

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE –
14 January 2014**

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| Agenda Item | 5.3 |
| Report No | PLN/004/14 |

**13/04144/FUL: BayWa R.e UK Ltd per Natural Power Consultants
Hill Of Stroupster, Auckengill**

Report by Area Planning Manager

SUMMARY

Description: Erection of 1 no additional wind turbine with height to tip of 110m and height to hub of 74.5m, crane pad & associated infrastructure to the Stroupster Wind Farm

Recommendation - GRANT

Ward: 04 – Landward Caithness

Development category: Local

Pre-determination hearing: n/a

Reason referred to Committee: More than 5 objections.

1. PROPOSED DEVELOPMENT

- 1.1 The proposed development would consist of a single wind turbine to the already consented twelve turbine wind farm at Stroupster, North East Caithness. As with the consented scheme this would be an Enercon E70 turbine with a maximum tip height of 110m and a maximum nominal power output of 2.3MW. Specifically the turbine would be 74.5m to hub with a maximum blade length of 33.3m. The supporting information submitted alongside the planning application outlines that the proposed development seeks to optimise the grid capacity of the consented 12 turbine wind farm by utilising the available 30MW connection which currently has 2.4MW unutilised.
- 1.2 Ancillary development would include a turbine foundation comprising a steel-reinforced concrete design and crane pad. The foundation will be approximately 20m diameter and 2.8m depth and would be founded on either bedrock or suitably sourced fill material. A crane pad or hardstanding would also sit adjacent to the turbine; this would measure approximately 22m in width and 40m in length.

- 1.2 Pre-application advice (13/01972/PREAPP) was provided in July 2013. This indicated that, given the history of the site, there are many positive indications as to the acceptability of a further turbine however this would need to be balanced against the environmental impact of the development and potential landscape and visual impact concerns.
- 1.3 In accordance with the agreed access for the consented 12 turbine wind farm, the site will be accessed via the A99, travelling along the local U1517 road and then a section of private single lane track to the site entrance. The bellmouth junction from the A99 to the U1517 road will be improved and widened to accommodate turbine delivery vehicles and other HGV's. The U1517 and private track will also be widened and improved (consented under planning ref 12/03550/FUL. A total of 5.1km of new track will be constructed to serve the consented scheme; these works were approved under planning reference 13/01973/S42. The proposed additional turbine would be located adjacent to an existing access track spar therefore no additional track construction is required over and above existing approvals.
- 1.4 The turbine would be connected into the underground cabling that has already been consented for the wider Stroupster wind farm. As such, the only connection requiring consent under this application is that from the proposed additional turbine to the cabling for the consented site. This is included in the red line boundary of the application and will be underground and minimal in its nature.
- 1.5 An EIA Screening Opinion was issued in August 2013 indicating that an EIA would not be required alongside the application. A targeted environmental report (hereafter referred to as the 'ER') has however been included to provide information requested by consultees during the pre-application process.
- 1.6 **Variations:** No variations to the proposal have been made since the application was lodged.

2. SITE DESCRIPTION

- 2.1 The proposed turbine would be located on the Hill of Stroupster, Auckengill which lies approximately 3.5km north west of the settlement of Auckengill, 7.6km to the south-west of John O'Groats and 15km north of Wick. The turbine would be located within the consented 12 turbine wind farm at Stroupster, located to the south-west of the development between the existing track to Stroupster farm and turbine L of the original consented scheme. The site is categorised as being within an area of Flat Peatland and Coniferous Plantation Landscape Character Type as defined by SNH's Landscape Character Assessment for Caithness and Sutherland.
- 2.2 The turbine would be located on an area of recently felled coniferous forest. Combined with the consent Stroupster scheme the proposed development will occupy a site of approximately 450 hectares of forested peatland containing coniferous plantation of predominantly Sitka spruce, Lodgepole pine and larch (of which various areas have been recently felled to facilitate site investigations) and 100 hectares of improved grazing farm land.
- 2.3 There are no residential properties within 2km of the application site. The nearest property is Hillside which lies just over 2km to the north-east. A number of other properties, at Auckengill, are located within 2-2.5km of the proposed development.

2.4 There are no landscape designations covering the site itself however the Duncansby Head Special Landscape Area (SLA) lies 7km to the north-east of the application site. The Dunnet Head SLA lies further afield at 11.7km to the south-west of the application site.

2.5 Similarly there are no natural heritage designations covering the site itself however the Stroupster Peatlands SSSI (and its component parts) is located around 1.2km to the south of the application site.

3. PLANNING HISTORY

- 3.1
- 05/00273/FULCA: Erection of 12 No. wind turbines, height of 70 meters to hub, associated infrastructure including borrow pit, access tracks, 2 No. temporary construction areas and refurbishment of part of old steading to accommodate site office and grid connection – DPEA appeal allowed 08.04.2010
 - 12/02391/FUL: Further application to extend the commencement time limit of the Hill of Stroupster Wind Farm (12 wind turbines, 113m to tip, including borrow pit, access tracks, temporary construction areas, site office and grid connection infrastructure) at Auckengill, Caithness (consented under planning permission refs. P/PPA/270/431 and 05/00273/FULCA) from 3 years to 5 years – Permitted 01.10.2012
 - 13/01973/S42: Application under Section 42 to amend planning condition 10 (site infrastructure micro-siting) of the main wind farm consent reference 12/02391/FUL, to enable a) turbine WTG D to be moved to NGR 334332 966461 (or within 50 metres of that position) and its access track modified accordingly; and b) new positions for tracks as detailed in drawing 10009UKC_D_030 (GDRAWING-1029807-1-B) (within 50m/10m micro-siting limits). Guidance Note 1 (d) to be amended to accommodate wind measurement requirements – Permitted 06.09.2013
 - 13/03204/FUL: Re-positioning of borrow pit (as 12/02391/FUL) – Permitted 17.10.2013
 - 13/03256/FUL: Proposal and Assessment of an alternative borrow pit location (BP4) to what has previously been consented within the consented Stroupster Wind Farm (ref:12/02391/FUL). This has been produced following completion of intrusive ground investigation works across the wind farm development. all borrow pit working will be carried out under the CEMP submitted as a planning condition of the main wind farm consent and has been agreed with SEPA and SNH – Permitted 17.10.2013

4. PUBLIC PARTICIPATION

4.1 The proposal was advertised in the John O’Groat Journal on 15th November 2013.

4.2 A total of 14 objections have been received. Many objectors to the proposal have questioned the rationale of the planning decision for the wider Stroupster scheme which was ultimately determined by the DPEA. The merits of this decision, or otherwise, are not a material consideration in the determination of this application.

