

Agenda Item	5.9
Report No	PLN/020/21

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 2 March 2021

Report Title: 20/04917/FUL : Infinergy Limited

Land 2200M SW of Broubster Cottage, Shebster, Thurso

Report By: Area Planning Manager – South/Major Developments

Purpose/Executive Summary

Description: Installation of an 80m tall anemometer mast and associated solar array power unit.

Ward: 02 – Thurso And North West Caithness

Development category: Local Application

Reason referred to Committee: Objection from Caithness West Community Council

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.

Recommendation

Members are asked to agree the recommendation to **Grant** as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 It is proposed to install an 80m anemometer mast and solar power array on land 4km southeast of Reay and 3km southwest of Shebster. The anemometer will collect wind data for a period of 36 month after which the mast is to be removed from the site. The wind monitoring mast consists of tubular sections of 3m length with an outer diameter of approximately 220mm. The mast is supported by 4 sets of 5 guy wires secured to the ground by 8 anchors at radii of 25m and 50m from the base of the mast. The solar power array will be sited at the base of the mast.
- 1.2 The site will be accessed by existing forestry tracks and the development will have no impact on existing trees. Other than installation, occasional maintenance, and removal of the mast it is anticipated that minimal access will be required.
- 1.3 Pre Application Consultation: None
- 1.4 Supporting Information: Design Statement, Lighting Information
- 1.5 Variations: None

2. SITE DESCRIPTION

- 2.1 The site is located in clearing in the heart of the commercial woodland plantation of the Limekiln Estate. There are no other land uses within the immediate vicinity and the nearest residential property is Broubster Cottage 2.1km to the east. There are no statutory natural heritage designations covering the application site although it is 4km from the Caithness and Sutherland Peatlands Special Protection Area, and 3km from the Caithness Lochs Special Protection Area.

3. PLANNING HISTORY

- 3.1 14.12.2020 20/04171/FUL: Installation of 80m anemometer mast. Application Returned

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Schedule 3 Development
Date Advertised: 22.01.2021
Representation deadline: 05.02.2021
Timeous representations: 1 (0 Households)
Late representations: 0
- 4.2 Material considerations raised are summarised as follows:
a) Impact on birds
- 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.

5. CONSULTATIONS

5.1 **Caithness West Community Council:** Object to the proposal for the following reasons:

1. Limekiln wind farm extension was refused permission by Highland Council, and was subject to hundreds of local objections to the proposal. There is thus no justification to site an anemometer at this stage.
2. To agree siting of an anemometer at this stage would be to accept presumption of a successful appeal by the applicants.
3. The application states that the proposal is for “36 months required to measure wind speed and direction for the Limekiln wind farm extension proposal”. That wind farm proposal has already been submitted to, and rejected by, Highland Council. There is therefore no justification in approving an anemometer for this site. This application should have been undertaken some years prior to the wind farm application.
4. Approval of this application by Highland Council would be incredibly insensitive to the residents of Reay, given that Limekiln has already been consented, Limekiln “extension” has gone to appeal, Drum Hollistan has gone to appeal, Akron proposal is now submitted, and the Dounreay offshore proposal is taking off again. The village already has more than its share of issues caused by the wind industry. Approval of this anemometer would appear to show that Highland Council care little about local residents and their views.

5.2 **NatureScot:** Holding objection subject to condition that guy lines are fitted with bird flight deflectors.

The proposal is located approximately 4km from the Caithness and Sutherland Peatlands Special Protection Area classified for its populations of upland birds, and 3km from the Caithness Lochs Special Protection Area which is protected for its wintering populations of wildfowl. Consequently, the proposal lies within foraging range of a number of species thus it can be ascertained that there is “connectivity” between the Special Protection Area birds and the application site.

The proposal is likely to have a significant effect on some of the qualifying interests of each Special Protection Area. However, if the proposal is undertaken strictly in accordance with the recommended mitigation, it will no longer be likely to have a significant effect and an appropriate assessment will not be required.

5.3 **Highlands and Islands Airports Limited:** The position and height of the proposed development would not impact the safeguarding criteria for Wick Airport.

5.4 **Ministry of Defence:** The proposed development is outside the Ministry of Defence statutory safeguarding area therefore the Ministry of Defence have no objection however the mast should be fitted with a minimum intensity 25 candela omni directional red flashing light or equivalent infra-red light to the highest practical point.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

Delete as appropriate

28 - Sustainable Design

36 - Development in the Wider Countryside

58 - Protected Species

6.2 Caithness and Sutherland Local Development Plan 2018

No specific policies apply

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide (Jan 2013)

7.2 Scottish Government Planning Policy and Guidance

Not Applicable

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.

Determining Issues

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.

Planning Considerations

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) siting and design
- c) impact on protected species
- d) impact on amenity
- e) any other material considerations.

