

**THE HIGHLAND COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**  
**18 February 2014**

Agenda Item	
Report No	PLN/015/14

**13/02582/FUL : Coigach Wind Power Ltd**  
**Land to north of Water Treatment Works**  
**Achvraie, Achiltibuie**

**Report by Area Planning Manager**

**SUMMARY**

**Description** : Erection of 900kw wind turbine on 55m tower, height to tip 77m, blade diameter 44m, control building, access track and borrow pit

**Recommendation - GRANT**

**Ward : 6 – Wester Ross, Strathpeffer and Lochalsh**

**Development category** : Local

**Pre-determination hearing** : Not required

**Reason referred to Committee** : More than five objections

**1. PROPOSED DEVELOPMENT**

- 1.1 The detailed proposal is for the erection of a single three bladed horizontal axis wind turbine with a maximum rated output of 900kw. The hub height is 55m and rotor diameter 44m giving a height to tip of 77m. Additional infrastructure proposed includes an access track (from the existing Scottish Water access road), crane hard standing, control building and temporary borrow pit.
- 1.2 The proposal has been subject to pre-application advice and has been the subject of Screening as required by the Environmental Impact Assessment (Scotland) Regulations. The application is supported by a comprehensive Environmental Statement (ES) which covers the following topics:
- Landscape and Visual;
  - Ecology;
  - Ornithology;
  - Noise;
  - Hydrology, Hydrogeology and Soils;
  - Cultural Heritage;
  - Transport and Access;
  - Socio-Economics and Recreation; and
  - Infrastructure, Aviation and Safety.

1.3 The ES is considered to be of an acceptable standard and has enabled the Planning Service and statutory consultees to use the information presented to make an informed assessment of the proposal.

1.4 The applicant has undertaken two non-statutory public events and has carried out a community ballot prior to submission of the application.

1.5 **Variations:** None

## **2. SITE DESCRIPTION**

2.1 The site is located on the Coigach peninsula to the north-west of Ullapool. It comprises moorland to the north-east side of the public road, close by the township of Badenscallie, at the southern end of the linear Achiltibuie development corridor. The site lies at an altitude of around 140m, close to the Scottish Water public water treatment works; and proposes to use and extend from the existing Scottish Water access road.

2.2 The site is situated on rising land above the public road over 5km to the north-west of Ben Mor Coigach (743m) and around 2km from the nearest tops of Cairn Conmheall (541m) and An t-Sail (490m). The nearest residential properties are Achvraie House, around 600m to the south-west; and 175 Badenscallie, around 700m to the west.

## **3. PLANNING HISTORY**

3.1 11/00698/FUL Erection of 50m high met mast – Planning Permission granted 12.05.2011

Screening and scoping submissions under the Environmental Impact (Scotland) Regulations were made which concluded that an Environmental Impact Assessment would be needed and identified the scope of such Environmental Statement.

## **4. PUBLIC PARTICIPATION**

4.1 Advertised : Environmental Statement and Schedule 3 Development

Advert deadline : 04/10/2013

Objecting : 256

In Support : 320

(plus petition with 33 names)

4.2 Material considerations raised by objectors are summarised as follows:

- Significant adverse impact on landscape; The ES downplays the significance of the landscape and visual impact whereas the highly sensitive landscape cannot absorb this proposed development;
- Negative impact on tourism including overseas visitors; No specific assessment on impact on tourists and tourist movements;

