

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE –
18 October 2016**

Agenda Item	5.5
Report No	PLN/054/16

**16/01333/FUL: Ventus Renewables Limited per Natural Power Consultants
Land at Lower Rumster, Lybster**

Report by Area Planning Manager

SUMMARY

Description: Erection of 3 No. turbines with height to hub of 22.8m, height to tip of 35m and a rotor diameter of 24.4m and ancillary infrastructure including: access tracks, underground cable routing, and temporary crane pad

Recommendation - APPROVE

Ward: 4 – Landward Caithness

Development category: Local

Pre-determination hearing: N/A

Reason referred to Committee: More than 5 unresolved objections.

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks consent for the erection of three wind turbines. Specifically each turbine would have a total height to tip (where the blades reach their highest point) of 35m, a hub height of 22.8m and a rotor diameter of 24.4m. Ancillary development also comprises:
 - Up to 1km of new access tracks;
 - Three 6m x 6m x 1.4m concrete foundations for each of turbines;
 - Temporary area of hardstanding ('crane pad') measuring 10m x 20m adjacent to each of the turbines to allow for installation.
- 1.2 Pre-application advice was provided to the applicant in 2014. This was based on a proposed development of turbines of between 45m and 61m tip height. The Planning Authority concluded such development would not be acceptable due to landscape and visual impact however outlined that there was scope for smaller scale development on the site.
- 1.3 It is proposed to utilise existing ruinous buildings within the site for electrical cabins and so forth.
- 1.4 The application is supported by a Supporting Statement.

- 1.5 **Variations:** No variations have been made to the proposal however additional information in respect of transport impact was submitted in April 2016. Amended visualisations were also submitted at this time to ensure compliance with the Council's standards.

2. **SITE DESCRIPTION**

- 2.1 The site lies approximately half way between the settlements of Latheron and Lybster on the western side of the A99, approximately 20km south west of Wick. The site lies within the land holding of Lower Rumster Farm and comprises predominantly rough grazings land. There is a Christmas tree plantation to north of the site. The site itself is generally flat with all the land within the site boundary lying between 90m and 100m above sea level. The nearest non-financially involved property, Ardquay Cottage, is located just over 500m to the south of the site.
- 2.2 The site itself does not lie within any landscape designations. The Flow Country and Berridale Coast Special Landscape Area is located around 4.6km to the north west. The proposed turbines lie in a transitional landscape, from the relatively flat crofting land to the east, to the broad open moorland slopes to the west which mark the beginning of the extensive sweeping moor and peatlands to the Flow Country. The site area is more marginal agricultural land, shown by the presence of forestry, broken walls, scrub gorse vegetation and unsurfaced/grassed tracks. Low voltage electricity lines run north-south adjacent to the proposed development.

3. **PLANNING HISTORY**

- 3.1 13/01201/FUL: Erection of 1 no 1MW wind turbine with a height to tip of 80m, rotor diameter of 60m, height to hub of 50m, associated access track and ancillary development including transformer housing and temporary construction compound. Application Refused 28.10.2013 – *site located approx. 500m to the north east*
- 15/02386/FUL: Erection of 1MW wind turbine, with a maximum height to tip of 80m, maximum height to hub of 50m, maximum rotor diameter 60m, associated access track & ancillary development including transformer housing & temporary construction compound (resubmission of 13/01201/FUL). Application Refused 26.01.2016 & Notice of Review Refused 18.06.2014 - *site located approx. 500m to the north east*
- 16/01656/SCRE: Erection of 3 No. turbines with height to hub of 22.8m, height to tip of 35m and a rotor diameter of 24.4m and ancillary infrastructure including: access tracks, underground cable routing, and temporary crane pad. Screening Opinion Issued 03.05.2016 - EIA Not Required

4. **PUBLIC PARTICIPATION**

- 4.1 Advertised: Schedule 3 Development
Representation deadline: 22.04.2016
- Timeous representations: 14 from 12 households
Late representations: 0

- 4.2 Material considerations raised are summarised as follows:
- Adverse visual impact;
 - Adverse impact on recreational value of Rumster Forest particularly for horse-riding;
 - Adverse impact on ornithology
 - Adverse impact on archaeological assets including Appang Tulloch broch and Golsary broch;
 - Unsuitability of proposed access;
 - Cumulative visual impact;
 - Adverse impact on flora and fauna
 - Adverse impact on residential amenity
 - Adverse impact on wildcats

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 **THC Transport Planning:** No objections subject to conditions.
- 5.2 **THC Environmental Health:** No objection subject to condition.
- 5.3 **THC Development Plans Team:** No objections. Response notes applicable policy considerations.
- 5.4 **THC Landscape Officer:** No objections. No significantly adverse landscape or visual impacts would arise from the development.
- 5.5 **THC Forestry Officer:** No objections.
- 5.6 **THC Access Officer:** No objections.
- 5.7 **THC Historic Environment Team:** No comments received.
- 5.8 **Scottish Natural Heritage:** No objections. There are natural heritage interests of international importance on the site however these will not be adversely affected by the proposal.
- 5.9 **Highlands and Islands Airport Limited:** No objections.
- 5.10 **Ministry of Defence:** No objections.
- 5.11 **Historic Environment Scotland:** No objections. The introduction of turbines from Appnag Tulloch would have an adverse effect however the proposals are not likely to raise issues of national significance.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- Policy 28 Sustainable Design
- Policy 31 Developer Contributions
- Policy 57 Natural, Built and Cultural Heritage
- Policy 58 Protected Species
- Policy 59 Other Important Species
- Policy 60 Other Important Habitats and Article 10 Features
- Policy 61 Landscape
- Policy 67 Renewable Energy Developments including impact on:
- Natural, built and cultural heritage features;
 - Species and habitats;
 - Visual impact and impact on the landscape character;
 - Amenity at sensitive locations;
 - Safety and amenity of any regularly occupied buildings;
 - Ground water/surface water;
 - Safe use of airport, defence or emergency service operations;
 - Other communications infrastructure
 - Public access
 - Tourism/recreation interests;
 - Land and water based traffic and transport interests.
- Policy 69 Electricity Transmission Infrastructure
- Policy 72 Pollution
- Policy 77 Public Access

6.2 Caithness Local Plan (As Continued in Force)

The general policies of the Local Plan which applied to the development site have all been superseded by policies presented in the HwLDP.

