

The Highland Council

**North Planning Applications Committee
15 September 2015**

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| Agenda Item | 6.1 |
| Report No | PLN/052/15 |

**15/01831/FUL : Whirlwind Renewables Limited
Achlachan Wind Farm, Mybster, by Watten, Caithness.**

Report by Head of Planning and Building Standards

Summary

Description : Erection of 3 turbines (110m max tip height) together with associated infrastructure.

Recommendation - GRANT planning permission.

Ward : 04 - Landward Caithness.

Development category : Local Development.

Pre-determination hearing : None.

Reason referred to Committee : Objection by Statutory Consultee.

1. Proposed Development

- 1.1 The application is for three turbines with a potential output of 7.5MW adjacent to the consented but as yet not built 5 turbine Achlachan Wind Farm. The key elements of the application include: -
- 3 turbines (each 2.5MW) with a maximum tip height of 110m;
 - Access tracks totalling around 1,220m;
 - Underground cables linking with the consented control building.
- 1.2 The application seeks to utilise the approximate footprint of 3 turbines previously approved but not built at the northern end of Causeymire Wind Farm. It will form part of the larger cluster of turbines / wind farms emerging in this area including at Causeymire (operational), Bad a Cheo (approved), Halsary (approved) and Achlachan (approved) wind farms. Turbines sizes within the wider cluster vary between 99m – 112m to blade tip.
- 1.3 The turbine parts will be delivered to the site from Wick harbour as abnormal loads. The route to be used by the specialised delivery vehicles will be via the A882 Wick to Thurso road, then the A9 from Georgemas and then to site via the local B870 Westerdale road from Mybster / Spittal.

- 1.4 Although not part of this application the connection to the grid is expected to be provided via an underground cable to the Mybster substation. Such works can be undertaken by Scottish Hydro Electric Transmission Ltd (SHETI) using permitted development rights.
- 1.5 The development is supported by an Environmental Statement (ES). Visualisations have been supplied to assist with visual impact and landscape assessment, including in combination with other projects in this locality. Panoramic images are available using the Council's web based viewer. In association with the knowledge and expertise of statutory consultees the ES is sufficient to allow the Council to use the information as presented and make a judgement on the application.

2. Site Description

- 2.1 The site is located on moorland at Mybster, set between the Achlachan and Causeymire wind farms. The Achlachan wind farm site extends across an area of approximately 168ha; however the total area of land use for this development will be less than 2ha.
- 2.2 There are areas of open water, bog pools and drainage channels / burns across the site. The wind farm is split by a watercourse, the Black Burn running east west through the centre of the site and joining the Allt an Dobhrain to the west of the site forming the Achlachan Burn. The Achlachan Burn flows northwest and into the River Thurso around 1,500m from the site boundary.
- 2.3 The closest property to the project is Mybster farmhouse at 1,190m from the nearest turbine. The nearest settlements include Westerdale to the west and Mybster and Spittal to the north. There is evidence of prehistoric activity with features of interest within the site. In the surrounding area, within 5km of the turbines, there are 20 Scheduled Ancient Monuments (SAM's) as well as other features of interest including listed buildings at Westerdale.
- 2.4 The site is not covered by any international, national, regional or local designations. Various designations for nature conservation purposes prevail in the wider area and the site's habitat is used by a number of protected species. The key designations of interest include the River Thurso Special Area of Conservation (SAC), Caithness Lochs Special Protection Area (SPA); East Caithness Cliffs (SPA); Caithness and Sutherland Peatlands SSSI, SPA and Ramsar designation and the Flows National Nature Reserve.
- 2.5 The site does not carry any particular landscape designation. Within the wider area there are a number of designated sites. There are five Special Landscape Areas (SLA's) advanced by the Council including The Flow Country and Berriedale Coast; Bens Griam and Loch Nan Clar; Farr Bay, Strathy and Portskerra; Dunnet Head; and Duncansbay Head. The Scottish Government has also identified an area of wild land (AWL) – focused upon the Flow Country and Morven which lie to the south.

- 2.6 When assessing a wind farm development consideration of similar projects within a 60km distance of the site is required. The list below presents the projects that are operational, approved or have been submitted but are not yet determined around this development site. The following wind energy projects lie within 35km radius: -

Built and / or Consented

Causeymire, Forss 1 and 2, Baillie Hill, Boulfruich, Wathegar 1 and 2, Flex Hill (Bilbster), Achairn, Burn of Whilk, Camster, Stroupster, Strathy North, Bad a Cheo, Halsary and Lochend.

Under Consideration

Strathy South, Strathy Wood, Cnoc Morail and Cogle Moss.

3. Planning History

- 3.1 **24.11.2014** - EIA Scoping response for Achlachan 2 Wind Farm (Ref 14/04066/SCOP).
13.11.2013 - Erection of 5 x 2 MW wind turbines with a maximum height to tip of 110m and associated infrastructure including site tracks, crane hardstandings, external transformer housings, electrical control building and temporary anemometer mast granted planning permission to form Achlachan wind farm (Ref 13/01190/FUL).
7.11.2005 - 3 additional turbines (101m max tip height) at Causeymire wind farm granted deemed planning permission by Scottish Ministers to construct and operate (Ref 04/00093/S36) now lapsed.

4. Public Participation

- 4.1 Advertised as EIA development allowing 28 days for comment. The deadline for timeous representations was 03 July 2015.
- 4.2 The application has attracted 3 representations, all submitting objections to the development. Material considerations are summarised as follows: -
- Cumulative effect of these structures.
 - Adverse impact on landscape.
 - Adverse impact on tourists / travellers.
 - Unacceptable expansion of a consented scheme.
- 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 **Halkirk Community Council** objects to the application. The area is becoming saturated with wind farm development and approval of this extension would only add to the high density of turbines in the area. This level of development is considered to be having a significant visual impact on the area. The potential for noise problems to arising with the accumulation of development in a single area and the close proximity to rural housing.
- 5.2 **Historic Environment Team (Archaeology)** has no objection to the application.
- 5.3 **Access Officer** has no objection to the application.
- 5.4 **Environmental Health** has no objection to the application. Conditions will be required to ensure controls over contraction activities and operational noise.
- 5.5 **Transport Planning** has no objection to the application. Condition requested to secure a finalised Construction Traffic Management Plan (CTMP) be agreed with the Council to gauge and manage impact from the increased traffic on the local road network during construction. A “Wear and Tear” agreement with the Council will be required to protect the local road network prior to any development commencing on site.
- 5.6 **Trunk Roads - Scotland** has no objection to the application. Request is made for conditions to maintain the safety and freeflow of traffic on the trunk road network when used by construction traffic, particularly abnormal loads.
- 5.7 **Scottish Environmental Protection Agency (SEPA)** has no objection to the application. Request is made for conditions to minimise impact on peat, the approval of a finalised Construction and Environmental Management Document (CEMD) and addressing decommissioning.
- 5.8 **Historic Scotland** has no objection to the application.
- 5.9 **National Air Traffic Systems (NATS)** has no objection to the application.
- 5.10 **Ministry of Defence (MOD)** has no objection to the application. Request made for a condition to secure aviation lighting ensuring that turbines 1 and 3 are fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point. Furthermore, that information on construction and as built is presented for aviation mapping is also required by condition.
- 5.11 **Highland and Islands Airport Ltd (HIAL)** has no objection to the application. Request is made for a condition to secure aviation lighting comprising a steady red omnidirectional light at a minimum of 32cd on the hub of one of these turbines.

6. Development Plan Policy

Highland Wide Local Development Plan 2012

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| Policy 28 | Sustainable Development |
| Policy 29 | Design, Quality and Place Making |
| Policy 31 | Developer Contributions |
| Policy 55 | Peat and Soils |
| Policy 57 | Natural, Built and Cultural Heritage |
| Policy 58 | Protected Species |
| Policy 59 | Other Important Species |
| Policy 60 | Other Important Habitats |
| Policy 61 | Landscape |
| Policy 64 | Flood Risk |
| Policy 67 | Renewable Energy |
| | <ul style="list-style-type: none">• Natural, Built and Cultural Heritage• Other Species and Habitat Interests• Landscape and Visual Impact• Amenity at Sensitive Locations• Safety and Amenity of Individuals and Individual Properties• The Water Environment• Safety of Airport, Defence and Emergency Service Operations• The Operational Efficiency of Other Communications• The Quantity and Quality of Public Access• Other Tourism and Recreation Interests• Traffic and Transport Interests |
| Policy 72 | Pollution |
| Policy 77 | Public Access |

6.2 Caithness Local Plan 2006

The general policies of the Caithness Local Plan have been superseded by the policies of the Highland wide Local Development Plan.

7. Other Material Policy Considerations

Scottish Government Planning Policy and Guidance

- 7.1 The Scottish Government has policy statement continues its support for onshore wind. It lists key considerations to be taken into account including: -

- Net economic impact;
- Contribution to renewable energy targets;
- Effect on greenhouse gas emissions;
- Cumulative impacts;
- Impacts on communities and individual dwellings;
- Landscape and visual impacts, including wild land;
- Natural heritage;
- Carbon rich soils;

- Public access;
- Historic environment;
- Tourism and recreation;
- Aviation and defence interests;
- Telecommunications
- Road traffic;
- Trunk roads;
- Hydrology and flood risk;
- Decommissioning;
- Energy storage;
- Planning obligations for site restoration.

