

**THE HIGHLAND COUNCIL**

**NORTH AREA PLANNING APPLICATIONS COMMITTEE**  
**14 October 2014**

Agenda Item	6.1
Report No	PLN/072/14

**13/00284/FUL: Mr N MacKenzie**  
**Rootfield Farm, Muir of Ord**

**Report by Area Planning Manager**

**SUMMARY**

**Description** : Erection of one 50kw wind turbine, height to hub 24.6m, height to tip 34.2m, blade diameter 19.2m and siting of equipment cabin (resubmission of 12/02302/FUL)

**Recommendation - GRANT**

**Ward** : 10, Black Isle

**Development category** : Local development

**Pre-determination hearing** : Not required

**Reason referred to Committee** : Community Council objection and the number of representations received.

**1. PROPOSED DEVELOPMENT**

- 1.1 This application is for the siting of a single 3 blade wind turbine, 24.6m height to hub, and 34.2m height to tip, at Rootfield Farm. An equipment cabin measuring 2.5m x 3m x 2.5m high will be required at its base. The turbine will be sited on a base measuring 11m x 11m, and a temporary crane pad of 15m x 15m will be required for assembly purposes.
- 1.2 Access to the turbine will be via the existing farm access track, through the farmyard and into the field to the north east. The turbine will be close to the east corner of the field.
- 1.3 The applicant has submitted supporting information in the form of visualisations (photomontages, Zone of Theoretical Visibility (ZTV) diagrams), constraints plan, noise assessment, planning and design statement, wind turbine specifications, radar line of sight specifications.
- 1.5 **Variations:** The siting of the turbine has been amended to approximately 100m to the north- west of its original location.

## **2. SITE DESCRIPTION**

- 2.1 Rootfield Farm lies to the south side of the B 9169 public road. The area is characterised by groups of scattered houses at Highfield Park to the north and west of the site, at Newton of Kinkell to the north and east and at Drynie Park nearby to the south and east. The surrounding area is rural in nature. The land is on a hillside, near the brow, and slopes up from the B9169 to the south east.

## **3. PLANNING HISTORY**

- 3.1 12/02302/FUL – Erection of 50kw wind turbine on 36.4m mast (blade diameter 19.2m) with a height to tip of 46m and siting of equipment cabin – withdrawn – 16.01.2013.

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised : Schedule 3 development; neighbour notification.

Representation deadline : 1/3/14; 26/07/14; 23/08/14

Representations : Letters received from 28 separate addresses

- 4.2 Material considerations raised are summarised as follows:

- Red kites, owls and rare birds in vicinity will be adversely affected, and wild geese and ducks regularly fly over the site.
- Homes within 2km of site
- Too high/out of proportion with current buildings and trees/height materially in excess of 20.1m high silo, so fails to reflect scale and character of landscape; contrary to Para 2.23 of the Supplementary Guidance Small Scale Wind turbine Proposals which requires the height to relate to the height of existing vertical elements.
- Turbine introduces industrial element into agricultural landscape
- Skyline location
- Danger to aircraft – en route to Tain bombing range.
- Visual impact/overly dominant
- Photomontages do not include views from nearest houses
- Photomontages do not comply with the Council's Visualisation Standards
- Poor quality/inaccurate photomontages
- A study concluded that wind turbines can cause heart problems, tinnitus, nausea, panic attacks, headaches and general irritability amongst people living nearby. Turbines should therefore not be within 2000m of housing.
- Distraction to drivers
- Shadow flicker; cannot be shown in visualisations

- Noise, especially when the predominant south west wind will blow noise towards the houses to the east.
- Detrimental to residential amenity
- Detrimental to users of informal walking routes in the area
- Visualisations show turbine as a thin line; if built it will be much more substantial.
- Contrary to Policy 67 of the Highland wide Local Development Plan – will have a significant impact upon the landscape and local residential properties.
- Environmental Assessment required.
- SPP encourages renewables on suitable sites; this is not a suitable site
- Cumulative assessment should look at the interaction with wind farms, not only individual turbines.
- No protected species surveys undertaken
- Noise assessment is generic, not specific for this turbine on this site, and does not take account of wind shear. Relates to original turbine location, not revised location
- Contrary to policy 28 sustainable design - not a brownfield site; is significantly detrimental to habitats; does not demonstrate sensitive siting and high quality design; has not demonstrated that it has minimised environmental impact and enhanced the viability of the community; does not conserve and enhance the character of the area nor minimise the environmental impact of the development; has not demonstrated that there are no reasonable alternatives; has significant adverse effects.
- Contrary Policy 57, natural built and cultural heritage – will cause significant adverse effect on local amenity.
- Contrary Policy 58, protected species – poses a significant risk to protected species.
- Contrary Policy 61, landscape – does not reflect the landscape characteristics and special qualities of the area.
- Contrary Policy 67 – negative effects on nearby residents
- Wind power provides local short term employment only during construction.
- Consultee comments relate to original location, not revised location
- Plan sent with re-notification for revised siting showed original siting
- Local residents not neighbour notified.

Non-material considerations raised are summarised as follows:

- Alternative forms of energy generation available (eg biomass; solar)
- Should be located in an existing wind farm
- Location plan uses an out of date map which does not show all of the houses in the locality
- Will set an undesirable precedent for further wind turbines dotted all over the landscape
- No information on expected output from turbine compared to the farm's energy use to assess appropriateness of size of turbine to the needs of the farm.
- Wind may be free but the cost of converting it is more expensive than a conventional power generator
- Negative financial impact on local residents/devaluation of property
- No evidence that wind power makes a difference to future climate change, only that it does not cause harmful pollution.
- No evidence that carbon reduction creates lower electricity bills and improved health
- No evidence of environmental and public economic benefits from renewable energy
- No evidence of environmental benefit from wind energy installations.
- Wind power is unreliable; it relies on the wind blowing.

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](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

## 5. CONSULTATIONS

5.1 **Environmental Health** : No objections; where the applicant has a financial interest noise levels can be relaxed to 45dB. Noise levels for the properties at Rootfield (in which the applicant has a financial interest) are predicted as 42dB. The ETSU standard of 35dB LA90 at all other properties should be met where there is at least 280m between the turbine and a non-financially involved property.