Development plan/other planning policy

- 8.4 The site lies within the wider countryside therefore requires to be primarily assessed against Policy 36 which outlines that proposals will be assessed to the extent to which they are acceptable in terms of siting and design, are sympathetic to existing patterns of development, are compatible with landscape character, avoid the loss of croftland, and can be adequately serviced.
- 8.5 The development could impact on protected species due to its height and its proximity to Special protection Areas therefore consideration must be given to Policy 58. This outlines that proposal will only be accepted where any potential impact has been mitigated or there is no other satisfactory solution and the development is required in the interest of public health and safety, or there exists public interests that will benefit the environment.
- 8.6 Policy 28 that requires proposals to be assessed against the impact on individual and community residential amenity, landscape and scenery, the environment and existing infrastructure.
- 8.7 Subject to the proposal being acceptable in terms of siting and design, and not adversely impacting upon the individual and community residential amenity, landscape and scenery, the environment, protected species, and existing infrastructure then the proposal would comply with the development plan.

Siting and Design

- 8.8 The mast is located within a commercial woodland plantation at least 2km from any other land use and an anemometer is not considered to be an incompatible land use here. The nearest public roads are 2 and 3km to the east and north respectively. The site is not within any natural, built or cultural heritage designations and its thin profile will have a minimal impact of the landscape character. The mast will not affect any croftland and the mast and its anchor points will result in minimal ground disturbance. The solar power array is small unit that will sit along side the mast and shall have no impact on the landscape or it's character. The mast is temporary in nature so shall be removed from the site and all ground restored at the expiration of any permission granted. The site is adjacent to existing forestry access tracks which will can be utilised for installation, maintenance and removal without causing harm to the landscape.
- 8.9 The mast is tall but is a slender structure consisting of a central pole tethered by 20 guy wires which are attached to 8 ground anchors. The central pole is very narrow, and the insubstantial form of the structure combined with the temporary nature of the proposal will have a minimal bearing on the landscape character, which is a commercial woodland plantation. The visibility of the mast will be greatly reduced from a distance due to the slender profile.
- 8.10 The development is a compatible land use that will have a minimal impact on the landscape or it's character, will not disrupt the development pattern or any croftland, and can be adequately serviced. Therefore, the proposal is compatible with Policy 36.

Protected Species

- 8.11 As a tall structure the mast poses a collision risk to birds and as two Special Protection Areas are located 3km and 4km distant there is potential that protected species could collide. NatureScot have commented on the application that appropriate bird flight deflectors should be fitted to all guy wires which has been secured by condition. Therefore, the risk to protected species will be low, as affirmed by NatureScot, and the proposal can be considered acceptable in terms of Policy 58.

Residential Amenity

- 8.12 The proposal is located 2.1km from the nearest residential property and 3-4km from the nearest settlements at Shebster and Reay. Considering that the mast is a thin structure only 220mm in diameter, its visibility will reduce considerably from a distance and from the nearest settlements the mast will not be readily visible. Consequently, there is low concern that the mast will disrupt any individual or community residential amenity.

Other material considerations

- 8.13 There are no other material considerations.

Non-material considerations

- 8.14 Reference has been made in the consultee comment received from the community council to the recent planning history of wind farms in the area. The community council consider the granting of this permission would be presumptuous given the ongoing Limekiln Extension and insensitive given local opposition to it and the approved Limekiln wind farm. Whilst these comments are noted and understood this proposal must however be assessed solely on its own respective merits.

Matters to be secured by Section 75 Agreement

- 8.15 a) None

9. CONCLUSION

- 9.1 This application is for the installation for a temporary anemometer mast for a period of 36-months. It must be considered solely on its individual merits; any other proposal, such as for a windfarm, would be assessed on their own merits.

The mast is tall but very slender thus it'll have little impact on the surrounding landscape or amenity of nearby residents during the 36-month period it will remain on site. Planning conditions will ensure that it is removed and that the ground is reinstated at the end of this period, and that the risk of collision with birds is negligible.

9.2 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. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: Not applicable

10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued N

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

Subject to the above, it is recommended that planning permission be

GRANTED, subject to the following:

Conditions and Reasons

1. Planning permission is hereby granted for a temporary period only and shall cease to have effect 36 months from the date of this permission (the 'cessation date'). Prior to the cessation date, the application site shall be cleared of all development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended)) and reinstated to a condition comparable with that of the adjoining land, to the satisfaction of the Planning Authority.

Reason: In recognition of the temporary nature of the proposed development, to enable the Planning Authority to reassess the impact of the development after a given period of time and secure removal and restoration.

2. The mast will be fitted with a minimum intensity 25 candela omni directional red flashing light or equivalent infra-red light fitted at the highest practicable point of the structure.

Reason: To ensure that the mast is visible to aircraft in the interest of air safety.

3. Bird deflectors shall be fitted to all guy wires and be spaced evenly at 5m intervals. Stops or clamps should be fitted to the guy wires to prevent the deflectors from sliding down the wires. The mast should be regularly maintained to ensure the deflectors remain in place. Prior to the commencement of each bird breeding season (April), the developer shall check over each mast to confirm that the bird diverters are in place, and replace any missing diverters as necessary.

