falls below the screening standard of 40 dB(A). Based on this assessment it is considered that noise associated with the development will not have a significantly detrimental impact on neighbours.

#### **8.4.2 Proximity to houses**

Objectors have suggested that the development is too close to houses. While it is recognised that there are houses in the vicinity there is considered to be adequate separation. The nearest property is Aspen which is some 350m from the turbines, the curtilage of Miranee to the south is approximately 390m away and Aldie Coach House to the east is more than 500m away. These separation distances are considered to be acceptable.

#### **8.4.3 Landscape and visual impact**

Objectors have raised concerns about the landscape and visual impact of the development. Visualisations have been submitted in support of the application. These show impressions of the development from the A9 which is how most people are likely to view the turbines. These demonstrate that the turbines will principally be read in the context of existing agricultural development and with a backdrop of rising land in the far distance. Furthermore the turbines are well set back from the A9 and the bend in the road will restrict the views for road users.

The experience of the turbines closer to the development will also be based on the setting of the existing farm buildings. The turbines are tall structures and will be striking in the landscape however existing tree cover does provide some screening to surrounding houses and the undulating topography will soften the visual impact. Wind turbines are not considered to be incongruous in the context of the existing agricultural development and it is considered that the landscape is capable of absorbing the development.

The colour of the turbines is not specified on the drawings. It is recommended that this is agreed by condition to ensure that this element of the proposal is appropriate.

#### **8.4.4 Impact on amenity**

The impact of the development on the amenity of individuals and the wider community has also been raised by objectors. However it is considered that the turbines are appropriately sited. They are sufficiently separated from neighbouring houses to prevent any undue impact from noise or shadow flicker. It is also considered that the turbines are sited such that there will be no significantly detrimental impact on wider amenity.

#### **8.4.5 Impact on natural heritage**

Objectors have also expressed concern about the impact of the development on wildlife and other natural heritage assets. It should be noted that there are no nature conservation designations on or in close proximity to the site. However, SNH were consulted on the need for EIA after the application was made. They advised that they did not consider this to be an EIA development and confirmed that they had no further comments to make.

#### **8.4.6 Potential for aviation hazard**

One objector has expressed concerns that the development may present a hazard to aircraft. The CAA, NERL, HIAL and the MOD were all consulted but none of

these bodies object.

#### 8.4.7 Turbine safety

One objector has suggested that there is a risk of blades coming off the turbines. If the turbines are properly installed and maintained there should not be any public safety issues. This is the responsibility of the developer. A condition is recommended that would require a maintenance log to be kept and to be made available for inspection by the Planning Authority.

It is also recommended that any planning permission is granted for a period of 25 years only. A further condition requiring that the turbines be removed and the site reinstated within 6 months of ceasing to be used or becoming inoperable is also recommended. This reflects the fact that turbines have a limited life span and may deteriorate over time.

#### 8.5 Other Considerations – not material

The following points were also raised by objectors:

- the efficiency of this method of energy production
- impact on views
- impact on property values
- the development is for the financial benefit of the developer

Members will note that these are not material considerations.

#### 8.6 Matters to be secured by Section 75 Agreement

None

### 9. CONCLUSION

- 9.1 The proposals are considered to accord with the development plan. Notwithstanding the concerns of the objectors the turbines are considered to be appropriately sited and are not likely to have a significantly detrimental impact on individual or community amenity. Furthermore, there are no natural heritage or aviation hazard issues associated with the development. There are no technical objections and no other issues have been raised. It is recommended that Planning Permission be granted subject to the conditions set out below.

### 10. RECOMMENDATION

**Action required before decision issued** 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 bases and thereafter reinstated.

**Reason :** In 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 either 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. 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.

7 No symbols, signs, logos or other lettering by way of advertisement shall be displayed on any part of the wind turbines without the prior approval in writing of the Planning Authority.

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

8 All cables between the wind turbines and the point of connection to the Grid, shall be laid underground and the ground thereafter reinstated to the satisfaction of the Planning Authority.

