Agenda Item	6.1
Report No	PLN/038/14

THE HIGHLAND COUNCIL

NORTH PLANNING APPLICATIONS COMMITTEE – 10 June 2014

14/01082/S42 : Mr Danny Miller – Bilbster Mains Farm. WATHEGAR, BILBSTER, WICK, CAITHNESS

Report by Head of Planning and Building Standards

SUMMARY

Description : Application for non-compliance with Condition 1 of Planning Permission 11/03671/FUL for a 9 turbine wind farm (18MW) and associated infrastructure at Wathegar, Bilbster.

Recommendation - GRANT amended planning permission

Ward : 4 Landward Caithness.

Development category : Major Application.

Pre-determination hearing : none.

Reason referred to Committee : more than 5 objections.

1. PROPOSED DEVELOPMENT

1.1 The application seeks to amend the planning permission granted on 23 March 2012 to allow an increase on the approved turbine dimensions, from a tip height of 101m to 110m and rotor diameter from 80m to 92.5m. The proposed amendment will increase the potential output of the project by 3.9MW. This is equivalent to almost two turbines of the consented specification to the site which currently has the potential generating capacity of 18MW.

1.2 Condition 1 of planning permission 11/03671/FUL states: - *The development shall be undertaken in accordance with the application submitted plans and the environmental statement except in so far as amended by the terms of this consent or as subsequently agreed in writing by the Planning Authority in consultation with SNH and SEPA.*

2. SITE DESCRIPTION

2.1 The site of the consented wind farm is approximately 8.4km west of Wick, 4km east of Watten and south of the A882 road. The total area of the site is 375ha although development will be on a much reduced footprint amounting approximately to

3.3ha. The site lies between 90m AOD to the southwest and 25m AOD at the most northerly extent (at the A882). The entire area slopes gently to the northeast, with gradients of around 1:40 –1:60.

2.2 At Lower Wathegar there is an unoccupied house and agricultural building. There are several disused buildings in the environs. Those at Upper Wathegar are within the site area and those at Thuster lie 250m to the north of the site boundary. In the areas around the Flex Hill and Achairn wind farms there are already a number of properties in close proximity of operational turbines. With regard to the consented Wathegar 2 wind farm consideration, amongst many other matters, was given in the assessment and determination of that application to properties situated along the A882 road including Lealands, Roadside Cottage and Schoolhouse.

3. PLANNING HISTORY

3.1 **23.03.2012** 9 turbine wind farm (18MW) and associated infrastructure at Wathegar 2 granted planning permission (Ref 11/03671/FUL).
21.05.2010 - Five wind turbines and associated infrastructure, formation of vehicular access granted planning permission (Ref 10/00042/FULCA).
30.05.2007 - Three turbines at Achairn granted planning permission (Ref 04/00366/FULCA).
12.10.2006 - Three wind turbines at Flex Hill granted planning permission (Ref 04/00017/FULCA).

4. PUBLIC PARTICIPATION

4.1 Advertised : Neighbour Notification

Representation deadline : **18.04.2014**

Timeous representations : 8 letters of objection.

Late representations : 0

4.2 Objections raised relate to: -

- Impact on landscape.
- Visual amenity.
- Wildlife.
- Limit number and size of turbines.
- Significant change to the consented scheme.
- Too many amendments being sought.
- Too large and too close to houses.
- Noise / adverse health impacts.
- Incorrect employment benefits.
- Visualisations have inaccuracies.

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 Tannach and District Community Council has no objection to the proposed development. The increase in tip height will be negligible in the overall appearance of the combined developments in this area. It is happy to support this amendment.

5.2 THC - Environmental Health has no objection to the application.

5.3 THC - Roads has no objection to the application.

5.4 Scottish Natural Heritage (SNH) has no objection to the application.

5.5 Highlands and Islands Airports (HIAL) has no objection to the application. Previous conditions to be applied to any approval.

5.6 Ministry of Defence (MOD) has no objection to the application. Previous conditions to be applied to any approval.

6. DEVELOPMENT PLAN POLICY

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

6.1 Highland Wide Local Development Plan 2012

Policy 67 Renewable Energy

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

- Onshore Wind Energy (Interim SG)

7.2 Scottish Government Planning Policy and Guidance

- SPP – Under review
- PAN 56 – Planning and Noise
- 2020 Routemap for Renewable Energy

7.3 Highland Renewable Energy Strategy

- Policy H1 Education and Training
- Policy K1 Community Benefit
- Policy N1 Local Content of Works

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. The Development Plan in this case comprises the Highland wide Local Development Plan (approved April 2012).