Reason: In order to make the guy wires more visible and thus reduce the risk of collision from birds and to ensure that the bird markers are effective for the lifetime of the development.

REASON FOR DECISION

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.

TIME 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.

Ministry of Defense

You are advised the height of the development will necessitate that aeronautical charts and mapping records are amended. DIO Safeguarding therefore requires that the developer must notify UK DVOF and Powerlines at the Defence Geographic Centre with the following information prior to development commencing:

- a) Precise location of development.
- b) Date of commencement of construction.
- c) Date of completion of construction.
- d) The height above ground level of the tallest structure.
- e) The maximum extension height of any construction equipment.
- f) Details of aviation warning lighting fitted to the structure(s)

You may e-mail this information to UK DVOF and Powerlines at: dvof@mod.gov.uk or post it to:

D-UKDVOF and Power Lines
Air Information Centre
Defence Geographic Centre
DGIA
Elmwood Avenue
Feltham
Middlesex
TW13 7AH

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work

commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area 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/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

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.

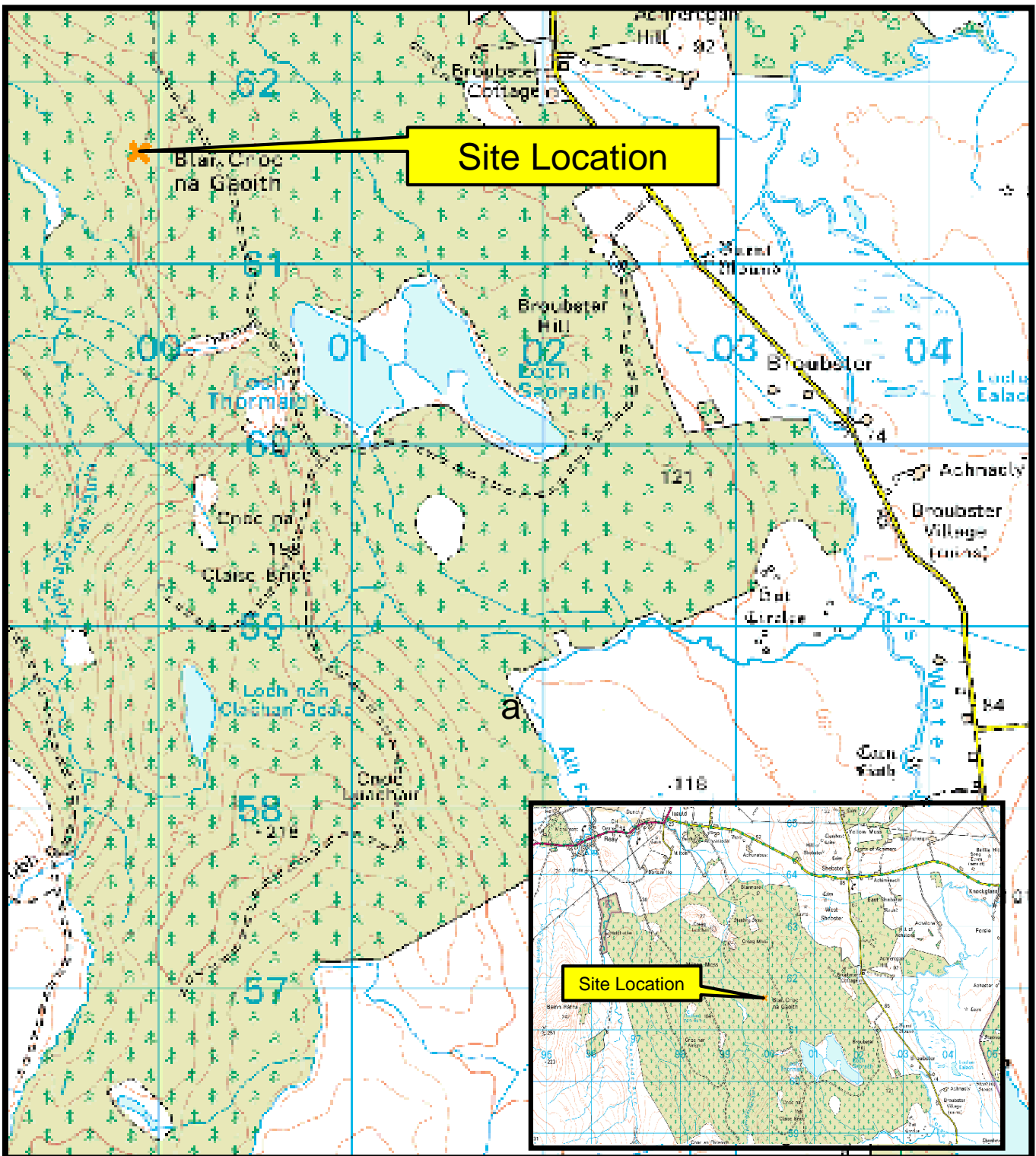
If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits.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