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Caithness and Sutherland Local Development Plan (Proposed Plan, 2016)

There are no site specific allocations on the site itself in the CASPlan, which is now a material consideration in the assessment of planning applications.

7.2 Draft Spatial Framework for Onshore Wind Energy (August 2016)

Scottish Planning Policy requires Planning Authorities to set out a spatial strategy to assist with the development of large scale (over 20MW) onshore wind farms. Whilst this application is within a medium category of development, the guidance helps to identify areas of significant protection from development, identify other

constraints and policy criteria and areas of search. The site is identified as being within a Group 3 Area which are defined as being 'Areas with potential for wind farm development'.

7.3 **Highland Renewable Energy Strategy (May 2006)**

The Council has an approved Renewable Energy Strategy (HRES) which sets out its vision and policies on a whole raft of potential renewable energy technologies. Relevant policies to the current application, not otherwise superseded by the above noted Supplementary Guidance, include:

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

7.4 **Scottish Government Planning Policy and Guidance**

Scottish Government Planning Policy and Guidance which include the following main provisions:

- National Planning Framework for Scotland 2 – June 2009
- SPP – February 2010
- 2020 Routemap for Renewable Energy in Scotland – Updated October 2012

SPP contains a number of subject specific policy statements, also supported by Planning Advice Notes (PANs) which give additional guidance on topics. SPP policies of note to this development include:

- Rural Development
- Landscape and Natural Heritage
- Transport
- Renewable Energy

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 The determining issues are:

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

8.4 **Development Plan Policy Assessment**

8.4.1 In order to address the determining issues, we must consider the following:

- a) Development Plan including Supplementary Guidance
- b) Roads and Traffic Impact
- c) Water and Drainage
- d) Natural Heritage
- e) Design, Landscape and Visual Impact
- f) Noise
- g) Shadow Flicker
- h) Cultural Heritage
- i) Tourism
- j) Construction Impacts
- k) Aviation Interests
- l) Radio and TV
- m) Other material considerations raised within representations

Development Plan

- 8.4.2 Policy 67 (Renewable Energy Developments) of the Highland-wide Local Development Plan gives general support to renewable energy development, taking into account any mitigation measures, where it is satisfied that they are located, sited and designed such that they will not be **significantly detrimental** either individually or cumulatively with other developments having regard to any significant effects on criteria listed earlier in this report. In addition, Policies 28 (Sustainable Design), 57 (Cultural and Built Heritage), 58 (Protected Species) and 61 (Landscape) are all relevant in and require to be given due weight.
- 8.4.3 This application needs to be assessed principally within the terms of Policy 67 of the HwLDP. Other policies set out in the HwLDP, as highlighted earlier in this report, relate to the assessment of key factors which are material considerations noted within this main policy. These elements will be addressed throughout this report.
- 8.4.4 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 the existing and proposed infrastructure and facilities. If the Council is satisfied on the provisions of Policy 67 as noted in 6.1 and other policies generally then the application will accord with the Development Plan.

Supplementary Guidance

- 8.4.5 As highlighted in Section 7, the site is identified as being within a Group 3 Area of Search in the Council's Draft Spatial Framework for On-shore Wind Energy. These are the areas within which appropriate proposals may be supported subject to consideration against the Highland-wide Local Development Plan.

National Policy

- 8.4.6 Scottish Planning Policy advises that planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed.
- 8.4.7 Criteria outlined within SPP for the assessment of applications include landscape and visual impact; effects on heritage and historic environment; contribution to renewable energy targets; effect on the local and national economy and tourism and recreation interests; benefits and dis-benefits to communities; aviation and telecommunications; noise and shadow flicker; and cumulative impact. In particular, the location of the turbines should be considered carefully to ensure that the landscape and visual impact is minimised. These elements, as relevant to this application, are examined within this assessment.
- 8.4.8 The Scottish Government in responding to climate change and advancing sustainable development has emphasised in Scottish Planning Policy (SPP) and more recently in the '2020 Route map for Renewable Energy in Scotland', a commitment to a target of 100% of Scotland's electricity demand to be generated from renewable sources by 2020 (from a mix of energy types). With regard to these targets Highland has been successful in assisting the delivery of targets for renewable energy, including onshore wind farms projects, a factor which will increasingly require assessment of cumulative impact. Given the current levels of permissions and applications across the area, the Council is well placed to contribute to these targets in addition to its own targets for installed capacity and therefore, choices can be made as to the most appropriate locations for wind farm developments.

Roads and Traffic Impact

- 8.4.9 The public roads which will be utilised during the construction phase are the A9 trunk road; A99 (Latheron to Wick) onto the southern section of the C1053 accessed from the A99 as far as the entrance to Rumster Forest thereafter onto new access tracks. An alternate route (the U1101 may be required if access taken from the south of Lower Rumster Farm rather than through Rumster Forest).
- 8.4.10 The Supporting Statement outlines that it is not anticipated that any upgrades to the track will be required in order to facilitate delivery of the turbines. A new section of track is proposed from the Lower Rumster Farm steading leading to the proposed turbines. Transport Planning note that it is possible to protect the Council's interests, as roads authority, by the inclusion of appropriate planning conditions. In addition, no development shall commence until a Wear and Tear Agreement under Section 96 of the Roads (Scotland) Act has been established to the satisfaction of the Council as Roads Authority.
- 8.4.11 In terms of public access, concern has been noted by objectors that both potential approaches to the site utilise core paths. The Access Officer notes that use of a core path to access the proposed development is acceptable subject to the management of the aces by a Construction Traffic Management Plan to mitigate

impacts on recreational users and ensure there is a competent reinstatement plan for the core path that can be enforced by the Planning Authority. The core path cannot be closed to the public for recreational access rights unless by Order.

