

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE –
7 June 2016**

Agenda Item	6.1
Report No	PLN/029/16

14/03802/FUL : Erection of 100Kw wind turbine with height to hub of 23m, height to tip of 36m and rotor diameter of 26m. Erection of substation and associated infrastructure.

Land 320M NE Of Torandshall, Harpsdale, Halkirk

Report by Area Planning Manager

SUMMARY

Description: Erection of 100Kw wind turbine with height to hub of 23m, height to tip of 36m and rotor diameter of 26m. Erection of substation and associated infrastructure.

Recommendation - APPROVE

Ward : 04 - Caithness Landward

Development category : Local Development

Pre-determination hearing : None

Reason referred to Committee: Community Council objection and more than five letters of objection.

1. PROPOSED DEVELOPMENT

- 1.1 The application is for a single Northern Power NPS100-26 three bladed wind turbine with a rated output of 100Kw, hub height of 23m and height to blade tip of 36m with associated small substation building with a footprint of 2.5m x 5.0m and height of 2.3m. The wind turbine will sit atop a steel monopole tower. An area of hardstanding measuring 20m x 20m will be required adjacent to the proposed wind turbine to accommodate materials and crane pad. Construction of a 3.5m wide access track will be required to link to existing farm track, finished to a maximum depth of 250mm-350mm of crushed aggregate.
- 1.2 No formal Pre-application advice was sought in advance of submission of this application. However the site has previous case history as detailed in sections 3 and 8.5 below.
- 1.3 The wind turbine and related construction components would utilise the public road network via the A9, local roads and the existing access track serving Torranshondall, with a short extension to the existing access track to accommodate works at site. The access track shall be improved and extended to withstand heavy loads up to a maximum axle load of 12t. No abnormal loads are envisaged.

1.4 An environmental appraisal has been submitted to inform the application. This contains various report sections, including landscape and visual assessment, ecology and ornithology, cultural heritage and noise. The proposal was not of a scale to require the submission of an Environmental Assessment.

1.5 **Variations:**

None.

2. SITE DESCRIPTION

2.1 The site is located approximately 1.4km (as measured from the southern extent of the village, by the railway line) south west of the village of Halkirk. The area is characterised by mixed agriculture and settlement in an open landscape with a horizontal emphasis in a gentle sloping landform leading to an impression of high exposure and open views.

3. PLANNING HISTORY

3.1 12/02687/FUL Erection of 850kW Wind Turbine and associated infrastructure. Application refused. 24.05.2013. This was for a single three bladed Gamesa G58 with a tip height of up to 73m and a hub height of 44m in the same location as the current application.

3.2 12/01738/SCRE screening request. Erection of 800kw wind turbine, 50m in height to hub and a rotor diameter 48m. EIA not required. 15.08.2012 This was based on an Enercon E48 with a tip height of 74m and hub height of 50m with a rotor diameter of 48m in the same location as the current application.

4. PUBLIC PARTICIPATION

4.1 Advertised : Schedule 3 development. Advertised 24.10.2014
Overall representation deadline : 21.11.2014

Representations : 16 Against, from 13 households
 11 For, from 8 households

4.2 Material considerations raised are summarised as follows:

Points Against;

- Visual impact
- Proximity to neighbouring houses
- Cumulative impacts with other wind energy development in Caithness
- Proliferation of wind turbines without review of capacity for the landscape to accommodate such
- Natural Heritage impacts, particularly bird species
- Noise
- Shadow Flicker
- Issues unaltered from previous refusal
- Access is through common grazing with impacts for stock management

- Inappropriate scale of wind turbine for site

Points For;

- Renewable energy development
- Diversification of small agricultural unit
- Substantial reduction in scale of proposed wind turbine to that previously refused
- The proposal is comparable with other single wind turbines in the area
- The proposal would not be out of keeping with recent development in the area

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 **Development Plans** : No objection (per 12/02687/FUL)

Given that the location is unchanged whilst the scale of the proposed wind turbine has been reduced this previous consultation response is considered to remain pertinent with general points raised in relation to Policy and guidance.

5.2 **Environmental Health** : No objection. Noise levels at the nearest noise sensitive property would fall below the ETSU simplified condition of 35dB LA90, calculated at approximately 30dB LA90. Shadow flicker is not considered as an issue as the nearest property is located at a distance in excess of the accepted rule of 10 x the rotor diameter – 260m in this instance. A series of standard noise conditions advocated.

5.3 **Transport Planning** : No objections

The scale of the proposed wind turbine is significantly less than the previously proposed development for this site. It is noted that there are no abnormal loads associated with the development however further detail regarding construction phase road movements is requested together with an informative regarding road matters. This matters can be addressed by condition and informative(s).

5.4 **Halkirk Community Council** : Objection

The Community Council notes that local residents in proximity to the development have expressed concerns regarding both visual impacts and noise. The Community Council considers that this development is commercial in nature and also expresses concern regarding repeated applications that result in on-going anxiety. The Community Council also consider that there is unreasonable expense to the planning department in processing repeat applications.

5.5 **HIAL** : No objection.

Calculations indicate that the proposed development would not infringe the safeguarding surfaces for Wick John O'Groats Airport.

5.6 **NATS** : No objection.

- 5.7 **SEPA** : No objection.
Standing advice provided with respect to small scale local development.
- 5.8 **SNH** : No objection.
The proposal could affect the qualifying interests of the Caithness Lochs Special Protection Area (SPA), classified for its wintering populations of whooper swans, Icelandic greylag geese and Greenland white-fronted geese. Collision risks to these species have been assessed, concluding that there is a low risk of collision from a wind turbine at this location. Based on the appraisal carried out to date, the proposal will not adversely affect the integrity of the SPA. Consideration was also made of impacts to the River Thurso SAC and the Caithness and Sutherland Peatlands SPA, with no significant concerns raised pending best practice pollution prevention measures to mitigate any risk of siltation/pollution to the River Thurso.
- 5.9 **CAA** : No objection. Standing advice provided noting standard international civil aviation requirement for all structures of 300 feet (91.4 metres)* or more to be charted on aeronautical charts. Cumulative effects of turbines may lead to unacceptable impacts in certain geographic areas.
- 5.10 **MoD** : No objection.
Aviation safety lighting is requested. Option is provided of omni-directional red lighting or infrared lighting. Requests that if planning permission is granted the following information be returned to the MoD;
- the date construction starts and ends;
 - the maximum height of construction equipment;
 - the latitude and longitude of every turbine.
- This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area.
- 5.11 **Historic Environment Team : No objection (per 12/02687/FUL)**
In consideration of the previously proposed application for a significantly larger wind turbine for the site no mitigation was required. Given that the location is unchanged whilst the scale of the proposed wind turbine has been reduced this previous consultation response is considered to remain pertinent.