- High risk, not economically viable, inefficient and only considered because of generous subsidies;
- Height excessive, industrial scale inappropriate and will have significant adverse impact on integrity of National Scenic Area (NSA) and impact on an adjoining NSA;
- Designation of NSA is safeguarded within Scottish Planning Policy (SPP); development will adversely affect the NSA; and such adverse effects are not outweighed by benefits of national importance;
- Visible from sea, coast and slopes of surrounding hills;
- Inappropriate and incongruous in such an important 'wild' and 'silent' landscape;
- Interests of area needs protection for everyone, not just those who live there;
- Negative impact on wildlife such as birds and bats. Bats have been sighted in the area. They are European Protected Species and will be affected by turbine(collision and haemorrhaging as a result of air pressure changes);
- Bird interest significant. Migrating route and hunting area for ospreys. Kestrels and Merlins nest locally. Eagles nest close to turbine site. Hen harriers, buzzards, sparrow hawks also hunt in this area; crows and ravens live on the hillside below proposed site; also golden plover, ptarmigan, grouse and snipe;
- Proposal contrary to THC Wind Energy Guidance, the Development Plan and SNH guidance on wind turbines;
- In The Highland Council's response to the consultation on the SPP it wishes greater protection given to NSAs and other landscape designations;
- Proposal does not comply with section 22.1.7 and Policy 67 of HwLDP as significant effects on natural built and heritage features; visual impact on landscape character; amenity at sensitive receptors; amenity of Core Path users; tourism and recreational interests; land and water based interests;
- Proposal is not compliant with THC Supplementary Guidance on Onshore Energy as it is outwith the area of search for wind turbines and within an area with significant protection from wind turbines – ref to maps Stage 1 and Stage 2;
- Policy 68 of the HwLDP states that community ownership is a material factor and allows relaxation of consideration of impacts on amenity when only that

community is significantly impacted; but in this case where impacts on the NSA are being considered then only development of national importance can outweigh significant impact on amenity;

- Development is not small scale community development but is a large scale commercial turbine as defined in The Highland Council's onshore wind guidance;
- Development will run contrary to Wester Ross Local Plan; Reporter for Wester Ross Local Plan made firm recommendations that no development should take place outwith the areas designated in the Plan;
- SNH state that the special qualities of the Assynt-Coigach NSA present a landscape unparalleled in Britain and make reference to the absence of modern artefacts and human activity which emphasises the feelings of openness, remoteness and wildness;
- Coastal fringe is a key element of the NSA, given that in the description of the NSA the coast is considered as diverse as the interior and mention is made of contrast from the Summer Isles to the solid mass of Ben Mor Coigach;
- Section 263A(1) of the Town and Country Planning (Scotland) Act 1997 states NSAs have outstanding scenic value in a national context and when considering a planning application special attention should be paid to the desirability of safeguarding or enhancing its character or appearance. NPF2 (June 2009) underlines that importance
- Noisy intrusion in quiet area is antisocial and assessment of noise nuisance takes no account of local conditions and does not assess noise of high winds in the turbine when not in operation; noise assessment questioned;
- Dangerous precedent for more turbines and cumulative impact; no guarantee that once the grid connection is in then other turbines would not be applied for;
- There is no assessment of the carbon balance of the proposal as required by SEPA in the Screening response. In line with Article 7 of the United Nations Aarhus Convention 1998 the following information relating to CO2 emissions should be made available to the public before any decision is made on the application;
- Run of river Hydro scheme would be preferred as more reliable;
- Housing is not allowed above the road at Badenscallie so enormous turbine should not be allowed;

- Site is within the only UNESCO Geopark in mainland Scotland;
- Site is within and will damage Ben Mor Coigach Nature Reserve;
- Site is designated as 'Wild Land';
- Area of outstanding beauty is a legacy that must be protected for future generations;
- Turbine clearly visible from An Teallach and from Gruinard Bay and Mellon Udrigle, all significant places within the north-west Highlands;
- Single track road into Achiltibuie is inadequate to cope with traffic involved in erection of turbine;
- Site will disturb common grazing land;
- Support is not as strong in Coigach as applicants state;
- Government advice on separation distance from dwellings has been ignored; Future widening of legally required separation distance puts continuing use of selected site in question;
- Application for temporary permission is inappropriate in terms of sustainability;
- Decommissioning costs not estimated and no commitment secured to meet them at end of life of the turbine;
- Weighting applied to negative effects of turbines is too small relative to the weighting given to existing access;
- EIS dismisses shadow effects/flicker without due regard to latitude of Coigach, elevation of site and on effect at first floor level of dwellings;
- Light pollution from aircraft warning lights – if approved the lights should be constant and not blinking;
- Selection of vantage points for assessing visual effect is selective to the point of bias;
- No presentation of alternative sites; Alternative location to the north-east to the north of the Badenscallie burn may avoid or attenuate most objections;
- If shadow effects or noise become a problem then a timed shutdown strategy should be adopted;
- There should be a decommissioning fund in public ownership to be audited