Concern has also been raised regarding amended proposals for further/re-positioned borrowpits; these are subject to another planning consent as detailed above and therefore also not a material consideration in the determination of this application.

- 4.3 Material considerations raised are however summarised as follows:
- Adverse visual impact, particularly when viewed from the south and on the route to John O'Groats
 - Harm to this area of Caithness which is a valuable asset
 - Not enough capacity in transmission lines
 - Not enough capacity in the grid
 - Adverse impact to the local road network
 - Disturbance to deep peat
 - Adverse impact to protected species
 - Adverse impact to residential amenity
- 4.4 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 **Dunnet and Canisbay Community Council:** No response received.
- 5.2 **THC Forestry Officer:** No objections to the proposed development.
- 5.3 **THC TECS Roads and Transport:** No objections.
- 5.4 **THC Environmental Health Officer:** No objections to the proposed development subject to conditions to ensure prescribed noise limits (as per the wider Stroupster consent) are adhered to.
- 5.5 **Scottish Environment Protection Agency (SEPA):** No objections subject to inclusion of a condition requiring the development to follow the proposed outlined in the agreed Construction Environmental Management Plan and Habitat Management Plan for Stroupster Wind Farm.
- 5.6 **Transport Scotland:** No objections. Overall there will be a minimal increase in traffic on the trunk road during the operation of the proposed development therefore there is not likely to be any significant impact on the operation of the trunk road network. Transport Scotland note authorisation from BEAR Scotland will be required for transportation of construction loads and that these movements will be restricted via the nearest suitable port.
- 5.7 **Scottish Natural Heritage (SNH):** No objections to the proposed development. SNH advise that the construction timings, routes and methods set out in the Environmental Report should be applied. In addition, the same planning conditions and associated management plans required for the consented 12 turbine wind farm

should also be applied to the additional turbine. Provided this is done, SNH advise that there will not be significant additional impacts on the natural heritage as a result of the additional turbine.

- 5.8 **Historic Scotland:** No objections to the proposed development. HS are content that there shall be no direct impacts on assets within their statutory remit as a result of the proposed turbine. In terms of indirect and cumulative impacts, HS are content that the overall level of impact is not sufficient to warrant an objection.
- 5.9 **Highlands and Islands Airports Ltd (HIAL):** No objections. The proposed development will not infringe on the safeguarding surfaces for Wick John O’Groats Airport. A red omni-directional obstacle light will be required to be fitted at the hub height of the turbine.
- 5.10 **Civil Aviation Authority:** No objections to the proposed development.
- 5.11 **Ministry of Defence:** No objections to the proposed development. The MOD advise that the turbine should be fitted with lighting in the interests of air safety. This can be secured through condition.

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 72 Pollution
- Policy 77 Public Access

6.2 **Caithness Local Plan 2002 (As Continued in Force, 2012)**

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 Interim Supplementary Guidance: Onshore Wind Energy Supplementary Guidance (March 2012)

Whilst not strictly relevant to this application, 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 Stage 3 – Area of Search.

7.2 Highland Renewable Energy Strategy

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

7.3 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. As noted in Section 4, many objectors have raised concerns regarding the wider Stroupster wind farm development. It is not for this application to assess the merits or otherwise of that decision; instead the purpose of this report is to assess whether the addition of a further turbine would result in any significant *additional (cumulative)* impact, notwithstanding the fact that every application must be determined on its own merits.

8.3 Development Plan Policy Assessment

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 including Peat
- 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 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.

8.5 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.

- 8.6 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

- 8.7 As noted earlier, the site is identified as being within a Stage 3 Area of the Interim Supplementary Guidance Onshore Wind Energy (2012). The guidance states that these are the areas within which appropriate proposals are likely to be supported subject to detailed considerations against the Highland-wide Local Development, in particular policies 57 and 67.

Roads and Traffic Impact

- 8.8 In accordance with the agreed access for the consented 12 turbine Stroupster Wind Farm, the site will be accessed via the A99, travelling along the local U1517 road and then a section of private single lane track to the site entrance. The bellmouth junction from the A99 to the U1517 and private track will also be widened and improved to take construction traffic and delivery vehicles. These improvement works were consented under consents listed in Section 3. The proposed additional turbine would be located immediately adjacent to the track layout and can therefore be accessed from, and connected to, the remainder of the wind farm without any new track construction. No significant roads or traffic impacts are therefore anticipated as a result of the proposed development.

Water and Drainage (including peat)

- 8.8 The ER outlines that the additional impact of the proposed development on peat is negligible in the context of the consented 12 turbine wind farm and will tie into the Peat Management Plan produced to discharge condition 7 of that consent. This outlines that sufficient procedures are in place to ensure that peat can be sensitively handled and stored on-site, there allowing for effective re-use. The consent has been conditioned to ensure that the Construction Environmental Management Plan (CEMP) and Habitat Management Plan produced as part of the wider Stroupster scheme are updated to include the additional turbine in order to minimise the construction and operational impacts of the proposed developments on the water hydrological environment.

Natural Heritage

- 8.9 The site adjoins the Caithness and Sutherland Peatlands Ramsar, Special Protection Area (SPA) and Special Area of Conservation (SAC) and Stroupster Peatlands Site of Special Scientific Interest (SSSI). Updated ornithological surveys have been included in the ES; these identify that no significant changes of breeding populations or flight activity over the application site have been identified. The accompanying assessment identified no significant ornithological effects as a result of the proposed development.

- 8.10 SNH advise that, should the construction timings, routes and methods set out in the Environmental Report be followed, there will not be significant additional impacts on the natural heritage as a result of the additional turbine. A Habitat Management Plan (HMP) has been created for the wider Stroupster scheme in order to enhance ecological features, the principal aim of which is to restore the site to active blanket bog through the felling of trees and blocking of drainage ditches. The consent has been conditioned to ensure this HMP is updated to include the additional turbine, prior to the commencement of development.

Design, Landscape and Visual Impact

Design

- 8.11 The siting of the proposed development has been informed by pre-application discussions with both the planning authority as well as statutory consultees. It is noted that from each the viewpoints the proposed additional turbine would not be seen as isolated or separate from the consented scheme.

Landscape Impact

- 8.12 As noted previously there are no landscape designations covering the site itself however both the Dunnet Head and Duncansby Head Special Landscape Areas are located within 15km of the proposed turbine. The ES outlines that there would not be a significant effect on the landscape character of either SLA. From Duncansby Head, located around 7km to the north east, in particular the ES outlines that visibility to hub height would be extremely limited and fragmented. It is considered therefore the proposed development will not have a significantly detrimental effect on the special qualities of either SLA (as defined by the Assessment of Highland Special Landscape Areas) in addition to the consented development.