7.2 In addition to the above the Scottish Government offers further advice on renewable energy projects in a number of documents and web based information including: -

- National Planning Framework for Scotland 3
- PAN 56 – Planning and Noise
- PAN 58 – Environmental Impact Assessment
- PAN 60 – Planning for Natural Heritage
- 2020 Routemap for Renewable Energy
- Onshore Wind Turbines (Updates July 2013)
- Wind Farm developments on Peat Lands (June 2011)

Caithness and Sutherland Local Development Plan (Issues Paper)

7.3 No relevant policies.

Onshore Wind Energy Interim Supplementary Guidance (March 2012)

7.4 The site falls within a “Stage 2 - Areas with potential constraint for wind energy development”. Of particular relevance in this context is its proximity to Settlement Development Areas (SDAs) focused on Westerdale and Mybster. However the supplementary guidance (SG) is being reviewed following SPP June 2014.

Draft Onshore Wind Energy Supplementary Guidance – at August 2015

7.5 Following the publication of SPP in June 2014, the Council has embarked on policy updates including the emerging HwLDP2 and its supplementary guidance, a draft of which was approved for public consultation in August 2015. This latter document advances a position more consistent with SPP and incorporates best practice for assessing and managing wind energy development. The site falls within an “area of search”.

Highland Renewable Energy Strategy (HRES) (May 2006)

7.6 While superseded, in part, by the above SG, HRES is still relevant as a strategy document for renewable energy. Relevant policies to the current application, not otherwise superseded, include:

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| 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.

8.2 The determining issues are: -

- Does the proposal accord with the development plan?
- If it does, are there any material considerations for not approving the proposed development?
- If it does not accord, are there any material considerations for approving the proposed development?

8.3 To address the determining issues, the Planning Authority must consider the following:-

- a) Development Plan.
- b) Interim Supplementary Guidance.
- c) Highland Renewable Energy Strategy.
- d) National Policy.
- e) Roads, Traffic Impact and Public Access.
- f) Water, Drainage and Peat.
- g) Natural Heritage.
- h) Design.
- i) Landscape Impact Including Cumulative Impact.
- j) Visual Impact including Cumulative Impact.
- k) Amenity Noise and Shadow Flicker.
- l) Construction Impacts.
- m) Archaeology and Cultural Heritage.
- n) Economic Impact and Tourism.
- o) Aviation Interests.
- p) Fishery Issues.
- q) Telecommunication, Radio and TV.
- r) Fishery Interests.
- s) Other Planning Issues.
- t) Material Considerations within representations.

Development Plan

8.4 The Development Plan comprises the adopted Highland wide Local Development Plan (HwLDP) and those parts of the Caithness Local Plan continued in force as a consequence of the adoption of the HwLDP. There are no policies within the Caithness Local Plan pertinent to this application. The principal policy on which the application needs to be determined is HwLDP Policy 67 - Renewable Energy. The other HwLDP policies listed at 6.1 of this report are also relevant and the

application must be assessed against them for example Policy 61. These matters all fall within the gambit of Policy 67 and are assessed in full within a number of material considerations examined within this report.

- 8.5 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 having regard to 11 specified criteria (as listed). If the Council is satisfied on these matters then the application will accord with the Development Plan.

Supplementary Guidance - Onshore Wind Energy

- 8.6 As required by Scottish Ministers the Council is developing Supplementary Guidance to assist with the assessment and management of onshore wind energy. The initial interim SG was never confirmed and now remains to be finalised in line with Scottish Planning Policy - June 2014. The recent approved draft SG for public consultation is more relevant to assist with the determination of planning applications. The recent SG does not recognise the settlement development area, previously identified around Westerdale, Spittal and Mybster.
- 8.7 The Council draft guidance 2015 will also take forward the work on the capacity of the landscape to continue to accommodate onshore wind energy projects by LUC for the Council - Cumulative Landscape and Visual Assessment of Wind Energy in Caithness (LUC, July 2014). This highlights benefits in new developments recognising the existing patterns of development; the concentration of wind energy development south of Mybster; and how cumulative effects could be limited by siting additional development in association with existing patterns of development.

Highland Renewable Energy Strategy (HRES)

- 8.8 Policy 67 of the Development Plan recognises the strategy developed by the Council on a range of Renewable Energy technologies. The additional benefits from such investment highlighted in HRES, as noted earlier for example 'Education and Training,' 'Community Benefit' and 'Local Content,' remain important considerations when assessing individual project proposals.

Scottish Planning Policy

- 8.9 There is strong support for renewable energy development in national policy. The Scottish Government has a target of 50% of Scotland's electricity demand generated from renewable resources by 2015 and 100% of demand by 2020. The Scottish Government advised that operational onshore wind energy capacity at 30 June 2014 was 6,823MW; equating to ~40% of Scotland's gross electricity consumption. As the technology is well developed it is expected that the majority of this energy demand could be met by on-shore wind farms.

- 8.10 The Scottish Government's policy and advice, set out in its National Planning Framework 3 (NPF 3) and Scottish Planning Policy (SPP), advances policies on Sustainability and Placemaking, and subject policies on a Successful, Sustainable Place; a Low Carbon Place; a Natural, Resilient Place; and a Connect Place. There is no indication within SPP of a lessening of policies which are focused upon protecting the natural, built and cultural environment. It highlights that the Development Plan continues to be the starting point of decision making on planning applications. The content of SPP is a material consideration that carries significant weight, although it is for the decision maker to determine the appropriate weight to be afforded to any material consideration in each case.
- 8.11 The Council is responding positively to the Government's renewable energy agenda. Highland onshore wind energy projects in operation as of April 2014 have a capacity to generate 1,632MW; approximately 25% of the national installed capacity. There is a further 1,030MW of consented on-shore wind and 2,500MW off-shore wind in Highland. It is noteworthy that targets do not set a cap on development. The provision of a further 7.2MW would be a useful contribution to Scotland's renewable energy supply.

Roads, Traffic Impact and Access

- 8.12 The site has good access. Construction traffic for the most part would utilise the A9 Trunk road. The development would result in an increase in traffic on the trunk road and local road network, principally during construction. Without too much concern the additional construction traffic generated can be absorbed within current traffic flows.
- 8.13 It is the impact of construction traffic, particularly the abnormal loads delivering turbine parts which require particular consideration to protect the trunk and local networks and road safety interests. Both the Trunk and Local Road Authorities have requested planning conditions be attached to any grant of planning permission to ensure a final traffic impact assessment is submitted offering safeguards and minor improvements to the networks. A "Wear and Tear" will be required covering the use of the local road network through construction and decommission phases as it applies both locally as well within Wick / Wick Harbour.
- 8.14 There are no core or public paths passing through the site. However the application incorporates land on which access rights, as given in the Land Reform (Scotland) Act 2003, are reasonably exercisable. On completion of the construction phase of the development the site and turbine access tracks should be made accessible for public access with permanent site signage, required through condition, put in place following approval in writing by Planning Authority.

Water, Drainage and Peat

- 8.15 The ES highlights the key characteristics of this open moorland site including peaty deposits, bog pools, drainage channels and nearby watercourses including the Black Burn which flows to Achlachan Burn and the River Thurso. Such features are recognised as of ecological value and are in need of protection with development avoiding impact through design. The intention of the applicant is to

ensure, using a 50m micro-siting allowance, that the turbines and access tracks are located away from deep peat to areas with shallower deposits. There are no private water supplies affected by this development. Waste water during any construction phases will be managed through the Construction and Environmental Management Document (CEMD) approval process involving waste water collection and removal from site to an appropriate waste handling site.

8.16 SEPA has acknowledged that peat depths across the site vary from 0.5m to in excess of 5m deep. It is satisfied that locations on shallower peat can be found for the development including turbine locations, crane pads and access tracks. It requests conditions to ensure that :-

- all tracks on peat > 1.5 m to be floated;
- floating construction for hardstanding areas;
- Turbine No 1 is not located on peat greater than 3.5 m. Further that if peat depths exceed 2m at the final approved turbine location, the foundations incorporate a piling design to reduce impacts on peat.
- Turbine 2 needs to be micro-sited so as to be located onto peat with depths of 1.5m or less.
- The access track to Turbine 3 is micro-sited onto shallower peat.

8.17 SEPA has highlighted the need for a suspensive planning condition requesting for approval a final Construction and Environmental Management Document (CEMD). Using this approach, in line with the Council guidance, the specific construction methodology deployed by the yet to be agreed on-site contractor can be managed. This should include a requirement for a Peat Use and Management Plan, including information on how disturbance will be minimised, how materials will be managed (for example including a plan showing temporary storage areas), how run-off will be controlled and all reinstatement proposals. The CEMD approach, already secured with the earlier Achlachan Wind Farm application, can also ensure the submission for approval of a site specific statement plan on drainage, surface water management and fisheries / water quality issues. In this manner the interests of the River Thurso can be protected during periods of construction and decommissioning.

Natural Heritage

8.18 The applicant has highlighted the key ecological interests related to the site and potential impact from the construction and operation of the turbines as it affects the River Thurso Special Area of Conservation (SAC) – Atlantic Salmon interests; Caithness Lochs Special Protection Area (SPA) – Greylag geese interests; East Caithness Cliff SPA – Herring Gull interests; protected species; carbon rich soils; peat and peatland habitats. It offers mitigation both through design and construction management to minimise the impacts on these interests.

8.19 SNH has advised that a number of onshore wind energy projects have been approved in this area where potential impacts on valued interests can be managed. It advises that with regard to the SAC and SPA's a Habitats Regulation Appraisal / Appropriate Assessment will be required. Furthermore that in its opinion the conservation objectives of these valued sites will not be adversely affected by the

development in isolation and in combination with other proposals. These conclusions however recognise the requirement for a robust mitigation measures are in place. This can be secured through planning conditions requiring submission and approval of a final CEMD confirming for example 50m development constraint buffers around watercourses, surface water management to protect water quality, Species Protection Plans, Habitat Management Plan offering habitat (peatland) restoration, deployment of an Ecological Clerk of Works (ECOW). Such measures set by condition would equally apply to decommissioning activities.