Determining Issues

8.2 The determining issues are:

- do the proposals accord with the development plan?
- if they do accord, are there any compelling reasons for not approving them?
- if they do not accord, are there any compelling reasons for approving them?

Planning Considerations

8.3 The principal of the development has been established. This is an application to vary a condition of the extant planning permission. In order to address the determining issues therefore, Committee must consider the extent to which the proposal continues to comply with Development Plan policy and take into consideration any other material considerations.

Development Plan

8.4 The principal policy on which the development sits is HwLDP Policy 67 - Renewable Energy. Policy 67 highlights that the Council will consider the contribution of the project towards renewable energy targets, positive and negative effects on the local and national economy and other material considerations including making effective use of existing and proposed infrastructure and facilities. In that context the Council will support proposals where it is satisfied they are located, sited and designed such as they will not be significantly detrimental overall individually or cumulatively with other developments. If the Council is satisfied on these matters then the amending application will accord with the Development Plan.

Material Considerations

8.5 The key issues relevant to the larger turbines are: -

- Road Safety
- Nature Conservation – Collision risk.
- Design / Landscape and Visual Impact
- Amenity Issues including Noise / Shadow Flicker
- Aviation Interests
- Other Material Issues

Road Safety

8.6 The delivery of turbines parts to site / abnormal loads can be accommodated via the existing network subject to the agreed mitigation. This requires submission of finalised traffic impact assessment on actual requirements as opposed to anticipated needs. The larger turbine parts are not expected to give rise to any further significant impacts to the local road network.

Nature Conservation – Collision Risk

8.7 The current application has been supported by revised collision risk assessments against a range of ornithological interests highlighted from the initial Environmental Statement (ES). The assessment used an incorrect (99%) avoidance rate for geese. SNH has advised that using the correct avoidance rate of 99.8% results in a significant reduction in the predicted collision mortalities for geese, so the impacts on geese will be less than stated in the report. The applicant remains committed to the mitigation offered and set by condition to the development of the approved project. The will include / require off site mitigation for some key raptor interests, away from the wind farm.

8.8 SNH has advised that provided planning conditions and associated management plans required for the consented Wathegar 2 wind farm are also applied to the proposed increased turbine height wind farm there will not be significant additional impacts on the natural heritage (including landscape and visual) caused by the increase in turbine height. It has also highlighted that since the previous application was approved SNH has published Nature Conversation Management Plan 'NCMP' guidance including information on the level of engagement it can offer. This would no longer be the case for the Wathegar 2 project. SNH request Condition 14 previously applied to the Wathegar 2 planning permission be amended to reflect the current position.

Design, Landscape and Visual Impact

Design

8.9 The application presents no change to the site layout. In design terms it now presents the use of internal transformers, rather than the external transformers. The key design issue however presented in the application is the increased in turbine height from 101m and a maximum rotor diameter of 82m to increase the rotor diameter to 92.5 m. The height of turbines within the adjacent sites are as follows: -

Flex Hill	90m to blade tip.
Achairn	100m to blade tip.
Wathegar 1	101m to blade tip.

Landscape Impact

8.10 The applicant's supporting statement highlights that Wathegar 2 turbines are to be developed on ground lower than the approved Wathegar 1 wind farm, where turbines site between the 56-76m AOD. The ground levels of the current application sit on ground between the 51-70m AOD contours. This helps to mitigate the impact of the increased height in turbines and larger rotor sweep from neighbouring turbines. This view is not contested.

8.11 SNH has not raised concerns over the application on landscape grounds. In landscape terms the proposed amendment is not considered to present a significant change to the approved project. The impact of the proposed change is one more of visual impact.

Visual Impact

8.12 The applicant has presented a full set of visualisations and photomontages consist with the initial application but with the amended turbines. Assessment of the revised turbines, set within the consented layout and operational turbines immediately adjacent to this site does not raise any significant additional visual effects. The conclusions within the applicant's assessment are not contested.

8.13 Representations have highlighted concerns over some of the visualisations presented. However it is considered that submissions comply with Council standards and allow a good understanding of the proposals to allow a decision on the application to be concluded. The supporting information includes cumulative monochrome visualisations which have proven particularly useful in the assessment of the application.