Visual Impact

- 8.13 During pre-application discussions it was acknowledged that the most likely significant additional landscape and visual impacts that would occur as a result of the additional turbine would be from the north-east in the direction of Skirza and from the south-west in the general direction of Hastigrow. Based on predicted impacts, viewpoints for assessment were suggested in these areas. In total, visualisations from 8 viewpoints located within 2km to 6.5km from the proposed turbine have been provided as part of the LVIA included in the ER (these are broadly the same viewpoints used as part of the ES for the Stroupster proposal therefore the same reference numbers are utilised). The ER states that these viewpoints are representative of locations most likely to be affected by the proposed development due to their proximity to the Application Site and as they represent views that would be obtained from nearby residential receptors. It is considered that the LVIA and visualisations presented in the ER provide sufficient detail to allow an assessment of the proposal to be made in terms of visual impact.

8.14 The LVIA outlines that there would no significant landscape or visual impacts from any of the 8 viewpoints with a minor or minor/negligible assessment given for the majority of the viewpoints. 4 viewpoints, all located within a 5km radius of the proposed development, are anticipated to experience a moderate or a moderate/minor impact on visual amenity; as follows:

8.15 VP4 Freswick

This VP is located 3.84km to the north-east of the proposed development, on the A99, with an existing view of flat to gently sloping landform containing heather moorland and some patches of semi-improved pasture. The landscape is sparsely populated with very few prominent features with the exception of some isolated crofts. The timber telegraph posts crossing the field are the most prominent vertical features existing within the landscape. The proposed development would appear at the left hand end of the array of the consented Stroupster wind farm thereby extending the panorama within which the wind farm is visible, with half of the tower concealed by the rising landform, therefore reducing its prominence. The LVIA ascribes a moderate, and therefore not significant, cumulative impact on the visual amenity of road users. This assessment, as presented in the ER, is agreed.

8.16 VP5 Auckengill

This VP is located 2.05km to the south-east of the proposed development with an existing view of an uninterrupted expanse of open flat moorland and skyline with no vertical features. The proposed development would appear within the array of consented turbines at Stroupster. From the wirelines it can be seen that the upper part of the turbine would appear next to the blade tips of the consented turbines; the wirelines indicate that there would be an additional two turbines with upper parts visible against blade tips within the Stroupster scheme therefore the proposed development would link well with the pattern of turbines above the landform. The LVIA ascribes a moderate/minor, and therefore not significant, cumulative impact on the visual amenity of residents. This assessment, as presented in the ER, is agreed.

8.17 VP6 Nybster

This VP is located 3.31km to the south-east of the proposed development with an existing view of a simple and open gently sloping landscape with isolated crofts. The proposed development would appear within the array of the consented Stroupster wind farm with the upper part of the turbines appearing against the nacelles of the wind farm. The horizontal spread of the turbines would not be extended as a result of the proposed development. The LVIA therefore ascribes a moderate/minor, and therefore not significant, cumulative impact on visual amenity of local residents and A99 users. This assessment, as presented in the ER, is agreed.

8.18 VP18 Slickly

This VP is located 4.22km west of the proposed development, next to the minor road to the north-west of Slickly with an existing view of flat to gently undulating landform with heather moorland and coniferous forestry plantation. Again the turbine would appear within the array of the consented and would not expand the

horizontal spread. The LVIA ascribes a moderate/minor, and therefore not significant, cumulative impact on visual amenity of residents from this viewpoint. This assessment, as presented in the ER, is agreed.

- 8.19 The LVIA and photomontages demonstrate that the proposed development would be seen as a coherent part of the consented twelve turbine wind farm. It can therefore be concluded that inclusion of the additional turbine would not result in any significant cumulative landscape or visual impact.

Noise

- 8.20 As per best guidance, operational noise assessments have been carried out for the combined effect of the consented Stroupster wind farm and the proposed additional turbine based on 'worst case' scenario wind conditions (that is wind blowing from the application site towards residential dwellings). The assessment outlines that both the proposed development acting alone and the predicted cumulative noise levels (with the consented Stroupster scheme) meet the night and day-time noise limits applied to the consented wind farm at all listed locations by a minimum margin of 2dB which occurs at Hillside which is the closest property to the additional turbine. At the other properties the margin is significantly greater.
- 8.21 The consent has been conditioned to ensure that cumulatively, the proposed development and the 12 turbine scheme do not exceed the same noise limits attached to the consent for Stroupster.

Shadow Flicker

- 8.22 In line with Scottish Government advice, the Council expects wind energy developments to be located at least a minimum distance equivalent to 10 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. The proposed turbine would have a maximum rotor diameter of 71m therefore the recommendation separation would be 710m. As noted earlier, the closest property (Hillside) is located approximately 1.9km from the turbine and therefore considerably outwith the shadow flicker zone.

Cultural Heritage

- 8.23 The ES includes an assessment of the proposed development on cultural heritage. In doing so it draws principally on the results of the Environmental Statement that was prepared for the consented Stroupster scheme and updates these findings in relation to the proposed additional turbine. This re-assessment identifies that the nearest archaeological resource (Stroupster sheepfold) is located around 500m north-west of the application and all other sites are approximately 1km or more away. There will be no direct impacts on any known archaeological resource from the proposed development. This position is agreed by Historic Scotland.

Tourism

- 8.24 A detailed assessment of tourism impact was included as part of the Environmental Statement for the wider Stroupster scheme however given the findings of the LVIA that the proposed additional turbine would not significantly increase the visual effect of the proposal it is not anticipated that there would any significant additional adverse impact on tourism.

Construction Impacts

- 8.25 The construction period for the turbine is anticipated to be 8 weeks and is proposed to run in parallel with the construction of the wider scheme at Stroupster which has an anticipated construction period of 12-15 months. In addition to the effects on habitat, there is some potential for construction related noise and activity impacts that could affect neighbours however mitigation to reduce the potential impact could include:

- Limiting audible construction work and HGV deliveries to 07:00 – 19.00 Monday to Friday and 07:00 – 13:00 on Saturday, with no work being carried out on a Sunday;
- Adherence to British Standard 5228 best practice, including proper maintenance of equipment and the use of noise attenuation apparatus;
- Liaison with neighbours on work schedule

- 8.26 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.

- 8.27 Noise impact mitigation measures (which may include working hours) also form part of the Construction Environmental Management Document (CEMD) produced for the Stroupster scheme; the consent has been conditioned to ensure this document is updated to reflect inclusion of the additional turbine.

Aviation Interests

- 8.28 An assessment of the impact of the proposed windfarm on aviation has been carried out as part of the ES. This outlines that no impacts from the site were identified. The aviation authorities have raised no objections to the proposal subject to the inclusion of air safety lighting. This has been secured through condition.