5.2 **Ferintosh Community Council** : Object – unacceptable intrusion into the skyline and amenity of the location; cumulative impact; impact upon Ben Wyvis Range

5.3 **RSPB** : No objections

5.4 **SNH** : No comments

5.5 **NATS** : No objections

5.6 **Transport Scotland** : No objections; conditions requested

5.7 **CAA** : No comment

5.8 **HIAL** : No objections

## **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **6.1 Highland Wide Local Development Plan 2012**

- 28 Sustainable design
- 57 Natural, built and cultural heritage
- 58 Protected species
- 61 Landscape
- 67 Renewable energy developments

### **6.2 Ross and Cromarty East Local Plan 2007 (as continued in force)**

No site specific policies apply

## **7. OTHER MATERIAL CONSIDERATIONS**

### **7.1 Draft Development Plan**

Inner Moray Firth Proposed Local Development Plan – November 2013. No site specific policies apply.

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

Interim supplementary guidance for small scale wind turbine proposals

Visualisation standards for wind energy developments

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

Para 29, support climate change mitigation; protect, enhance, and promote access to natural heritage

Para 169, energy infrastructure developments

### **7.4 Other**

SNH – Siting and design of Small Scale Wind Turbines of between 15 and 50m in height

SNH – Assessing the cumulative impact of onshore wind energy developments

## **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 Highland Wide Local Development Plan Policy 67- renewable energy developments, requires that renewable energy proposals are well related to the source of the primary renewable resources that are needed for their operation. Consideration will be given to the contribution towards meeting renewable energy generation targets, and any effects it is likely to have on the local and national economy, and against other policies. Subject to balancing with these considerations, proposals will be supported where they are located, sited and designed such that they will not be significantly detrimental on:

- Natural, built and cultural heritage features;
- Species and habitats
- Visual impact and impact on the landscape character of the surrounding area;
- Amenity at sensitive locations, including houses;
- The safety and amenity of any regularly occupied buildings – visual intrusion, noise, ice throw, shadow flicker;
- Safe use of airport, defence or emergency service operations;
- Other communications installations/radio/TV reception;
- Amenity of walkers/cyclists/horse riders;
- Tourism and recreation;
- Traffic and transport interests.

This essentially includes the factors listed in Scottish Planning Policy (Paragraph 169) which should be taken into account when assessing proposals for energy infrastructure developments.

8.4 Policy 57- natural, built and cultural heritage, requires developments to not have an unacceptable impact on the natural environment, amenity, and heritage resource (for features of local/regional importance).

- 8.5 Policy 61 – landscape, looks for new developments to reflect the landscape characteristic and special qualities of the area in which they are proposed. This needs to include consideration of the scale and potential cumulative impact.
- 8.6 The site at Rootfield Farm does not lie within any landscape designations, and contains no designated heritage features. It is however still important that the proposed turbine is of an appropriate scale and sited to respect the landscape character and natural environment of the surrounding area. This is a farmed setting, with small groups of houses, field boundaries, and clumps of trees, in an area of rounded hills. Rootfield Farm is located on a hillside which rises above the settlement of Conon Bridge. It is also seen in distance views when travelling from Dingwall to Conon Bridge, and along the A835 from Maryburgh southwards towards Inverness. The site is, however, hidden from view when travelling northwards out of Inverness towards Maryburgh along the A835.
- 8.7 There is an existing silo at Rootfield Farm, existing steadings, and a row of tall trees, and the proposed turbine will be located in close proximity to these existing structures. SNH's guidelines state that where possible, turbines should relate visually to nearby buildings or structures, and not dominate views from main access routes, or from nearby settlements. The existing silo is around 20.1m in height, and the proposed turbine will be 24.6m to hub (34.2m to tip). A former application (12/ 02302/FUL) was for a turbine of 36.4m in height to hub, and 46m to tip. This was, however, withdrawn. The turbine will be slightly higher than the silo to hub at 24.6m. The blades will increase the height to 34.2m to tip, but the rotation is such that the perceived height relative to the silo will be affected. The height is such that it steps up in height from the silo, but still maintains a visual relationship with the farm buildings and nearby trees and is not considered to be out of scale with the adjacent structures. The adjacent steading is substantial in size and, although considerably lower than the silo, its massing makes it a prominent structure and reinforces the built form in this location. Objectors are concerned that the proposed turbine will introduce an inappropriate industrial element into the agricultural landscape. However, it is thought that the built form of the turbine will, given its reduced size and amended location, relate visually to the existing adjacent farm structures rather than introducing an inappropriate element into the landscape.
- 8.8 Visualisations have been produced. These include images to illustrate the turbine when viewed from various local viewpoints and homes, to help the impact to be more fully appreciated. The initial set of visualisations did not comply with the Council's visualisation standards, but these have been re-done on several occasions and the current images comply. The re-worked visualisations also include additional viewpoints from outside some of the nearest houses to facilitate a better appreciation of the turbine's visual impact on these properties.
- 8.9 The visualisations show the turbine in relation to the silo and farm buildings, and this reinforces the view that the turbine is of an appropriate scale to relate to these structures. The proposed turbine has also been relocated slightly down the hillside from its original location, and this helps strengthen the visual relationship between the farm structures and the turbine. It also drops it lower down the hillside, which helps to visually lower the turbine in relation to other structures.

- 8.10 The location of Rootfield Farm near the brow of the hill raises the question of whether the turbine will skyline. When travelling from Dingwall towards Maryburgh, the turbine will be visible and will be seen against the skyline. However, it is not in direct line of sight, and is sufficiently distant so as not to be prominent or unduly catch the eye. Similarly, when travelling south along the A835 from Maryburgh towards Inverness, the turbine will not be in direct line of sight, and views of it will be largely hidden by existing buildings and trees. Furthermore, the levels are such that it will not skyline, or only the blades will skyline, from most of these viewpoints. The turbine will not be visible when travelling along the A835 in the opposite direction towards Dingwall, and will therefore not adversely impact upon the appreciation of the iconic Ben Wyvis Range which dominates the view in this direction of travel.
- 8.11 Similarly, the existing turbines at Pitglassie, the Auction Mart, and Knockfarrel are all readily visible when travelling towards Dingwall from Inverness, with the Fairburn wind farm in the distance. However, the proposed turbine at Rootfield will not significantly affect this cumulative impact since it will not be visible in this direction of travel. Similarly, upon leaving Dingwall the existing turbines are not in direct line of view and are not readily appreciated. The proposed turbine will therefore not materially alter the cumulative impact, but will be seen as an individual turbine in the wider landscape rather than extending the area already impacted by turbine development.
- 8.12 On balance, the proposed turbine is scaled and positioned to relate to its landscape setting, and both its individual and cumulative impact in the landscape are considered to be acceptable. It therefore complies with Policy 57 and Policy 61 of the Highland Wide Local Development Plan, and with SNH's guidelines for small scale wind turbine proposals.
- 8.13 Policy 67 also requires a renewable energy development to be assessed in relation to its impact on amenity at sensitive locations, including houses, and on the safety and amenity of any regularly occupied buildings, in particular in relation to visual intrusion, noise, ice throw, and shadow flicker.
- 8.14 This site, although being within a field at Rootfield Farm, is close to houses. It lies between Drynie Park to the south and Highfield Park to the north west. Furthermore, there is a row of houses on an unclassified road at Newton of Kinkell which look directly onto the fields at Rootfield Farm. These are to the north and east of the application site.
- 8.15 Some of the representations refer to a study which concluded that wind turbines can cause heart problems, tinnitus, nausea, panic attacks, headaches and general irritability amongst people living nearby, and suggests that turbines should not be located within 2000m of housing. The proposed turbine is within 2000m of houses, the nearest non-financially interested house being approximately 400m away. These are issues which continue to be debated at a national level and it is beyond the scope of this assessment to consider the implications of the scheme on these issues. Environmental Health do not consider that this study should be taken into consideration.