8.4.12 The closest turbine has a separation distance of 240m from the core path. The constraint map for the proposed imposed a buffer of 150% of the turbine tip, for which 240m is significantly greater. There is no buffer set out in SPP or Highland Council Supplementary Guidance. The British Horse Society Scotland suggest a buffer of 4 times turbine tip or 200m, whichever is greater, to a core path. Using the BHSS buffer would suggest a constraint distance of 140m based on the tip height, leading to 200m given this is the greater distance. The buffer that is proposed in this instance, 240m, therefore exceed the separation distance recommended by the BHSS. As such, the Access Officer does not envisage any physical effects of the proposal upon users of the core path; there would be no blade oversail and limited ice throw hazard.

8.4.13 The noise contour suggests a level at the core path of 38dB; such a noise level will have limited impact on users of the core path.

Water and Drainage including peat

8.4.14 The layout of the proposed turbines maintains a 50m buffer zone from existing watercourses as required by SEPA guidance. There is however an existing agricultural field drain that has approximately 25m separation however it is expected that best practice construction methodologies and standard mitigation measures shall ensure no adverse impact. A detailed Construction Management Plan will require to be submitted and approved by the Planning Authority in consultation with SEPA at least two months prior to development commencing. This is secured by condition.

8.4.15 The ES notes that the proposed turbines would be located outwith areas of deep peat. In particular, two of the turbines would now be located in an area with no peat and the third turbine would be located in an area with an estimated maximum potential peat depth of 1.5m. The proposed turbines lie within a Class 1 (Mineral Soil – no peat) area on the Scottish Soils Carbon Rich Classification Maps. The ES concludes that there would not be any significant adverse impact on peat, hydrological or geological interest as a result of the proposed turbines.

Natural Heritage

8.4.16 SNH outline that the proposal could affect the East Caithness Cliffs Special Protection Area which is classified for its breeding seabirds and peregrine falcons however this will not adversely affect the integrity of the site. SNH advise that there would be a likely significant effect on terms of cumulative impact on the SPA for both herring gull and great black-backed gull through estimated collision risk. However, a relatively low number of herring gull and great black-backed gull flights that were recorded during the surveys were at risk with collision with turbines at this location. The predicted collisions for this proposal are therefore

low (0.01 herring gulls per year and 0.06 great black-backed gulls) and when considered cumulatively with other onshore and offshore proposals affecting this SPA, the addition of the proposal will not adversely affect the integrity of the site.

Design, Landscape and Visual Impact

8.4.17 Design

The Supporting Statement notes that the layout of the development has been designed to take account of a number of environmental and technical factors, in particular seeking to minimise landscape and visual effects. In response to the previously refused application and to pre-application advice provided to the applicant, the revised layout has sought to address historic environment constraints in addition to visual impacts.

Landscape Impacts

- 8.4.18 The site is covered by the Sweeping Moorland Landscape Character Types (LCT) as detailed in SNH's Landscape Character Assessment (LCA) for Caithness and Sutherland. The LCA provides guidance for wind energy development within this LCT and notes that it may be favoured for wind farm development on account of its open space and fairly flat landform. A windfarm will tend to appear most appropriate where it is located within the wide open areas of this landscape character type, so that the size of the turbines appears inferior to the scale of the surrounding space.

Visual Impacts

- 8.4.19 The ZTV submitted with the application indicates that theoretical visibility would extend to 10km primarily in an easterly direction towards Mid Clyth however the visibility would be largely concentrated within a 5km radius. Theoretical visibility would be largely from rural areas within a more scattered population.
- 8.4.20 Visualisations have been provided from a total of 5 viewpoints. Whilst visualisations provide a useful method of demonstrating visual impact, they are just one method of assessing the impacts in this regard by the Planning Authority. For each of the viewpoints, the ES concludes that there would be no significant visual impacts. This position is agreed by the Council's Landscape Officer.
- 8.4.21 Viewpoint 1 is located 0.3km from the nearest turbine and is intended to represent short range views. The photomontage demonstrates that the intervening scrub and gorse prevents partially obscures the towers of the two visible turbines, with the third turbine entirely obscured in this location. The proposed turbines would be partially backdropped by higher ground in the distance.
- 8.4.22 Viewpoint 2 is located 0.69km from the nearest turbine. The photomontage demonstrates that the turbines would be fully backdropped by the forestry behind. In addition other structures are visible from this location i.e. the TV mast on Creag Ruadh and the three smaller telecoms masts on Ben-a-chielt on the skyline in the background. The ES concludes that there would not be any significant landscape and visual effects from this viewpoint location or the receptors it represents.

- 8.4.23 Viewpoint 3 is located 1.24km from the nearest turbine. The towers of two of the turbines are mostly obscured by intervening topography. The ES concludes that the proposed development would not have any significantly adverse impacts in terms of visual amenity.
- 8.4.24 Viewpoint 4 which was taken on the A99 trunk road and used as part of previous planning submissions has been included with the application however in comparison to the previously proposed 80m turbine, the turbines would not be visible in this location.
- 8.4.25 Viewpoint 5 is located 1.47m from the nearest turbine. The proposed turbines are seen in a small cluster in a wider landscape that contains expanses of commercial forestry and open moorland merging into the settled farmland landscape before meeting the A99 and then the coastline. The ES concludes that the proposed development would not result in any significant landscape or visual effects from this location. The visualisation is also intended to provide a visual impact of the views from The Corr (a Category A Listed Building located around 1.3km from the site)
- 8.4.26 Overall the visualisations demonstrate that visibility of the turbines will largely be within a localised context. When travelling along the A99 there will be intermittent glimpses where the turbines are likely to be visible but this would be restricted to short sections of the journey or through oblique views. On the whole, the built form and general landform will aid in screening the turbines however where views are present the turbines will appear of a scale which is appropriate to the farming landscaping in which they are located. As such, the visual impact of the proposed development is not considered to be significantly detrimental under the terms of Policy 67 of the Highland-wide Local Development Plan.

