

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**APPLICATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 FOR
CONSENT TO CONSTRUCT AND OPERATE A WIND FARM AT WESTFIELD, BY
THURSO BY BAILLIE WIND FARM LIMITED
(THC REF: 04/00342/s36CA)**

**PRECOGNITION OF CLLR DAVID BREMNER
ON BEHALF OF THE HIGHLAND COUNCIL**

DPEA REF: IEC/5/105/3

1.0 INTRODUCTION

1.1 My name is David Bremner. I am one of four elected Members that represent Ward 4 – Landward, Caithness – on Highland Council. I have been a Councillor since May 2007. I have been a member of the Caithness, Sutherland and Easter Ross Planning Applications and Review Committee since May 2007. I have attended members' briefings on handling planning decisions which were given by both internal council planning officials and external planning consultants.

1.2 The Caithness, Sutherland and Easter Ross Planning Applications and Review Committee is one of 3 such Committees that cover the Highland local government area. The Committee sits approximately every 6-8 weeks and its remit is to determine planning applications with the exception of those delegated to the Area Planning and Building Standards Manager. I have attended committee meetings and hearings dealing with various types of applications including the committee hearing which dealt with the Gordonbush wind farm application, this was also an application under s36 of the Electricity Act 1989.

1.3 Within the Council I am also Vice Chair of the Council's Audit and Scrutiny committee which deals amongst other things with issues pertaining to internal and external audits and standards within the Council.

1.4 In addition to my role as a councillor I am employed as a mechanical fitter at the Dounreay Nuclear Establishment having worked there since beginning an apprenticeship in 1997. I have a HND in mechanical engineering.

1.5 The scope of my evidence in respect of this appeal is to speak to the Committee's reasons for objecting to an application under section 36 of the Electricity Act 1989 for consent to construct and operate a windfarm at Westfield, by Thurso by Baillie Wind Farm Limited contrary to the recommendation of the Head of Planning and Building Standards. In doing so I will indicate the way in which I considered the application, that is to say, the development plan policies and material considerations that I took into account and the weight I attached to these when voting whether the application be approved.

2.0 BACKGROUND

2.1 I note from the report to the committee (Document number CD5) that the application is for 21 wind turbine generators with a capacity to produce up to 63MW of electricity, and associated works. These include the laying out of access tracks and underground cabling, the construction of an electrical sub-station building, and provision of a contractor's compound.

2.2 Each wind turbine will have an overall height of 110m from base to tip of blade (70m to hub height with 40m long blades). Foundations will be approximately 2.1m deep and 324sq m in area. The turbines will be laid out in a non-linear fashion in a single group. The turbines will be coloured matt grey. The proposed sub-station building will be of traditional construction finished in white coloured render with slate roof.

2.3 The wind farm site is located around 7.5km south-west of Thurso on Bardnaheigh Farm, Westfield, near Shebster. The site comprises of around 560 hectares of a mixture of rough grazing and arable farmland and plantation woodland. The wind turbines are located on the western side of the site, on a hillside. The turbine bases will be located in the range of 75 – 110m above sea level. Access to the site is from the C1 Thurso – Isauld road some 300m west of the entrance to Bardnaheigh Farm. Two overhead power lines run through the site; one 132kV and one 33kV line.

2.4 The site is wholly within the catchment of the River Forss. No part of the site is designated at an international, national or local level for its nature conservation interest. However, the closest international designated site is only 2km to the north, Broubster Leans (SSSI) Special Area of Conservation (SAC) the qualifying interest of which are the transition mires and quaking bogs. Broubster Leans also forms part of the Caithness Lochs Special Protection Area (SPA) its qualifying interest being Greenland white-fronted goose, whooper swan, and also greylag goose. Within 5km of the site is the Loch Calder SSSI (also part of the Caithness Lochs SPA), and the Loch Lieurary SSSI designated for its wet meadow and fen features. The closest nationally designated site is the Westfield Bridge SSSI (grassland and wet meadow), located just over 2km to the south-east of the nearest turbine.

2.5 There are no formal landscape related designations affecting the site. The nearest National Scenic Area is at the Kyle of Tongue some 35km to the west. There

are several proposed Areas of Great Landscape Value within 20km of the site. The nearest are Strathy Point, 15km west, and Dunnet Head, 16km to the east.