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot 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 NatureScot: <https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-protected-species>

Designation: Acting Head of Development Management
Author: Mark Ripley
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan 1:110000
Plan 2 - Location Plan 1:15000
Plan 3 - Location Plan 1:12000
Plan 4 - Site Layout Plan
Plan 5 - Elevation Plan and Specifications



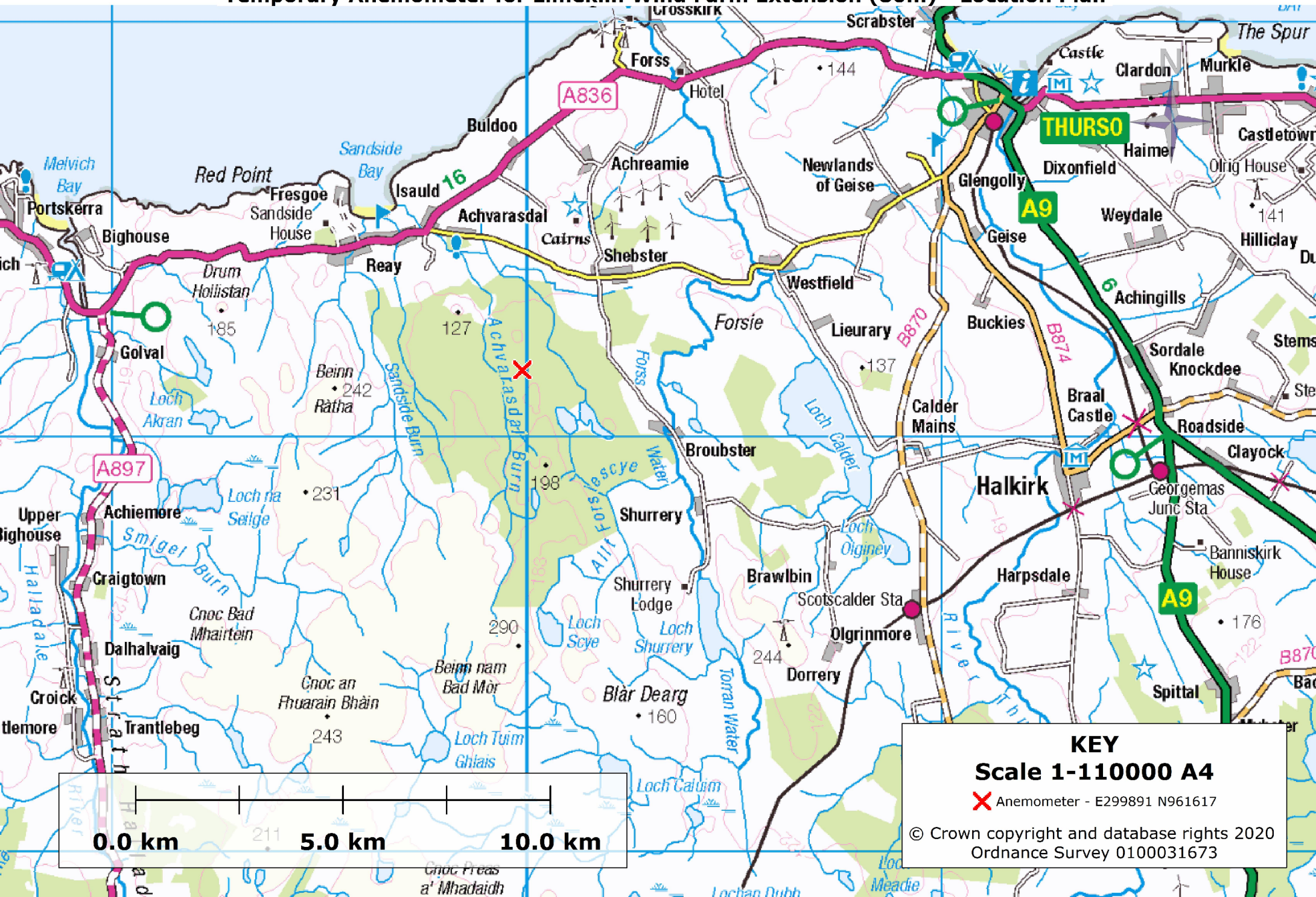
The Highland Council
Comhairle na Gàidhealtachd