annually; consent withdrawn if set-aside payments inadequate;

- No mention is made of possible low frequency vibration, turbulence and possible pressure waves created in the rotor tailwind;
- Use of a dark colour of turbine as noted at point 8.5.3 of the ES would go some way to mitigating the effect of the turbine;
- Wind data from met mast is a serious omission as without it, it is not possible to assess the claim that there is sufficient generating power to achieve the income stream stated;
- Development will interfere with leisure interests of area/hill walking;
- Development will damage the economic outlook of the area as it will impact on the heritage assets that attract tourism;
- Grid connection will cause further impact as yet unknown;
- Turbines on peat should not be built as studies by Aberdeen and London Universities have concluded;
- Online campaign by applicants has distorted level of public support;
- The money earned is to be spent on local projects except crofting and the developers have never indicated they would help crofting.

#### 4.3 Material considerations raised by supporters are summarised as follows:

- Will be an asset and provide an income stream to invest in the community;
- Providing energy from clean source from a natural asset with no harmful emissions of carbon dioxide or radiation as from other energy sources; community;
- No evidence that it will impact negatively on tourism and could be a tourist attraction in its own right;
- Local enterprise generating power and income at source will help sustain and enhance fragile local community;
- Important to point out that it is a single turbine, not a wind farm and will not be offensive;
- Achiltibuie is becoming a place where locals are priced out of the housing market; the school roll is dropping; and businesses have recently closed (smokehouse and Polbain stores) thus projects such as the turbine will

hopefully help to reverse the decline;

- Scale of turbine in relation to surrounding landscape is small and it will be a relatively small single element within the vast Assynt – Coigach National Scenic Area;
- The community should be a living breathing place where locals work hard for a living, not just an idyllic retreat or retirement/holiday destination;
- Site has been carefully chosen to minimise impact and developers have shown sensitivity in proposing a single turbine and not a wind farm;
- Siting behind main settlement to ensure views out to the Summer Isles will not be affected;
- Simple elegant design of modern engineering will serve to heighten appreciation of both turbine and backdrop of rugged Ben More Coigach range;
- The argument is one of aesthetics and it is considered the turbine is a form of kinetic sculpture and should be supported;
- The community already hosts a large latticed telecommunications tower with several dishes which is prominent on the approach to the area and the current proposal is benign in comparison;
- Siting is below the skyline from most aspects and is no more intrusive than the proliferation of existing electricity and telecom poles;
- Proposal complies with all the technical requirements to negate impact on residential amenity, it is of reasonable scale and in a sensible location;
- Proposal will be enjoyed from Scoraig and is an inspiration;
- The desire for wilderness should not lead to more depopulation and it is essential for such projects to proceed to maintain thriving sustainable communities;
- Project has brought local people together with a desire and determination to help the community sustain itself;
- Will be a symbol of a community trying to help itself in the context of a working village but dwarfed by the mountains which will be there long after the turbine has gone;
- Coigach is already a human adapted landscape resulting from many different periods of human occupation and the attractiveness of the area is

the vibrant community – the synthesis of people and place that people love;