Design

- 8.20 The application sets out a simple design for three turbines, adding to the 5 turbines already granted planning permission at Achlachan wind farm. The project would add a third row of turbines, which run north east / west, to the southern side of the consented project. The proposals also lie to the north side of Causeymire wind farm, where a three turbine extension was consented but has subsequently lapsed. Overall the Achlachan development lies within the northern section of a larger cluster of turbines approved around the initial Causeymire wind farm, including Bad a Cheo and Halsary. Turbine heights vary across the schemes including 99m to tip at Causeymire, 112m at Bad a Cheo and Halsary and 110m at Achlachan. The Achlachan project lies on land slightly lower (10 -15m) than the other consented projects. The design seeks to ensure a single cohesive unit overall.

Landscape Impact including Cumulative Impact.

- 8.21 With regard to landscape designations in the locality the Council's Flow Country and Berriedale Coast Special Landscape Area (SLA) lies approximately 4km to the south of the application site, and extends over an extensive area of flat peatlands and coastal hills and cliffs. This designation also overlaps with the 51,404ha Causeymire – Knockfin Flows area of wild land (AWL), a nationally important asset. The development is assessed to have moderate adverse (significant) impact on these interests, although the magnitude of change is limited given the presence of the operational Causeymire wind farm, and other consented development in the area, that will appear as a single cohesive cluster. In cumulative terms the ES recognises the large number of wind farms / wind turbines (28 sites) in the 35km study area surrounding this site. However given the scale of the proposal (3 turbines / 100m tip height) and design fit (between Achlachan and Causeymire turbines) the assessment within the ES concludes that the additional impact on landscape interests will be limited, therefore not significant.
- 8.22 There are clear concerns regarding the proliferation of wind turbines in Caithness. Such views have been set out in the objection by Halkirk Community Council. Whilst the Community Council is correct in respect of the volume of applications received in the area, it is not specific on how this application is perceived. SNH has advised within its response that the proposed turbines lie in an area with existing turbines, in addition to further consented schemes. It raises no objection to the application in respect of these matters.

- 8.23 With the development set in an area identified as “Open Sweeping Moorland”, the visibility and therefore impact of the development on this landscape type is wide and far. This is further compounded with the development site sitting just north of an extensive area of “Flat Open Moorland” and further areas of “Open Sweeping Moorland” to the south. The landscape within parts of these two areas is designated, comprising The Flow Country and Berriedale Special Landscape Area. The SLA designation extends substantially to the south and covers an extensive area of land. It presents a *“distinctive combination of expansive peatland and isolated mountains”* ... *“isolated and tall mountains emphasise the simplicity, flatness and low relief of the surrounding Flow Country peatland and vice versa.*
- 8.24 The citations for the SLA advise that the area is sensitive to change for example from *“Development could compromise views of the exposed and striking skyline profile of the lone mountains and peatlands. The introduction of large scale structures could be prominent in views and would affect the perception of the scale of the mountains and the extent of the peatlands. This could occur cumulatively as well as individually.* That said, the development is 4km outwith the SLA, in an area where turbines are both operational and consented. The proposed development would not increase the perceived view of turbines when viewed from within the SLA.

Visual Impact including Cumulative Impact

- 8.25 The ES presents information from nineteen viewpoints identified as key receptor locations for assessment within the Zone of Theoretical Visibility (ZTV) of the proposed turbines. This includes locations from nearby communities such as Spittal, Westerdale, Halkirk and Wick, principal roads the local railway line and surrounding hill tops for example Ben Dorrery. Four of the viewpoints and two route way receptors are predicted to receive significant visual impact as a result of the project, all within close proximity of the development. That said, the presence of other turbines in the area reduces the magnitude of change that receptors would experience at these locations, which include: -

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| Viewpoint 1 | A9 south of Spittal – 2.61km to nearest turbine. |
| Viewpoint 8 | Westerdale – 2.01km to nearest turbine. |
| Viewpoint 16 | On the B870 road (Spittal – Westerdale) north of site – 1.30km to nearest turbine. |
| Viewpoint 18 | Remains of Smeary Farmstead and Dirlot Castle – 4.46km to nearest turbine. |

- 8.26 In cumulative terms, taking into account wind turbines both surrounding the immediate development site and further afield, the ES concludes that the development would not be significant in terms of visual impact overall. The infilling nature of the development and its design fit with existing projects lessens the impact. This (impact) is highly localised with the overall effect, particularly on the nearby communities and routeways and therefore is not considered significant. The ES highlights that the development would sit as part of an existing operational wind farm and embedded within a wider consented wind cluster. It does not extend the area of influence of turbines across the study area.

Residential Amenity, Noise and Shadow Flicker

- 8.27 In addition to the visual impact of the development, consideration needs to be given to the overall impact on the amenity of nearby households including potential impact arising from “shadow flicker” and “noise”. The ES advises that the embedded nature of the proposal, set between the Causeymire and Achlachan, projects should ensure no overall increase of impact to surrounding housing, particularly those within the communities of Westerdale, Mybster and Spittal. This also recognises the previous grant of planning permission of three turbines as an extension to Causeymire.
- 8.28 Given the distance to the nearest habitable house, Mybster farmhouse at 1,190m, no shadow flicker should arise from the development upon any household. This is calculated at 10 times rotor diameter and equates to 925m for this project.
- 8.29 With regard to noise, these turbines are in the approximate position of three turbines previously proposed as an extension to the neighbouring Causeymire wind farm. On their own, the noise from these three turbines is unlikely to be significant. Predicted levels are below 32dB LA90 at any noise sensitive property. The issue is that this is a particularly busy area in terms of wind turbine development.
- 8.30 As well as the operational Causeymire there are consented wind farms at Halsary, Bad a Cheo and Achlachan and the cumulative impact of all of these developments has to be considered. It is noted that the noise assessments for the latter three developments made an allowance in their calculations for three turbines in this general location i.e. the proposed Causeymire extension. The assessment for this application has demonstrated that predicted noise levels from Achlachan extension would have a negligent impact on overall noise levels taking into account the consented levels for the other developments in the area.
- 8.31 The EHO however has concerns about the number of different developments in this area and what impact this might have in the event of compliance monitoring being required. The standard wind farm noise condition includes a requirement for an operator to undertake noise monitoring in the event of a complaint. However, with so many different operators it is increasingly difficult to achieve this. Each operator only has control over their own wind farm. If noise monitoring requires the shutting down of turbines within other schemes the respective operators are unlikely to agree.
- 8.32 Halsary and Bad a Cheo have been working together with regard to a joint scheme for monitoring and mitigation. The consent for the Achlachan wind farm required the submission of such a scheme and that they would need to liaise with these other wind farms. The same will apply to this development. Given that this proposal is being advanced by the same developer things should be easier, allowing the same planning condition to be deployed over the larger Achlachan development.

Construction Impacts

- 8.33 The construction of the wind farm is expected to last approximately nine months. De-commissioning and site restoration will not take so many months. However there will be additional traffic, noise and vibrations occurring with the associated stages of the development but not to an extent that significantly impacts on an area already impacted by trunk road traffic, forestry operations and quarrying.
- 8.34 As highlighted earlier, it will be important to require a CEMD as a condition attached to any grant of planning permission. This will ensure that all the proposed construction works are assessed prior to commencement of construction to ensure best practices are adopted to minimise harm to the environment, hydrology, ecology and local communities / properties. This can set working hours for construction activity. In addition to such a condition the Council will require the applicant to enter into a legal agreement and provide financial bonds with regard to its use of the local road network (wear and tear agreement) and site restoration (Restoration Bond). In this manner the site and surrounding interests can be best protected from the impacts of construction.

Archaeology and Cultural Heritage

- 8.35 The application is unlikely to contribute significantly to indirect impacts currently experienced by heritage assets in the area as a consequence of the existing and consented turbine developments. However, there is potential, albeit low, for previously unrecorded assets within the construction site. By way of mitigation a programme of assessment and an archaeological watching brief, during ground works is proposed, although the latter works are not expected to extend further ground disturbance. Both Historic Scotland and the Council's Historic Environment Team are content with the offered mitigation.

Economic Impact and Tourism

- 8.36 The applicant has advised that development will bring with it a demand for construction materials and related employment within the Caithness and Highland area. Local companies may benefit from the construction of the project through tendering for contracts. The operation of the project will support the equivalent of one full-time job. Opportunities for diversification and habitat enhancement exist, which will support further investment into the area and improve the biodiversity of the site. Overall it is considered by the applicant that the development will have a positive socio-economic effect. It is accepted that there will be some positive benefits but these are relatively small relative to the performance of the existing local Caithness economy.
- 8.37 The applicant has recognised tourists in the area that the landscape is an important draw. There is no evidence from other parts of the country that the presence of wind farms in open countryside has resulted in harm to the tourist industry. There are often fears expressed about the visual impacts of wind energy developments, but those fears have not been translated into evidence on the loss of visitors once the wind farm projects have been constructed.

Aviation Interests

- 8.38 No objections have been raised with regard to aviation interests but requests have been made for aviation lighting (either 25 candela Omni-directional red lighting or infrared aviation lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point). The Council's preference is for infra red lighting to reduce impact on the local amenity / landscape. That said HIAL has requested one turbine be lit using candela lighting. The matter can be addressed through the use of planning conditions. Standard conditions will also require notification of development start dates and confirmation of final build details for plotting on aviation maps.

Telecommunications, Radio and TV

- 8.39 There is potential for wind turbines to affect telecommunications and other services. With the switch to digital TV from analogue this impact has been significantly reduced. Local microwave links are also commonly used by many infrastructural operators, including SSE which has confirmed a transmission link with Mybster electricity sub-station. The design of the turbine layout has taken existing services into account and no objections have been raised with consultees. The Council requires all such projects to put in place a TV and Radio reception bond, for a period of ending one year from the date of first operation to tackle any related adverse impacts to local services.