Radio & TV

- 8.29 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.

Decommissioning and Site Restoration

- 8.30 An initial decommissioning report has been produced to address conditions attached to planning consent ref. 12/02391/FUL which extended the time limit for the consented Stroupster scheme. This document details methods to be following during decommissioning of the major construction components associated with the consented site. These methods will also apply to the proposed development. It is also anticipated that a more detailed decommissioning plan will be produced as the project nears the end of its operational life, given that best practice may be subject to change in the interim period. A condition has also been added to ensure a bond to secure the measures for decommissioning and site restoration outlined in ES is provided.

- 8.31 **Matters to be secured by Section 75 Agreement**

None

9. CONCLUSION

- 9.1 The benefits of the proposal must be weighed against potential drawbacks and then considered in the round. The Scottish Government has given commitment to renewable energy and encourages planning authorities to support the development of wind farms where they can operate successfully and concerns can be satisfactorily addressed. The proposal has not attracted any objections from statutory consultees, subject to the inclusion of appropriate conditions to mitigate anticipated adverse effects. Similarly no objection has been received from the Community Council.
- 9.2 The application has however attracted a number of objections. Many of the objections are founded on a number of issues which are material planning considerations, recognising the development plan policies and particularly the visual impact of the development and specifically highlighting the potential for adverse cumulative impacts to arise alongside the consented Stroupster development. Objectors have also highlighted that these concerns would also impact adversely on local tourism and local viewpoints of value to residents and tourists.
- 9.3 As outlined previously the application must be determined principally in terms of Policy 67 of the Highland-wide Local Development Plan, which also reflects the tests set out within other policies within the plan; for example Policy 28. The ER submitted alongside the application demonstrates that there will no significantly adverse impact as a result of the additional turbine, when considered cumulatively

with the consented wind farm, against the policy considerations outlined in Policy 67. It is therefore considered that the proposal accords fully with the development plan.

- 9.4 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does accords with the principles and policies contained within the Development Plan and all applicable material considerations. It is recommended that planning permission is granted subject to conditions.

10. RECOMMENDATION

Action required before decision issued N

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons / notes to applicant:

1. This planning permission shall expire and cease to have effect after a period of 25 years from the date when electricity is first exported from any of the approved wind turbines to the electricity grid network (the "First Export Date"). Written confirmation of the First Export Date shall be submitted in writing to the Planning Authority within one month of the First Export Date. Upon the cessation of this permission, all wind turbines and ancillary equipment shall be removed from the site and the site shall be reinstated in accordance with the scheme approved under the terms of condition 2.

Reason: To ensure that the permission reflects the expected lifespan of the wind farm and that the site is restored at the end of that period.

2. No development shall commence until the an indicative scheme for the decommissioning and restoration of the site required by Condition 2 of Planning Permission Ref. 12/02391 has been updated to include the addition 13th turbine hereby approved. Prior to commencement of development this updated scheme shall have been submitted to, and approved in writing by, the Planning Authority in consultation with Scottish Natural Heritage (SNH) and the Scottish Environment Protection Agency (SEPA). No later than 12 months prior to the cessation of this permission, a detailed decommissioning and restoration scheme, based upon the principles of the approved indicative scheme, shall be submitted for the written approval of the planning authority, in consultation with SNH and SEPA. For the avoidance of doubt, the decommissioning and restoration scheme shall include the removal of the 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 scheme 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.

3. No development shall commence until:

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

Thereafter, the Wind Farm Operator shall:

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

Each review shall be:

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

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

Reason: To ensure that sufficient funds are available to ensure the full restoration of the site in accordance with the approved decommissioning scheme.

4. No development shall commence until the Construction and Environmental Management Plan (CEMP) required by Condition 7 of Planning Permission Ref 12/02391/FUL has been updated to include the 13th turbine hereby approved. This

updated CEMP shall have been submitted to, and approved in writing by, the Planning Authority, in consultation with SNH and SEPA prior to commencement of development. Construction of the development and the associated restoration works shall thereafter proceed in full accordance with the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP shall address the following matters:

- (a) details of construction works and their timing, tree felling operations, and the construction methods and surface treatment of all hard surfaces and tracks;
- (b) details of temporary site compounds for the storage of materials and machinery (including areas designated for car parking);
- (c) the siting and details of wheel washing and any vehicle cleaning facilities;
- (d) details of the timing of works and methods of working for cable trenches and foundation works;
- (e) details of the timing of works and construction of the substation/control buildings and anemometer masts;
- (f) details of the bridges and culverts for all new water crossings, including provision for the passage of otters;
- (g) details of the borrow pit working methodology, including blasting operations, noise controls, detailed restoration proposals and the timing of restoration;
- (h) peat stability measures, including the implementation of the mitigation requirements contained within the Peat Stability Risk Assessment and to take account of the temporary storage of overburden arising from the excavation of the borrow pit;
- (i) dust management;
- (j) cleaning of site entrances, site tracks and the adjacent public road, and the sheeting of all HGVs taking construction materials or spoil to and from the site to prevent spillage or the deposit of any materials on the road;
- (k) pollution control measures, including the protection of watercourses, groundwater and soils, bunding of fuel storage areas, sewage disposal, and the treatment and disposal of surface water run-off, including measures for the prevention of silt-laden water or other pollutants from entering any watercourse;
- (l) the disposal of surplus materials;
- (m) post-construction restoration and re-instatement of all temporary working areas, including the timing of such operations;
- (n) a construction noise management plan, including identification of access routes, the location of materials lay-down areas, details of equipment to be employed, operations to be carried out, mitigation measures and a scheme for the monitoring of noise in the event of complaints; and
- (o) the appointment and scope of work of a Project Ecologist, who shall have responsibility for monitoring compliance with the provisions of the approved CEMP and who shall report all breaches of it to the planning authority.

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented.

5. The hours of work during the construction phase of the development, and any traffic movements to and from the site associated with the construction of the development, shall be from 0700 to 1900 hours on Mondays to Fridays and from 0700 to 1400 hours on Saturdays; and no work shall take place outwith these hours or on Bank Holidays (as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended)), unless otherwise agreed in writing by the Planning Authority.

Reason: To minimise the impact of construction operations on the amenity of local residents.

6. Notwithstanding the provisions of condition 5, the delivery of turbine and crane components may take place outwith the hours specified subject to not less than 24 hours prior notice of such traffic movements being given to the Planning Authority and such deliveries first being approved in writing by the Planning Authority.

Reason: To enable the movement of abnormal loads outwith the permitted hours subject to prior notification and approval in order to minimise the impact on road safety, the amenity of other users of the road and the amenity of local residents.