- The objections regarding building on peat and environmental damage and impact on birds are being overplayed. There is no threat to the peat land, no threat to wildlife and the environmental beauty will remain;
- Evolving landscape needs to accept change and accept dynamic community project;
- Turbine will be seen within context of inhabited and active coastline community. NSA statement talks of how human activity (Kylesku Bridge, roads, masts, harbours, power lines etc.) is dwarfed by wider landscape;
- Similar projects elsewhere (e.g. Orkney, Lewis, Barra, Gigha and Tiree) have resulted in significant investment in local community projects;
- Small step to help in fight against global warming and good green alternative to fossil fuels and nuclear power;
- Turbine is a temporary feature (life expectancy 25 years) in context of landscape which has rocks up to 3,000 million years old;
- Site is hidden from large percentage of NSA and does not affect its integrity;
- Turbine could be coloured with involvement of MOD to reduce visual impact;
- Site was chosen in consultation with SNH and has been placed to ensure it is not visible from any point on approach road to Achiltibuie until well within coastal settlements and not visible from iconic surrounding mountains and only distant element visible from further away;
- Lighting proposed is MOD approved infra-red lighting not visible to naked eye;
- Minimal loss of common grazing land whilst affording better access to this land;
- Data from met mast currently monitoring wind regime confirms the site is excellent and should result in carbon savings through displacement of conventionally generated electricity;
- Views from Summer Isles towards Achiltibuie already comprise street lights, houses, road, power lines, Sitka Spruce plantations and turbine will be seen in this context;
- Turbine will be constructed on shallow peat and including transport, construction, operation etc. CO2 footprint will be paid back within a year by



clean energy;

- Site is close by Water Treatment works which is industrial in nature;
- Benefits to Coigach during construction phase – to accommodation and food providers for construction workers;
- Turbine won't affect walkers – distant from core paths and outlook from tops is out to sea and to other hills.

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](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

## 5. CONSULTATIONS

### 5.1 TECS (Transport) : No Objection

Note Environmental Statement recognises that there are potential conflicts along the route which will require to be addressed prior to delivery of any wind turbine to site. Commission of a trial dry run on 22<sup>nd</sup> April 2013 assessed that the route is capable of carrying an abnormal load length of up to 22 metres however recognise that there will be potential upgrades to the public road network required as detailed in section 11.4.3, and that there are major impacts to at least four bridge structures as well as other infrastructural changes to be made.

The report generally refers to the abnormal loads in terms of turbine components however offers no mention of any associated abnormal loads such as cranes and lifting equipment which in our experience can offer a bigger challenge, in terms of weight, to our road infrastructure than the components.

It is agreed that the operational impact on the roads will be negligible however given the impact to the roads infrastructure during delivery and construction, early discussions with TEC Services are required in order to programme the required works as well as discuss issues such as crane delivery.

Conditions are recommended to be included in any consent to address traffic management and transport issues.

### 5.2 TECS (Environmental Health): No Objection

The applicant has submitted a noise report which demonstrates that noise levels will meet the simplified ETSU standard. A standard condition should be attached as a precaution.

With regard to concerns raised by some objectors, the following response is made:

The noise assessment has been carried out in accordance with ETSU-R-97 which advises that barriers due to topographical features should not be considered. Therefore, the predicted levels have assumed line of sight for all properties. The

assessment also assumes a worst case scenario that all properties will be directly downwind of the turbine at all times.

It is acknowledged that background levels in the area are low however, the guidance in ETSU-R-97 clearly states that in low noise environments the noise levels should be limited to a lower level of 35-40dB. Highland Council has stipulated 35dB which is as low a limit as can be applied. This applies to wind speeds up to 10m/s. There is no requirement for the applicant to submit results of the met mast monitoring.

At a distance of over 500m, there is no evidence to suggest any adverse effect from vibration through the ground. Neither is there any evidence to suggest any adverse impact from pressure waves and the noise data for the candidate turbine indicates that there is no tonal penalty.