Fishery Interests

- 8.40 During the consideration of the initial Achlachan application (Ref 13/01190/FUL) concerns were raised by the local fisheries board. In particular, a request was made for the developer to carry out an electric fishing survey of the stream area south of the B870 in order to establish the status of juvenile salmonids (densities and species) in the Achlachan Burn. Survey data would serve as a basis for restorative or mitigation actions if problems arise in the course of site works.
- 8.41 The Council requires developers to address adverse impacts that may emerge during construction and over the initial year of operation when problems may be detected. It would be reasonable to include within planning conditions the potential for some fish survey work as requested by the local fishery board. However, the need for fish survey work will be determined by the knowledge of the principal consultees SNH and SEPA, informed from other projects in the area and the finalised CEMD.

Other Planning Issues

- 8.42 There is expectation that any grant of planning permission for this application will be combined with the project development of the earlier Achlachan planning permission. There is merit to adopting planning conditions that are entirely consistent between the two projects as far as appropriate.

- 8.43 In line with Council policy and practice, community benefit considerations are undertaken as a separate exercise and generally in parallel to the planning process.

Matters Raised within Representations

- 8.44 There are no other relevant material considerations highlighted within representations for consideration of this application by the committee.

9. Conclusion

- 9.1 The Scottish Government gives considerable commitment to renewable energy. This position is set out in Scottish Planning Policy. Planning authorities are encouraged to support the development of wind farms where they can operate successfully and where concerns can be satisfactorily addressed. The project has the potential to provide a further 7.5MW generation of renewable energy towards Scottish government targets. This application seeks to take up a previous planning permission issued by Scottish Ministers, now lapsed, for a similar proposal in this location, albeit the approved turbines were slightly smaller at 101m to blade tip height.
- 9.2 The Council has a supportive position towards renewable energy developments within its Development Plan and associated policy guidance. The site lies within an “area of search” as summarised from the Council’s approved HwLDP and Scottish Planning Policy. Given the history of development / applications in this location the application has not raised significant concerns or objections from statutory consultees, subject to any approval being conditional on safeguarding key interests. Such safeguards to protect the local road network, ecology and amenity are entirely in line with conditions attached to other similar developments in this area, including the 5 turbine development already consented for Achlachan wind farm.
- 9.3 One objection however has been made by a statutory consultee, Halkirk Community Council, in addition to three objections raised within public representations. The objections are general in nature and highlight concerns over the increasing number of turbines being erected within Caithness, including visual and landscape impacts. There is ongoing debate on this matter as part of the Council’s onshore wind energy policy review but not to the extent that any emerging policy can be highlighted for assessment. That said, the development is very much in line with the cluster of turbines that have been approved in this area. The setting of the turbines within the existing cluster reinforces the existing pattern of development and thereby reduces wider cumulative effects within Caithness.
- 9.4 Particular issues have been assessed in respect of existing residential properties surrounding the application site including those with a financial interest in the project and with the initial Achlachan wind farm. The applicant has advised that the same properties identified with the approved project have an interest with this proposal, notwithstanding that the development lies at a greater more distance from them. It is not considered there will be any significantly detrimental effect arising from this project on existing housing. The surrounding projects granted

planning permission, but not yet built, have already been assessed against three consented turbines in this locality, albeit that initial grant of planning permission has lapsed. Planning conditions attached to any grant of planning permission will maintain provisions for monitoring and investigation of any alleged disturbance.

- 9.5 The determination of this application principally lies within the provisions of Policy 67 of the Highland Wide Local Development Plan. The requirement is to consider the likely impacts of the development on a number of criteria and then consider if the development as presented is significantly detrimental overall individually or cumulatively with other developments. There are adverse impacts to be taken into account with the application as highlighted in this assessment, but the development is also considered to be acceptable on many of the specific criteria set out in the Development Plan. The application is one that can be seen as being located and sited such that it will not be significantly detrimental overall, either individually or cumulatively with other operational / potential developments. The application is therefore one which is seen to accord with the policies of the Council's Development Plan.

10. Recommendation

- 10.1 It is recommended that the application be GRANTED subject to conditions as highlighted below.

CONDITIONS

1. This planning permission shall expire and cease to have effect after a period of 30 years from the date when electricity is first exported from any of the approved wind turbines to the electricity grid network (the "First Export Date"). Upon the expiration of a period of 25 years from the First Export Date, the wind turbines 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 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 5 year period to complete commissioning 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 in consultation with SNH and SEPA. Thereafter:

- i. No later than 3 years prior to the decommissioning of the development, the draft DRP shall be reviewed by the Wind Farm Operator and a copy submitted to the Planning Authority for their written approval, in consultation with SNH and SEPA; and
- ii. No later than 12 months prior to the decommissioning of the development, a detailed DRP, based upon the principles of the approved draft plan, shall be submitted to, and approved in writing by, the Planning Authority, in consultation with SNH and SEPA.

For the avoidance of doubt, the DRP shall include the removal of all aboveground elements of the development, all access tracks, the treatment of disturbed ground surfaces, management and timing of the works, environmental management provisions and a traffic management plan to address any traffic impact issues during the decommissioning period. The detailed Decommissioning and Restoration Plan shall be implemented as approved.

Reason: To ensure that all wind turbines and associated development is removed from site should the wind farm become largely redundant; in the interests of safety, amenity and environmental protection.

3 No development shall commence until:

- a. Full details of a bond or other financial provision to be put in place to cover all of the decommissioning and site restoration measures outlined in the Decommissioning and Restoration Plan approved under condition 2 of this permission have been submitted to, and approved in writing by, the Planning Authority; and
- b. Confirmation in writing by a suitably qualified independent professional that the amount of financial provision proposed under part (i) above is sufficient to meet the full estimated costs of all decommissioning, dismantling, removal, disposal, site restoration, remediation and incidental work, as well as associated professional costs, has been submitted to, and approved in writing by, the Planning Authority; and
- c. Documentary evidence that the bond or other financial provision approved under parts (i) and (ii) above is in place has been submitted to, and confirmation in writing that the bond or other financial provision is satisfactory has been issued by, the Planning Authority.

Thereafter, the Wind Farm Operator shall:

- d. Ensure that the bond or other financial provision is maintained throughout the duration of this permission; and
- e. Pay for the bond or other financial provision to be subject to a review five years after the commencement of development and every five years thereafter until such time as the wind farm is decommissioned and the site restored.

Each review shall be:

- f. conducted by a suitably qualified independent professional; and
- g. published within three months of each five year period ending, with a copy submitted upon its publication to both the landowner(s) and the Planning Authority; and
- h. approved in writing by the Planning Authority without amendment or, as the case may be, approved in writing by the Planning Authority following amendment to their reasonable satisfaction.

Where a review recommends that the amount of the bond or other financial provision should be altered (be that an increase or decrease) or the framework governing the bond or other financial provision requires to be amended, the Wind Farm Operator shall do so within one month of receiving that written approval, or another timescale as may be agreed in writing by the Planning Authority, and in accordance with the recommendations contained therein.

Reason: To ensure financial security for the cost of the restoration of the site to the satisfaction of the Planning Authority.

- 4. The Wind Farm Operator shall, at all times after the First Export Date, record information regarding the monthly supply of electricity to the national grid from each turbine within the development and retain the information for a period of at least 12 months. The information shall be made available to the Planning Authority within one month of any request by them. In the event that:
 - i. any wind turbine installed and commissioned fails to supply electricity on a commercial basis to the grid for a continuous period of 6 months, then the wind turbine in question shall be deemed to have ceased to be required. Under such circumstances, the wind turbine, along with any ancillary equipment, fixtures and fittings not required in connection with retained turbines, shall, within 3 months of the end of the said continuous 6 month period, be dismantled and removed from the site and the surrounding land fully reinstated in accordance with this condition; or
 - ii. the wind farm fails to supply electricity on a commercial basis to the grid from 50% or more of the wind turbines installed and commissioned and for a continuous period of 12 months, then the Wind Farm Operator must notify the Planning Authority in writing immediately. Thereafter, the Planning Authority may direct in writing that the wind farm shall be decommissioned and the application site reinstated in accordance with this condition. For the avoidance of doubt, in making a direction under this condition, the Planning Authority shall have due regard to the circumstances surrounding the failure to generate and shall only do so following discussion with the Wind Farm Operator and such other parties as they consider appropriate.

All decommissioning and reinstatement work required by this condition shall be carried out in accordance with the approved detailed Decommissioning and Reinstatement Plan, or, should the detailed Decommissioning and Reinstatement Plan not have been approved at that stage, other decommissioning and reinstatement measures, based upon the principles of the approved draft DRP, as may be specified in writing by the Planning Authority.

Reason: To ensure that any redundant or non-functional wind turbines removed from site, in the interests of safety, amenity and environmental protection.

- 5 Unless otherwise agreed in writing by the Planning Authority, all of the wind turbine transformers shall be located within the tower of the wind turbine to which they relate. Agreement for external transforms will only be given if the developer can, through detailed design work and additional landscape and visual impact assessment, demonstrate, to the satisfaction of the Planning Authority, that they would not adversely affect the character, integrity or general amenity of the application site and its setting.

Reason: To ensure ancillary elements of the development, such as external transformers, are only permissible if, following additional design and LVIA work, are demonstrated to be acceptable in terms of visual, landscape, noise and other environmental impact considerations.

6. No development shall commence until full details of the proposed wind turbines have been submitted to, and approved in writing by, the Planning Authority. These details shall include:
- i. The make, model, design, power rating and sound power levels of the turbines to be used; and
 - ii. The external colour and/or finish of the turbines to be used (incl. towers, nacelles and blades) which should be non-reflective pale grey semi-matt.