Noise

- 8.4.27 The noise contour modelling submitted alongside the application demonstrates that no non-financially involved property would be located within the 35dB zone. The Environmental Health Officer recommends this is secured by condition. The Council's standard conditions in this regard detail that in the event of a noise-related complaint being received, the applicant (at their own expense) must investigate the level of noise emissions from the wind turbines. If noise emissions are found to exceed limits prescribed under this planning permission, then the wind farm operator shall be required to implement mitigation measures in order to reduce noise levels to comply with prescribed limits.

Shadow Flicker

- 8.4.28 In line with Scottish Government advice, the Council expects wind energy developments to be located at least a minimum distance equivalent to 11 times the blade diameter from any regularly occupied buildings not associated with the development and at least a minimum distance to the height of the turbine to blade tip from main roads and railways. In this instance that distance is 268.4m. The

nearest non-financially involved property is located over 500m from any turbine therefore the proposal is in accordance with Scottish Government advice in this regard.

Cultural Heritage

- 8.4.29 Appnag Tulloch broch is located just over 0.5km southwest of the nearest turbine. At a distance of 0.5km – 0.7km the group of three turbines would be a noticeable and modern introduction into the surrounding agricultural landscape. Their introduction may represent a change to the character of that landscape and cause something of a distraction in views to and from the broch. However, it would still be relatively easy to appreciate and understand the monument's relation to the surrounding topography. The turbines would have an adverse impact on the setting of the broch, but this is unlikely to reach a level where it would raise issues of national significance.
- 8.4.30 The Corr is almost 1.5km to the southwest of the nearest proposed turbine. A visualisation from this location has been provided. Historic Environment Scotland outline that the turbines would be a noticeable introduction into wide views from the building but would be on lower ground and would not extend above the horizon. The turbines would affect any particularly important line of sight or vista from or to the Listed Building. Consequently the proposed development is not likely to have an impact that raises issues of national significance.
- 8.4.31 The applicant's previous proposal, for the erection of an 80m turbine, was refused on cultural heritage grounds in addition to landscape and visual grounds. This was due to the adverse impacts on The Corr which would have arisen as a result of an 80m turbine. The Council's Historic Environment Team recommended that options were explored for re-location of the turbine to the east of the site to help mitigate impacts on The Corr. This revised proposal repositions the turbines 500m east from the original location. This revised location as well as the reduction in height of the turbines (from 80m to 35m) has sought to mitigate the adverse impact of the proposed development. The ES concludes that the proposal will not have any direct impacts or significant indirect effects on The Corr. This position is agreed.

Tourism/Socio-economic impact

- 8.4.32 No assessment of tourism or socio-economic impact of the proposal is provided in the ES therefore the impacts in this regard are relatively uncertain. It is noted that it is proposed to encourage local contractors to tender for work at each stage of the development process. There are existing farm buildings which may be capable of accommodating ancillary elements of the proposal which would secure a further benefit; details are to be agreed by condition.

Construction Impact

- 8.4.33 The Supporting Statement outlines that construction phase of the project is expected to take a maximum of two months.

- 8.4.34 While it is no longer considered suitable to control construction hours through planning conditions, bespoke powers for regulating construction noise exist within the Control of Pollution Act 1974; powers which enable Environmental Health to specify working hours where problems exist. A condition can, however, be applied placing a restriction on vehicles entering/existing the development during certain times in order to reduce the potential for impacts on residents. This, in conjunction with a Traffic Management Plan will assist in regulating activity on the public road in the interest of amenity.
- 8.4.35 Noise impact mitigation measures (which may include working hours) will also form part of a Construction Environmental Management Document (CEMD).

Aviation Interests

- 8.4.36 No aviation authorities have highlighted any concerns or objections in relation to the proposal.

Radio & TV

- 8.4.37 No representations have been received on the matter of TV reception. However, the Council has a standard practice in situations where this matter may be of concern, of requiring developers to address adverse impacts that may emerge during construction and over the initial year of operation when problems may be detected /experienced. This secured by condition.

De-commissioning and Site Restoration

- 8.4.38 The Supporting Statement notes that the proposed development would have an operational life of approximately 25 years following which the above ground infrastructure will be removed with the site restored to its existing condition. A decommissioning and restoration plan is sought by condition.

Other matters raised within representations

- 8.3.39 There are no other matters raised in representations which have not been addressed above.

9. CONCLUSION

- 9.1 It is considered that the proposed development has improved considerably since the submission of the first planning application in 2013 which comprised of a significantly larger turbine. In particular the proposal is now of a level and scale commensurate to the landscape in which it is located. No issues have been raised by consultees and although the proposed turbines will be visible in certain locations including stretches of the A99, they will appear of a scale appropriate to the farming landscape in which they are contained. All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. RECOMMENDATION

Action required before decision N issued

Subject to the above, it is recommended the application be **Approved** 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 27 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 4 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 27 year cessation date allows for a 2 year period to complete commissioning and site restoration work.

2. 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 the final design uses materials that are suitable in terms of visual impact considerations.

3. No development shall commence until full details of the location, layout, external appearance, dimensions and surface materials of all control and/or substation 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.