The turbine will automatically shut down at wind speeds above 28m/s. Thankfully such conditions are rare and of short duration. In any event, it is unlikely that noise from the turbine would be audible over background noise.

Light flicker has been satisfactorily assessed in accordance with current advice on best practice and there are no properties located within a distance of 10 times the rotor diameter.

### 5.3 **Development Plans: No Objection**

#### **Highland wide Local Development Plan (April 2012)**

Policy 67 Renewable Energy Developments. This policy should be referred to and in particular the following:

The Council will support proposals where it is satisfied that they are located, sited and designed such that they will not be significantly detrimental overall, either individually or cumulatively with other developments. The most relevant issues to have regard to are:

- significance of effects on natural, built and cultural heritage features (including impact on the Assynt-Coigach NSA, and impact on wild land)
- visual impact and impact on the landscape character of the surrounding area (the design and location of the proposal should reflect the scale and character of the landscape and seek to minimise landscape and visual impact, subject to any other considerations); and
- the safety and amenity of any regularly occupied buildings and the grounds that they occupy - having regard to visual intrusion or the likely effect of noise generation and, in the case of wind energy proposals, ice throw in Winter conditions, shadow flicker or shadow throw.

Policy 68 "Community" renewable Energy Developments. This policy should be referred to as this may allow the Council to grant consent for "renewable energy development with greater impacts upon amenity of that community's area as a place in which people reside or work than would normally be the case". For a community venture whilst greater impacts on that community can be accepted, for

clarity it should be stated that this does not apply to impacts on designations.

Policy 57 Natural, Built and Cultural Heritage. With regard to this policy there is a need to consider if the proposed development would affect any of the natural, built and cultural heritage features listed in this policy. It is however noted that the site does lie within the Assynt - Coigach National Scenic Area and that impact on the Special Qualities of this NSA is important to the assessment of impact on the NSA. This policy states "For features of national importance we will allow development that can be shown not to compromise the natural environment, amenity and heritage resource. Where there may be any significant adverse effects these must be clearly outweighed by social or economic benefits of national importance." The proposal will also need to be considered in terms of the landscape's wilderness quality (lying relatively near to SNH's Search Areas for Wild land).

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

The proposal is for a turbine with a hub height of 50m or more so it is categorised as a large scale wind energy proposal and the spatial framework applies.

When considering the proposal in relation to the spatial framework, this proposal lies within a Stage 1 area - areas requiring significant protection, and underlying this it also lies within a 2 km buffer of settlement. This area has therefore been excluded from the Areas of Search for large onshore wind development.

The development guidelines of the Interim Supplementary Guidance should also be referred to and in particular the following key issues:

Natural, Built and Cultural Heritage – In particular, paragraph numbers 2.19 - 2.20 and 2.24 - 2.26.

Amenity at Sensitive Locations – In particular paragraph numbers 2.38 - 2.40 as impact on community amenity will be important to consideration. Please note the technical appendix referred to and the cumulative noise impact guidance, have not yet been prepared. The Council will apply the standards of noise arising from wind turbines not exceeding 35dB at any noise sensitive location.

Landscape and visual – In particular paragraph numbers 2.33 -2.35. The Council has prepared *Visualisation Standards for Wind Energy Development (2010)* and developers are expected to follow these in preparing their submission;

Also the Additional Guidance for Community Renewable Energy Developments under paragraphs 2.66-2.68 should be considered.

5.4 **Access Officer:** No Objection.

Direct effect on public access minimal, other than views from more distant paths.

5.5 **Historic Environment Team:** No Objection

5.6 **Coigach Community Council:** No Objection

The Community Council (CC) wishes to support the proposal. A ballot held by the CC, overseen by The Highland Council and counted on 29.03.2010 supported the

progression of the turbine for community benefit. Following the ballot the CC handed over the project to the Coigach Community Development Company for progression to Planning. The CC has received 8 objections which have been noted and forwarded to Planning.