Thereafter, development shall progress in accordance with these approved details and, with reference to part ii above, the turbines shall be maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned. For the avoidance of doubt, all wind turbine blades shall rotate in the same direction.

Reason: To ensure that the turbines chosen are suitable in terms of visual, landscape noise and environmental impact considerations.

7. No development shall commence until full details of the location, layout, external appearance, dimensions and surface materials of all control buildings, welfare facilities, compounds and parking areas, as well as any fencing, walls, paths and any other ancillary elements of the development, have been submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA and SNH, as necessary). Thereafter, development shall progress in accordance with these approved details. For the avoidance of doubt, details relating to the control,

substation and welfare buildings shall include additional architectural design, LVIA and other relevant assessment work, carried out by suitably qualified and experienced people, to ensure that they are sensitively scaled, sited and designed.

Reason: To ensure that all ancillary elements of the development are acceptable in terms of visual, landscape, noise and environmental impact considerations.

8. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), and unless there is a demonstrable health and safety or operational reason, none of the wind turbines, anemometers, power performance masts, switching stations or transformer buildings/enclosures, ancillary buildings or above ground fixed plant shall display any name, logo, sign or other advertisement without express advertisement consent having been granted on application to the Planning Authority.

Reason: To ensure that the turbines are not used for advertising, in the interests of visual amenity.

9. No development shall commence until a scheme of aviation lighting is submitted to, and approved in writing by, the Planning Authority after consultation with the Ministry of Defence. Thereafter the approved scheme of aviation lighting shall be fully implemented on site. The Company shall provide 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 Airports Limited, containing the following information:

- a. the date of Commencement of the Development;
- b. the exact position of the wind turbine towers in latitude and longitude;
- c. a description of all structures over 300 feet high;
- d. the maximum extension height of all construction equipment;
- e. the height above ground level of the tallest structure; and
- f. detail of an infra red aviation lighting schemes as agreed with aviation interests and the Planning Authority.

Reason: -To ensure that the erected turbines present no air safety risk and in a manner that is acceptable to local visual impact considerations.

10. No development shall start on site until a Construction Environmental Management Document is submitted to and agreed in writing by the Planning Authority in consultation with SNH and SEPA. The Document shall include:

- An updated Schedule of Mitigation (SM) including all mitigation proposed in support of the planning application, other relevant agreed mitigation (e.g. as required by agencies) and set out in the relevant planning conditions
- Processes to control / action changes from the agreed Schedule of Mitigation.
- The following specific Construction and Environmental Management Plans (CEMP):

- i. Peat management plan – to include details of all peat stripping, excavation, storage and reuse of material. For the avoidance of any doubt it is expected that the following provisions will apply: -
 - all tracks on peat > 1.5 m to be floated;
 - floating construction for hardstanding areas;
 - Turbine No 1 is not located on peat greater than 3.5 m. Further that if peat depths exceed 2m at the final approved turbine location, the foundations incorporate a piling design to reduce impacts on peat.
 - Turbine 2 needs to be microsited so as to be located onto peat with depths of 1.5m or less.
 - The access track to Turbine 3 is microsited onto shallower peat.
 - ii. Management of Geo-technical Risks.
 - iii. Pollution prevention plan.
 - iv. Drainage, surface water management, development buffers from watercourses and a fisheries plan - to address both construction and post construction with specific regard to protection of the interests contained within the Caithness and Sutherland Peatlands SAC and River Thurso SAC.
 - v. Chemical pollution plan to include controls to ensure the import of stone aggregate is of similar chemical composition to the surrounding locality.
 - vi. Species protection plan including details of pre-commencement surveys and development buffer areas to prevent encroachment on protected species and habitat.
 - vii. Site waste management plan.
 - viii. Noise and vibration mitigation plan.
- Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities which shall include but not necessarily be limited to:
 - i. Providing training to the developer and contractors on their responsibilities to ensure that work is carried out in strict accordance with environmental protection requirements;
 - ii. Monitoring compliance with all environmental and nature conservation mitigation works and working practices approved under this consent;
 - iii. Advising the developer on adequate protection for environmental and nature conservation interests within, and adjacent to, the application site;
 - iv. Directing the placement of the development (including any micro-siting, if permitted by the terms of this consent) and the avoidance of sensitive features; and
 - v. The power to call a halt to development on site where environmental considerations warrant such action.
 - Details of any other methods of monitoring, auditing, reporting and communication of environmental management on site and with the client, Planning Authority and other relevant parties.

- Statement of any additional persons responsible for 'stopping the job / activity' if in potential breach of a mitigation or legislation occurs.

Unless otherwise agreed in writing by the Planning Authority the development shall proceed in accordance with the agreed Document.

Reason: To protect the environment from the construction and operation of the development.

11. No development shall commence until a Habitat Management Plan (HMP) has been submitted to, and approved in writing, by the Planning Authority in consultation with SNH and SEPA, providing for measures to protect and manage habitat and species within the site. The HMP, which shall be implemented in full and in accordance with any timescales outlined therein unless otherwise agreed in writing, shall include the following elements:

- Measures to minimise any impact of the development on statutorily protected species and other species of nature conservation interest (including otters, water vole and other breeding birds) and their respective habitats, and post construction bird monitoring.
- The enhancement, restoration and future management of the site to its blanket bog / heath habitat.

Reason: To protect and enhance the nature conservation interests of the area, including the management of vegetation and peatland within the site, mitigate any effects on statutorily protected species and their habitat and avoid adverse effects on other species of nature conservation interest.

12. No development or work (including site clearance) shall commence until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, in accordance with Section 12.11 of the Achlachan 2 Wind Farm Environmental Statement, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

Reason: - In order to protect record and interpret the historic environment.

13. Before the First Export Date, as defined within Condition 2, a copy of all information that informed the archaeological assessment submitted in support of the application, including any descriptions, plans and photographs gathered as part of the desk top analysis and/or site survey, shall be submitted to the Planning Authority.

Reason: In order to assist the Council with maintaining an accurate and current record of the historic environment.

14. No development shall commence until an Access Management Plan to facilitate public access across the site following construction has been submitted to, and approved in writing by, the Planning Authority. The approved Access Management Plan, and any associated works, shall be implemented in full prior to the operation of the wind farm or as otherwise may be agreed within the approved plan.

Reason: To maximise the opportunities for public access to the countryside.

15. No development shall 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 the commencement of turbine installation, the results of which shall be submitted to the Planning Authority. Within 12 months of the Final 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 appointed by the developer and the results shall be submitted to the Planning Authority. Should any impairment to the TV signal be attributable to the development, 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 local TV and Radio Services are sustained during the construction and operation of this development.

16. Access to the site by heavy goods vehicles and any noisy construction activity (e.g. piling) shall be restricted to 07.00 to 19.00 on Mondays to Fridays and from 07.00 to 13.00 on Saturdays with no such access on Sundays unless otherwise agreed in advance in writing by the Planning Authority.

Reason: In order to control noise in the interest of amenity.

17. No development shall commence until a Traffic Management Plan has been submitted and approved by the Planning Authority in consultation with Transport Scotland Network Management and TEC Services. The Plan must describe all measures to manage traffic during the construction periods. The Plan must then be implemented as approved. This plan must ensure that the local road network, including access onto the public road, is upgraded to a suitable standard to the satisfaction of the Roads Authorities. This will require as a minimum the following measures to be addressed: -

- a. A route assessment report for abnormal loads including swept path analysis and details on the movement of any street furniture and any traffic management measures.
- b. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland before delivery commences.

- c. An assessment of the capacity of the existing local road network to cater for predicted construction traffic volumes and measures to strengthen and improve the road to cater for this traffic. All identified road works are to be completed before any other works commence on site unless otherwise agreed with TEC Services.
- d. An assessment of the capacity of existing bridges and other structures along the construction access route(s) to cater for all construction traffic.
- e. Unless otherwise agreed in writing with the Planning Authority in consultation with the Roads Authority, a trial run to confirm the ability of the local road network to cater for turbine delivery. Three weeks notice of this trial run must be made to the Local Roads Authority who needs to be able to attend this trial run.
- f. A concluded Wear and Tear agreement in accordance with Section 96 of the Roads (Scotland) Act 1984 under which the developer is responsible for the repair of any damage to the local road network that can reasonably be attributed to construction related traffic. As part of this agreement, pre-start and post construction road condition surveys will need to be carried out by the developer to the satisfaction of TEC Services.

Reason: - To protect the integrity of the local road network during the construction and when any abnormal loads are required to deliver to this development.

18. A community liaison group shall be established by the developer prior to development commencing, in collaboration with The Highland Council and local Community Councils. The group shall act as a vehicle for the community to be kept informed of project progress and, in particular, should allow advanced dialogue on the provision of all transport-related mitigation measures and to keep under review the timing of the delivery of turbine components; this should also ensure that local events and tourist seasons are considered and appropriate measures to coordinate deliveries and work to ensure no conflict between construction traffic and the increased traffic generated by such events / seasons. The liaison group, or element of any combined liaison group relating to this development, shall be maintained until wind farm has been completed and is operational.

Reason: To assist with the provision of mitigation measures to minimise the potential hazard to road users, including pedestrians travelling on the road networks.