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

No development shall commence until a Noise Measurement and Mitigation Scheme has been submitted to, and approved in writing by, the Planning Authority. The scheme shall include:

- i. A framework for the measurement and calculation of noise levels to be undertaken in accordance with "The Assessment & Rating of Noise from Wind Farms", September 1996, ESTU report number ETSU-R-97 having regard to paragraphs 1-3 and 5-11 inclusive, of The Schedule, pages 95 to 97; and Supplementary Guidance Notes to the Planning Obligation, pages 99 to 109. Wind speeds shall be determined using the methods in "Prediction and Assessment of Wind Turbine Noise" (published in IOA Bulletin March/April 2009); and
- ii. Mitigation measures to be enacted, along with a timetable(s) for implementation, should noise emissions exceed the limits prescribed under this planning permission.

Reason: To ensure that the noise impact of the development can be assessed, if necessary following a complaint, in order to demonstrate that it does/does not exceed the predicted noise levels set out within the supporting noise assessment.

4. 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 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 decommissioning of the development and restoration of the site are carried out in an appropriate and environmentally acceptable manner.

5. No development shall commence until a Construction Environmental Management Document (CEMD), in accordance with The Highland Council's Guidance Note on Construction Environmental Management Process for Large Scale Projects (August 2010) (as amended, revoked or re-enacted; with or without modification), has been

submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA, SNH and TECS). The CEMD shall be submitted at least two months prior to the intended start date on site and shall include the following:

- i. An updated Schedule of Mitigation (SM) drawing together all approved mitigation proposed in support of the application and other agreed mitigation (including that required by agencies and relevant planning conditions attached to this permission);
- ii. Change control procedures to manage/action changes from the approved SM, CEMD and Construction Environmental Management Plans;
- iii. Construction Environmental Management Plans (CEMPs) for the construction phase, covering:
 - a. Habitat and Species Protection;
 - b. Pollution Prevention and Control;
 - c. Dust Management;
 - d. Noise and Vibration Mitigation;
 - e. Site Waste Management;
 - f. Surface and Ground Water Management;
 - i. Drainage and sediment management measures from all construction areas including access track improvements; and
 - ii. Mechanisms to ensure that construction will not take place during periods of high flow or high rainfall.
 - g. Water Course Management;
 - h. Peat Stability, Slide Risk and Management;
 - i. Public and Private Water Supply Protection Measures;
 - j. Emergency Response Plans; and
 - k. Other relevant environmental management as may be relevant to the development.
- iv. Special Study Area plans for:
 - a. Groundwater-dependant Terrestrial Ecosystems;
 - b. Species habitat identified within the Environmental Statement and/or raised by consultees; and
 - c. Any other specific issue identified within the Environmental Statement, Schedule of Mitigation and/or conditions attached to this permission;
- v. Post-construction restoration and reinstatement of temporary working areas, compounds and borrow pits;
- vi. Unless conditioned separately as part of this permission, details for the appointment, at the developer's expense, of a suitably qualified Environmental Clerk of Works (ECoW), including roles and responsibilities and any specific accountabilities required by conditions attached to this permission;
- vii. A statement of responsibility to 'stop the job/activity' if a breach or potential breach of mitigation or legislation occurs; and
- viii. Methods for monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority and other relevant parties.

Thereafter, development shall be carried out in accordance with the approved Schedule of Mitigation, Construction Environmental Management Document and any Construction Environmental Management Plans approved thereunder.

Reason: To ensure that the construction of the windfarm is carried out appropriately and does not have an adverse effect on the environment.

6. No development shall commence until the developer has provided the Ministry of Defence (MoD), the Defence Geographic Centre (AIS Information Centre), National Air Traffic Services (NATS) and Highlands & 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 each wind turbine, mast and construction-related equipment (such as cranes);
 - iii. A description of all structures exceeding 90m in height;
 - iv. The height above ground level of the tallest structure within the site;
 - v. The latitude and longitude of every proposed wind turbine and mast;
 - vi. The number of rotor blades on each turbine; and
 - vii. The total number of turbines and the total generation capacity of the windfarm.

Thereafter, the windfarm shall not be commissioned until full details of any changes to information previously provided in relation to parts ii and vii above (including any micro-siting alterations, if allowed under the terms of this permission) have been submitted in writing to the MoD, Defence Geographic Centre, NATS and HIAL.

Reason: To ensure that the MoD and NATS and HIAL are aware of the details of the development, in the interests of aviation safety.

7. No development shall commence until evidence of a concluded agreement between the developer and the Roads Authority dealing with liability for remedial work required as a result of damage to the public road network attributable to the wind farm construction (including the carrying out of pre- and post-construction surveys of the public road network) has been submitted to, and approved in writing by, the Planning Authority.

Reason: To protect road safety and the amenity of other users of the public road and rights of way.

8. 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.

9. 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, its setting or any designations located close by.

Reason: To ensure that the wind turbine transformer do not adversely impact upon the character, integrity or general amenity of the application site, its setting or any special designations located close by.

10. 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 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 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.

11. The Wind Turbine Noise Level, including the application of any tonal penalty specified in ETSU-R-97 at pages 99-109, shall not exceed 35 dB LA90,10min at any Noise-Sensitive Premises. This condition shall only apply at wind speeds up to 10m/s measured or calculated using the methods described in "Prediction and Assessment of Wind Turbine Noise" (published in IOA Bulletin March/April 2009).

Reason: To ensure that the noise impact of the development does not exceed the predicted noise levels set out within the supporting noise assessment.

12. The Wind Farm Operator shall, beginning with the first day upon which the wind farm becomes operational, log wind speed and wind direction data continually and shall retain the data for a period of at least 12 months from the date that it was

logged. The data shall include the average wind speed, measured in metres per second, over 10 minute measuring periods. These measuring periods shall be set to commence on the hour and at 10 minute consecutive increments thereafter. Measurements shall be calculated at 10m above ground level using the methods described in "Prediction and Assessment of Wind Turbine Noise" (published in IOA Bulletin March/April 2009). All wind speed data shall be made available to the Planning Authority on request in Microsoft Excel compatible electronic spreadsheet format.