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
29	Design Quality and Place-Making
30	Physical Constraints
36	Development in the Wider Countryside

49	Coastal Development
55	Peat and Soils
57	Natural, Built and Cultural Heritage
61	Landscape
67	Renewable Energy Developments
69	Electricity Transmission Infrastructure
72	Pollution

6.2 **Caithness Local Plan 2002**

Owing to the aged nature of the Caithness Local Plan there are no specific policies in relation to wind energy developments although general comment is supportive of the then 'emergent' renewable energy opportunities.

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 **Draft Development Plan**

Caithness and Sutherland Development Plan

7.2 **Highland Council Supplementary Planning Policy Guidance**

Highland's Statutorily Protected Species (March 2013)

Highland Renewable Energy Strategy and Planning Guidelines (May 2006)

Onshore Wind Energy: Interim Supplementary Guidance (March 2012)

Physical Constraints (March 2013)

Visualisation Standards for Wind Energy Developments, March 2015

Small-scale Wind Turbine Supplementary Guidance – Interim supplementary Guidance November 2012.

7.3 **Scottish Government Planning Policy and Guidance**

National Planning Framework for Scotland 2

SPP – Scottish Planning Policy

PAN 45 – Renewable Energy Technologies

PAN 56 – Planning and noise

PAN 58 – Environmental Impact Assessment

PAN 60 – Planning for Natural Heritage

Onshore Wind Turbines

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**

Scottish Government policy is broadly supportive of renewable energy schemes. The National Planning Policy Framework (NPF2) and Scottish Planning Policy provide the planning policy context and support the commitment to achieving 50% renewable output in Scotland by 2010. The Government has changed this target to 100% of Scotland's gross annual electricity consumption by 2020.

It is recognised that increasing energy production through renewable means and the need to protect and enhance Scotland's natural and historic environment must be regarded as compatible goals. The planning system has a significant role in securing appropriate protection to the natural and historic environment without unreasonably restricting the potential for renewable energy.

It is incumbent upon the developer to demonstrate sensitive siting as required by Policy 28 of the Highland wide Local Development Plan (HwLDP). It must also be demonstrated that the development will not compromise amenity or heritage resources as required by Policy 57 and will not have a significantly detrimental visual or landscape impact in line with Policies 61 and 67 of the HwLDP.

8.4 **Material Considerations**

This development falls within the scope of small-scale wind turbine proposals and as such the THC Interim Supplementary Guidance: Small-scale Wind Turbine Proposals (November 2012) is a key consideration. It is recognised that small-scale renewables can make a small but valuable contribution to renewable energy production. The smaller scale of such proposals typically have less significant impacts individually or cumulatively than larger scale turbines or industrial wind farms however such developments are often situated in closer proximity to housing. This can lead to heightened concerns regarding potentially adverse amenity effects of shadow flicker, noise and safety implications.

The application as presented has considered the material planning issues and current policies of The Highland Council and is of a quality more likely to be encountered within a larger scale wind turbine application.

In consideration of a single small scale wind turbine the proposal is located within a group 2 area of search as identified in the Onshore Wind Energy Supplementary Guidance. As such it is recognised as an area in which there may be constraints, although appropriate proposals may be supported subject to detailed consideration against the Highland-wide Local Development Plan, in particular policies 57 and 67.

In consideration of these policies the following considerations are made;

8.5 **Consideration of previous planning history**

The previous application for a wind turbine at this location (ref 12/02687/FUL) was for a wind turbine with a height to tip of 73m, 44m to hub with a rotor diameter of 58m and an output of 850kW. This proposal was subject to refusal under delegated powers. The applicant sought to review the decision at the Planning Review Body but the review was dismissed.

It is also relevant to consider planning application reference 12/02296/FUL 800m to the south, south, west of the site. This application was for a single wind turbine with a height to hub of 44m, height to tip circa 70m rotor diameter of 52m. This application was likewise subject to delegated refusal, subsequent to which the review was dismissed by the Local Review Body. In both cases cited the wind turbines noted were significantly larger in scale to that currently proposed (height to hub of 23m, height to tip of 36m and rotor diameter of 26m), with reasons for refusal being allied to impacts as a result of the relative scale of the proposed wind turbines within the local visual and landscape context.

This application is for a wind turbine half the height to tip of the previously refused wind turbine at this location.

8.6 **Visual and Landscape impacts**

Previous related application(s) subject to refusal and pre-application advice for this site, noted in the above section, cited unacceptable cumulative, visual and landscape impacts as key material planning considerations. Advice was provided stating that consideration should be given to reducing the height of the proposed wind turbine. This application is considered as a direct response to cited concerns over visual and landscape impacts.

The developer has provided visual information in support of the application with ZTV mapping and a selection of 9 viewpoints. Given the scale of the proposal a full Landscape and Visual Impact Assessment was not deemed necessary. ZTV mapping indicates that the proposed wind turbine will be significantly visible within the local area and substantially restricted to within 5km of the proposed wind turbine. The most significant population centre with a theoretical view to tip height of the proposed wind turbine is identified as Halkirk, north east of the site and within the 1.5km of the wind turbine.

It is noted that there are a number of operational and consented wind turbine schemes in the area varying from micro/small scale domestic generation to industrial scale wind farm developments such as those on the Causeymire. The proposed wind turbine which is the subject of this application is not considered to contribute to a coalescence of wind-energy structures within the wider landscape. It is considered as a singular element, which is unlikely to play a significant visually linking role between windfarms. In cumulative terms, taking into account wind turbines in the wider area, it is considered that the development would not be significant in terms of visual impact overall. It is considered that the impact of a single wind turbine at this location will be localised. The overall impression is such that the wind turbine will add to the impression of dispersed single wind turbines and as such may have an unwelcome effect on the wider landscape, however this is not sufficiently adverse to be deemed unacceptable.

The proposal is not considered to add unduly to the 'complexity' of the currently perceived landscape - scattered crofts/agricultural steadings, individual houses, overhead lines and mixed agriculture/settlement.

Although overall factors such as scale of the proposal combined with landform limit visual and landscape impacts, the wind turbine shall still be prominent within the local area and shall form a new focal point. Add to this the element of movement at height from this tall structure will draw the eye which is obviously not evident within published materials. The initially submitted visualisations were considered to poorly represent the situation with poor weather conditions significantly limiting the value of the submitted visualisations. Revised visualisations were pursued, resulting in considerable delay in the consideration of the submitted application, however given improved weather conditions these revised visuals are far clearer and as such easier to interpret.

Of the 9 viewpoints none indicate an overbearing presence within the landscape, this is in keeping with the small-scale nature of the wind turbine. Given the scale of the wind turbine the visualisations provide considerable comfort in demonstrating that the proposal should not be an overly dominant feature within the wider landscape.