- 19 The rating level of noise immissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in or derived from Tables 1 and 2 attached to these conditions and:

- (A) Prior to the First Export Date, the wind farm operator shall submit to the 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 Planning Authority.
- (B) Within 21 days from receipt of a written request of the Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ an independent consultant approved by the 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 Planning Authority shall set out at least the date, time and location to which the complaint relates. Within 14 days of receipt of a written request from the Planning Authority made under this paragraph (B), the wind farm operator shall provide the information relevant to the complaint logged in accordance with paragraph (H) to the Planning Authority in the format set out in Guidance Note 1(e).
- (C) Where there is more than one property at a location specified in Tables 1 and 2 attached to this condition, the noise limits set for that location shall apply to all dwellings at that location. Where a dwelling to which a complaint is related is not identified by name or location in the Tables attached to these conditions, the wind farm operator shall submit to the 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 submission of the proposed noise limits to the Planning Authority shall include a written justification of the choice of the representative background noise environment provided by the independent consultant. 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 Planning Authority for the complainant's dwelling.
- (D) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limits set out in the Tables attached to

these conditions or approved by the Planning Authority pursuant to paragraph (C) of this condition shall be undertaken at the measurement location approved in writing by the Planning Authority.

- (E) Prior to the submission of the independent consultant's assessment of the rating level of noise immissions pursuant to paragraph (F) of this condition, the wind farm operator shall submit to the Planning Authority for written approval a proposed assessment protocol setting out the following:
- (i) The range of meteorological and operational conditions (the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions.
 - (ii) A reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component.

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 information provided in the written request from the Planning Authority under paragraph (B), and such others as the independent consultant considers necessary to fully assess the noise at the complainant's property. The assessment of the rating level of noise immissions shall be undertaken in accordance with the assessment protocol approved in writing by the Planning Authority and the attached Guidance Notes.

- (F) The wind farm operator shall provide to the 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 Planning Authority made under paragraph (B) of this condition unless the time limit is extended in writing by the Planning Authority. All data collected for the purposes of undertaking the compliance measurements shall be made available to the Planning Authority on the request of the Planning Authority. 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 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) of the attached Guidance Notes, 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 (F) above unless the time limit for the submission of the further assessment has been extended in writing by the Planning Authority.

- (H) 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 Planning Authority on its request, within 14 days of receipt in writing of such a request.

Note: For the purposes of this condition, a “dwelling” is a building within Use Class 9 of the Use Classes Order which lawfully exists or had planning permission at the date of this consent.

Table 1: Between 07:00 and 23:00 hours (Noise Level in dB L_{A90}, 10-min)

| Location | Wind Speed at Ten Metres Height, m/s, within the site averaged over 10-minute periods | | | | | | | | |
|------------------|---|------|------|------|------|------|------|------|------|
| | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| | L _{A90} Decibel Levels | | | | | | | | |
| Balbeg | 13.6 | 20.3 | 25 | 26.4 | 25.7 | 24.9 | 25.1 | 24.5 | 24.5 |
| Ballone | 18.4 | 25.1 | 29.8 | 31.2 | 30.5 | 29.7 | 29.9 | 29.3 | 29.3 |
| Corner Cottage | 15.9 | 22.6 | 27.3 | 28.7 | 28 | 27.2 | 27.4 | 26.8 | 26.8 |
| Curlew | 14.4 | 21.1 | 25.8 | 27.2 | 26.5 | 25.7 | 25.9 | 25.3 | 25.3 |
| Mybster Croft | 15.1 | 21.8 | 26.5 | 27.9 | 27.2 | 26.4 | 26.6 | 26 | 26 |
| Mybster Farm | 18.9 | 25.6 | 30.3 | 31.7 | 31 | 30.2 | 30.4 | 29.8 | 29.8 |
| Mybster Inn | 13.8 | 20.5 | 25.2 | 26.6 | 25.9 | 25.1 | 25.3 | 24.7 | 24.7 |
| Croft of Mybster | 16.3 | 23 | 27.7 | 29.1 | 28.4 | 27.6 | 27.8 | 27.2 | 27.2 |

Table 2: Between 23:00 and 07:00 hours (Noise Level in dB L_{A90}, 10-min)

| Location | Wind Speed at Ten Metres Height, m/s, within the site averaged over 10-minute periods | | | | | | | | |
|------------------|---|------|------|------|------|------|------|------|------|
| | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| | L _{A90} Decibel Levels | | | | | | | | |
| Balbeg | 13.6 | 20.3 | 25 | 26.4 | 25.7 | 24.9 | 25.1 | 24.5 | 24.5 |
| Ballone | 18.4 | 25.1 | 29.8 | 31.2 | 30.5 | 29.7 | 29.9 | 29.3 | 29.3 |
| Corner Cottage | 15.9 | 22.6 | 27.3 | 28.7 | 28 | 27.2 | 27.4 | 26.8 | 26.8 |
| Curlew | 14.4 | 21.1 | 25.8 | 27.2 | 26.5 | 25.7 | 25.9 | 25.3 | 25.3 |
| Mybster Croft | 15.1 | 21.8 | 26.5 | 27.9 | 27.2 | 26.4 | 26.6 | 26 | 26 |
| Mybster Farm | 18.9 | 25.6 | 30.3 | 31.7 | 31 | 30.2 | 30.4 | 29.8 | 29.8 |
| Mybster Inn | 13.8 | 20.5 | 25.2 | 26.6 | 25.9 | 25.1 | 25.3 | 24.7 | 24.7 |
| Croft of Mybster | 16.3 | 23 | 27.7 | 29.1 | 28.4 | 27.6 | 27.8 | 27.2 | 27.2 |

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

| Location | Easting | Northing |
|------------------|---------|----------|
| Balbeg | 315994 | 953381 |
| Ballone | 315841 | 952686 |
| Corner Cottage | 313594 | 952119 |
| Curlew | 316666 | 952899 |
| Mybster Croft | 316911 | 952523 |
| Mybster Farm | 316291 | 952418 |
| Mybster Inn | 316832 | 952907 |
| Croft of Mybster | 316916 | 952211 |

Note to Tables 1 and 2: The geographical coordinate references set out in these tables are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies. The wind speed standardised to 10 metres height within the site refers to wind speed at 10 metres height derived in accordance with the method given in the attached Guidance Notes.

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

Informatives

1. 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.

- 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.
- 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.

2. 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.

3. Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

4. Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as a road openings permit, wear and tear agreement, 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.

5. 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.

6. Definition of Terms Used in this Decision Notice

“Wind Turbine Noise Level” means the rated noise level due to the combined effect of all the Wind Turbines, excluding existing background noise level but including any tonal penalty incurred under the methodology described in ETSU-R –97, pages 99 – 109.

“Wind Farm Operator” means the individual(s), organisation(s) or company(ies) responsible for the day-to-day operation of the windfarm, who may or may not also be the owner of the windfarm.

“Background Noise Level” means the ambient noise level already present within the environment (in the absence of noise generated by the development) as measured and correlated with Wind Speeds.

“Wind Speeds” means wind speeds measured or calculated at a height of 10 metres above ground level on the site at a specified Ordnance Survey grid reference agreed in writing by the Planning Authority

“Night hours” means 23:00 – 07:00 hours on all days.

“Noise-Sensitive Premises” means any building, structure or other development that, on the date of this planning permission, exists or is yet to exist but benefits from extant planning permission, the lawful use of which falls within Classes 7 (Hotels and Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) or is as a flat

or static residential caravan. Where such documents exist, this definition also includes any other premises defined as being noise-sensitive within any Environment Statement or other assessment or survey submitted in support of the planning application. For the purposes of this definition, 'premises' includes any relevant curtilage.

Signature: Malcolm MacLeod

Designation: Head of Planning and Building Standards

Author: Ken McCorquodale (Principal Planner)

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

Appendix – Letters of Representations

Re: - Application for erection of 3 additional turbines with a max height of 110m and combined capacity of up to 7.5MW and associated infrastructure AT: -

Achlachan Wind Farm, Watten (REF 15/01831/FUL)











Objectors

| | |
|----|---|
| 1. | Mr Adrian Donovan, Aljolicsa West Watten KW1 5XJ |
| 2. | Mrs Brenda Herrick, Sandmill, Harbour Road, Castletown, KW14 8TG, |
| 3. | Mr Paul Simonite, Station House, Watten, KW1 5UH, |

Achlachan 2

NTS Figure 1.2

Site Layout

-  Turbine
-  Application Area
-  Landownership Boundary
-  Proposed Crane Hardstanding
-  Proposed Access Track
-  Electrical Control Building
-  Consented Turbine
-  Consented Crane Hardstanding
-  Consented Access Track
-  Consented Construction Compound