Amenity issues including Noise / Shadow Flicker

8.14 The application highlights the cumulative impact of renewable energy development projects in this location. Whilst the turbines are set back from the A882 road, and therefore local housing adjacent to the road, consideration has to be given to the general impact on existing residential units. With regard to all properties without a financial interest in the project, the impact of the amended turbine type is not considered to be significant. A plan highlighting those properties with a financial interest in the scheme is appended to the committee report for easy reference.

8.15 The applicant advises that a feature of the proposed larger MM92 turbine is that it is quieter than the consented MM82 turbine. The revised turbines will have internal transformers, a preference of the planning authority. Environmental Health has recognised the absence of a tonal noise element from the new turbine and that the assessment appears to demonstrate that predicted noise levels will comply with the ETSU condition of 35dB day; 38dB night or up to 5dB above background. There will be no greater adverse impact arising from the proposed new turbines, over and above the consent turbines.

8.16 The applicant highlights that no additional properties would be affected by shadow flicker. However there will be a minor increase in shadow flicker at the two previously identified properties, both with financial involvement in the project, Wathegar Farm and Lower Achairn. Both properties were predicted to experience shadow effects as a result of the construction of the consented proposal, but not to a significant degree. The applicant is committed to bringing forward an appropriate level of mitigation as required by condition including potentially the shutting down of turbines for the affect periods (minutes) at key seasonal times (winter sun).

Aviation Interests

8.17 Although the site falls inside the safeguarded areas for Wick Airport the turbines are unlikely to affect Wick Airport's Operation following the closure of the secondary runway and the increase in the obstacle clearance height for the approach procedures - due the construction of the Flex Hill turbines, and the proposed first phase of Wathegar (amongst others). Obstacle safety lighting, by condition, will need to be fitted at the hub height of the highest turbine.

Other Issues

8.18 Representations have highlighted a number of issues that are not relevant to the terms of this particular amending application, given the extant planning permission on this site. The matters raised are not material considerations for example development should not be progressed; too many amendments being sought; incorrect employment benefits; and adverse health impacts.

8.19 The applicant has requested that with the determination of the amendment the time limit of the planning permission allows some flexibility on project commencement. The applicant's agent (The Energy Workshop) has advised that the project has a grid connection date in 2016. It is a consequence of the processing of Section 42 applications that the Planning Authority can state the time limits of the grant of planning permission. It would not seem unreasonable to allow the three year period of planning permission to be refreshed from the date of decision on the current Section 42 application.

9. CONCLUSION

9.1 All relevant matters have been taken into account when appraising this application. Representations against this application would seem to be focused more on the principal of the development, rather than the changed proposal. The fact that the development has the benefit of planning permission is a significant material consideration in favour of the application. It has the potential to generate more renewable energy, without an increase in turbine numbers.

9.2 The proposed increase in height of the turbines does not raise additional significant impact on many fronts as noted in this assessment. There are benefits from the new turbine in terms of increased capacity and lower noise levels. In shadow flicker terms there is an increased impact, but not to a level that is significant and

only in respect of two properties, which have a financial involvement in the project. A scheme to allow for mitigation of adverse effects is a requirement of the existing planning conditions.

9.3 The amendments to the initial conditions, following assessment of this particular site, do not raise significant issues. It is considered that the application continues to accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

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 **granted planning permission** subject to the following revised set of conditions, reasons and informatives: -

1. The development shall be undertaken in accordance with the planning permission reference 11/03671/FUL, approved plans and the environmental statement except in so far as amended by the terms of this consent or as subsequently agreed in writing by the Planning Authority in consultation with Scottish Natural Heritage and Scottish Environmental Protection Agency.

Reason: to ensure the development is carried out in accordance with the submitted documentation.

2. The permission granted shall endure for a period of 25 years from the date when electricity is first exported from any of the wind turbines to the electricity grid network ("First Export Date"). Written confirmation of the First Export Date shall be provided to the Planning Authority within 1 month of the First Export Date.

Reason: The application is for a temporary period of 25 years.

3. If any wind turbine fails to supply electricity to the grid for a continuous period of 6 months then, unless otherwise agreed in writing with the Planning Authority, a scheme for the removal of that wind turbine and any surface ancillary works solely relating to that wind turbine shall be submitted in writing for the approval of the Planning Authority. The scheme shall then be implemented as approved.

Reason: To ensure that any redundant wind turbine is removed from site, in the interests of safety, amenity and environmental protection.