It is recognised that the applicant has significantly reduced the height and scale and thereby the visual impact, of the proposal for this site, to the point where significant concerns and rationale for refusal for the previous application for the site have been addressed. The proposed turbine will have an impact particularly on the immediate localised area however it is not considered to have a significantly detrimental impact on the wider landscape, likewise the proposal is not considered to have a significantly detrimental visual impact overall and as such can be supported.

Standard practice is to ensure that wind turbines have a matt finish which minimises visual intrusion in consideration of visual impact. To be secured by condition.

8.7 **Aviation**

The application has been subject to consultation with aviation interests, most significant of which, given the scale and nature of the development, are HIAL and the MoD. No objection has been raised however aviation warning lighting is deemed necessary. HIAL has not indicated the requirement for aviation warning lighting whilst MoD have indicated either the use of an omnidirectional red warning light or infra red. As HIAL would typically consider issues in relation to civilian aircraft whilst MoD consider military flight movements it is considered that infrared lighting be employed to avoid unnecessary lighting visible to the human eye at height. This can be considered by condition. MoD typically wish to be informed of various factors in advance of development. This can be addressed by informative.

8.8 **Tourism**

It is recognised that tourism is a key economic driver in the Highlands of Scotland. However it is also notable that there is no evidence from other parts of the country that the presence of wind farms/wind turbines 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 these fears have not translated into evidence of the loss of visitors once the wind farm/wind turbine projects have been constructed. Given the relatively small scale of the proposed wind turbine and location distant from recognised tourism points of interest the proposal is not considered, either individually or cumulatively with other wind turbines to negatively impact upon tourism.

8.9 **Impacts on Residential Amenity; Noise, Shadow Flicker and General Safety and Amenity Considerations**

The proposal has demonstrated that the development will not have an adverse effect on the safety and residential amenity of neighbouring properties as the key considerations of noise and shadow flicker have been adequately addressed. Standard noise conditions for a wind turbine of this scale can be utilised to safeguard noise amenity for the period of operation of the wind turbine.

Operational noise impact assessment indicates and predicts that all houses with no financial interest will be less than the 35dB LA90 noise limit derived from ETSU-R-97. As stated within the submitted noise assessment the highest predicted noise at any uninvolved property (i.e has no financial interest) is 27.5dB LA90. This margin is well within the specified levels. The property at Torandshall, which has a financial involvement in the proposal is subject to an additional noise allowance to 45dB. The predicted noise level at this property is 37.2dB LA90 which exceeds the recommended safety margin of 2dB by an additional 5.8dB.

In consideration of potential issues of shadow flicker the wind turbine is situated in excess of 10 x rotor diameter away from any non-financially involved residential properties. There are no such properties within 10 x 26m (260m) distance of the wind turbine and as such shadow flicker from the proposed wind turbine will not present an issue of concern at any non financially involved residential property.

It is noted that the wind turbine is located remote from public roads and known access routes and is situated at a distance from properties therefore issues such as ice and shadow throw are unlikely to be a problem. It is incumbent on the operator to ensure that the machinery is maintained and operated in a safe manner.

Access to site given the nature and scale of the proposal is not considered to be onerous nor does it give rise to wider amenity concern through short duration of construction works and no abnormal load requirements.

8.10 **Natural, built and cultural heritage features, species and habitats.**

The development is not located on, or immediately adjacent, to any areas of protection for natural, built or cultural heritage. No direct impacts have been identified by the developer or consultees.

The development is not considered to impact upon the integrity of designated sites in the vicinity with no objection to the proposal by SNH. SNH have appraised impacts of the proposal to the Caithness Lochs Special Protection Area (SPA),

Caithness and Sutherland Peatlands SPA and the River Thurso Special Area of Conservation (SAC). SNH do however consider that there may be significant effects on greylag geese and whooper swans of the Caithness Lochs SPA. An appropriate assessment was stated as a requirement in view of the site's conservation objectives for its qualifying interests. This has been undertaken with the conclusion shared with SNH appraisal that the proposal will not adversely affect the integrity of the site. This conclusion considered the following factors:

- Collision risk exists given previous survey information and proximity to feeding areas by greylag geese. This is considered to be low risk and will not adversely affect the current SPA population, either in isolation or in combination with other developments.
- Collision risk exists for whooper swans, however this is based on occasional flights by relatively low numbers of swans. This is considered to be low risk and will not adversely affect the current SPA population, either in isolation or in combination with other developments.

Appropriate best practice pollution prevention measures through construction phase should mitigate siltation/pollution risks to the River Thurso SAC.

The site lies >7km from the Caithness and Sutherland Peatlands SPA, classified for its population of moorland breeding birds. Given the distance from this SPA, suggesting that the proposal is outside foraging range of species and the small scale nature of the proposed wind turbine an appropriate assessment was not deemed as required. The proposal is not considered to have a significant effect on qualifying interests either directly or indirectly.

Advisory comment is considered as good practice in relation to European Protected Species, such as bats, and ground nesting birds. This can be addressed through the use of relevant informatives.

Comfort is taken from the lack of identified concerns by consultees with respect of either the built or natural heritage. The addition of a single wind turbine is not considered to have an unacceptable impact on the heritage of the area.

The application site has been subject to Environmental Impact Assessment (EIA) screening with no EIA required. This finding remains unaltered in consideration of the application in hand which is significantly smaller in scale than the previously considered wind turbine for this site.

8.11 **Ground Water and Surface Water**

The development does not require the crossing of any streams or other surface watercourses in excess of crossings already made in the existing access track. Impacts as a result of development such as through construction and the physical development of the access track and foundations for the wind turbine may disrupt subsurface drainage although the likely impacts of such are predicted to be of low significance. Given the distance from the site to watercourses the transportation of sediment from the site to a watercourse is considered to be unlikely. Appropriate management strategies in relation to contamination from chemicals and spills e.g.

oil/fuel leaks, cement from construction activities, are required and covered by separate legislation and as such are subject to management by other agencies such as SEPA. Surface water drainage can be managed on site with information advised by the developer that adherence to the principles of SEPA's Sustainable Drainage Systems (SuDS) will be pursued. Environmental Health have not indicated that there are records of private water supplies in the area that are likely to be affected by the development, likewise the developer has not identified any private water supplies that may be impacted.

8.12 **Communications – Radio/TV Interference**

Disruption to TV and radio reception is typically noted as a possibility as a result of wind turbine development, albeit a remote one. Potential television reception problems are difficult to predict and identify and as such a planning condition to undertake remedial action as necessary were TV reception in the area to be affected. Furthermore TV signals in the local area are now digital which further reduces the likelihood of interference. Whilst the risk of interference is considered to be low it remains reasonable to consider the issue by condition given the stated uncertainty of impacts.