- 8.16 The noise and shadow flicker information submitted indicates that these houses lie outwith the distance within which residential amenity is likely to be adversely impacted by these aspects. Environmental Health is satisfied that noise and shadow flicker will not present an issue for residents. They have confirmed that this continues to be the case in relation to the revised location. It should be noted that there is a farm worker's house and the applicant's house at Rootfield, both of which are closer to the turbine than the other houses, and could be adversely impacted in terms of noise. Since they are both within the ownership of the applicant, they are classed as financially involved properties and according to accepted practice the permissible noise margin above background noise can be increased to take account of this.
- 8.17 The issue of visual intrusion is more subjective. Local residents are understandably concerned about the views of the turbine from their homes. This has been discussed with the applicant, and has resulted in amendments. The initial application 12/02302/FUL was for a turbine which was 36.4m high to hub, with an overall height of 46m to blade tip, whereas the current application now for determination relates to a reduced size of 24.6m to hub, 34.2m to tip. Furthermore, the turbine has been repositioned lower down the hillside which has increased the distance between the nearest houses looking directly towards it at Newton of Kinkell and the turbine from approximately 420m to approximately 460m. However this has also decreased the distance between the turbine and the house to the north east from approximately 420m to 380m but this property has a gable facing towards the site. This amendment has also moved the turbine behind a raised area in the field to the south, and lowered its effective height in relation to the houses which face towards the site. This has significantly reduced the visual impact of the turbine from these houses. The turbine will, nevertheless, remain in the foreground and directly in view from some homes. However, the reduced prominence from its relocation is, on balance, considered acceptable.
- 8.18 From Highfield Park and Drynie Park, the turbine will be sufficiently distant and broken up by existing structures and trees to not dominate the view.
- 8.19 The applicant has produced a 'constraints' plan which shows the area at Rootfield Farm, and the required buffers around various features. This has left only a very small area within which the turbine could be positioned. Therefore there is little scope for further re-positioning to reduce the impact of the turbine from the houses.
- 8.20 In relation to the safe use of airport, defence or emergency service operations, HIAL, NATS, and CAA were all consulted, and no objections have been raised. They have not been re-consulted in relation to the revised location, since it moves the turbine approximately 100m further down the hill and outwith the safeguarding area where consultations are required.
- 8.21 Policy 58, protected species, requires a survey where there is good reason to believe that a protected species may be present on a site, or may be affected by the proposal. The issue of Red Kites has been raised, and the RSPB's guidance states that if the application site is more than 300m from the nearest nest there will be no significant effect. It is understood that the nearest nest site is in excess of 300m from the site. Local residents also claim that there is an osprey in the area, as well as owls, and that flocks of geese and ducks fly overhead when migrating.

The views of the RSPB have been sought, and they raise no objections to the proposal. They have, however, pointed out that no studies have been carried out in relation to the potential cumulative impact from several individual turbines on bird life, and until such time as this is done, this aspect is not understood. It is accepted that research into the potential cumulative impact from several turbines on bird life would further understanding of this aspect, but it is unreasonable to insist that the applicant funds such studies as part of this application when no objections are raised in relation to bird populations and the impact from this turbine in isolation on local bird life is not a cause for concern. SNH also raise no objections in relation to protected species. The proposal therefore complies with policy in relation to protected species.

- 8.22 Policy 67 also requires other communications installations or the quality of radio or TV reception to not be adversely impacted by the proposal. The applicant arranged for a representative of a broadband company to visit the farm. He concluded that there should be no issues in relation to broadband from the proposals. A condition can be used to guard against unexpected reception issues arising.
- 8.23 The area around Rootfield Farm is enjoyed by walkers, cyclists, and horse riders. The impact upon their amenity will be primarily in relation to the views of the turbine. This is discussed above in paras 8.7 – 8.12 above, which looks at the impact of the turbine in relation to the wider landscape setting. It should also be appreciated that walkers, cyclists, and horse riders are moving, so views and perceptions of the landscape will be constantly changing. Many are also there to appreciate the views and the wider landscape. The views of the turbine will be interrupted by existing structures, hedgerows, and trees and it will not be constantly in a direct line of sight when travelling along the B9169, or the more minor roads and paths in the vicinity. The proposed turbine will not dominate the landscape setting for those passing through the area.
- 8.24 Policy 67 also looks at the contribution that the development will make towards meeting renewable energy generation targets, and the effect it is likely to have on the local and national economy. The applicant aims to produce electricity to meet his own needs on the dairy farm, and a surplus to connect into the national grid. It is not of sufficient scale to impact upon the national economy. Locally, it will have little impact on the economy other than helping to sustain Rootfield Farm.
- 8.25 The proposal is therefore considered to comply with the criteria of Policy 67, renewable energy developments, and with Scottish Planning Policy.
- 8.26 Policy 28, sustainable design, lists a number of criteria to consider when assessing an application. Applications which are significantly detrimental to the listed criteria are considered to not accord with the development plan. The proposal is therefore not required to meet all of the factors on the list, rather it is required to not be significantly detrimental to the factors.
- 8.26 Policy 28, sustainable design, encourages the use of renewable sources of energy and heat. It also requires development to take account of the impact upon landscape, scenery, and protected species, and to demonstrate sensitive siting in keeping with the local character. As discussed above, the proposal is considered to comply with these factors. The site is not brownfield, but the proposal is not

significantly detrimental to the aim of encouraging the re-use of brownfield sites, and therefore does not conflict with this policy objective. The applicant has submitted a constraints plan which demonstrates a very limited area within which the turbine can be located, and the current location has been chosen to minimise the visual and environmental impact of the turbine. The proposal therefore complies with Policy 28, since it is not significantly detrimental to any of the listed factors, and actively complies with some.