4. The turbines to be erected on site shall be the RePower MM92 wind turbine in accordance with the design as shown on the approved drawing Figure 5. The external colour of each turbine shall be a non-reflective semi-matt pale grey colour (RAL colour 7035) unless otherwise agreed in writing with the Planning Authority. No name, sign or other logo shall be displayed on any external surfaces of the wind turbines save as required by law. For the avoidance of doubt, all wind turbine blades shall rotate in the same direction, consistent with existing Turbines at Wathegar 1, Achairn and Flex Hill wind farms.

Reason: In the interests of visual amenity and to comply with the Council's Highland Renewable Energy Strategy.

5. Turbines and tracks may be micro-sited within 50 meters of the positions shown on approved layout submitted with the application.

Reason: To allow areas of deep peat and wetlands to be avoided in the final design.

6. Not later than 12 months before the end of the consent period, a decommissioning and site restoration scheme shall be submitted for the written approval of the Planning Authority, such scheme to include the removal of above-ground elements of the development, management and timing of any works, environmental management provisions and a traffic management plan to address any traffic impact issues during the decommissioning period. The scheme shall be implemented as approved.

Reason: To ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration of the site, in the interests of safety, amenity and environmental protection.

7. No work shall commence on the site until the applicant has provided documentary evidence that a bond or other financial provision to cover all decommissioning and site restoration costs is in place and written confirmation has been given by the planning authority to the Company that the proposed bond or other financial provision is satisfactory. The applicant shall ensure that the approved bond or other financial provision is maintained throughout the duration of this consent. For the avoidance of any doubt this should include an element to address an appropriate wear and tear agreement with the local Roads Authority to ensure no net detriment to the local road network as a result of decommissioning works. The bond or other financial provision will be subject to a five yearly review from the commencement of the development, to be conducted by a competent independent professional who has relevant experience within the wind energy sector.

Reason: To ensure that the restoration of the site is achieved after decommissioning, and safeguard the local road network from the impact of these works.

8. Development shall not commence until a Construction Traffic Management Plan has been submitted to and agreed in writing by the Planning Authority. The Construction Traffic Management Plan shall include proposals for construction vehicle routing, the location and design of accesses from the public highway onto the site, management of traffic at junctions to and crossings of the public highway and other public rights of way, the scheduling and timing of movements, details of escorts for abnormal loads, temporary warning signs, temporary removal or replacement of highway infrastructure and street furniture, off-site road works and banksman details etc. The approved Construction Traffic Management Plan shall be implemented as approved in writing by the Planning Authority. For the avoidance of any doubt this will include details to advise the public including road users on the A882 and those living along the access route of the expected abnormal loads associated with the delivery of turbine parts.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way

9. Development shall not commence until an agreement dealing with liability for remedial work required as a result of any damage to the local road network directly attributable to the Wind Farm construction and providing for pre and post construction surveys of the said local road network has been submitted to and agreed in writing with the Planning Authority in consultation with the local Roads Authority.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way

10. Prior to the commencement of development a Community Liaison Group will be established by the developer, in collaboration with Highland Council and local Community Council's, to allow views on the phased delivery of all road mitigation measures required for the development of the wind farm to be shared and taken into account and to keep under review the timing of the delivery of turbine parts (blades turbine tower sections and hubs) using the local road network.

Reason: - To assist with the delivery of localised road improvements and to minimise the potential hazard to road users, pedestrians and school pupils travelling to and from school.

11. Prior to the commencement of development a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with SNH, SEPA and other Council Services. Construction of the development shall proceed in accordance with the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP should include information on the following matters: -

- Environmental Policy – Statement of responsibility for all environmental features, safeguards and mitigation.
- Appointment and scope of work for an Ecological Clerk of Works (ECoW) who shall have responsibility for monitoring compliance with the provisions of the approved CEMP and who shall report all breaches of the approved CEMP to the Planning Authority.
- Details of construction works, the construction methods and surface treatment of all hard surfaces and tracks.
- Details of temporary site compounds for storage of materials and machinery (including areas designated for car parking).
- Details of the timing of works and methods of working for cable trenches and foundation works
- Details of the timing of works and construction of the substation/ control buildings and anemometry masts
- Details of the bridges and culverts for all new water crossings.
- Pollution control arrangements, including protection of water courses and ground water and soils, bunding of fuel storage areas, and sewage disposal
- Dust management
- Cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to / from the site to prevent spillage or deposit of any materials on the highway.
- Disposal arrangements of surplus materials
- Post construction restoration / reinstatement of the temporary working areas.
- Construction noise management plan (including identification of access routes, locations of materials lay-down areas, details of equipment to be employed, operations to be carried out, mitigation measures and a scheme for the monitoring of noise in the event of complaints.)