8.13 **Soils and Peat**

The scale of the proposed development is such that impacts arising to soils and peat are minimal. The proposed extent of foundations, crane pad and extension to the existing farm track are not considered either individually nor collectively to be considered as significant with reference to wider impacts upon soils or peat.

8.14 **Decommissioning and removal from site at end of life**

The operational lifespan for the proposal is stated as 25 years and can be permitted as such with condition(s) applied to ensure that the wind turbine is removed - either at the end of this period or as in the case of premature operational failure, to prevent dereliction in the countryside.

8.15 **Grid connections and subsidiary works.**

A small substation building will be located near the base of the wind turbine from which connection to the National Grid via underground cable is to be pursued. The building proposed is of GRP measuring 5m length x 2.5m breadth x 2.3m in height. The scale of the meter building is such that it is of minimal visual impact with a total height of 2.3m and as such is unlikely to be obvious at distance.

8.16 **Precedent**

In consideration of precedent the proposal is located within a group 2 area of search as identified in the Onshore Wind Energy Supplementary Guidance and as such is recognised as an area in which there is a degree of constraint and policy criteria to be addressed as demonstrated in the consideration of this application via material considerations, consultations undertaken and reference to policy and guidance.

As this case has been considered on its individual merits with appropriate assessment undertaken, no precedent is established by the determination. Similarly this determination does not invite subsequent developments of a similar nature as such would require not only a similar assessment to this application but necessitate additional review and assessment with regards potentially negative cumulative impacts.

Third party representations

Material planning consideration raised by third parties are addressed in the above assessment.

8.17 Other Considerations – not material

Third parties and the Community Council have raised the matter of the proposed wind turbine being 'commercial'. The Energy Act 2004 defines "microgeneration" as the use for the generation of electricity to 50 kilowatts. The stated output of the proposed wind turbine is 100kW which exceeds this definition of microgeneration. Planning considerations in this case are unrelated to indicative thresholds between domestic and non-domestic generation.

8.18 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.

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of 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 and six months from the date of this decision notice. Upon the expiration of a period of 25 years from the date of this decision notice, the wind turbine(s) shall be decommissioned and removed from the site, with decommissioning and restoration works undertaken in accordance with the terms of a Decommissioning and Restoration Plan which shall first be submitted to, and approved in writing by, the Planning Authority.

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 25 years and six months cessation date allows for a 6 month period to complete decommissioning and site restoration work.*

2. The developer shall, at all times after the date when electricity is first exported from the approved wind turbine, record information regarding the monthly supply of electricity and retain the information for a rolling 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 the wind turbine, once installed and commissioned, fails to supply electricity 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 a Decommissioning and Restoration Plan (condition 5) which shall first be submitted to, and approved 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.*

3. The wind turbine shall be finished in a non-reflective pale grey semi-matt colour or another colour as may otherwise 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. The electrical substation building shall be finished in a dark matt green unless otherwise approved in writing by the Planning Authority.

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

4. No development shall commence until a scheme of aviation lighting, to be infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration fitted atop the hub has been submitted to, and approved in writing by, the Planning Authority in consultation with MoD. Thereafter, the approved scheme of aviation lighting shall be fully implemented and maintained in working order for the lifetime of the development on site.

Reason : *To ensure that aviation warning is appropriate for military aircraft, in the interests of aviation safety.*

5. No development shall commence until a draft Decommissioning and Restoration Plan (DRP) for the application site has been submitted to, and approved in writing by, the Planning Authority.

Thereafter, and 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.

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, 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 the wind turbine and associated development is removed from site should the wind turbine become largely redundant; in the interests of safety, amenity and environmental protection.*

6. No development shall commence on site until a construction phase Traffic Management Plan (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the Planning Authority. The approved traffic management plan shall be implemented prior to development commencing and remain in place until the development is complete.

Reason : *In the interests of road safety, and that the works involved comply with applicable standards.*

7. The rating level of noise emissions from the wind turbine, including the application of any tonal penalty when determined in accordance with best practice as set out in ETSU-R-97 and the Institute of Acoustics Good Practice Guide and Supplementary Guidance Notes, shall not exceed the following: -

- 45dB LA90 (10 minutes) at the curtilage of any dwelling occupied by the owner of the turbine
- 35dB LA90 (10 minutes) at the curtilage of any other dwelling which is lawfully existing or has planning permission at the date of this permission

Noise limits expressed in dB LA90, 10 minute as a function of the standardised wind speed (m/s) at 10 metre height as determined at the turbine location averaged over 10 minute periods. Noise limits to apply at wind speeds up to and including 10m/s.

- i. Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind turbine operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind farm at the complainant's property. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any

identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

- ii. The assessment of the rating level of noise emissions shall be undertaken by an independent noise consultant in accordance with best practice as set out in ETSU-R-97 and the Institute of Acoustics Good Practice Guide and Supplementary Guidance Notes over the relevant range of conditions.
- iii. The turbine operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise emissions within 2 months of the date of the written request of the Local Planning Authority. All data collected for the purposes of undertaking the compliance measurements shall be made available to the Planning Authority on request.
- iv. Time periods in 2 and 4 above may only be extended following written agreement by the Planning Authority.
- v. If the assessment concludes that noise from the turbine is not complying with the limit stipulated above, the turbine shall cease operation immediately until a mitigation scheme, approved in writing by the Planning Authority, is implemented.

Reason : To ensure the Turbine operates within set parameters in the interests of amenity.

8. The developer shall ensure that the wind turbine and all plant, machinery or equipment installed or forming part of the development shall be so installed and thereafter operated and maintained that no interference or disruption occurs to telecommunications equipment, transmitting or receiving systems, including navigation and surveillance systems and associated infrastructure.

Reason : To ensure the Turbine operates within set parameters to safeguard the operation of existing infrastructure within the vicinity of the turbine

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

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.

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.

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 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 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/protectingscotlands-nature/protected-species

Protected Species – Ground Nesting Birds

Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April – July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest. For information please see:

www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp

Aeronautical Hazard: The applicant should provide the Ministry of Defence (MoD), the Defence Geographic Centre (AIS Information Centre), National Air Traffic Services (NATS) and Highlands and Islands Airports Ltd (HIAL) (copied to the Planning Authority) with the following information in writing:

- i. The dates that construction will commence on site and will be complete;
- ii. The maximum height of the wind turbine, mast and construction-related equipment (as cranes);
- iii. A description of any structure exceeding 90m in height;
- iv. The height above ground level of the tallest structure within the site;
- v. The latitude and longitude of the proposed wind turbine;
- vi. The number of rotor blades on the wind turbine; and
- vii. The total generation capacity of the wind turbine.