**Development & Infrastructure
 Service**

20/04917/FUL

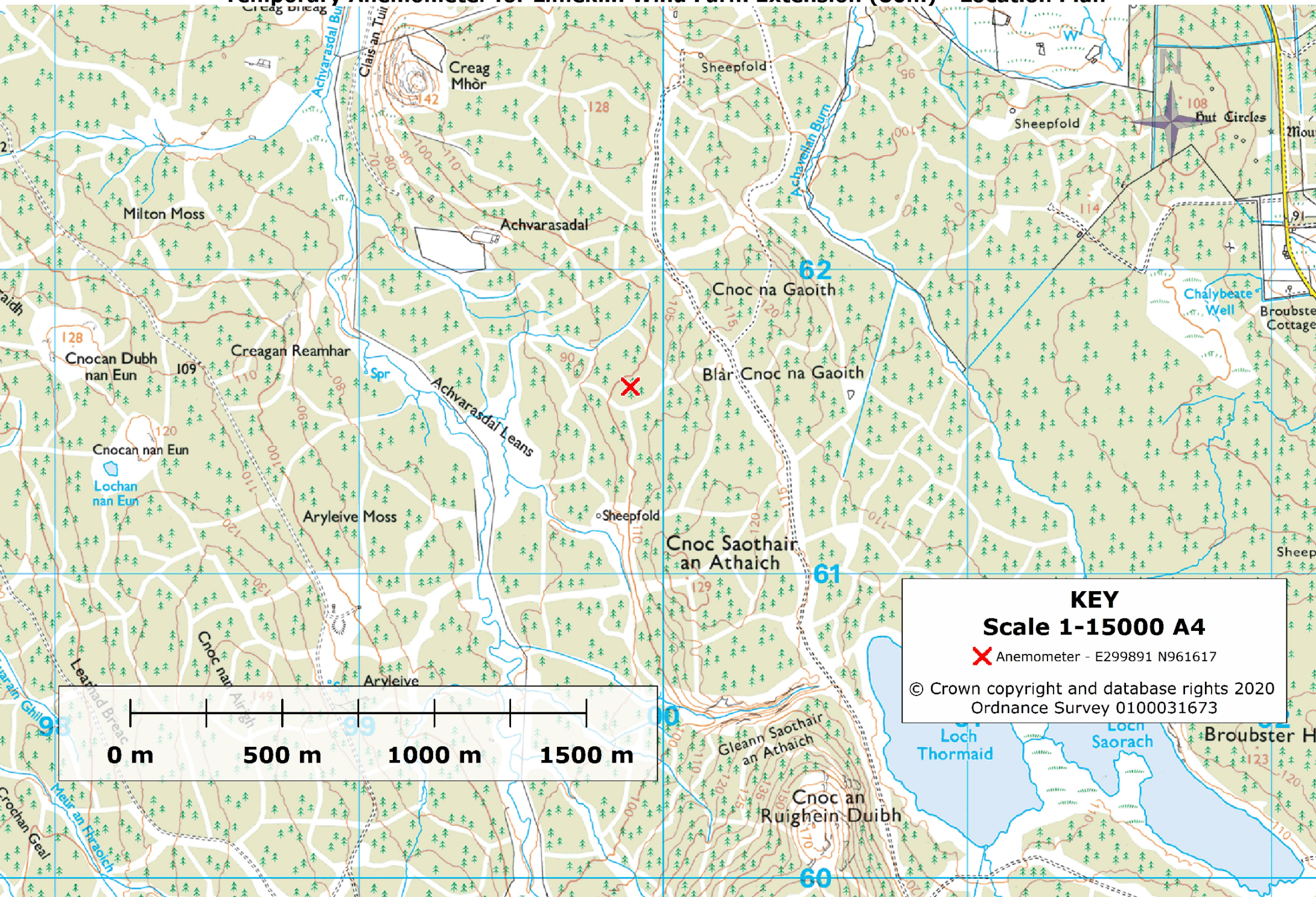
Installation of an 80m tall anemometer mast and associated solar array power unit at land 2200m SW of Broubster Cottage, Shebster, Thurso
 February 2021

Temporary Anemometer for Limekiln Wind Farm Extension (80m) - Location Plan



KEY
Scale 1-110000 A4
X Anemometer - E299891 N961617
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Ordnance Survey 0100031673