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

9 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

Signature: Dafydd Jones

Designation: Area Planning Manager North

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 – Elevation



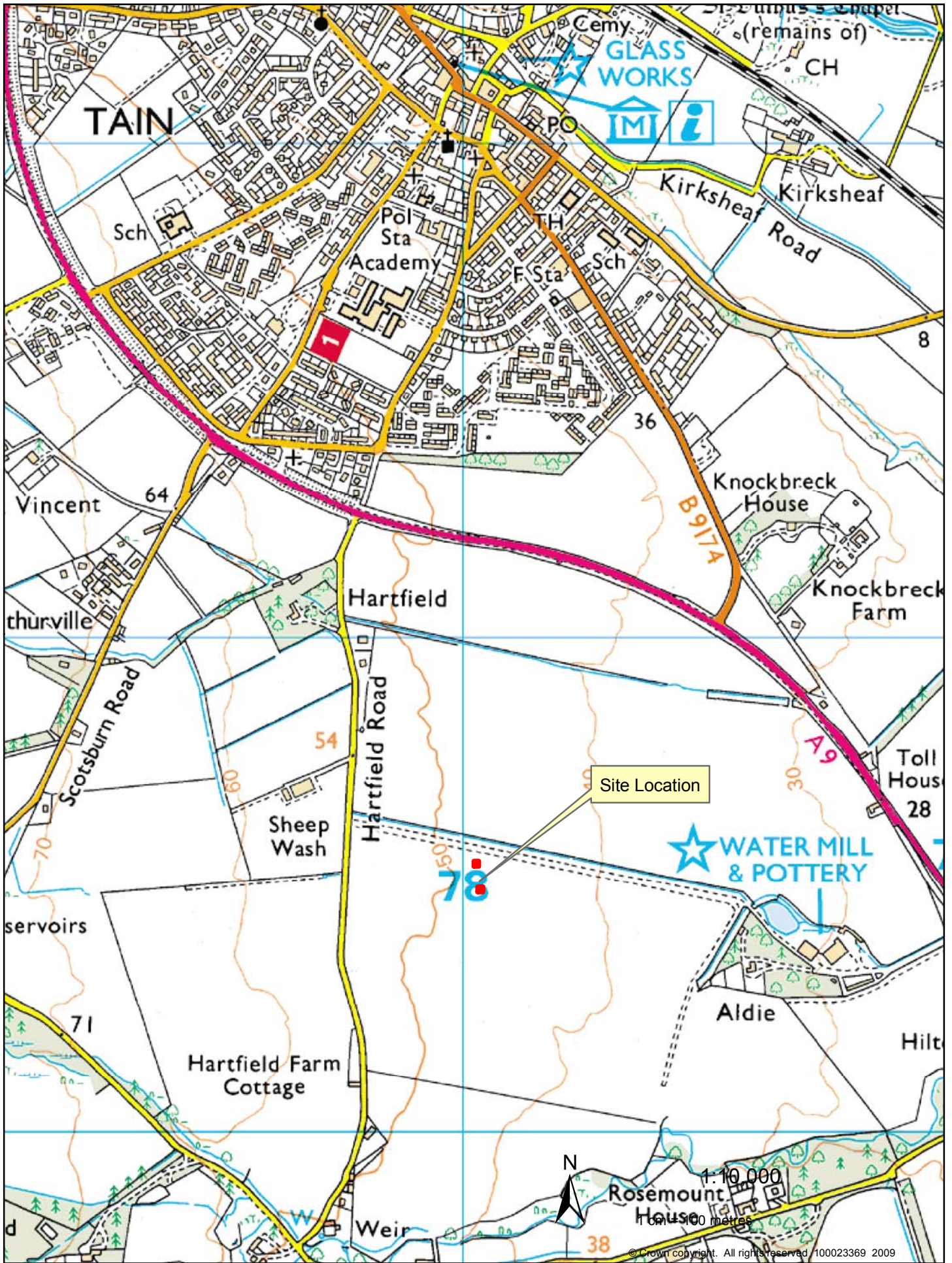
## Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Ruth Macleod	Glenaldie Cottage, Grantfield, Heathmount, Tain	26/09/11	Against
David Tullis	Woodside, Glenaldie, Grantfield, Heathmount, Tain,	01/10/11	Against
Henry T Westwater	Glenaldie House, Tain	04/10/11	Against
Hans and Linda Schubert	Aldie Coach House, Tain	05/10/11 06/10/11	Against
F&J Macdonald	Miranee, Hartfield, Glenaldie, Tain	06/10/11	Against



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 Tain

Mr G Burnett  
 per Caber Energy Ltd  
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 Cromlix  
 Dunblane  
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**VIEWPOINT 1 A9 SOUTHBOUND NEAR TAIN**

Recommended viewing distance when viewed with both eyes 500mm

Distance to nearest turbine: 0.7km Camera: EOS 5D Focal length: 50mm Camera height: 1.6m Date 12/10/11 Time: 11:30

Viewpoint grid ref: 277794, 881249



**VIEWPOINT 2 A9 NORTHBOUND LAYBY NEAR ALDIE FARM**

Distance to nearest turbine: 0.9km Camera: EOS 5D Focal length: 70mm Camera height: 1.6m Date: 12/10/11 Time: 09:30

Recommended viewing distance when viewed with both eyes 700mm

Viewpoint grid ref: 278916, 880555