7. The wind turbine hereby approved shall be located within 50 metres of the positions shown on Figure 1.3 of the Environmental Report accompanying the application subject to agreement by the Project Ecologist of the revised location. No amended turbine position shall be within 10 metres of a watercourse unless details of its location and construction methods have been submitted to, and approved in writing by, the Planning Authority, in consultation with SNH and SEPA. On the completion of the development, a plan showing the positions of the turbine and tracks, if different to those shown on the plans approved under this permission, shall be submitted to the Planning Authority.

Reason: To enable the detailed position of the turbine to be adjusted to take account of local ground conditions, to safeguard the interests of the Special Area of Conservation and of the watercourses running through the site, and to ensure that the planning authority has an accurate record of the development, as constructed.

8. No wind turbine shall be erected or installed on the site until details of the following have been submitted to and approved in writing by the Planning Authority:

- (a) the wind turbine tower, nacelle and blades, which shall incorporate a semi-matt finish and shall be identical unless otherwise agreed in writing by the planning authority;

- (b) external transformer units (if any);

- (c) any lighting that is required to be installed on the wind turbine towers or anemometer masts for aircraft safeguarding purposes

The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

9. 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, the wind turbine, ancillary buildings, transformers or above ground fixed plant shall not display any name, logo, sign or other advertisement without express advertisement consent having been granted on application to the Planning Authority.

Reason: In the interests of visual amenity.

10. No development shall commence until the Habitat Management Plan (HMP) required by Condition 15 of Planning Permission Ref 12/02391/FUL has been updated to include the 13th turbine hereby approved. This updated HMP shall have been submitted to, and approved in writing by, the Planning Authority, in consultation with SNH, prior to the commencement of development and shall provide for measures to protect and manage habitat and species within and adjoining the application site.

Reason: To protect and enhance the nature conservation interests of the area, including the restoration of the cleared forestry areas to blanket bog, the management of vegetation on the site to avoid any adverse impact of the wind farm on hen harriers, the avoidance of adverse effects on other species of nature conservation interest, and the protection of the qualifying interests of the Caithness and Sutherland Peatlands Special Area of Conservation and Special Protection Area.

11. No wind turbine shall be erected until a scheme to secure the investigation and alleviation of any electro-magnetic interference to TV reception at residential properties lawfully existing at the date of this permission caused by the operation of the turbines has been submitted to and approved in writing by the planning authority. The scheme shall be implemented as approved.

Reason: To protect the amenity of local residents.

12. The rating level of noise emissions from the combined effects of the wind turbines associated with this development and those associated with the previous consented Stroupster development (12/02391) when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to these conditions at any dwelling which is lawfully existing or has planning permission at the date of this permission and:

a) The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.

b) No electricity shall be exported until the wind farm operator has submitted to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.

c) Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

d) The assessment of the rating level of noise emissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise emissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (c), and such others as the independent consultant considers likely to result in a breach of the noise limits.

e) Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The rating level of noise emissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.

f) The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise emissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority for compliance measurements to be made under paragraph (c), unless the time limit is extended in writing by the

Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise emissions.

g) Where a further assessment of the rating level of noise emissions from the wind farm is required pursuant to Guidance Note 4(c), the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (d) above unless the time limit has been extended in writing by the Local Planning Authority.

Table 1 – Between 07:00 and 23:00 – Noise limits expressed in dB LA90,10 minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

| Location | Wind speed at 10m height, m/s | | | | | | | | | | | |
|----------------------|-------------------------------|----|----|----|----|----|----|----|----|----|----|----|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Ruthers of Howe | 35 | 35 | 35 | 35 | 35 | 35 | 37 | 39 | 41 | 43 | 44 | 44 |
| Slickly | 35 | 35 | 35 | 35 | 37 | 39 | 41 | 44 | 46 | 47 | 47 | 47 |
| Westlands | 35 | 35 | 35 | 35 | 35 | 35 | 37 | 39 | 41 | 43 | 44 | 44 |
| Hillside, Auchengill | 35 | 35 | 35 | 35 | 35 | 35 | 37 | 39 | 40 | 41 | 42 | 42 |

Table 2 – Between 23:00 and 07:00 – Noise limits expressed in dB LA90,10-minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

| Location | Wind speed at 10m height, m/s | | | | | | | | | | | |
|----------------------|-------------------------------|----|----|----|----|----|----|----|----|----|----|----|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Ruthers of Howe | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 44 | 47 | 50 |
| Slickly | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 44 | 46 | 47 | 47 | 47 |
| Westlands (Freswick) | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 44 | 45 | 45 |
| Hillside, Auchengill | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 44 |

13. No development shall commence until the developer has provided the Ministry of Defence and National Air Traffic Services (NATS) with the following information in writing:

- i. The dates that construction will commence and will be complete;
- ii. The maximum height of construction-related equipment; and

iii. The latitude and longitude of every proposed wind turbine.

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

14. No less than two months prior to commencement of the development, a scheme of aviation lighting (to be infrared unless technically impracticable) shall be submitted to, and approved in writing by, the Planning Authority in consultation with the Ministry of Defence and HIAL. For the avoidance of doubt this shall comprise 25 candela omni-directional red lighting or infrared aviation lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point. Thereafter, the approved scheme of aviation lighting shall be fully implemented on site, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of aviation safety.

Guidance Notes for Wind Farm Noise Conditions

These notes are to be read with and form part of the noise condition (NO.12). They further explain the condition and specify the methods to be employed in the assessment of complaints about noise emissions from the turbine hereby approved and the consented Stroupster wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support Unit (ETSU) for the Department of Trade and Industry (DTI).

Guidance Note 1

(a) Values of the LA90,10 minute noise statistic should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

(b) The microphone should be mounted at 1.2 – 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or

any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

(c) The LA90,10 minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.

(d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. All 10 minute arithmetic average mean wind speed data measured at hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres . It is this standardised 10 metre height wind speed data, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter.

(e) Data provided to the Local Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.

(f) A data logging rain gauge shall be installed in the course of the assessment of the levels of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d).

Guidance Note 2

(a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2 (b)

(b) Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (d) of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1. In specifying such conditions the Local Planning Authority shall have

regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.

(c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90,10 minute noise measurements and corresponding values of the 10- minute wind speed, as derived from the standardised ten metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the standardised mean wind speed on the X-axis. A least squares, “best fit” curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Guidance Note 3

(a) Where, in accordance with the approved assessment protocol under paragraph (d) of the noise condition, noise emissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.