Temporary Anemometer for Limekiln Wind Farm Extension (80m) - Location Plan



KEY

Scale 1-15000 A4

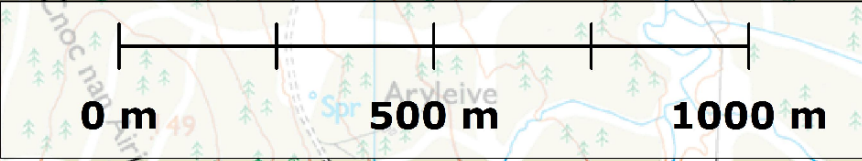
X Anemometer - E299891 N961617

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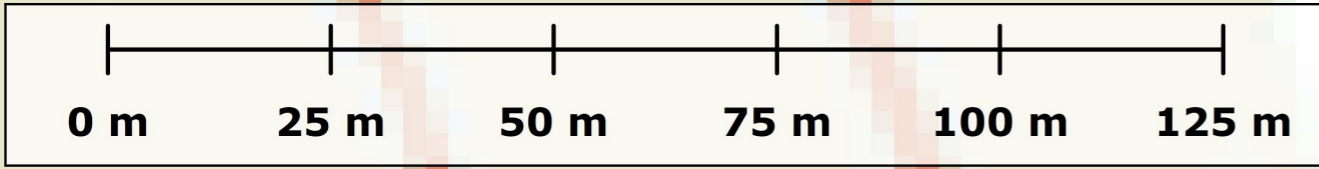
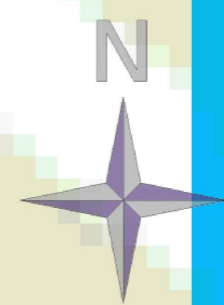
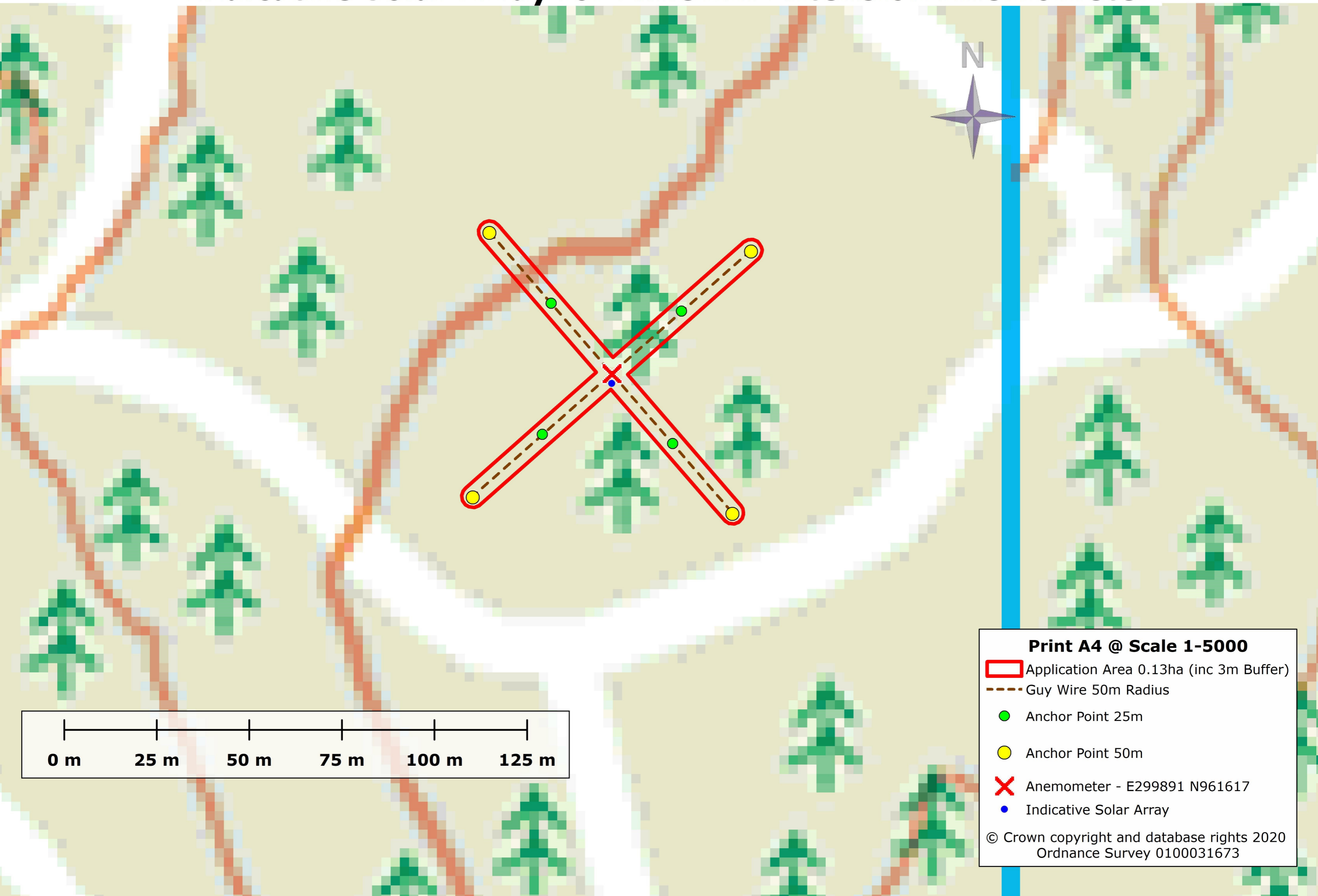
Temporary Anemometer for Limekiln Wind Farm Extension (80m) - Location Plan



KEY
Scale 1-12000 A4
X Anemometer - E299891 N961617
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Indicative Solar Array for Limekiln Extension Anemometer



Print A4 @ Scale 1-5000

- Application Area 0.13ha (inc 3m Buffer)
- Guy Wire 50m Radius
- Anchor Point 25m
- Anchor Point 50m
- Anemometer - E299891 N961617
- Indicative Solar Array

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Ordnance Survey 0100031673

Design Specification - Chillwind 80m Met Mast (Reviewed 05 December 2014)