Note: Consultation was also undertaken with neighbouring Lochbroom and Assynt Community Councils but no response was received from either.

**5.7 Civil Aviation Authority: No Objection**

The position of all aviation stakeholders should be identified. If the development is approved the Defence Geographic Centre should be informed of location, height and lighting status of the turbine and met mast, estimated and actual dates of construction and the maximum height of any construction equipment to be used, prior to the start of construction, for safety purposes.

**5.8 National Air Traffic Services: No Objection**

No conflict with safeguarding criteria.

**5.9 Highlands and Islands Airports Ltd: No Objection**

Development will not infringe safeguarding surfaces for Inverness, Stornoway or Wick John O'Groats Airports.

**5.10 Ministry of Defence: No Objection**

The MOD requests that the turbine is fitted with aviation lighting and if permission is granted information is requested on dates of construction; maximum height of construction equipment and latitude and longitude of turbine.

**5.11 SEPA: No Objection**

SEPA had involvement at Screening and Scoping of EIA and did not consider EIA to be required insofar as its remit was concerned. General advice on all scales of wind energy development can be found in the energy section of SEPA's website.

**5.12 SNH: No Objection**

SNH has been consulted by the applicants at a number of key stages during the pre-application process and provided advice on the information required to assess possible effects on natural heritage; and commented on Zone of Visual Influence studies. SNH also provided advice to The Highland Council on the scope and methodology of the Environmental Impact Assessment and confirms that the Environmental Statement submitted adequately covers the key natural heritage issues. Overall SNH is in general agreement with the assessment and conclusions of the ES. Whilst there will be some adverse effects on the special qualities of the Assynt - Coigach National Scenic Area, these are not considered to be significant and will have no effect on the integrity of this designation. However any further proposals for turbines at this location or along this stretch of coastline would be likely to have significant cumulative impacts affecting the qualities of the NSA. Any consent for this proposal should not be taken as an indication that further turbines could be accommodated without affecting the integrity of the NSA.

The proposal lies to the south of Inverpolly, Loch Urigill and Nearby Lochs SPA and Inverpolly SSSI which have been noted for black throated diver and upland waders. SNH agrees with ES conclusion that there will be no likely significant effect on the qualifying interest of the SPA, nor is the proposal likely to affect any of the notified features of the SSSI.

Three protected species have the potential of being affected by the proposed development – Otter; Bats; and Golden Eagle; and the ES recognises this. SNH agrees with the conclusions of the ES that significant impact on those species is likely to be low.

- 5.13 **Scottish Water:** No objection
- 5.14 **Transport Scotland:** No objection
- 5.15 **Historic Scotland:** No objection
- 5.16 **Crofting Commission:** No objection
- 5.17 **RSPB:** No response

## **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 36 – Development in the Wider Countryside  
Policy 55 – Peat and Soils  
Policy 57 – Natural, Built and Cultural Heritage  
Policy 58 – Protected Species  
Policy 59 – Other Important Species  
Policy 60 – Other Important Habitats  
Policy 61 - Landscape  
Policy 67 – Renewable Energy Developments  
Policy 68 - Community Renewable Energy Developments  
Policy 72 - Pollution  
Policy 77 - Public Access

### **6.2 Wester Ross Local Plan 2006 (as continued in force)**

Outwith Settlement Development Area (relevant policies superseded by HwLDP)

## **7. OTHER MATERIAL CONSIDERATIONS**

### **7.1 Draft Development Plan**

Not applicable

### **7.2 Highland Council Supplementary Planning Policy Guidance**

Interim Supplementary Guidance: Onshore Wind Energy (March 2012)

The supplementary guidance provides a table of wind energy development categories which range from micro (e.g. single turbines below 15m to hub) to very

large (e.g. turbines above 100m to hub and/or above 140m to tip; groupings of 45 or more turbines).