Thereafter, the wind turbine should not be commissioned until full details of any changes to the information previously provided in relation to parts ii and vii above (including any mitigation measures, if allowed under the terms of this permission) have been submitted in writing to the MoD, Defence Geographic Centre, NATS and HIAL.

This information shall ensure that the MoD and NATS are aware of the details of the development, in the interests of aviation safety.

Noise: This permission is granted on the basis of supporting information which states that a satisfactory separation distance from noise sensitive properties can be achieved, furthermore the technical data supplied is considered as remaining current as no information to the contrary has been received in the processing of this application.

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.

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.

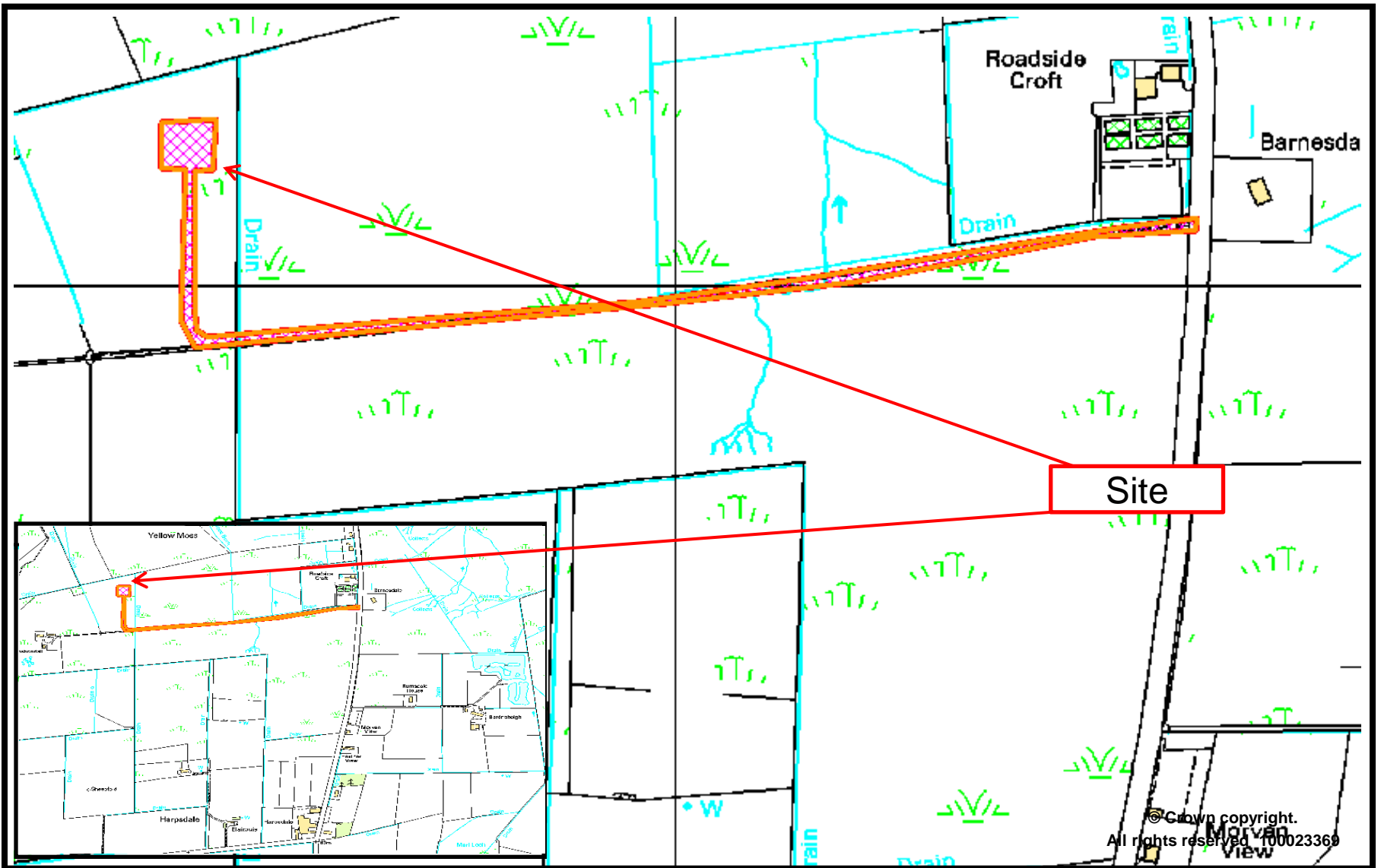
“Background Noise Level” means the ambient noise level already present within the environment (in the absence of noise generated by the development) as measured and correlated with Wind Speeds.

“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: Dafydd Jones
Designation: Area Planning Manager North
Author: David Barclay
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – TO2/BP/1 Site Boundary Plan
Plan 2 – TO2/LO/1 – Location Plan
Plan 3 – TO2/SP/1 – Site Layout Plan
Plan 4 – TO2/SS/1 – Substation Plan
Plan 5 – To2/TD/1 Turbine Plan