Reference Drawing: General Elevation and Plan: HC-CW-80M-001-002

1. Construction Specifications

Mast height: 79.5m, giving 80m measurement height with 750mm boom upstand
Mast sections: 6.0m long (+ 1.5m top section), flanged and bolted with M20 bolts
 219.1 x 5mm, 219.1 x 4mm & 193.7 4.0mm CHS
 All sections hot dipped galvanised steel - S355J2H grade
Mast weight: Overall weight of mast, including guys ~ 2.6t
Guys: 5 guying levels, each with 4 guys i.e. 20 guys in total
 7 x 19 steel core galvanised wire, 8mm diameter, minimum breaking load 4.1t
Gin pole: 20m overall (3x6.0m sections + 1.2m foot and nominal 0.8m head))
Gin pole sections: 3 off 6.0m x 244.5 x 6.3mm CHS, galvanised, flanged & M20 bolts.
Instrument booms: As required; illustrative booms included in design limits below.
Anchors: 8 x anchors @ 50m & 25m radii. Winch anchor @ 20m (+2.0m, - 0.0m). Anchoring methods are matched to suit ground conditions, determined by either Chillwind site visit or client information. Mast rating may be limited by the capacity of the anchors, which are load tested prior to the installation of the mast. Where anchor capacity is a limiting factor, load test results - and the possible performance limits - will be discussed with the client.

2. Performance Specifications

Chillwind masts are designed for IEC Wind Class One site conditions, within various wind and ice performance envelopes. Although Eurocode 3 has superseded BS8100 and BS5950 (guyed masts & temporary structures), the construction standard has not changed and the manufactured product remains fundamentally unchanged. These new loading scenarios have increased the apparent load on the masts over the previously used BS8100 standard in respect of the air density, air viscosity, glaze ice density and calculation of the Drag Coefficient of the mast and guy wires. The new bending and buckling check is also more conservative than the previously used BS5950. These changes have resulted in a more conservative environmental operation envelope compared to the previously used standards of BS8100 and BS5950. For comparison with other mast systems, the BSs are quoted below.

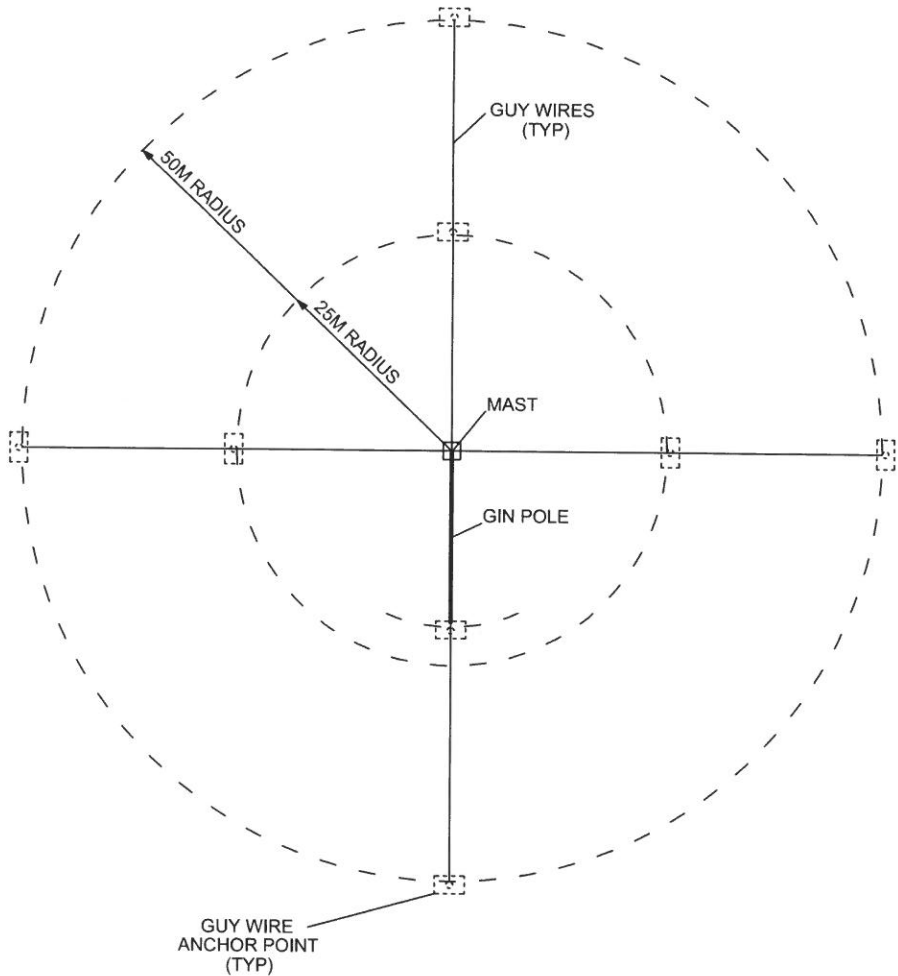
	Expected survival windspeeds (m/s) at 80m (3 second gusts)			Radial ice thickness at which mast fails under still conditions (mm)
	No ice loading	10mm radial ice thickness	20mm radial ice thickness	
BS8100/BS5950	69	42	32	43mm
EUROCODE 3	53.8	35	22	40mm