Reason: To protect highway safety, amenity and control pollution of air, land and water.

12. Development shall not commence until a “Forestry and Nature Conservation Management Plan” has been submitted to and approved in writing by the Local Planning Authority in consultation with SNH, SEPA and FC. This scheme shall be implemented as approved throughout the operational life of the wind farm.

Reason: To protect and enhance local woodland, wetlands and nature conservation interests.

13. No construction works shall commence on site until final survey work and all necessary mitigation has been undertaken in respect of the interests of protected species within and adjacent to the application site as agreed in writing with the Planning Authority in consultation with SNH, in respect of all construction and site restoration associated with this project. The earlier noted Ecological Clerk of Works shall oversee the construction phase of the development and that that individual shall be given the power to stop construction works if necessary to safeguard protected species and their habitats.

Reason: – To protect the interests of European and other Protected Species which prevail within the area of the proposed construction works.

14. Development shall not commence until a scheme of mitigation for shadow flicker has been submitted to and approved in writing by the planning authority. The scheme shall include mitigation measures to reduce the impact of shadow flicker on nearby houses and shall be based on a detailed assessment of the impact of each turbine, its final siting design and on all occupied houses surrounding the development at the time of construction. The approved scheme shall be implemented prior to the commissioning of the wind farm.

Reason: To protect the occupiers of residential units from the effects of shadow flicker.

15. Development shall not commence until a TV and radio reception mitigation plan has been submitted to and approved in writing by the planning authority. The plan shall provide for a baseline TV reception survey to be carried out prior to commencement of turbine installation, the results of which shall be submitted to the planning authority. Within 12 months of the commissioning of the development, any claim by any individual person regarding TV picture loss or interference at their house, business premises or other building, shall be investigated by a qualified engineer and the results submitted to the planning authority. Should any impairment to the TV signal be attributable to the wind farm, the developer shall remedy such impairment so that the standard of reception at the affected property is equivalent to the baseline TV reception.

Reason: To ensure that any effect on TV or radio reception is rectified.

16. Two months prior to the commencement of development the applicant will provided both the Ministry of Defence and the Defence Geographic Centre (AIS Information Centre) with a statement, copied to the Planning Authority and Highland and Islands Airport Authority Ltd, containing the following information:

- The date of commencement of the construction;
- The exact position of the turbine towers in latitude and longitude;
- A description of all structures over 300 feet high.

- The maximum extension height of any construction equipment;
- The height above ground level of the tallest structure; and
- The lighting schemes for relevant turbines, taking account of existing turbine lighting, as agreed with aviation interests and the Planning Authority.

Reason: - in the interests of air safety.

17. Prior to the commencement of development the applicant will submit for the written approval of the Highland Council, a scheme for measuring and assessing the levels of noise emission from the development cumulatively with the Achairn 04/00366/FULCA; Flex Hill 04/00017/FULCA and Wathegar 10/00042/FULCA wind farms. The submitted scheme shall include details of the measurement methodology, proposed measurement locations, relevant wind speeds and directions and reporting procedures. Measurements shall be undertaken both prior and subsequent to the commencement of the operation of the Wathegar II Wind Farm in order to establish the baseline levels of wind farm noise emissions. The scheme shall also include details of procedures to be followed in the event of a reasonable complaint to the Local Planning Authority concerning noise emissions. The scheme shall be implemented as approved.

    The rating level of noise immissions from the combined effects of the wind turbines of this development and those of Achairn, Flex Hill and Wathegar Wind Farms (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to these conditions at any dwelling which is lawfully existing or has planning permission at the date of this permission and:
    a) The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.

    b) No electricity shall be exported until the wind farm operator has submitted to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.

    c) Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

d) The assessment of the rating level of noise immissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (c), and such others as the independent consultant considers likely to result in a breach of the noise limits.

e) Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.

f) The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority for compliance measurements to be made under paragraph (c), unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

g) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4(c), the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (d) above unless the time limit has been extended in writing by the Local Planning Authority.