The Highland Council
Comhairle na Gàidhealtachd

Planning and Development Service

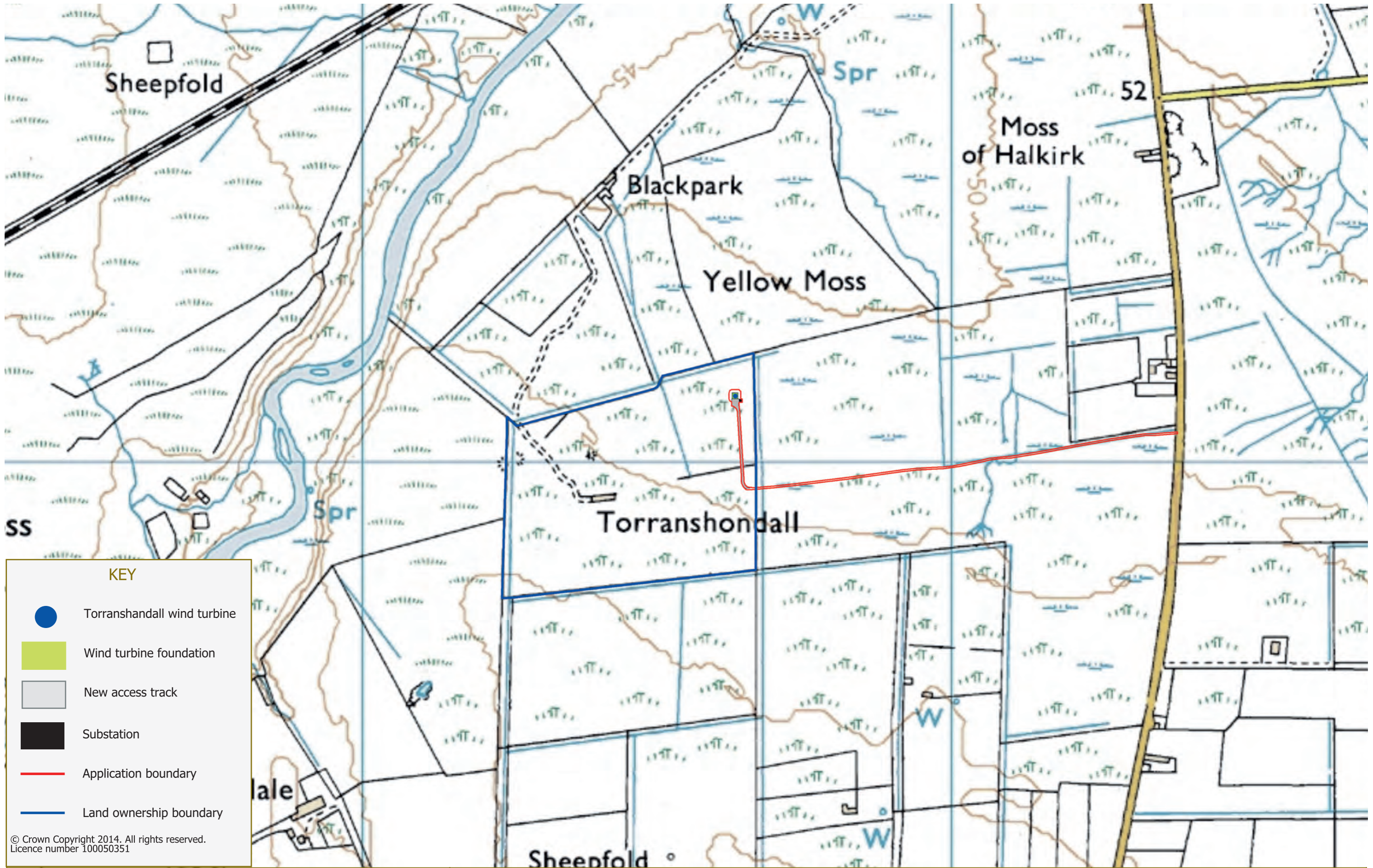
Case No: 14/03802/FUL

Erection of 100Kw wind turbine with height to hub of 23m, height to tip of 36m and rotor diameter of 26m. Erection of substation and associated infrastructure.

N



Scale:





KEY



Torrانشاندall wind turbine

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Licence number 100050351

WIND
HARVEST

Corrary Farm Glenelg IV40 8JX
e info@windharvest.co.uk
t 01599 522 333

project : TORRANSHANDALL 2 WIND TURBINE

figure 1.1 : Site Location

drawing no : To2/Lo/1

scale : 1:150 000 @A3



KEY

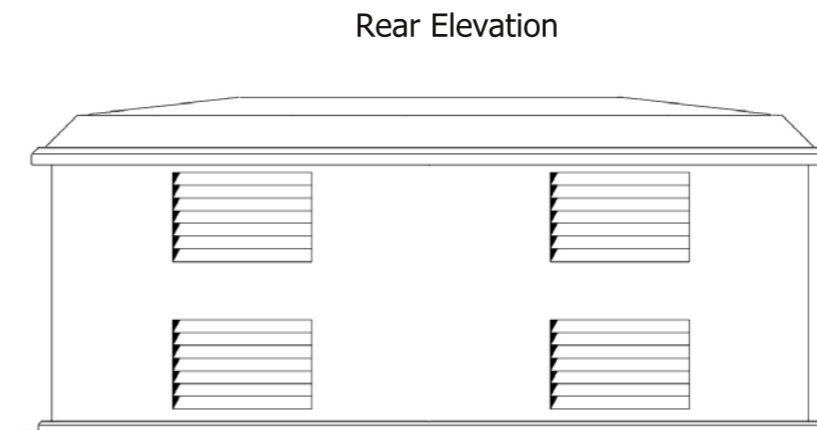
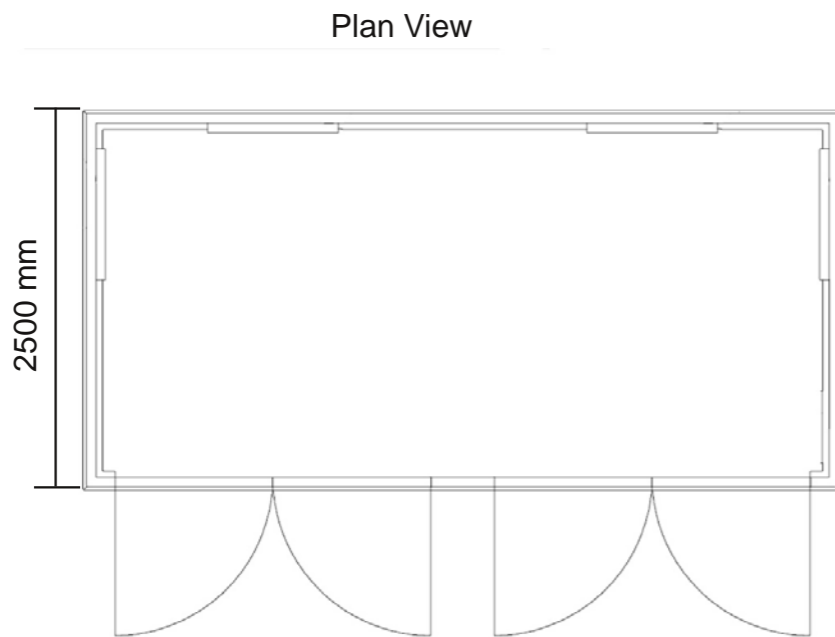
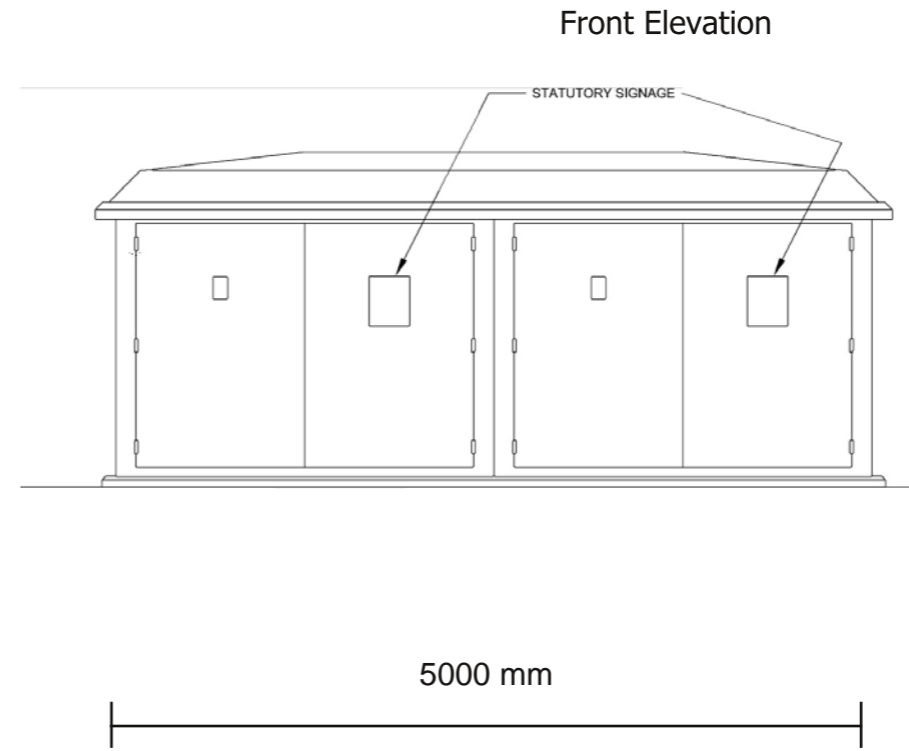
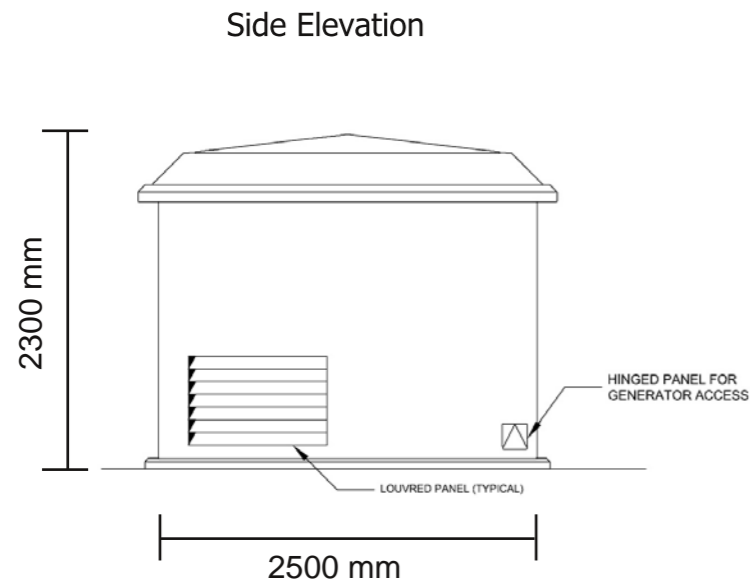
- Torrانشاندall wind turbine
- Wind turbine foundation
- New access track
- Substation
- Application boundary
- Land ownership boundary