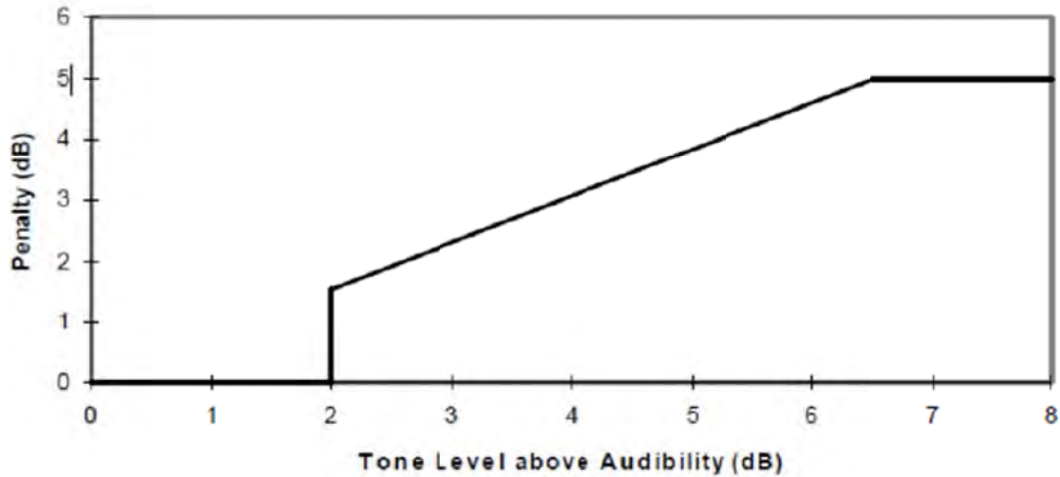
(b) For each 10 minute interval for which LA90,10 minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise emissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that uninterrupted uncorrupted data are available (“the standard procedure”). Where uncorrupted data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.

(c) For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.

(d) The tone level above audibility shall be plotted against wind speed for each of the 2 minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be used.

(e) A least squares “best fit” linear regression line shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the “best fit” line at each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Guidance Note 2.

(f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



Guidance Note 4

(a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Local Planning Authority in its written protocol under paragraph (d) of the noise condition.

(b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.

(c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (e) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise emission only.

(d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

(e). Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range requested by the Local Planning Authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise condition.

(f) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10\log [10^{L2/10} - 10^{L3/10}]$$

(g) The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.

(h) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note 3 above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then the development fails to comply with the conditions.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & 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>

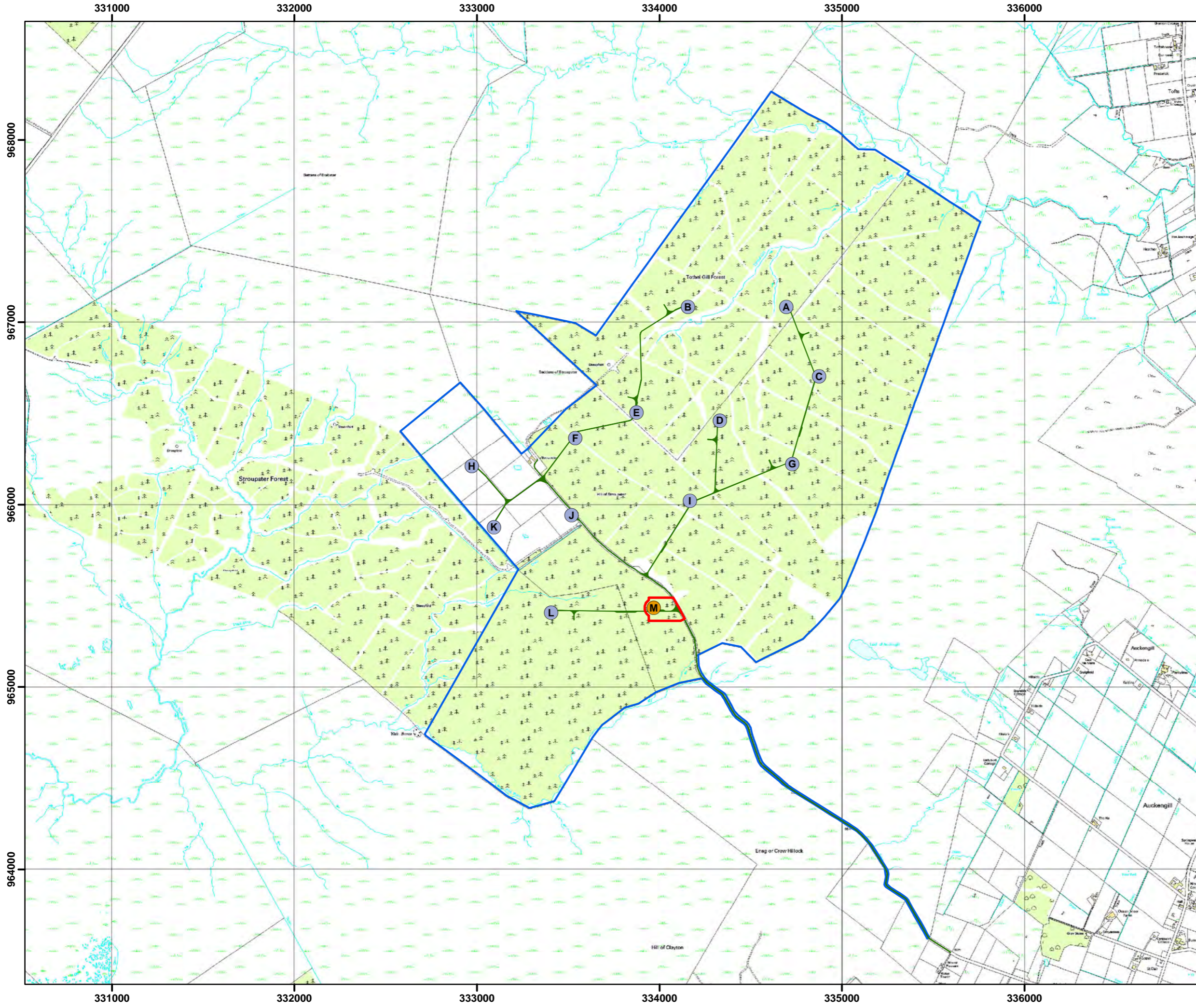
Mud & Debris on Road

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 e-case file.
Relevant Plans: Plan 1 – Location Plan (Figure 1.2)
Plan 2 – Site Layout Plan (Figure 1.3)
Plan 3 – Turbine details (Figure 2.2A)