Reason: To ensure that the noise impact of the development can be assessed, if necessary following a complaint, in order to demonstrate that it does/does not exceed the predicted noise levels set out within the supporting noise assessment.

13. 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.

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.

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 & 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>

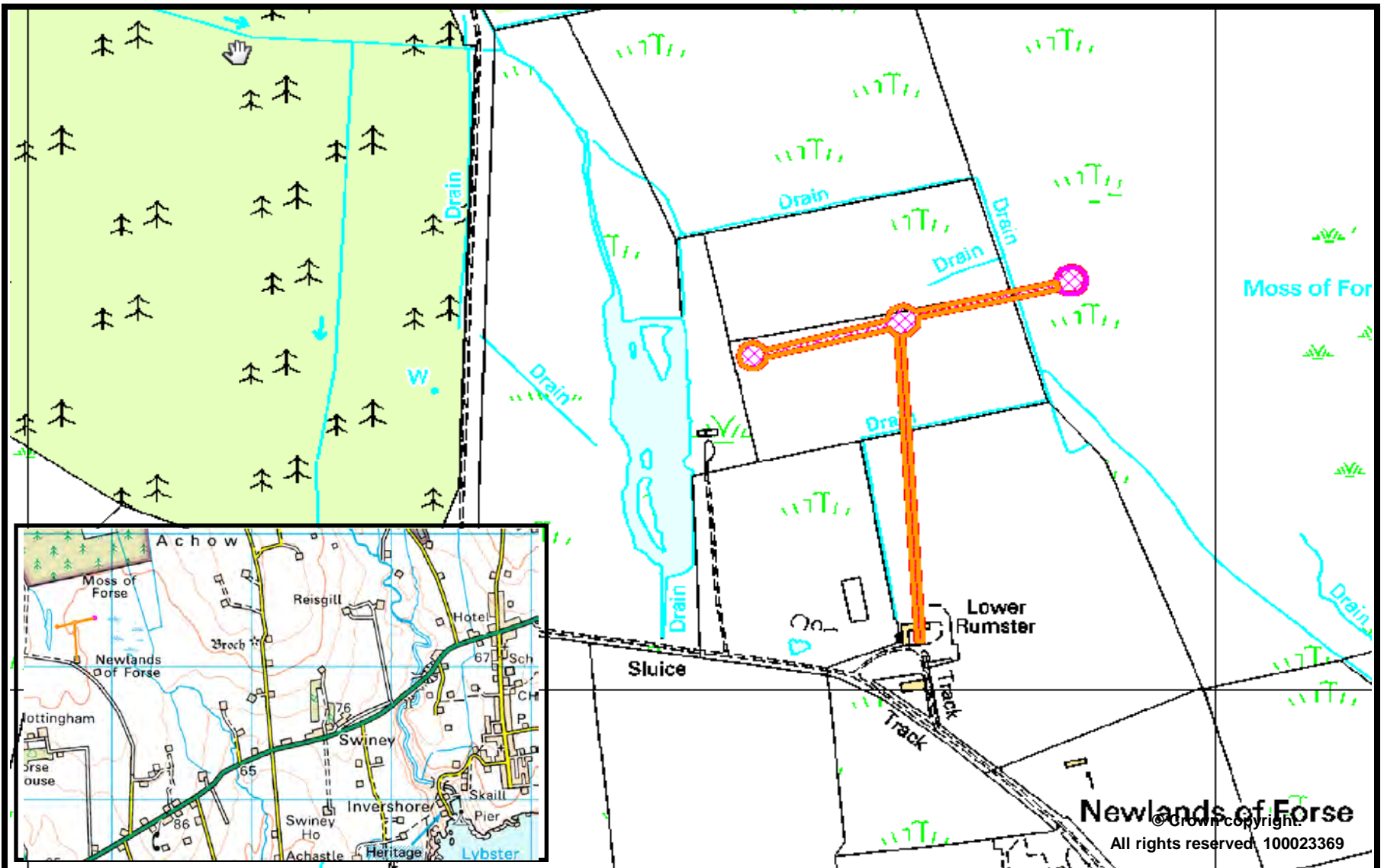
Application forms and guidance notes for access-related consents can be downloaded from:

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

Mud & 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.

Signature: Dafydd Jones
Designation: Area Planning Manager North
Author: Gillian Webster
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan M_076_B
Plan 2 – Site Layout Plan M_004_B
Plan 3 – Turbine Specification D_007_A