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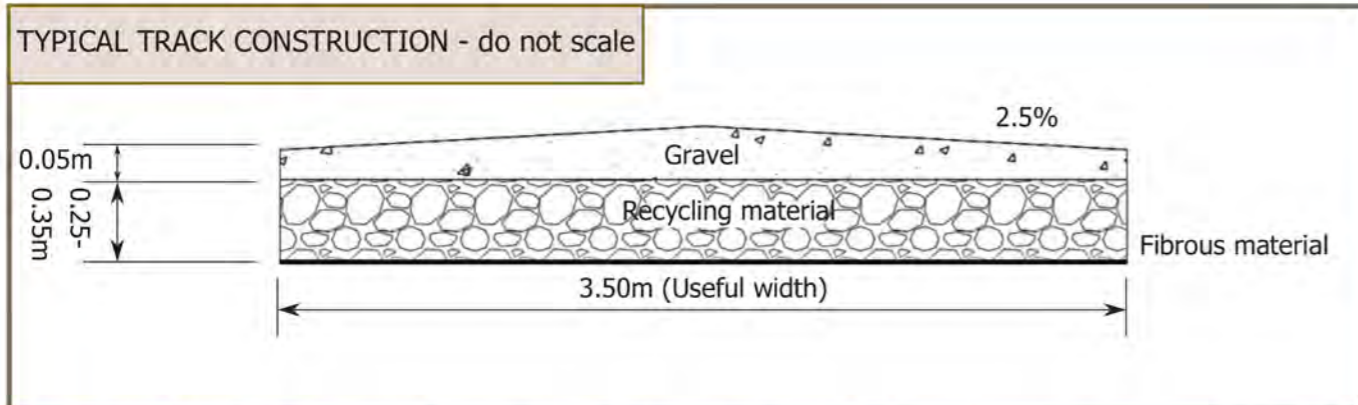
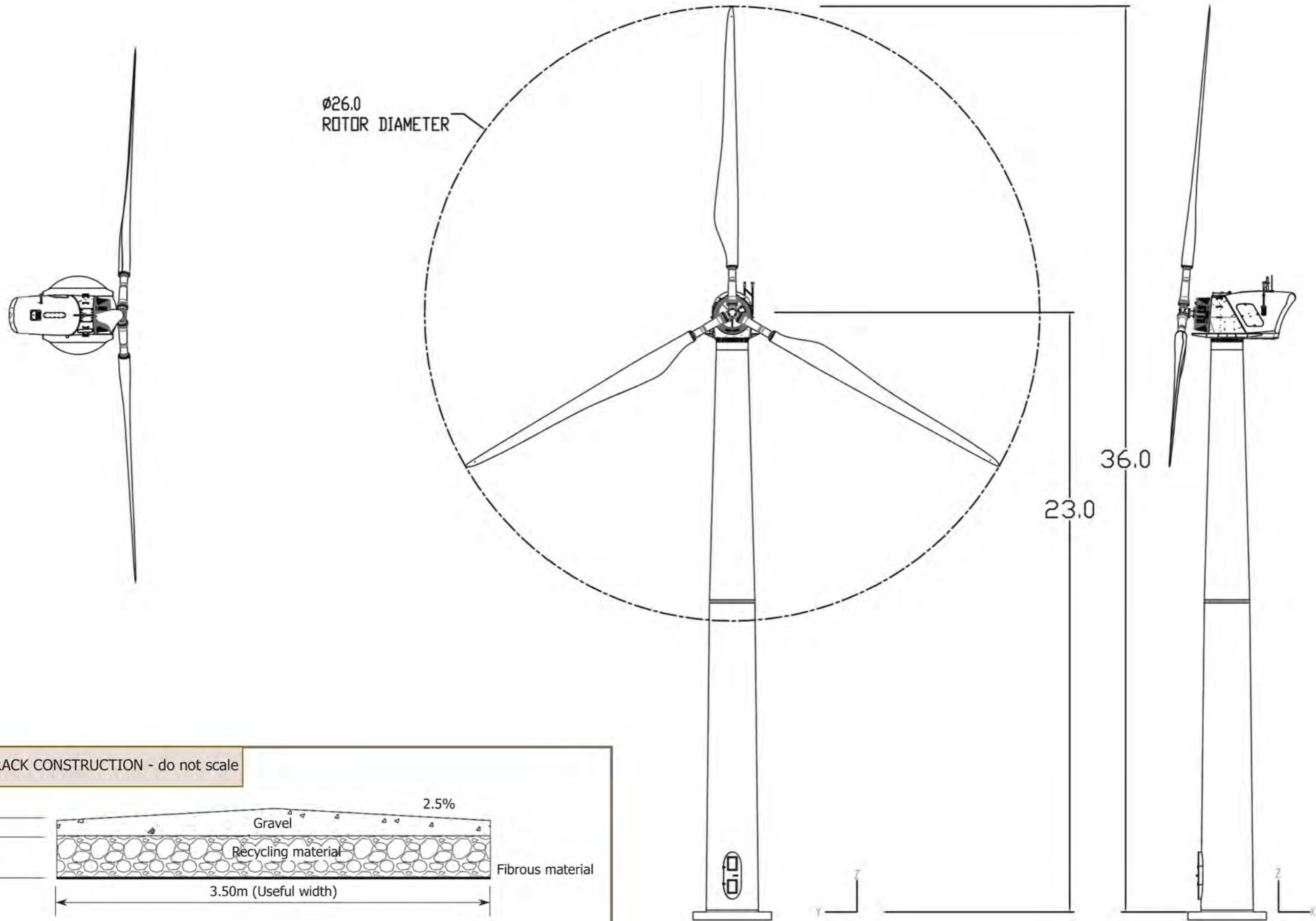
WIND HARVEST
 Corrary Farm • Glenelg • IV40 8JX
 e info@windharvest.co.uk
 t 01599 522 333