Appendix – Letters of Representation

1. Mrs Catherine MacGregor, Curlew Cottage, Hilliclay Mains, Weydale, Thurso, KW14 8YN,
2. Miss Joyce Wilson, Beachwood House West Dunnet Road, Dunnet, Highland, KW14 8YD,
3. Dr Ben MacGregor, Curlew Cottage, Hilliclay Mains, Thurso, KW14 8YN,
4. Mr William Brown, Dunvegan Achscrabster Achscrabster Road, Thurso, Highland, KW14 7QN,
5. Mr Stuart Young, Dunmore Westside West Dunnet Road, Dunnet, Highland, KW14 8YD,
6. Mrs Lyndall Leet, 8 Burnside, Scrabster, Thurso, KW14 7UG,
7. Mr Andrew Vivers, Arniefoul, Glamis, Forfar, DD8 1UD,
8. Miss Julie Angell, Hillside, Auckengill, Wick, KW14XP,
9. Mrs Islay MacLeod, Thrumster House, Thrumster, nr Wick, KW1 5TX,
10. Murray Watts, Freswick Castle, Wick , KW1 4XX, ,
11. Mrs Brenda Herrick, Sandmill, Harbour Road, Castletown, Thurso, KW14 8TG,
12. Mrs Denise Brown, Upper Larel Farm, Halkirk, KW12 6UZ,
13. Mr. Edgar White, Rivendell, Seater, Canisbay, Wick, KW1 4YH,
14. Mr William Wilson, Old Schoolhouse, Lyth, WICK, KW1 4UD,
15. Mr David Poupard, Eriska Achow Achow - Osclay Road, Lybster, Highland, KW3 6BY,



Project:
**Stroupster Wind Farm
 Additional Turbine**

Title:
Figure 1.2: Location Plan

Key

- Planning application boundary
- Land in applicant's control
- Consented turbine location
- Additional turbine location
- Track

Notes:

a) Information on this map is directly reproduced from digital and other material from different sources. Minor discrepancies may therefore occur. Where further clarification is considered necessary, this is noted through the use of text boxes on the map itself.

b) For the avoidance of doubt and unless otherwise stated:

- where a line recorded in the key demarcates a boundary on this plan, the boundary edge is the outside edge of the line.
- where a line or feature recorded in the key of this plan is also shown as a line or feature by the Ordnance Survey, and that line or feature is located in a different position on the ground than shown by the Ordnance Survey, then the line or feature shall be deemed to follow the position as existing on the ground.
- this plan should be used for identification purposes only, unless specifically stated above or in accompanying documentation.
- Natural Power Consultants Ltd. accepts no responsibility for the accuracy of data supplied by third parties.

Scale @ A3:1:20,000
 Coordinate System: British National Grid

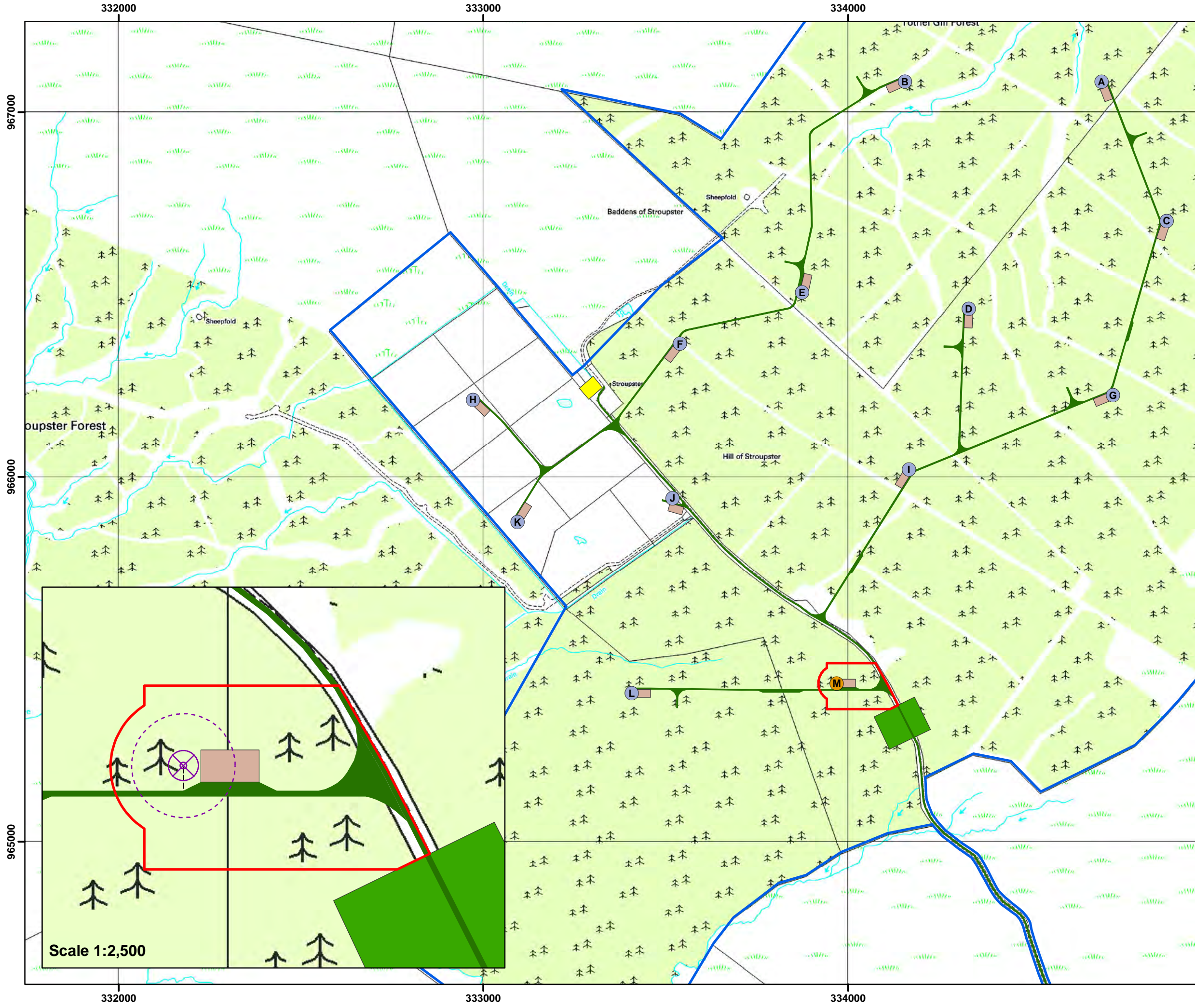
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 Ordnance Survey Licence 0100031673.