Table 1 – Between 07:00 and 23:00 – Noise limits expressed in dB LA90,10 minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

Location	Standardised wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
Achairn Cottage	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	46.9
Achairn Farm	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	46.9
Basquary	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	46.9
Flex Cottage	45.0	45.0	45.0	45.0	45.0	45.0	45.0	46.0	50.5	55.1	59.6	63.9
Housequoy	35.0	35.0	35.0	35.0	35.0	36.8	39.6	42.3	44.8	47.2	49.4	51.2
Lealands	35.0	35.0	35.0	35.0	35.0	35.4	38.3	41.3	44.1	46.5	48.4	49.4
Roadside Farm	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	46.5	48.4	49.4
Rowangarth	35.0	35.0	35.0	35.0	35.0	36.8	39.6	42.3	44.8	47.2	49.4	51.2
Schoolhouse	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	46.5	48.4	49.4
Gardener‟s Cottage	35.0	35.0	35.0	35.0	35.0	38.0	41.8	46.0	50.5	55.1	59.6	63.9
Stockman's Cottage, Thuster Farm	35.0	35.0	35.0	35.0	35.0	35.4	38.3	41.3	44.1	46.5	48.4	49.4

Table 2 – Between 23:00 and 07:00 – Noise limits expressed in dB LA90,10-minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

Location	Standardised wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
Achairn Cottage	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	46.9
Achairn Farm	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	46.9
Basquary	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	46.9
Flex Cottage	45.0	45.0	45.0	45.0	45.0	45.0	45.0	46.0	50.5	55.1	59.6	63.9
Housequoy	38.0	38.0	38.0	38.0	38.0	38.0	38.0	40.8	44.3	47.7	50.9	53.5
Lealands	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	40.5	43.4	46.2	48.7
Roadside Farm	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	46.2	48.7
Rowangarth	38.0	38.0	38.0	38.0	38.0	38.0	38.0	40.8	44.3	47.7	50.9	53.5
Schoolhouse	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	46.2	48.7
Gardener☐s Cottage	38.0	38.0	38.0	38.0	38.0	38.0	41.8	46.0	50.5	55.1	59.6	63.9
Stockman's Cottage, Thuster Farm	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	40.5	43.4	46.2	48.7

Table 3: Coordinate locations of the properties listed in Tables 1 and 2.

Property	Easting	Northing
Achairn Cottage	329887	949878
Achairn Farm	330341	950138
Basquary	330674	950348
Flex Cottage	326344	951562
Housequoy	330994	950369
Lealands	328700	952575
Roadside Farm	329075	952405
Rowangarth	331015	952076
Schoolhouse	329475	952269
Gardener□s Cottage	326016	952056
Stockman's Cottage, Thuster Farm	330048	951920

Note to Table 3: The geographical coordinate references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

Reason: - in the interests of the amenity of existing residents in the area.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application

TIME LIMITS

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.

INFORMATIVES

1. No development shall start on site until the completed Notice of Initiation of Development (NID) form attached to this decision notice has been submitted to and acknowledged by the Planning Authority. From the date of acknowledgement, the Site Notice attached to it shall be posted in a publicly accessible part of the site until the development is completed.

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

3. The developer is recommended to contact TEC Services to discuss the movements of the Abnormal Indivisible Loads as soon as possible. Further details on the programming of this development in relation to other wind farm developments in the area will be required.