In the context of these defined categories the proposed development falls between the medium and large category in that it is a single large scale community development (medium) but that the height to hub is over 50m (55m)(large).

The spatial framework contained within the supplementary guidance is intended to provide a steer in particular to large wind farm proposals. Nonetheless it is part of the tool kit available to applicants and decision makers to be taken account of in assessment of this current single turbine application. In this regard the site lies within a National Scenic Area and thereby falls within a Stage 1 area which is an area requiring significant protection.

### 7.3 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (SPP)(February 2010)

National Planning Framework for Scotland 2 (June 2009)

2020 Routemap for Renewable Energy (October 2012)

SPP contains a number of subject specific policy statements, also supported by Planning Advice Notes (PANs) which give additional guidance on specific topics including:

Rural Development

Landscape and Heritage

Transport

Renewable Energy

Noise

Environmental Assessment

## 8. **PLANNING APPRAISAL**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

### 8.3 **Development Plan Policy Assessment**

The policy framework has been set out within the response from the Council's Development Plan's team at 5.3 above and parts 6 and 7 of this report list the relevant policies and supplementary guidance to be taken into account in assessment of this proposal. Policy 67 states that the Council will support on shore

wind energy proposals where it is satisfied that they are located, sited and designed such that they will not be significantly detrimental overall, either individually or cumulatively having regard in particular to any significant effect on the following;

- natural, built and cultural heritage features;
- species and habitat;
- visual impact and impact on the landscape character of the surrounding area;
- amenity of sensitive locations; including individual residential properties, workplaces and recognised visitor sites;
- safety and amenity of occupied buildings (including visual intrusion, noise generation, ice throw, shadow flicker and shadow throw);
- ground and surface water;
- safe use of aviation, defence or emergency operations;
- other communications installations etc;
- amenity of users of any core path or other established public access;
- tourism and recreation interests; and
- land and water based traffic and transport interests.

8.4 Policy 68 refers specifically to community renewable energy proposals and states that the Council's initial assessment of such schemes will apply the same tests as for commercial proposals but that the Council may grant consent for community renewable development with greater impacts on the amenity of that community than would normally be the case.

8.5 Policies 28 (Sustainable Design), 36 (Wider Countryside), 57 (Natural, Built and Cultural Heritage, Policy 61 (Landscape) and others referred to in 6.1 above deal individually with each of the matters referred to in Policy 67 and 68 and require to be given due weight in the assessment of the proposals.

8.6 The interim supplementary guidance for on shore wind energy cascades down from Policy 67 and provides a spatial framework and guidance on which on shore wind energy applications will be based. As the site lies within and close to a number of mapped features the proposal requires to be considered on its individual merits in the context of the HwLDP, in particular Policies 57, 61, 67 and 68; and the development guidelines contained within the supplementary guidance.

8.7 **Material Considerations**

8.8 **National Policy**

While some objectors question the rationale of both UK and Scottish Government policy on renewable energy, it is not the role of the Planning Authority to challenge or review national planning policy or guidance. This policy and guidance is however a material consideration in the determination of this application.

8.9 The government seeks to achieve 100% of Scotland's gross annual electricity consumption from renewable energy by 2020. The aim of the Scottish Planning Policy (SPP) is to assist the planning system in the process of encouraging, approving and implementing renewable energy proposals when preparing development plans and processing planning applications. It is expected, given technological development, that the majority of this energy will be from on shore wind development.

8.10 SPP does however recognise that support for renewable energy projects and the need to protect and enhance Scotland's natural and historic environment must be regarded as compatible goals. The criteria outlined within SPP for the assessment of applications has been carried through into the policies of the HwLDP and supplementary planning guidance as set out in 6.1 and 7.2 above.

#### 8.11 **Natural, Built and Cultural Heritage Features**

8.12 The site lies within Assynt – Coigach National Scenic Area (NSA). The ES recognises this and notes that SPP (paragraph 137) sets out that development that affects an NSA should only be permitted where:

- it will not adversely affect the integrity of the area or the qualities for which it has been designated, or
- any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

The proposal should also be considered against the HwLDP Policies 57 and 61.