The Highland Council
Comhairle na Gàidhealtachd

Planning and Development Service

16/01333/FUL

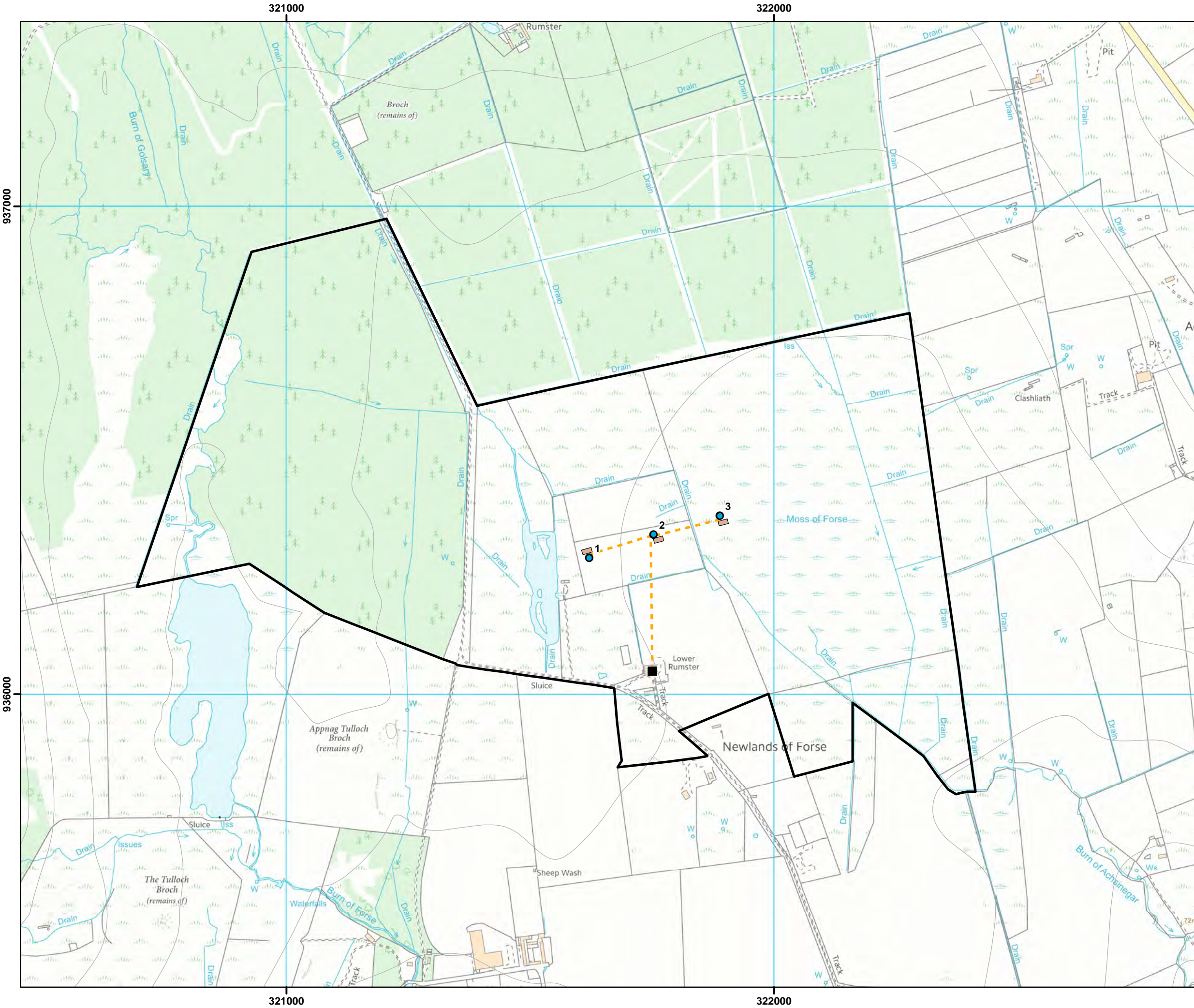
Erection of 3 No. turbines with height to hub of 22.8m, height to tip of 35m and a rotor diameter of 24.4m

Date: 11.10.2016

N








Scale:





Project:
Lower Rumster Wind Turbine Project, Highlands

Title:
Site Layout

- Key**
-  Landowner boundary
 -  Proposed turbine location
 -  Indicative crane pad
 -  Indicative cable route & access track
 -  Indicative grid connection point

Notes:
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 Coordinate System: British National Grid
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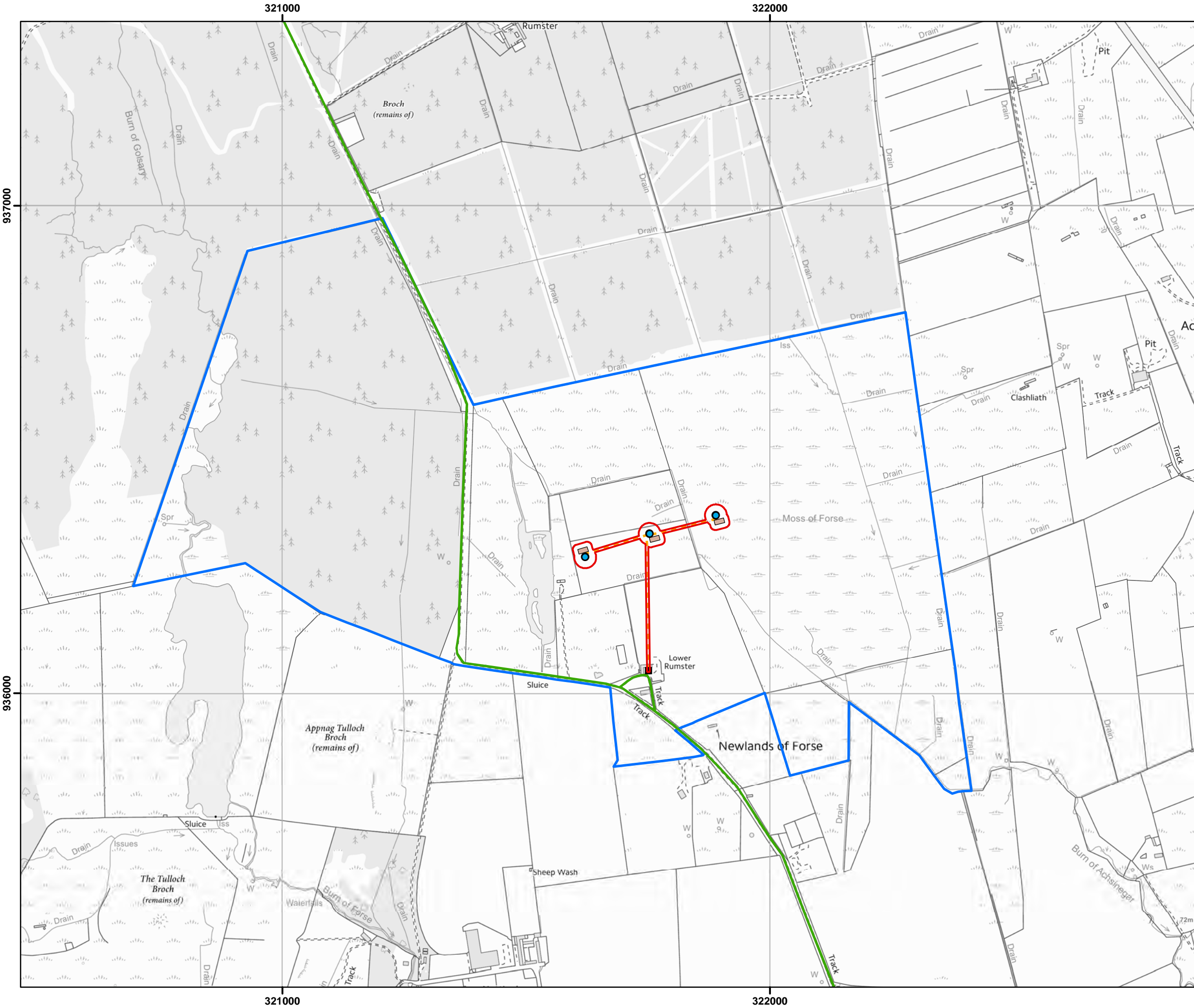