PROJECTION SYSTEM
OSGB 1936 BNG

AUTHOR
M MORGAN

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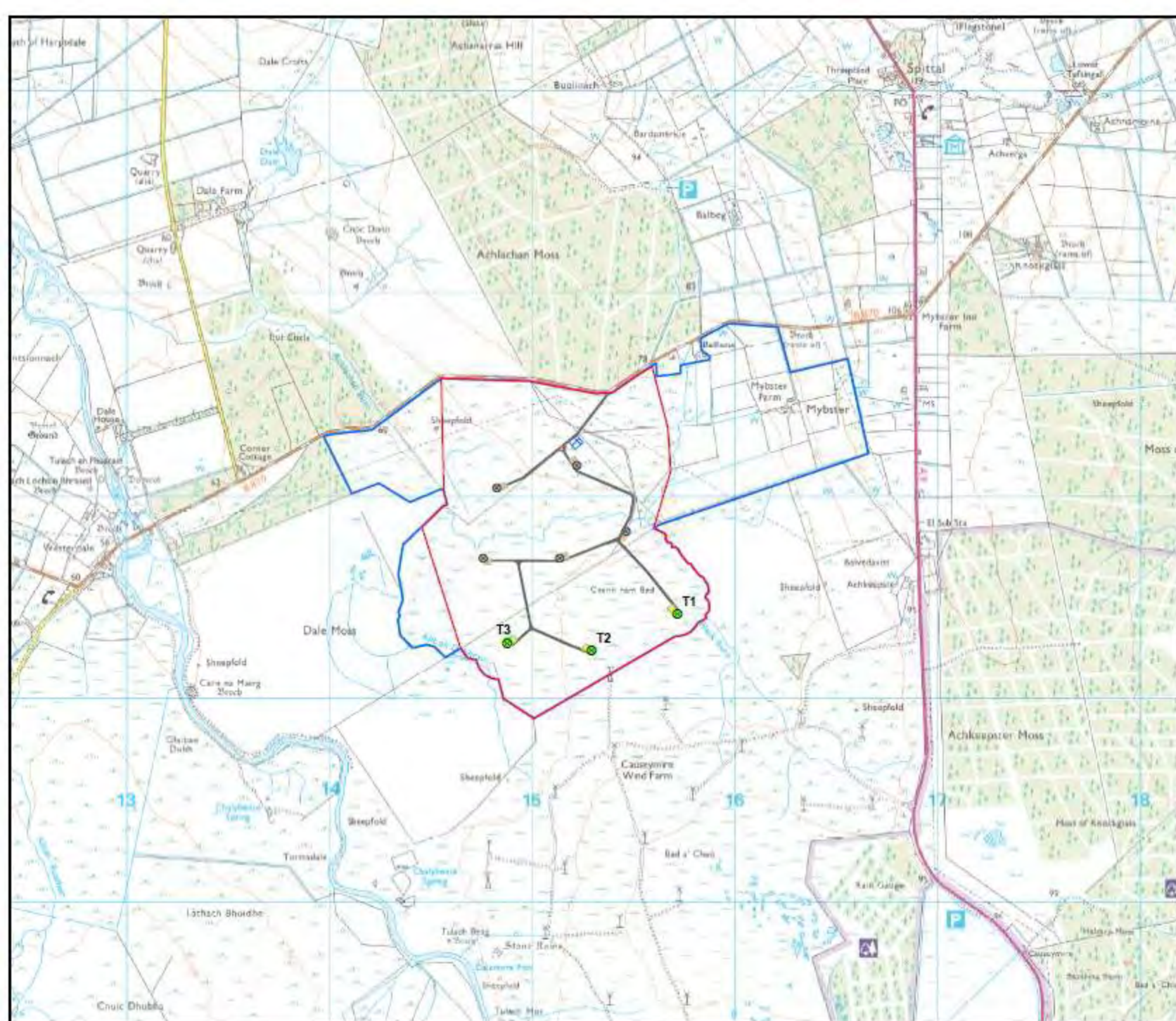
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THE MEDIA CENTRE
7, NORTHUMBERLAND STREET
HUDDERSFIELD
HD1 1RL

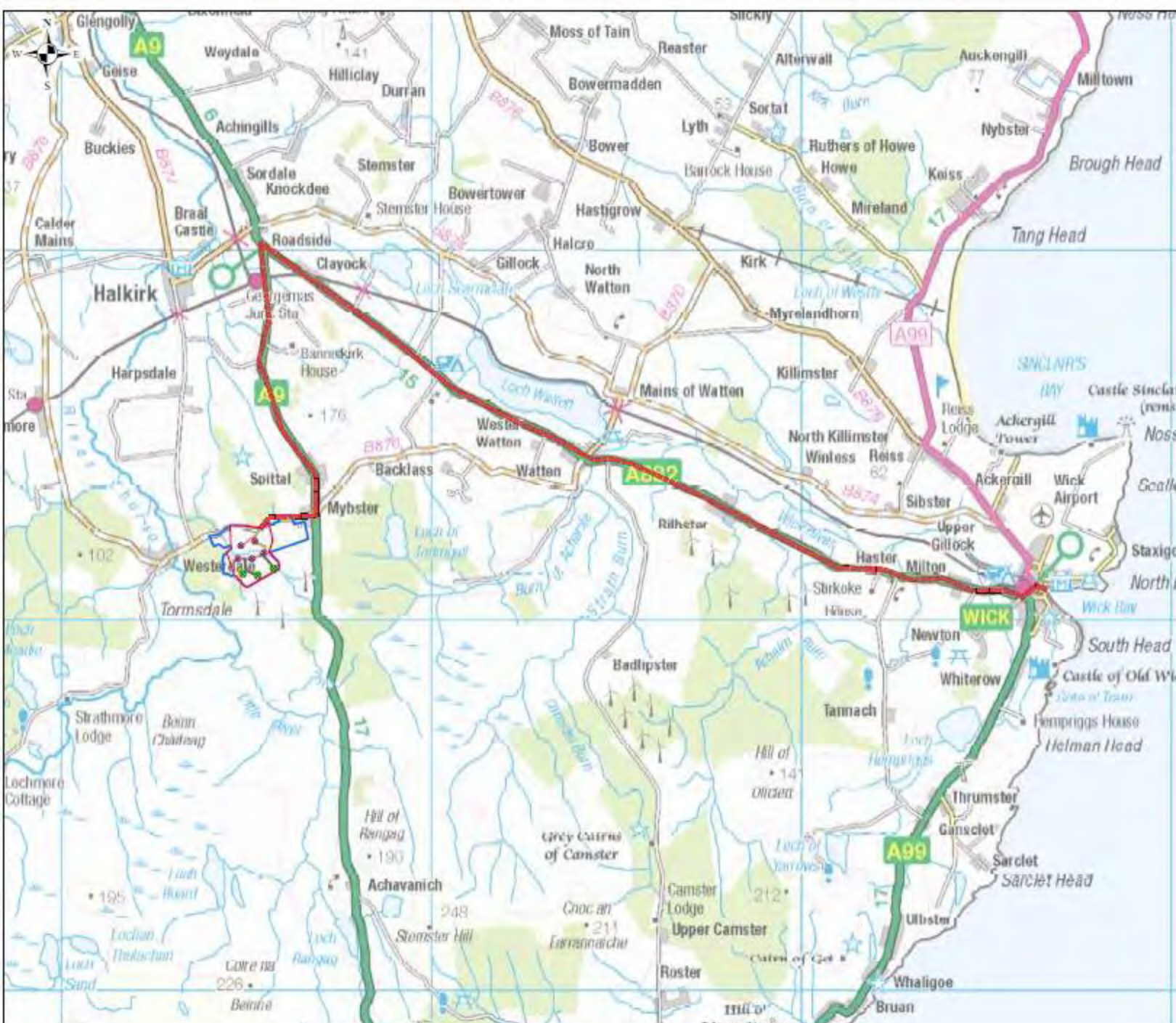
Drawing Number
NTS Figure 1.2.pdf

Date Of Drawing
11/05/2015



Proposed Access Route


-  Access Route
-  Turbine
-  Consented Turbine
-  Application Area
-  Landownership Boundary
-  New Access Track
-  Consented Access Track
-  Consented Construction Compound



| | |
|------------------------------------|--------------------|
| PROJECTION SYSTEM OSGB 1836 BNG | AUTHOR M MORGAN |
|------------------------------------|--------------------|

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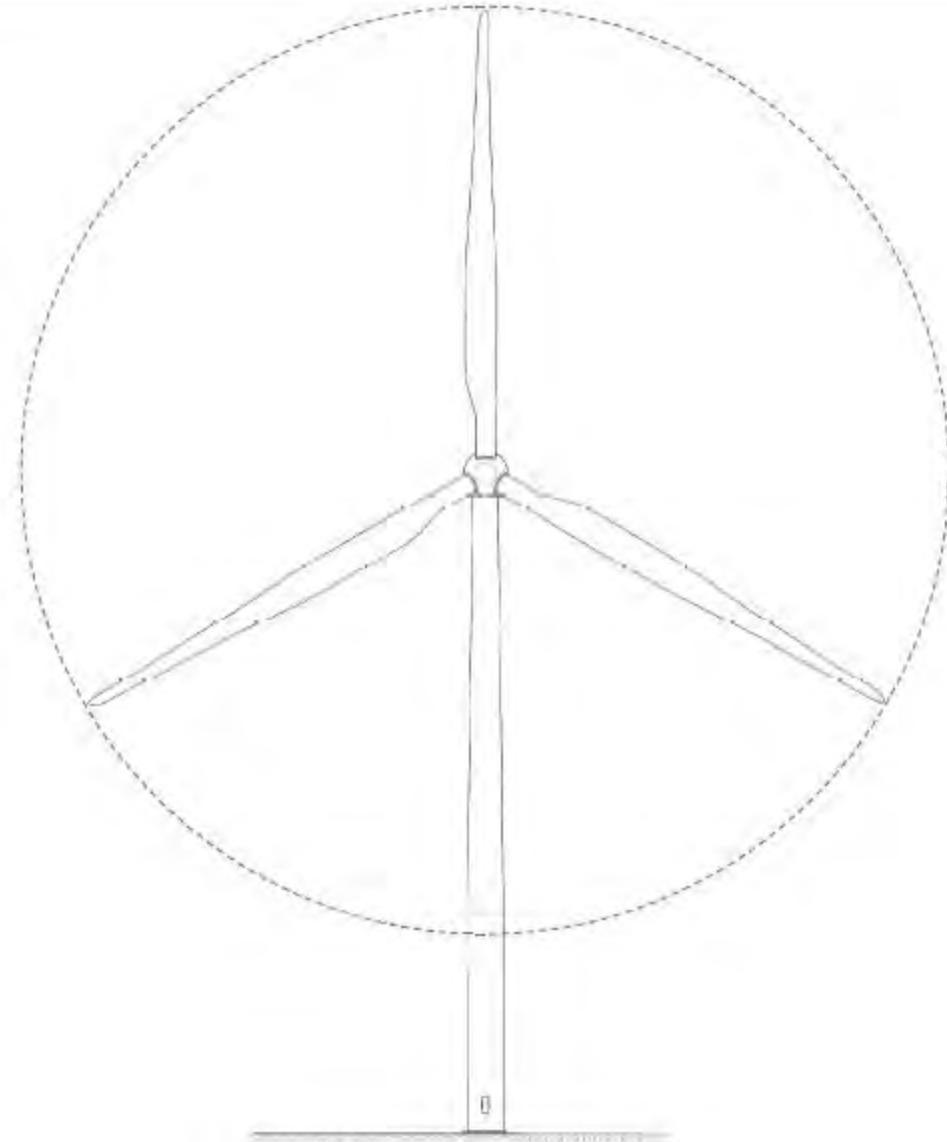
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|-----------------|--------------------------------|
| Drawing Number | Figure 11.1 - Access Route.pdf |
| Date Of Drawing | 07/05/2015 |