#### 8.27 **Material Considerations**

Transport Scotland have requested that conditions are used to enable them to approve the route for any abnormal loads on the trunk road network, and for any additional signing or temporary traffic control measures due to abnormal loads to be undertaken by a recognised quality assured traffic management consultant.

8.28 There are many examples of turbines adjacent to public roads, and it is not commonly accepted that they present a safety risk through distracting users of the road network.

8.29 Visualisations are limited in that they do not show the movement of the blades, which serves to draw the eye. They also cannot convey shadow flicker, nor the effect of different weather conditions on the way they are perceived. Some objectors have also pointed out that they look more substantial when they are on the ground than when they are just lines on a drawing. These limitations need to be appreciated when assessing the visualisations which are just one of the tools used when assessing such applications. The visualisations are in accordance with Council Standards.

8.30 A screening opinion was sought prior to the submission of the larger turbine (12/02302/FUL), and it was concluded that an Environmental Statement was not required. Since the current application is for a smaller turbine, it is reasonable to carry forward the previous screening opinion to this current proposal.

#### 8.31 **Other Considerations – not material**

The current application has to be assessed and a recommendation reached. It is not reasonable to require the applicant to demonstrate that other forms of electricity generation are not feasible, nor that the size of turbine is only sufficient to supply the needs of the farm and not generate an excess to feed into the national grid.

8.32 Similarly, it is unreasonable to require the proposed turbine to be relocated to within an existing wind farm, especially as these are outwith the control of the applicant and do not relate to the farm. Furthermore an additional turbine in a wind farm would still have a visual impact.

8.33 The location plan is based on a map extract. Since maps are not updated each time a new building is erected, and will not necessarily represent what is built on the ground at the time of an application. However, the location plan is intended to enable the location of the proposed turbine to be accurately identified, not to be used as the basis of the assessment of the impact upon neighbouring households, so is not required to be entirely up to date. It is, however, appreciated that this can

be disconcerting to local residents. Site visits have been carried out on several occasions in relation to this application, and the current 'on the ground' situation has been fully assessed.

- 8.34 Due to the requirements of the neighbour notification regulations, only the houses at Rootfield Farm require to be neighbour notified. It was considered appropriate, however, to notify those who had written with representations regarding the original application, when the revised visualisations/amended turbine location was submitted, to enable the updated information to be viewed. Upon receipt of the revised location, letters were sent to all households who had previously commented. However, the letters and location plan were sent out prior to the computer systems being updated and the indicative plan accompanying the letter showed the original location and not the amended location. The correct plan was available for viewing on line, but since this did not match the posted plan, some confusion arose. This was clarified with those parties querying the anomaly.
- 8.35 The costs of generating electricity from wind are not a planning consideration. Similarly, the extent of the contribution of the proposed development to future climate change is not a material planning consideration, nor is its impact upon energy bills. The encouragement to use renewable resources and of sustainable development is a material planning consideration and included within both government policy (SPP) and the local plan (Policy 28 and Policy 67) and is discussed above (8.24).
- 8.36 Government policy encourages the use of renewable energy, and does not require evidence of public economic benefits nor environmental benefits to be submitted to support proposals for renewable energy generation.
- 8.37 It is agreed that wind power relies on suitable wind speeds for the generation of electricity. This is generally researched by applicants and influences their decision on the siting and potential viability of a turbine. Wind speeds are not a material planning consideration.
- 8.38 Although the local residents concerns regarding property devaluation are appreciated, property values are not a material planning consideration and cannot be taken into account in the assessment of this application.
- 8.39 Each application stands to be assessed on its merits, and the approval of this turbine will not therefore set a precedent for approval of other turbines elsewhere.
- 8.40 **Matters to be secured by Section 75 Agreement**

None

## **9. CONCLUSION**

- 9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal 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

**Subject to the above**, it is recommended the application be **granted** subject to the following conditions and reasons/notes to applicant :

1. This planning permission shall expire and cease to have effect after a period of 25 years from the date when electricity is first exported from the approved wind turbine to the electricity grid network (the "First Export Date"). Prior to the expiry of this consent, the wind turbine shall be decommissioned and removed from the site, with decommissioning and restoration works undertaken in accordance with the terms of condition 2 of this permission. Written confirmation of the First Export Date shall be submitted in writing to the Planning Authority within one month of the First Export Date.

**Reason** : Wind turbines have a projected lifespan of 25 to 30 years, after which their condition is likely to be such that they require to be replaced, both in terms of technical and environmental considerations. This limited consent period also enables a review and, if required, reassessment to be made of the environmental impacts of the development and the success, or otherwise, of noise impact, species protection, habitat management and mitigation measures. The 30 year cessation date allows for a period to complete decommissioning and site restoration work.

2. No development shall commence until a draft Decommissioning and Restoration Plan (DRP) for the site has been submitted to and approved in writing by the Planning Authority. Thereafter no later than 12 months prior to the decommissioning of the turbine, a detailed DRP, based upon the principles of the approved draft plan, shall be submitted to and approved in writing by the Planning Authority.

For the avoidance of doubt, the DRP shall include the removal of all above ground elements of the development, the treatment of ground surfaces, management and timing of the works, and a traffic management plan to address any traffic impact issues during the decommissioning period. The detailed DRP shall thereafter be implemented as approved within the agreed timescale.

**Reason** : To ensure that the decommissioning of the development and restoration of the site are carried out in an appropriate and environmentally acceptable manner.

3. No development shall commence until the following details have been submitted to and approved in writing by the Planning Authority in consultation with the Trunk Roads Authority and/or its Operating Company:
  - The proposed route for any abnormal loads on the trunk road network;
  - Any accommodation measures required such as the temporary removal of street furniture, junction widening, traffic management;

- Any additional signing or temporary traffic control measures deemed necessary due to the size or length of the loads being delivered. For the avoidance of doubt, these must be undertaken by a recognised Quality Assured traffic management consultant.