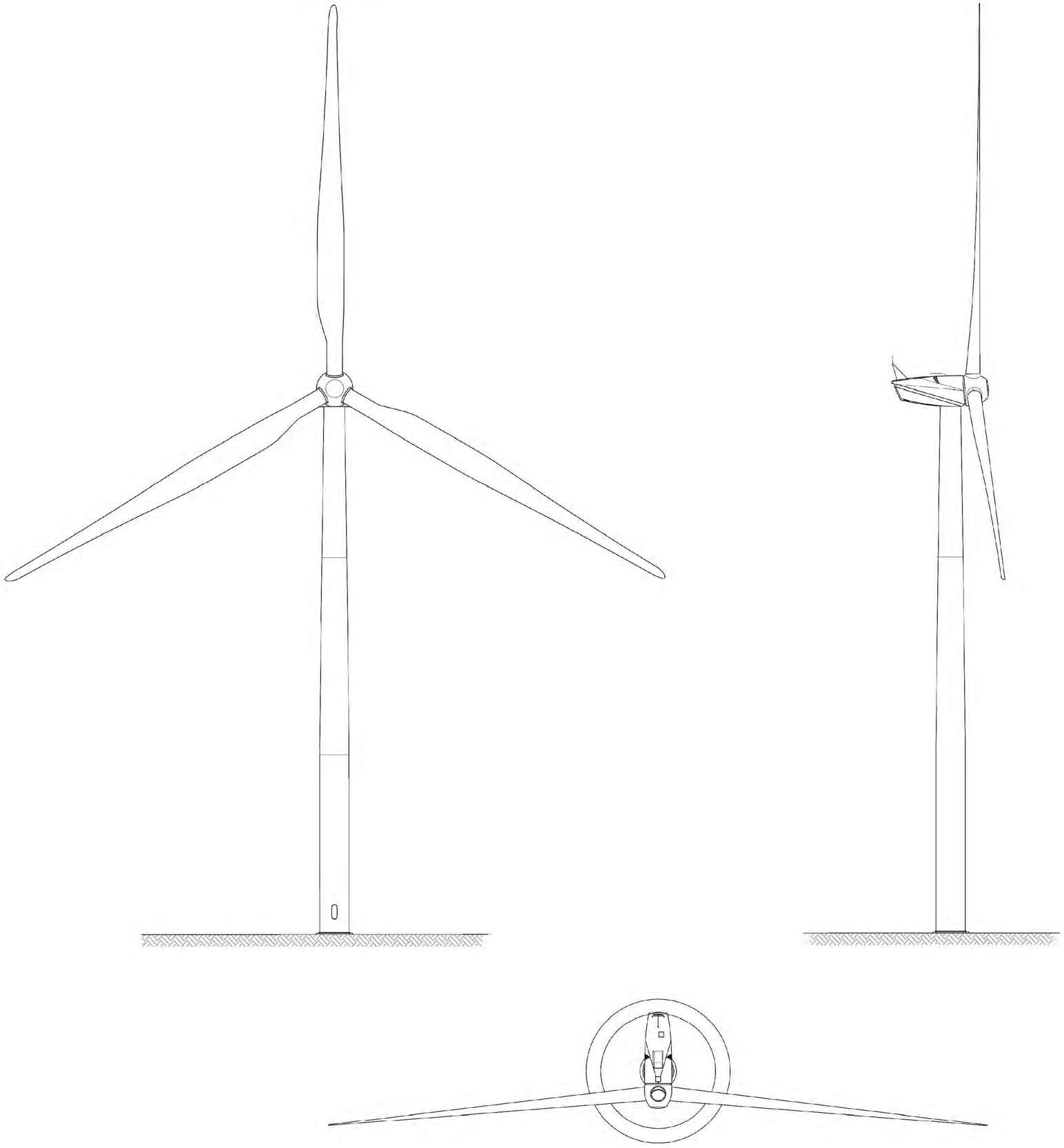
4. Evidence is presented in the ES that otter and water vole, both legally protected species, use the proposed development site. Preconstruction surveys for these species should be carried out in the year prior to construction, to inform micro-siting, mitigation and whether there is a need for licensing. Surveys must include the development footprint and a 200m buffer (i.e. access tracks, turbine locations, temporary construction compounds, etc., and a buffer around each of these).

Signature:	
Designation:	Head of Planning and Building Standards
Author:	Ken McCorquodale (Tel 01463 702256)
Background Papers:	Documents referred to in report and case file 14/01082/S42.

LIST OF REPRESENTATIONS TO APPLICATION14/01082/S42

OBJECTORS

1. Mrs Brenda Herrick, Sandmill, Harbour Road, Castletown
2. Mr Stuart Young, Dunmore Westside West Dunnet Road, Dunnet
3. Mr Paul Simonite, Station House, Watten
4. Mr Adrian Donovan, Aljollichsa, West Watten
5. Ms Julie Catterall, Station House, Watten
6. Paul Simonite, Station House, Watten
7. Mr Gavin Ferrier, Knockfarrie House, West Watten
8. Mrs Joanne Young, Dunmore, Westside



Wathegar 2

Figure 5
Ammendment Elevation (110m)