Achlachan 2

Figure 4.1

Typical Wind Turbine

AUTHOR
M MORGAN

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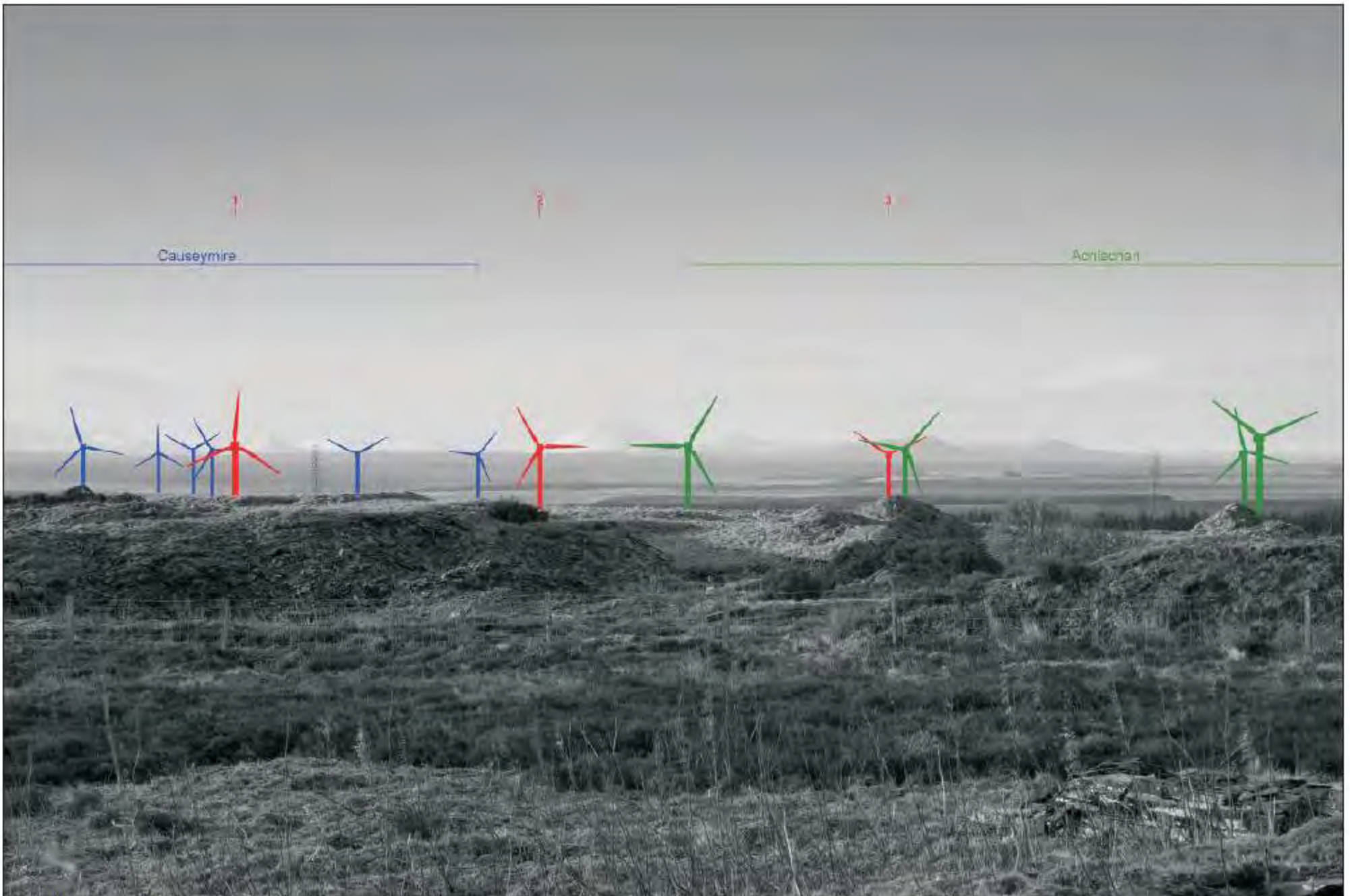
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| | |
|-----------------|---------------------------------------|
| Drawing Number | Figure 4.1 - Typical Wind Turbine.pdf |
| Date Of Drawing | 08/05/2015 |



Viewpoint 1 - Spittal - Monochrome Analysis

Figure 1.6

This image should be viewed at a comfortable arms length (approx.500mm)

Distance to nearest Achlachan 2 turbine: 2.61km

Camera: Nikon D750

Focal length: 75mm

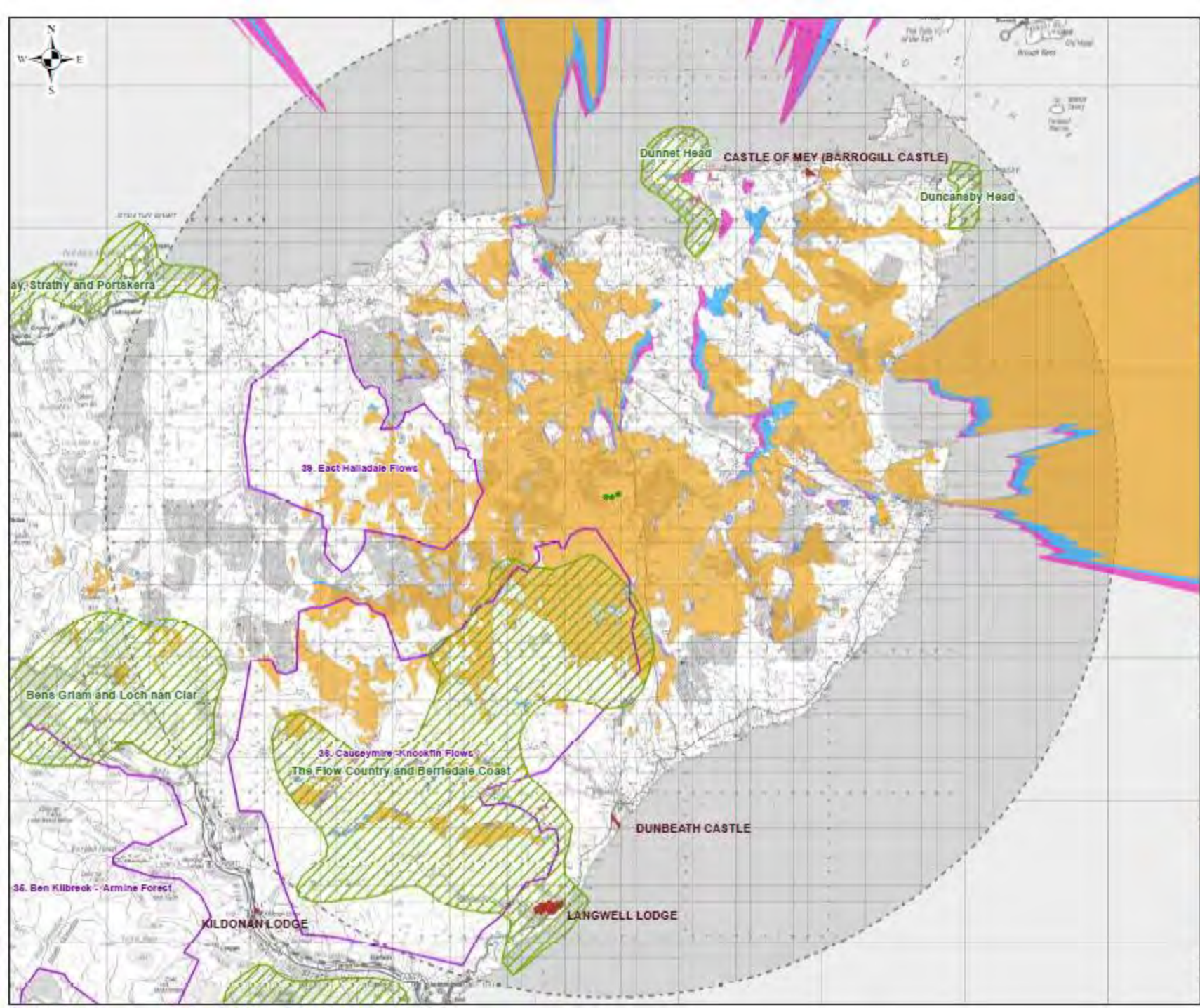
Camera height: 1.5m

Date:04/03/2015

Time:08:45

Landscape Designations


-  Turbine
-  Garden and Designated Landscape
-  Special Landscape Area
-  National Scenic Area
-  Wildland
-  1 Turbine Tip Visible
-  2 Turbines Tip Visible
-  3 Turbines Tip Visible
-  35km Study Area



| | |
|------------------------------------|--------------------|
| PROJECTION SYSTEM OSGB 1936 BNG | AUTHOR M MORGAN |
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|-----------------|--------------------------------|
| Drawing Number | Figure 6.2 - Landscape Des.pdf |
| Date of Drawing | 05/05/2015 |