Thereafter the development shall be implemented in accordance with the approved details.

**Reason** : To maintain safety for both the trunk road traffic and traffic moving to and from the development; to ensure that the transportation will not have any detrimental effect on structures within the route path; to minimise interference with the safety and free flow of the traffic on the trunk road.

4. The wind turbine shall be finished, and thereafter maintained, in a non-reflective pale grey semi-matt colour, the specific RAL code (or similar) of which shall first be approved in writing by the Planning Authority, and no symbols, signs, logos or other lettering shall be displayed on any part of the wind turbine nor any other buildings or structures within the application site unless required by law or as otherwise approved in writing by the Planning Authority.

**Reason** : To ensure that the turbine is not used for advertising, and in the interests of visual amenity.

5. All electrical cables connecting with the turbine hereby permitted shall be laid underground.

**Reason** : In the interests of visual amenity.

6. No development shall commence until the colour and finish of the equipment cabin has been submitted to and agreed in writing by the Planning Authority. For the avoidance of doubt this shall be recessive to blend into the surrounding landscape. The equipment cabin shall thereafter be completed and maintained in accordance with these agreed colours and finishes.

**Reason** : To ensure a satisfactory scheme of development, in the interests of visual amenity.

7. Within one month of any impairment to television viewing quality (resulting from the turbine) being reported, the applicant shall investigate and where necessary implement appropriate mitigation to restore adequate television reception and viewing quality.

**Reason** : In the interests of residential amenity.

## **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**

### **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.

## **FOOTNOTE TO APPLICANT**

### **Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

### **Accordance with Approved Plans and Conditions**

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). 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 adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

### **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

### **Mud and Debris on Road**

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

### **Damage to the Public Road**

Please note that the Council, under Section 96 of the Roads (Scotland) Act 1984, reserves the right to recover all costs for repairing any damage to the public road (and/or pavement) which can be attributed to construction works for this development.

### **Construction Hours and Noise-Generating Activities**

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact [env.health@highland.gov.uk](mailto:env.health@highland.gov.uk) for more information.



**Protected Species - Halting of Work** You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: [www.snh.gov.uk/protecting-scotlands-nature/protected-species](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

### **Schedule 3 Development Site Notice**

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

Signature: Dafydd Jones  
Designation: Area Planning Manager North  
Author: Susan Hadfield  
Background Papers: Documents referred to in report and in case file.

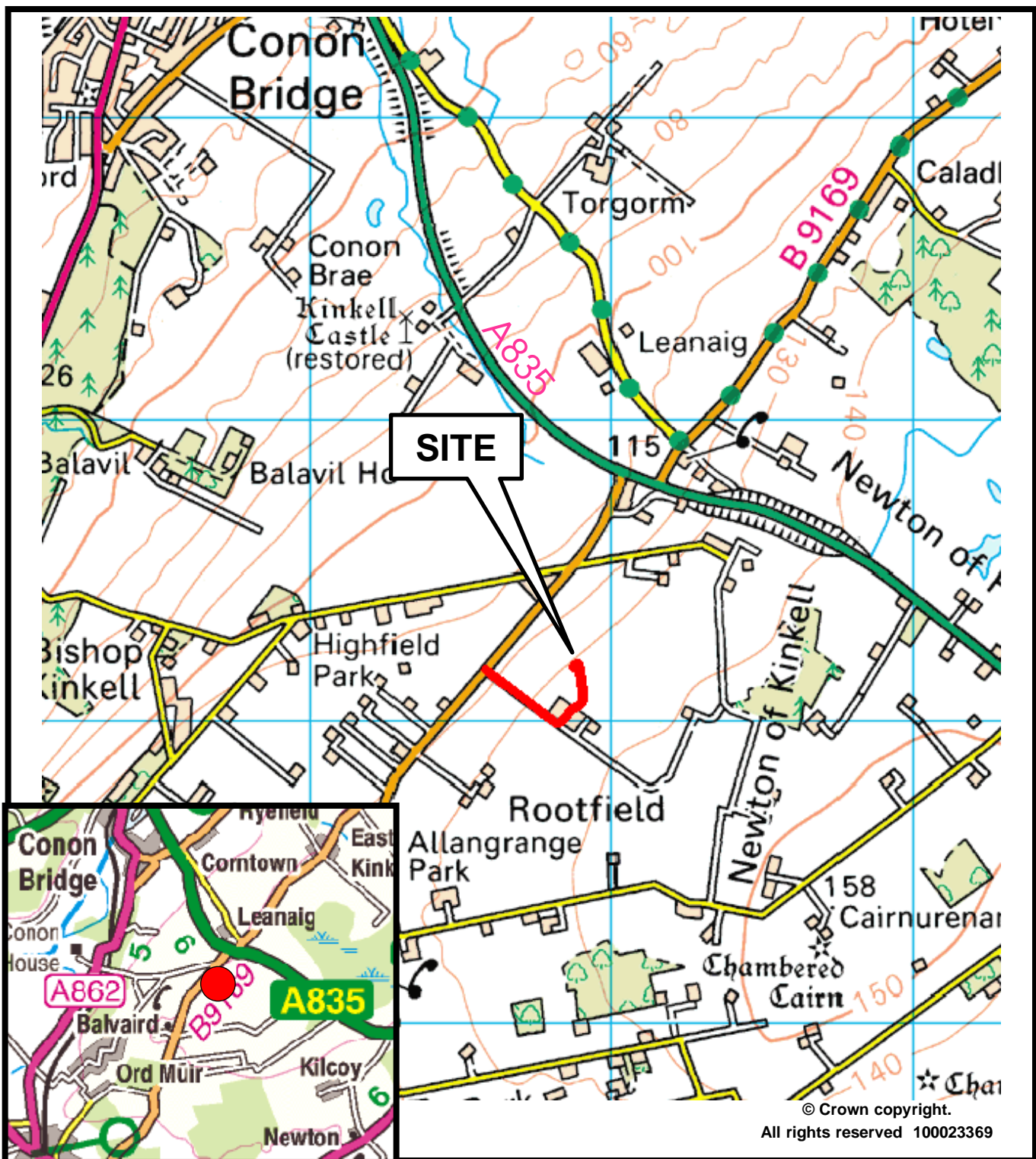
Relevant Plans: Plan 1 – location plan  
Plan 2 – site layout plan  
Plan 3 – turbine elevations  
Plan 4 – equipment cabin elevations