AUTHOR
M MORGAN

SCALE

0 2 4 8 12 16 m

1:500

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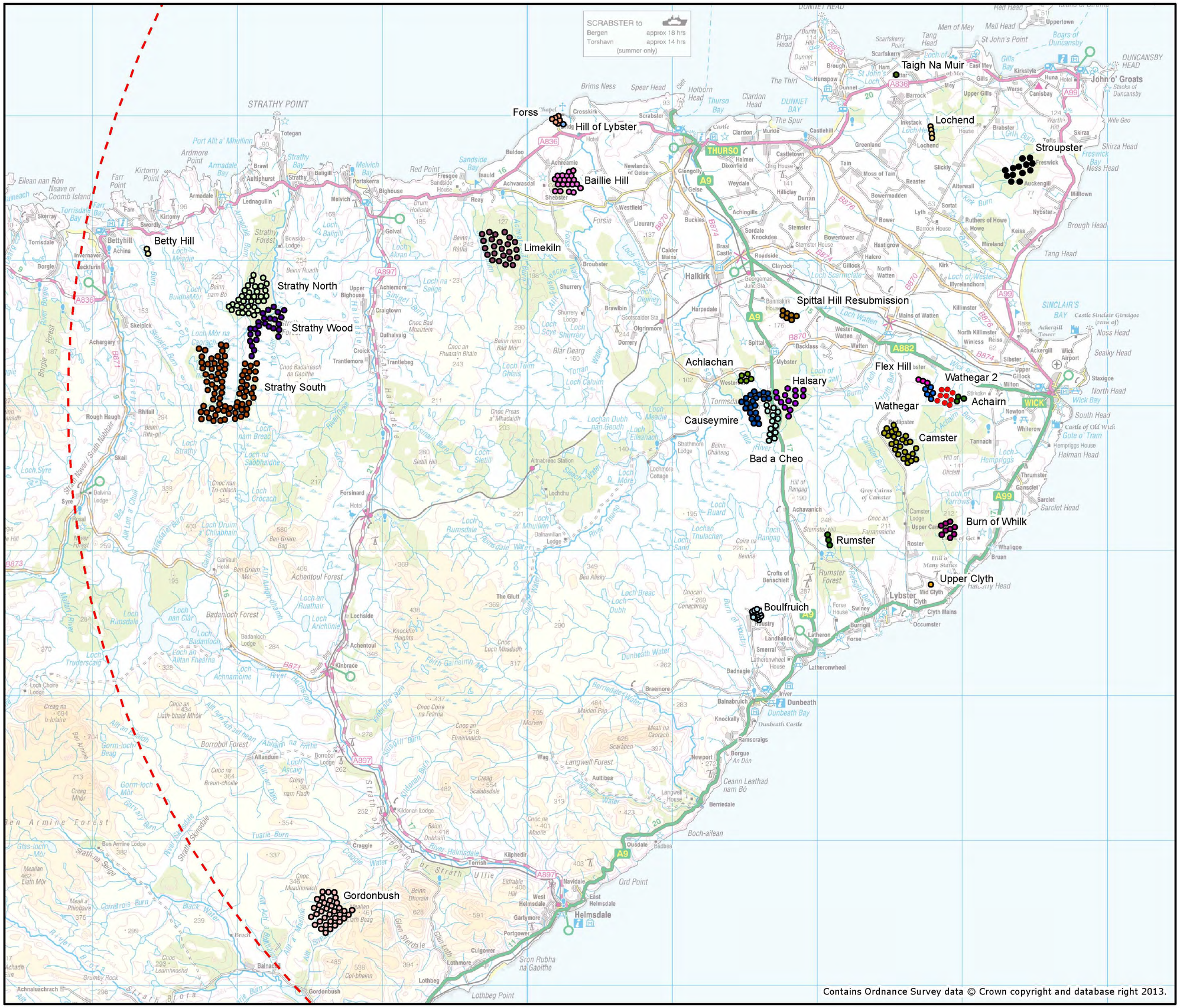
Whirlwind Renewables

THE MEDIA CENTRE
7, NORTHUMBERLAND STREET
HUDDERSFIELD
HD1 1RL



Wathegar 2 Wind Farm

Figure 2
Cumulative Schemes

60km Area of Search

Operational Sites

- Achairn
- Baillie Hill
- Boulfruich
- Camster
- Causeymire
- Flex Hill
- Forss 1 & 2
- Gordonbush
- Wathegar

Consented Sites

- Achlachan
- Bettyhill
- Burn of Whilk
- Halsary
- Hill of Lybster
- Rumster
- Strathy North
- Stroupster
- Taigh Na Muir
- Wathegar 2

Sites in Planning

- Bad a Cheo
- Limekiln
- Lochend
- Spittal Hill Resubmission
- Strathy Wood
- Strathy South
- Upper Clyth

PROJECTION SYSTEM	AUTHOR
OSGB 1936 BNG	J HARPER

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SCALE

0 1.25 2.5 5 7.5 10 km

1:250,000

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