

Appeal Decision Notice

T: 01324 696 400
F: 01324 696 444
E: dpea@scotland.gsi.gov.uk



Decision by Scott M Ferrie, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2058
- Site address: Barrogill Mains, Mey, Thurso KW14 8XH
- Appeal by Messrs DB Angus against the decision by The Highland Council
- Application for planning permission 10/04718/FUL dated 22 November 2010, refused by notice dated 13 June 2011
- The development proposed: erection of 20KW wind turbine
- Date of site visit by Reporter: 19 October 2011

Date of appeal decision: 23 November 2011

Decision

I dismiss the appeal and refuse planning permission.

Reasoning

1. The determining issues in this appeal are (i) whether the proposed development would preserve the setting of the nearby listed Castle of Mey and its designed landscape; and (ii) the impact of the proposal on residential amenity, all having regard to the provisions of the development plan.

Impact on the setting of the Castle of Mey

2. The castle is category A listed and sits within a designed landscape. The proposed turbine, measuring 20.6 metres to hub and 27.1 metres to blade tip, would be located about 620 metres to the east of the castle. Although the intervening topography is generally level, mature policy woodland and the substantial steading grouping at Barrogill Mains are located between the site of the proposed turbine and the castle.

3. The appellants' visualisations indicate that the turbine would be visible, with the castle in the background, along parts of the A836 approaching the castle from the east. It would also be visible, sitting beyond the Barrogill Mains steading, from the castle. In addition, it would be possible to catch a glimpse of the turbine, through a small gap in the estate avenue planting, on the main castle approach from the south. Although the photographs which form the basis of the visualisations were taken against a backdrop of



low cloud, I am content that they accurately reflect the position and scale of the turbine and that, aided by my inspection of the site and its vicinity, I have been able to form a good impression of the likely impact of the turbine on its surroundings.

4. I am generally satisfied that the scale of the proposed turbine would not be at odds with its surroundings. I consider that the Barrogill Mains steading, itself a substantial feature in the landscape, together with the adjacent woodland, would together provide an acceptable visual context for the proposed turbine. My overall impression of the likely impact is that, although certainly visible from some points around the castle and on the approach to it, the proposed turbine would not adversely affect the setting of the castle or its designed landscape to an unacceptable degree. Whilst noting the council's concerns, I take support from Historic Scotland's consultation response in reaching this conclusion. In not objecting to the proposal, it concluded that in the majority of views, the turbine would be at sufficient distance from the castle as not to have a major impact.

Impact on residential amenity

5. Other than those dwellings located at Barrogill Mains, which have an interest in the proposed turbine, the nearest dwellings are located in a loose cluster at East Mey. The closest of those, 'Persie', would be located about 220 metres to the east of the turbine. From those dwellings the turbine, which I have already concluded to be generally in scale with its surroundings, would be seen against the backdrop of the Barrogill Mains steading and adjacent woodland. I also noted on my site inspection that, on the whole, the main habitable room windows of those dwellings are oriented towards the north-west, presumably to take advantage of coastal views. Based on those observations, together with my comments above in regard to the landscape and visual impacts of the proposal generally, I find that the visual impact of the turbine from those dwellings would not be so significant as to be unacceptable.

6. The appellants' Shadow Flicker Assessment concludes that none of the adjacent residential properties are predicted to experience shadow flicker. I am satisfied that there is no evidence before me to the contrary.

7. There remains however, the issue of potential noise impact. In order to gauge the likely noise impacts of small scale (with a rotor diameter of 16 metres or less) wind turbines, the council has adopted the methodology set out in 'Small Wind Turbine Performance and Safety Standard, 29 February 2008', produced by the British Wind Energy Association (BWEA). I agree that this represents a pragmatic response to the assessment of such applications, avoiding the need for background noise surveys and wind speed monitoring for those applications falling below specified noise thresholds.

8. In the case of this proposal, based on noise data supplied by the appellants and on wind speed data obtained from the Department of Energy and Climate change national wind speed database, the council calculates the noise level at the nearest noise sensitive property to be 45dB(A). That exceeds the screening standard of 40dB(A) set out in the methodology. The council concludes that there is a possibility of loss of amenity for residents of the nearest noise sensitive properties.

9. That conclusion is disputed by the appellants. They contend that the council's calculation errs on the side of caution. Background noise levels based on a wind speed of 12m/s (which the council applied) are likely to be greater than 55dB(A). There is also concern that the council appears to be applying the assessment methodology inconsistently. In addition, the turbine model proposed has been superseded by a new version offering "greatly improved noise levels".

10. The council concedes that the BWEA methodology has in the past been applied inconsistently, but states that this is no longer the case. Whilst I can appreciate the appellants' frustration in this regard, I can see no merit in perpetuating any variance from the BWEA methodology here. I am satisfied that the council has reasonably applied that methodology in this case, and that on that basis there is a possibility that residential amenity could be adversely affected by noise resulting from the turbine. There remains the potential, as the council suggests, for the acceptability (in noise terms) of the proposed turbine to be further investigated by means of actual background noise and wind speed data.

11. This appeal has to be determined on the characteristics of the turbine model currently proposed. Although it is entirely possible that a new version of that model could bring with it improved noise characteristics, there is no evidence before me to substantiate that contention. Any proposal involving a new version of that model would in any case require to be the subject of a fresh application.

12. Based on the above considerations, I cannot safely conclude that the proposed development would not give rise to unacceptably adverse noise impacts at adjacent residential properties. Accordingly, I find the proposal to be contrary to Policies G2 and E2 of the approved Highland Structure Plan; Policy PP1 of the adopted Caithness Local Plan; and Policies 29 and 68 of the draft Highland Wide Local Development Plan.

13. I acknowledge the modest but nonetheless useful contribution which the proposal would make towards renewable energy targets. In this case however, I find that to be outweighed by the potentially adverse impact on residential amenity. I have taken account of all other matters raised but find none to lead me to a different conclusion.

Scott M Ferrie

Reporter