Appendix – Letters of Representation

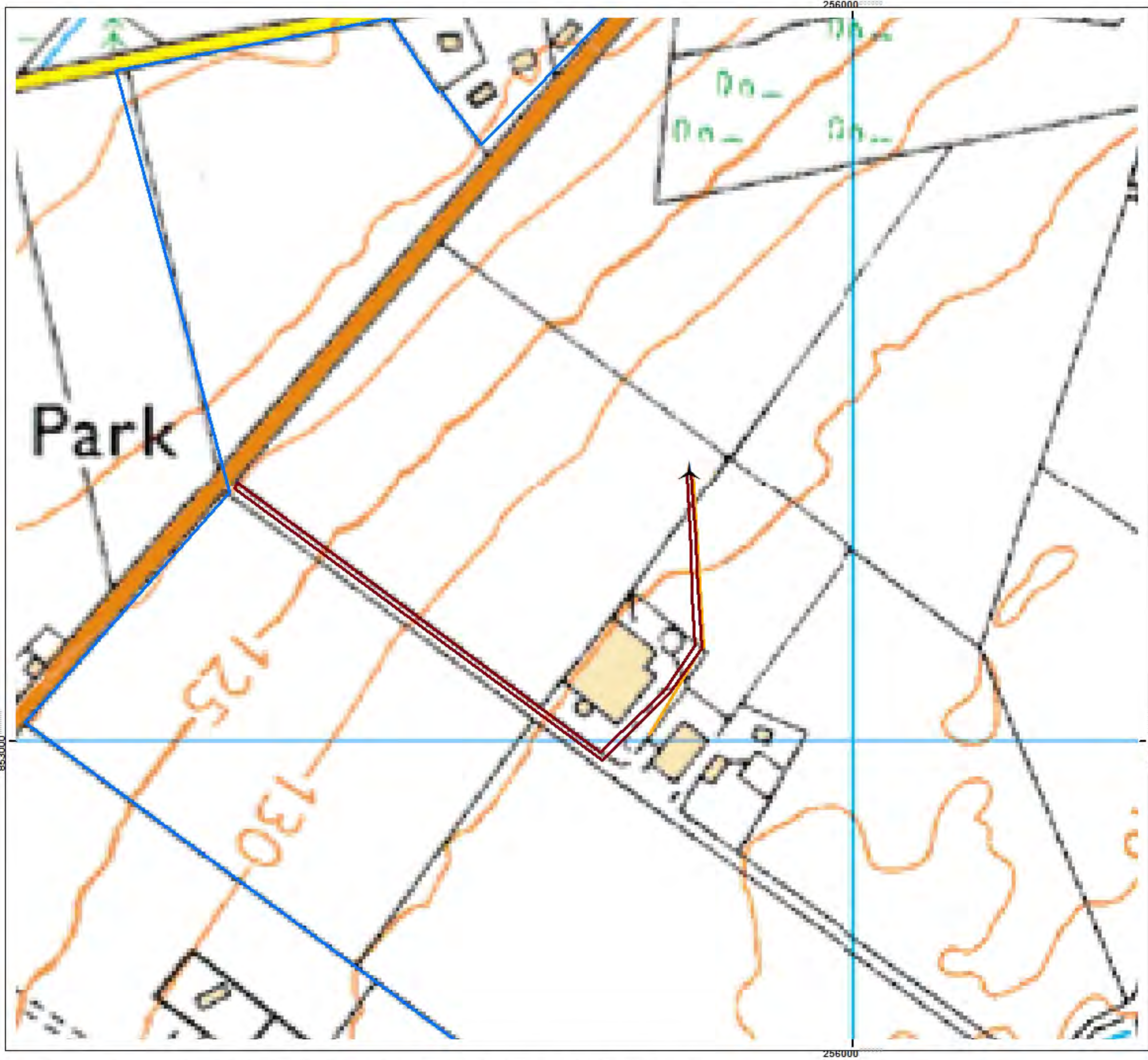
Name	Address	Date Received	For/Against
Mr and Mrs Colin and Sheila McNab	Highlea, Dingwall	11/2/13 and 16/12/13 and 08/07/14	Against
Mr and Mrs Simon Fletcher	Woody's Nest, Newton of Kinkell, by Conon Bridge	17/02/13 and 16/12/13 and 08/07/14	Against
Mr David Gibb	Alycidon, Highfield Park, Conon Bridge	19/02/13 and 16/12/13 and 18/07/14	Against
Mr and Mrs John Morrison	Silverhill, Rootfield, Conon Bridge	20/02/13 and 18/12/13 and 18/07/14	Against
Brian Main	Wellfield, Newton of Kinkell	24/02/13 and 27/02/13 and 15/12/13 and 08/07/14	Against
Mrs Sylvie Main	Wellfield, Newton of Kinkell	24/02/13 and 13/12/13 and 08/07/14	Against
Mr and Miss Steven and Karen Macphee / McEwan	Benleana, Newton of Kinkell, Conon Bridge	25/02/13	Against
Mr Doug Jolly	Allander, Newton of Kinkell, Conon Bridge	25/02/13 and 16/12/13 and 06/07/14	Against
Mr Mike Hart	7 Newton of Kinkell, Muir of Ord	25/02/13 and 12/12/13	Against
Mr and Mrs Peter and Marion Moffatt	Druim Ard, Newton of Kinkell	26/02/13 and 01/03/13 and 19/12/13 and 17/07/14 and 18/08/14	Against
Mr Ian Mackenzie	Suilven, Highfield Park, Conon Bridge	26/02/13 and 18/12/13 and 19/12/13 and 16/07/14 and 17/07/14	Against