project : **TORRANSHANDALL 2 WIND TURBINE**
 figure 2.1 : **Site Plan**

drawing no : **To2/SP/1**
 scale : **1:2,000 @A3**



The plans show the proposed substation building which would be finished to an appropriate colour, RAL 7035, light grey is suggested. It is constructed from glass reinforced plastic (GRP) and would be transported to site in prefabricated sections and assembled on site.



WIND
HARVEST

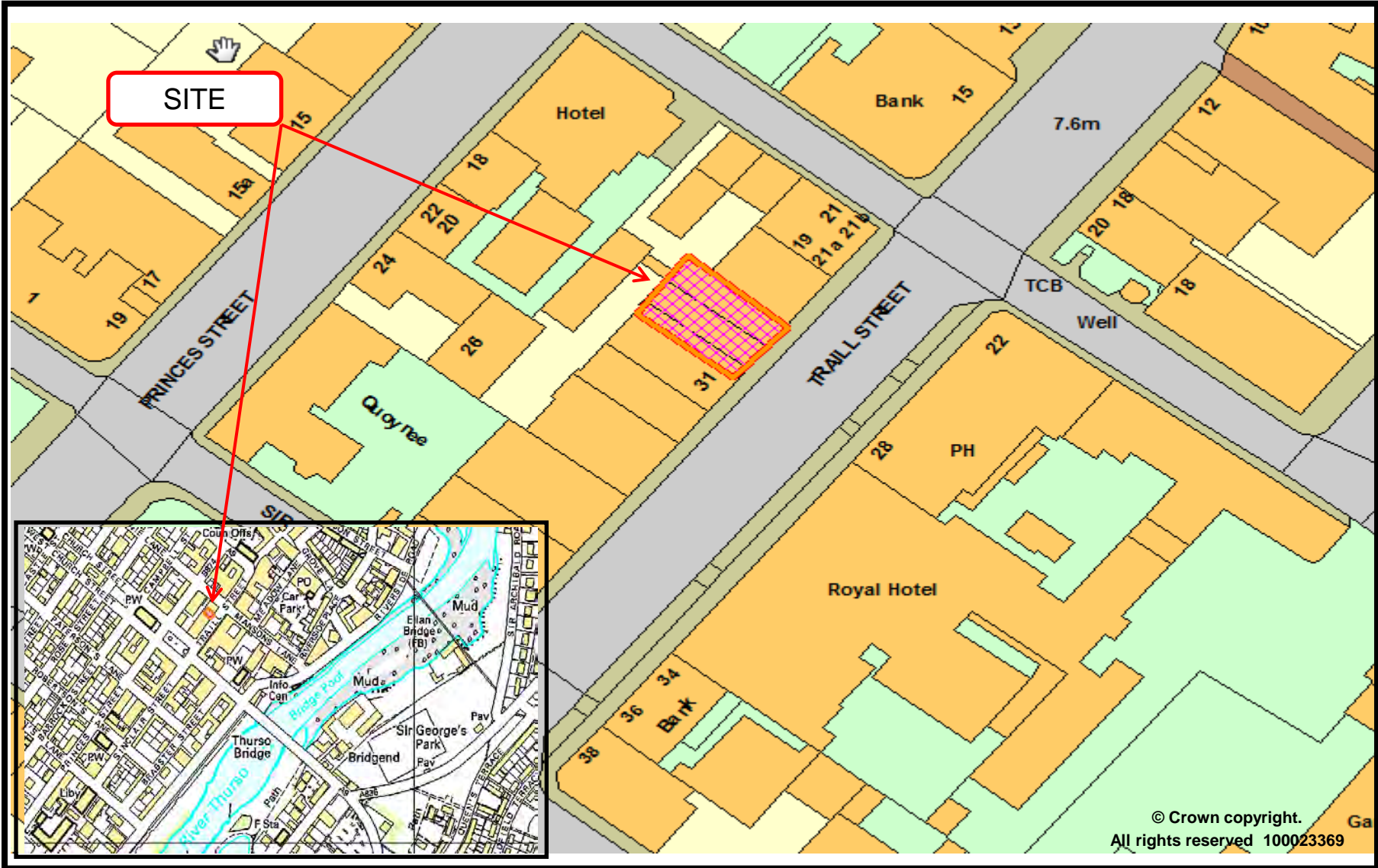
Corrary Farm • Glenelg • IV40 8JX
e info@windharvest.co.uk
t 01599 522 333

project : **TORRANSHANDALL 2 WIND TURBINE**

figure 3.1 : **Wind turbine details**

drawing no : **To2/TD/1**

scale : **1:150 @A3**



The Highland Council
Comhairle na Gàidhealtachd

Planning and Development Service

15/02132/LBC & 15/02234/FUL

Lime mortar pointing of all exterior walls, rear walls lime mortar harling also proposed.



Scale:

29 Traill Street, Thurso



OS MasterMap 1250/2500/10000 scale
29 May 2015, ID: MNOW-00433056
mapsnow.co.uk

1:1250 scale print at A4, Centre: 311667 E, 968346 N

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100017780