Date: 11-03-16 Prepared by: CT Checked by: EP

Ref: GB200499_M_004_B Layout: 300415_3t_A

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Project:
Lower Rumster Wind Turbine Project, Highlands

Title:
Planning Application Map

- Key**
- Land under the applicant's control
 - Planning application boundary
 - Proposed turbine
 - Indicative crane pad
 - Existing access track over which the applicant has right of access
 - Indicative cable route & access track
 - Indicative grid connection point

Notes:
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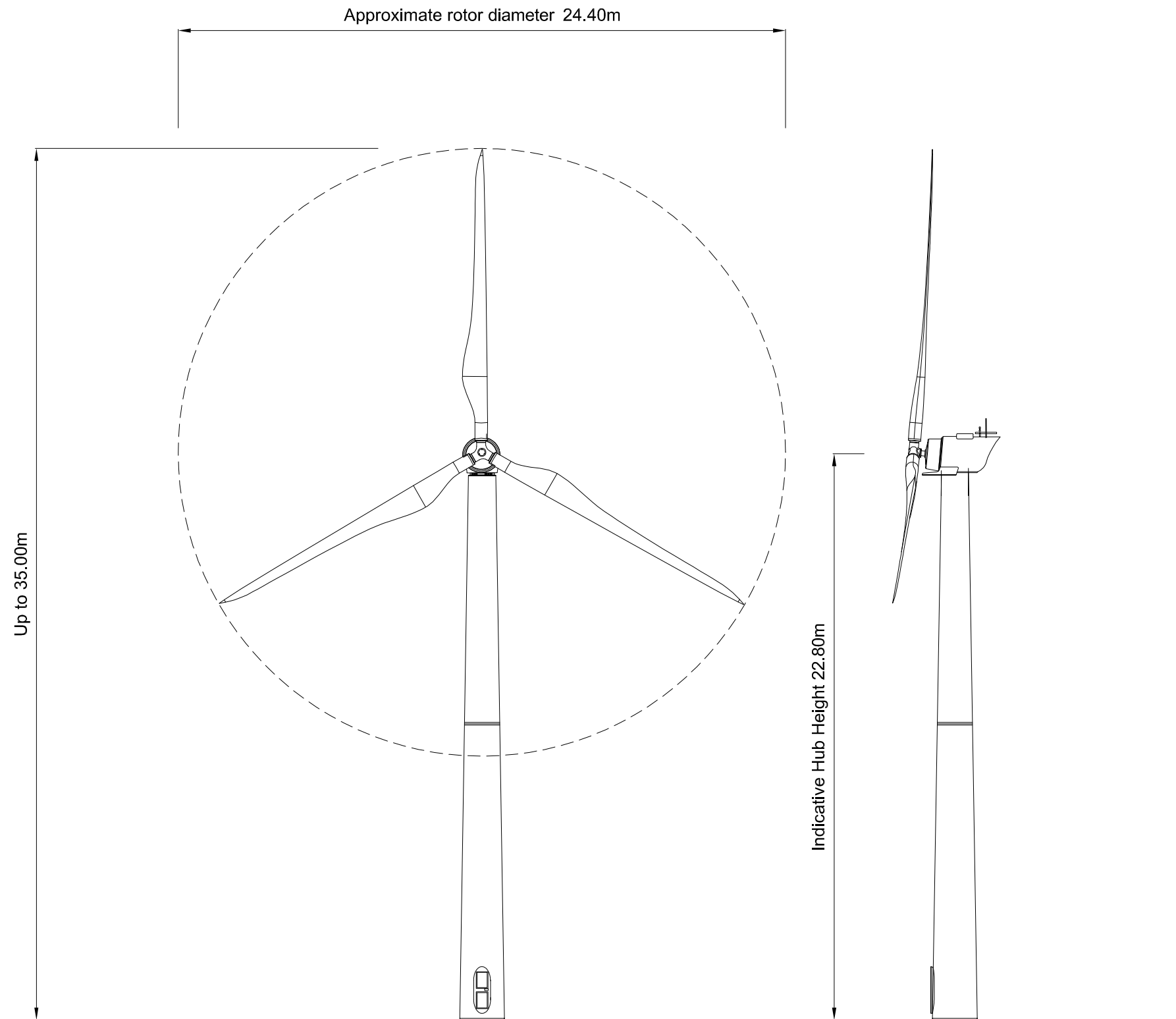
Date: 11-03-16 Prepared by: CT Checked by: EP

Ref: GB200499_M_076_B Layout: 300415_3t_A

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Project:
**Lower Rumster Wind Turbine
Project, Highlands**

Title:
Indicative Turbine Specification



Scale: 1:200 @ A3

Date: 25-03-15 | Prepared by: IW | Checked by: EP

Ref: GB200499_D_007_A

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