Sir Stephen Young	Beechfield, Newton of Kinkell	16/02/13 and 27/02/13 and 19/12/13 and 07/07/14	Against
Mr Michael Williamson	Uplands, 12 Newton of Kinkell	27/02/13	Against
Dr Ross Macpherson	Belnacraig, Newton of Kinkell	28/02/13 and 19/12/13	Against
Mr and Mrs Colin and Carol Lawrence	Sutherland, Highfield Park	28/02/13 and 20/12/13 and 18/07/14 and 10/08/14	Against
Mr Donald MacKenzie	Newmore, Muir of Ord	01/03/13 and 19/12/13	Against
Mr Fraser MacPherson	Belnacraig, Newton of Kinkell	01/03/13 and 19/12/13 and 20/07/14	Against
Mrs Maureen Macpherson	Belnacraig, Newton of Kinkell	01/03/13 and 19/12/13 and 20/07/14	Against
Mr Malcolm Ferguson	No address given	01/05/13	Against
Mr and Ms Roy and Rosemary Izzard	Cala na Sithe, Highfield Park	02/05/13 and 17/07/14	Against
Helen M Ferguson and R Graham Scott	No address given	07/05/13	Against
Annabel Ross	Balinog, Bishop Kinkell	11/05/13 and 18/12/13	Against
Mr and Mrs M and M Wyatt	No address given	15/05/13	Against
Mr and Mrs Mackenzie	No address given	15/05/13	Against
Michael M Field	No address given	15/05/13	Against
Mr Angus Scott Dickins	Brackla Croft, Culbokie	09/12/13 and 05/08/14	Against
Miss Eilidh Macpherson	Belnacraig, Newton of Kinkell	19/12/13 and 20/07/14	Against
Miss Karen McEwen	Benleana, Newton of Kinkell	19/12/13 and 16/07/14	Against

Steven Macphee	Benleana, Newton of Kinkell	19/12/13 and 16/07/14	Against
Mrs Morag Hart	7 Newton of Kinkell	19/12/13 and 18/07/14	Against
Lady Viola Young	Beechfield, Newton of Kinkell	07/07/14	Against
Iona Ewing	Rootfield Croft, Leanaig Crossroads.	16/07/14	Against
Bernard Ewing	Rootfield Croft, Leanaig Crossroads	16/07/14	Against
Susan Morrison	Silverhill, Rootfield	18/07/14	Against
Ms Ann Gibb	Alycidon, Highfield Park	18/07/14	Against
Dr Ross Macpherson	Court, Aberdeen	22/07/14	Against
Mrs Margaret Mitchell	Marren, Highfield Park	17/08/14	Against
Mr Warren Mitchell	Marren, Highfield Park	17/08/14	Against
Mr and Mrs John Alexander	Achnairn, Highfield Park	21/08/14	Against
Margaret Crown	Ashere, Newton of Kinkell	23/08/14	Against
Graham Crown	Ashere, Newton of Kinkell	23/08/14	Against
Cameron Main	Wellfield, Newton of Kinkell	23/08/14	Against