Notes:

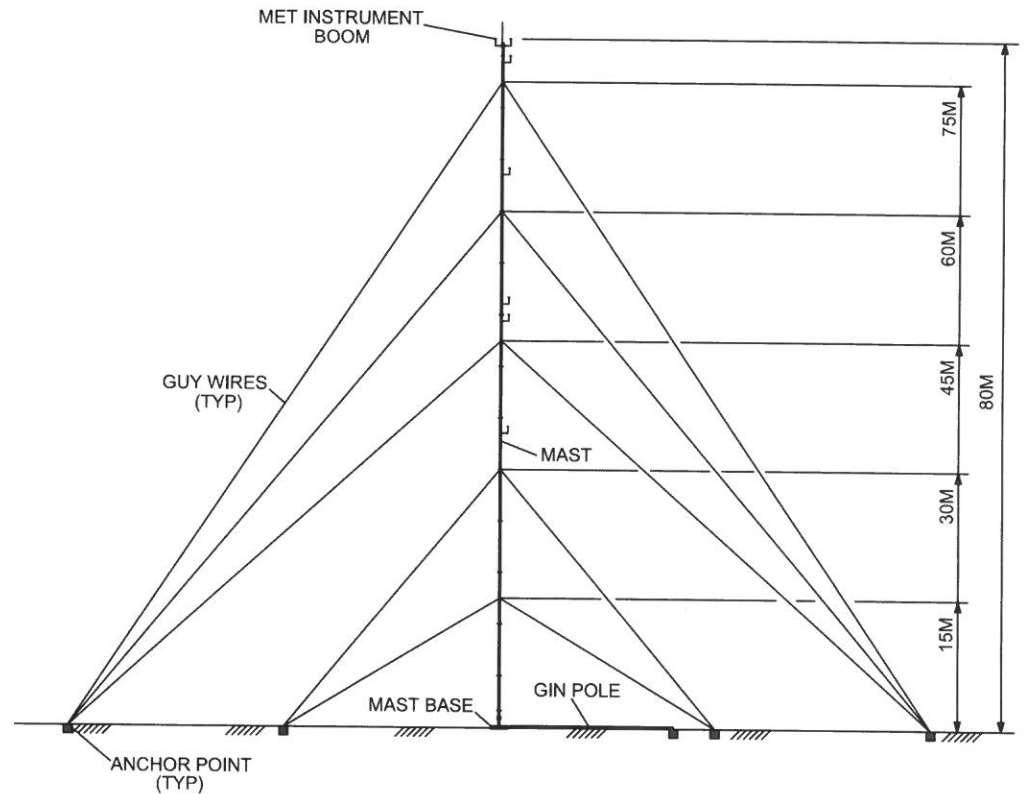
- Booms: BS8100/5950 calculations were for a bare mast; however the Eurocode 3 figures above are based on the same mast fitted with Chillwind alu booms, which is a more appropriate model to yield figures for maintenance monitoring. Booms: double 79.5m 10kg; single 78m 5 kg; single 65m 10 kg; single 50m 10 kg; single 48m 10 kg; single 35m 10kg; logger 3m 10kg.
- Modelling and measuring real-life ice loading is inexact, and no guarantee can be given in relation to performance during icing events. However, Chillwind masts are made to be the most robust available - the indicative information given can be used to compare various mast types under theoretical ice loading conditions.
- A 22.6m/s trigger level for inspection and maintenance regimes is recommended.
- Analysis excludes bird diverters.

For further details, please see our website www.chillwind.co.uk, or contact the office on 01599 522 288

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80M Mast 'PLAN'
Scale 1:600 (A3)



80M Mast 'ELEVATION'
Scale 1:600 (A3)

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 <small>hi-cad TECHNICAL SERVICES REDBANK HORSE ADDRESS POINT BUSINESS PARK ADDRESS EV17 0LP TEL 01348 885126</small>	Drawn By: Graham Oliver Date: 10th Mar 2011 Job No.: 11502				 CHILLWIND LIMITED CORRYRY, GLENELG, ROSS-SHIRE, WA5 5UX Tel: 01592 522288 www.chillwind.co.uk
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REVISION NOTES ISSUED FOR REVIEW AND COMMENTS ISSUED FOR CONSTRUCTION GUY LOCATION HEIGHTS ADDED	DRAWN GO GO GO	CHKD HDR RS GM	REV. 0 A B	DATE 10-3-2011 04-4-2011 22-9-2011	TITLE: 80M MET MAST 'GENERAL ARRANGEMENT' DRAWING No: HC-CW-80M-001-002 SHEET 1 of 1