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Date: 31-10-13 Prepared by: EG Checked by: FB

Ref: UKC10009_M_036_D Layout: 250513_13t_A

Drawing by:
 Natural Power Consultants Ltd
 The Green House
 Forrest Estate, Dalry
 Castle Douglas, DG7 3XS, UK
 Tel: +44 (0)1644 430008
 Fax: +44 (0)845 299 1236
 Email: sayhello@naturalpower.com
 www.naturalpower.com



Project:
**Stroupster Wind Farm
 Additional Turbine**

Title:
Figure 1.3: Site Layout Plan

- Key**
- Planning application boundary
 - Land in applicant's control
 - Consented turbine location
 - Additional turbine location
 - Crane pad location
 - Track
 - Temporary construction compound
 - Control building & compound
 - Turbine foundation (showing 71m rotor diameter)
 - Indicative cable connection

Notes:
 a) Information on this map is directly reproduced from digital and other material from different sources. Minor discrepancies may therefore occur. Where further clarification is considered necessary, this is noted through the use of text boxes on the map itself.
 b) For the avoidance of doubt and unless otherwise stated:
 1. where a line recorded in the key demarcates a boundary on this plan, the boundary edge is the outside edge of the line.
 2. where a line or feature recorded in the key of this plan is also shown as a line or feature by the Ordnance Survey, and that line or feature is located in a different position on the ground than shown by the Ordnance Survey, then the line or feature shall be deemed to follow the position as existing on the ground.
 3. this plan should be used for identification purposes only, unless specifically stated above or in accompanying documentation.
 4. Natural Power Consultants Ltd. accepts no responsibility for the accuracy of data supplied by third parties.

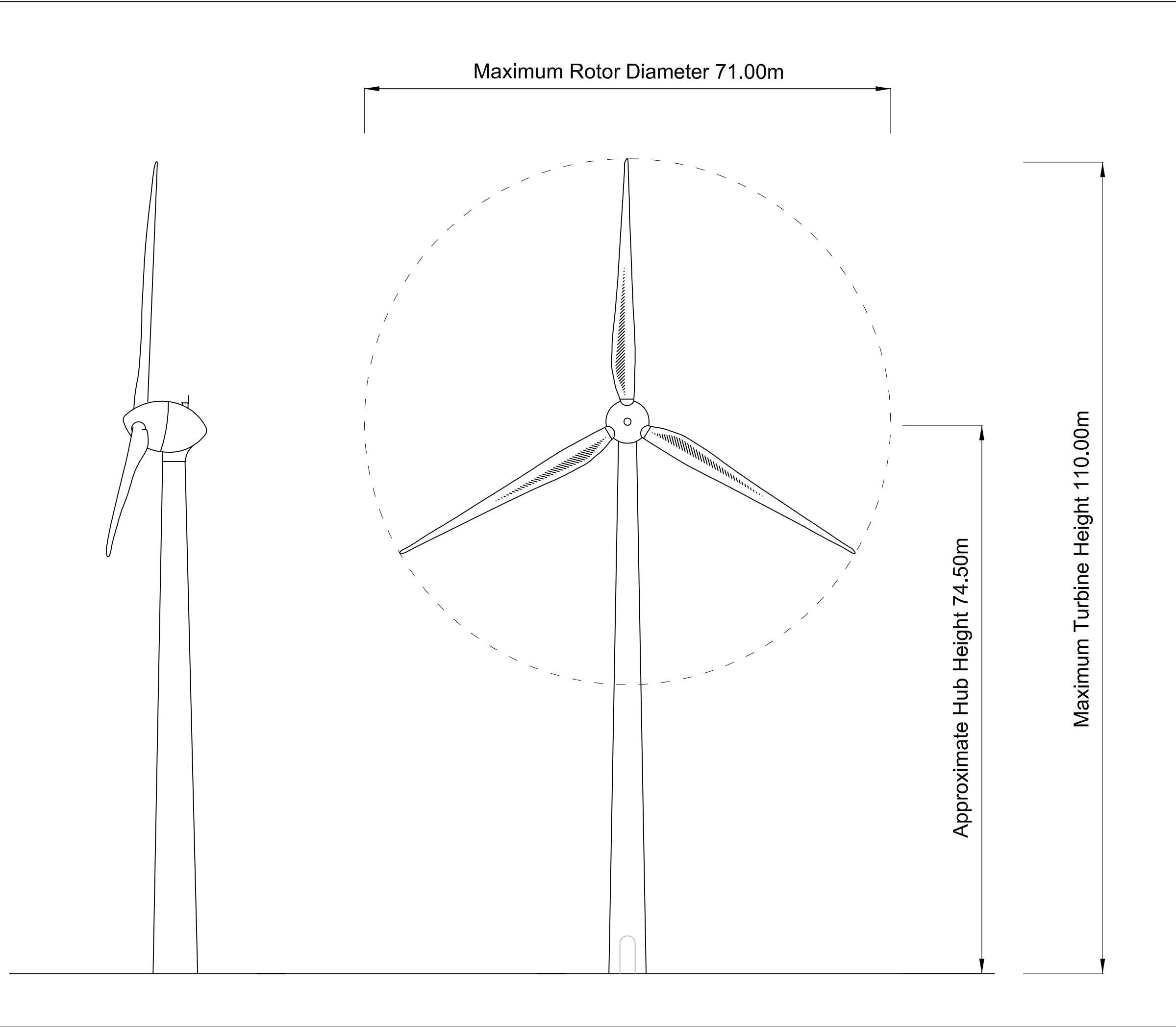
Scale @ A3: 1:10,000
 Coordinate System: British National Grid
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Date: 01-11-13 Prepared by: DH Checked by: FB

Ref: UKC10009_M_034_B Layout: 250513_13t_A

Drawing by:
 Natural Power Consultants Ltd
 The Green House
 Forrest Estate, Dalry
 Castle Douglas, DG7 3XS, UK
 Tel: +44 (0)1644 430008
 Fax: +44 (0)845 299 1236
 Email: sayhello@naturalpower.com
 www.naturalpower.com

Scale 1:2,500



Project:
**Stroupster Wind Farm
 Additional Turbine,
 Caithness**

Title:
**Figure 2.2a: Typical Wind
 Turbine Specification**

Scale @ A3: 1:500

Date: 18-10-13 Prepared by: IW Checked by: FBP

Drawing No: 10009UKC_D_055 Revision: A

Drawing by:
 Natural Power Consultants Ltd.
 The Green House,
 Forrest Estate, Dalry,
 Castle Douglas, DG7 3XS, UK
 Tel: +44 (0)1644 430 008
 Fax: +44 (0)845 299 1236
 Email: sayhello@naturalpower.com
 www.naturalpower.com



Client:
 BayWa r.e. UK Ltd.
 22 Chancery Lane,
 London,
 WC2A 1LS