2.6 With regard to the historic environment, there are seven scheduled monuments within the vicinity of the site and three Category A listed buildings within 10km.

2.7 Caithness is a county quite unique within the Highland region given the flat, open nature of its landscape. This gives rise to beautiful panoramic views, big skies and a sense of place. This is enriched by an abundance of natural life and historic monuments which characterise the landscape.

2.8 The following wind farms have already been constructed: Boulfruich, Causeymire, Forss, Forss Extension and FlexHill. Permission also exists for Causeymire Extension, Camster and Achairn windfarm. Several other developers are at different stages in the pre-application process and this all signifies a considerable pressure on the Caithness landscape from the renewable energy sector.

2.9 The site pertaining to this application is, I believe, significantly prominent to be seen from much of the North West area of Caithness.

2.10 I refer to document number BWL4(C)(iii). I would like to clarify that I wrote to Mike Russell following an approach from constituents (Mr and Mrs Craig). I did so because the constituents had raised their concerns that there would be political interference in the consultation process this was their concern not mine. I did not pursue this matter further once I had received Mr Russell's response. For the avoidance of doubt I confirm that I did not pre-determine the Baillie Hill Windfarm planning application.

3.0 DETERMINATION OF APPLICATION 04/00342/s36CA

3.1 I attended the Committee meeting held on Tuesday 15th January 2008 and I therefore can speak to what happened at Committee.

3.2 I understand the way in which planning applications require to be determined and am familiar with the test contained in section 25 of the Town and Country Planning (Scotland) Act 1997 which states:

“Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.”

3.3 Having been a member of the planning committee since May 2007 I am familiar with the role of the Structure Plan (Document CD8) and the Local Plan (Document CD9) and I understand what material planning considerations are.

3.4 In my assessment of the application I took account of the relevant development plan policies as quoted in the planning officer’s report (Document CD5) as follows: SPP6, PAN45, Caithness Local plan, Highland Structure plan, Highland Renewable Energy Strategy and Planning guidelines.

3.5 In addition to the relevant development plan policies, I took account of those planning considerations I considered material to the application, namely: The visual amenity of the area, the cumulative effect on the visual amenity of the wider area this application would have in conjunction with constructed and approved wind farms, the concerns put forward by the RSPB and Historic Scotland.

3.6 At the Committee, which was attended by eleven councillors including myself, we initially conducted a site visit. This was followed by a committee hearing conducted in line with the Councils’ hearings procedure. The application was introduced by the Councils’ principal planner which was followed by the applicants presenting their case for the wind farm. The Caithness West community council chairman then spoke to the community council’s objection which was followed by the cases of various third party objectors including, significantly in my opinion, the RSPB. The applicant then replied to various points raised by the objectors to the application. The principal planner summed up and presented his recommendation to the committee. Committee then debated the application with a majority of members contributing to the discussion. The committee then unanimously agreed to recommend that the application should be objected to.

3.7 The reasons proposed as part of the motion for going against officer recommendation were:-

(i) the proposal is contrary to the provisions of the Caithness Local Plan, the site being covered in part by a PP3 designation, which presumes against development,

(ii) the proposal is contrary to SPP6, in relation to the proximity of the proposed wind farm to existing dwellinghouses,

(iii) the proposal is unacceptable in terms of its cumulative impact with other windfarms in the vicinity, and in relation to the likely adverse impact on tourism, tourist routes and tourist destinations such as Dunnet Head and Strathy Point , and

(iv) the proposal is unacceptable in terms of its adverse visual impact and is contrary to the Highland Renewable Energy Strategy policy and guidance, (v) the application should be the subject of an appropriate assessment carried out to the satisfaction of Scottish Natural Heritage to address the issues raised by the RSPB and Historic Scotland.

4. CONCLUSIONS

4.1 It is my opinion that the development proposed at Baillie Hill should not be supported as the site is covered in part by PP3 designation within the Caithness Local plan, the application's proximity to local residents means that the application is contrary to national policy contained in SPP6, the application would have a significantly adverse impact on the visual amenity of the area particularly in regard to cumulative impact with other existing wind farms, the adverse impact likely to be had on local tourism with regard to local tourist routes and destinations, failure to comply with policies within the Highland Renewable Energy Strategy policy and guidance and unresolved concerns raised by Historic Scotland and RSPB.

4.2 I respectfully request that Ministers refuse this application.

Cllr David Bremner

2nd March 2009