Client: Nicholas Mackenzie  
 Site: Rootfield Farm  
 Turbine: E-3120 24m

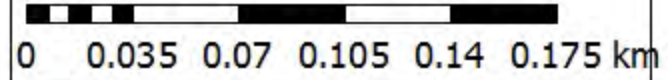
X - 255891  
 Y - 853182



**Legend**

-  New siting
-  Boundary
-  Access
-  Cable run

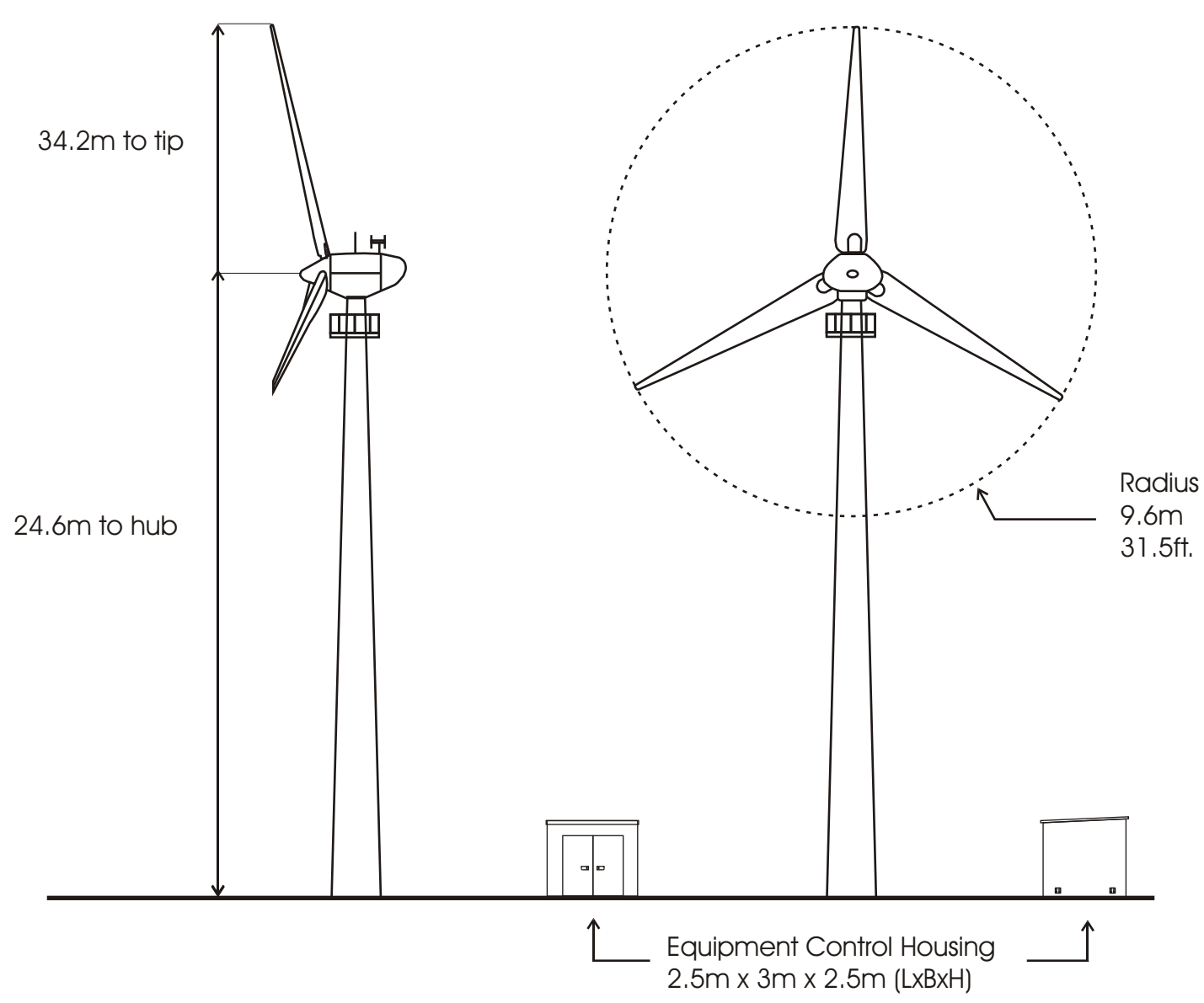
1:2,500 Scale @ A3



Date: 13/06/2014

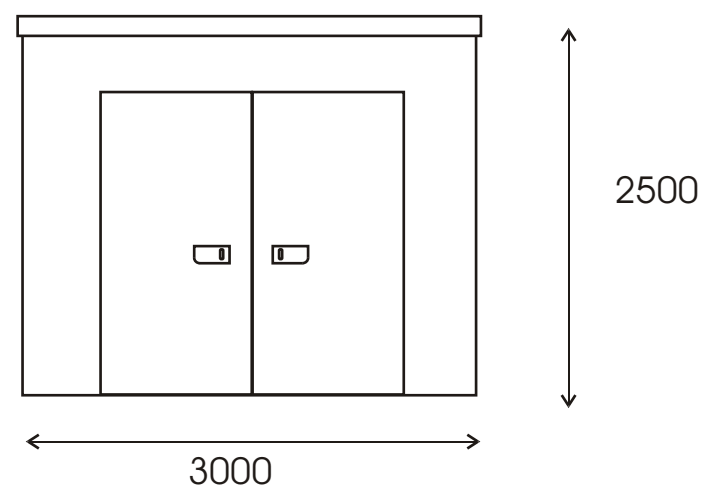
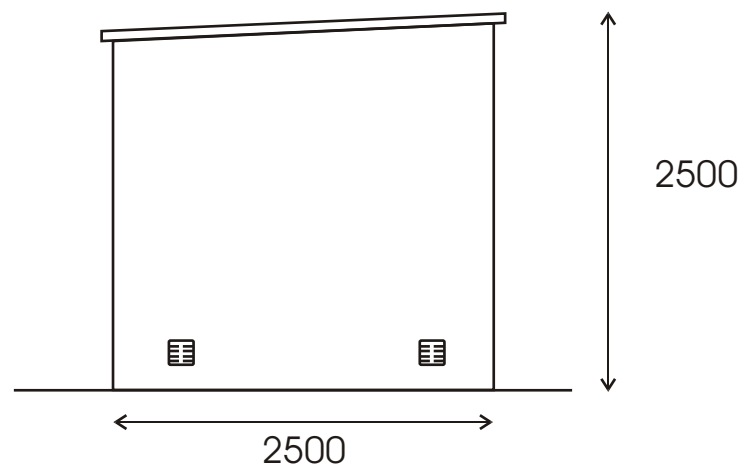
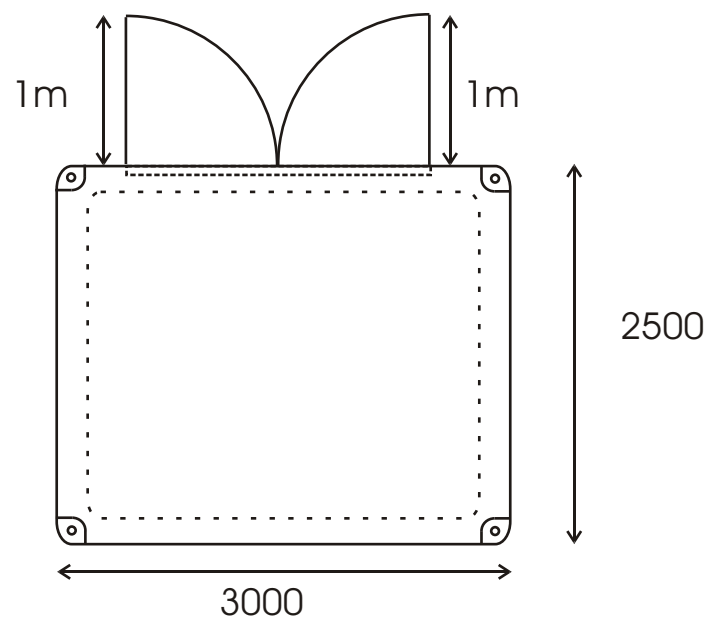
Flange Elevation		Hub Elevation		Max Blade Elevation		Notes
ft	m	ft	m	ft	m	
77.4	23.6	80.7	24.6	112.2	34.2	EU Countries only

Note: Dimensions approximate and provided for planning purposes only. Final construction elevations are subject to site specific conditions and factory tolerances on a per-tower basis.



Turbine and Equipment Cabin Elevations 1:250

A2	CABIN MODIFICATIONS	JR	29/11/11	RA	29/11/11
A1	INITIAL ISSUE	ES	11/03/11	RA	11/03/11
REV	MODIFICATION	DRAWN	DATE	CHKD	DATE
		TGC Renewables TGC House, Duckmoor Road Industrial Estate, Duckmoor Road, Bristol, BS3 2BJ Tel: 0800 0787 243 www.tgcrenewables.com			
DRAWING TITLE Turbine Elevation SITE NAME: STANDARD TURBINE DEVELOPMENT		SITE LOCATION STANDARD TURBINE DEVELOPMENT			
TGC Renewable Copyright. This Drawing and the information it contains are the property of TGC Renewables Ltd. It is not to be copied reproduce or divulged to a third party without permission.					
DRAWN:		DATE:		CHECKED	
JR		30/11/11		RA	
Original Print size A3		Scale 1:250			
Sheet 1 of 3		Drawing Title TGC/Wind/001 - 24.6m			REV. A2



Notes:

- 1) All dimensions in mm
- 2) Kiosk manufactured from GRP: Colour to be agreed
- 3) Low level ventilation via grilles
- 4) High level under roof edges - do not obstruct ventilation

A1	INITIAL ISSUE	JR	29/11/11	RA	29/11/11
REV	MODIFICATION	DRAWN	DATE	CHKD	DATE
		TGC Renewables TGC House, Duckmoor Road Industrial Estate, Duckmoor Road, Bristol, BS3 2BJ Tel: 0800 0787 243 www.tgcrenewables.com			
DRAWING TITLE Equipment Cabin SITE NAME: Standard equipment cabin details		SITE LOCATION Standard Equipment Cabin Details			
TGC Renewable Copyright. This Drawing and the information it contains are the property of TGC Renewables Ltd. It is not to be copied reproduce or divulged to a third party without permission.					
DRAWN:		DATE:		CHECKED	
JR		30/11/11		RA	
Original Print size A3		Scale 1:50			
Sheet 2 of 3		Drawing Title TGC/Wind/004 - 24.6m			REV. A1