8.13 The landscape and visual assessment set out in the ES concludes that while the proposed turbine will represent a notable change in a small coastal section of the NSA, it will largely be seen as a single, isolated feature, back clothed by its simple moorland context from most points. The ES notes further that whilst it will introduce a new contrasting feature to the landscape, this will relate in part to the settled and managed character of a landscape near a crofting settlement and thereby appear as an interconnected element in this landscape. It will also sit at a point that is far enough away from the settlement to avoid imposition on the experience of residents, whilst also avoiding visibility and encroachment upon the more remote, tranquil, wild areas of the central interior of the NSA and across its island fringe. The turbine will be prominent in some views close to the site itself but will largely be seen as a diminutive element in the wider landscape. The description of 'diminutive' has been challenged by SNH and it is probably more accurate to say that the turbine will create a moderate change in the landscape.

8.14 The sensitivity of the area has been recognised by the applicants from the outset and an initial assessment of alternative locations was carried out dating back to 2007 with involvement from a range of consultees including SNH. The chosen site



had the least visibility within the NSA and has the benefit of its location close by the established water treatment infrastructure and shared use of the established track. The conclusions of the ES in respect of impact on the NSA are considered fair and reasonable and in line with the view of SNH it is considered that the proposal will not have a significant impact on the special qualities of the NSA.

8.15 The site is not situated within or adjacent to any designated nature conservation sites. Contrary to claims by some objectors, there is no designated National Nature Reserve at Ben Mor Coigach. No impacts are expected on the nearest sites of Rubha Dunain SSSI, 1.9km to the north-west and Inverpolly SAC and SSSI 4.1km to the north-east. SNH has confirmed it is satisfied there will be no significant impact on the designations or any notified features.

#### 8.16 **Species and Habitat**

8.17 The ES recognises the presence of European Protected Species (Otter, Black Throated Diver, Red Throated Diver, Greenshank, Merlin, Kestrel, Golden Plover and Golden Eagle) within the general locality and a twelve month ornithological survey was undertaken. The Inverpolly, Loch Urigill and Nearby Lochs Special Protection Area (SPA) lies around 4km to the north-east and is designated for its breeding Black Throated Diver. The overlapping Inverpolly Site of Special Scientific Interest (SSSI) is designated for its breeding Red Throated Diver and Greenshank population. None of the SPA or SSSI qualifying species was recorded at the site. Golden Eagles are known to breed in the area but the survey did not record any flight activity for Golden Plover or Golden Eagle over the site area.

8.18 SNH has confirmed its acceptance of the findings of the ES with regard to protected species and notes the risk of collision is very low. The ES includes a number of recommended mitigation measures including construction operations outwith the breeding bird season to avoid disturbance of any breeding birds present. Otter are known to be present in the area but no active place of shelter was identified within the site. A pre-construction check for otter and other protected species (e.g. Bat and Badger) is recommended in the ES with some degree of monitoring during construction to ensure no risk to protected species or any potential breach of legislation.

#### 8.19 **Visual impact and impact on the landscape character of the surrounding area**

8.20 Chapter 8 of the ES comprises the applicant's Landscape and Visual Impact Assessment (LVIA). The visualisations which form part of this assessment are produced as a useful aid which assists in the evaluation of the proposed development. The appraisal of the proposals is not solely based on the visualisations.

8.21 The LVIA which forms part of the ES has been conducted on the basis of the standard methodology for wind farms, although the proposal does not fall within the category of a wind farm, being a single medium to large scale community turbine as explained at 7.2 above.

8.22 The visualisations which form part of the LVIA have been produced to the standards set out in the Council's adopted visualisation standards for wind energy

developments. A total of 11 viewpoints have been submitted and are described below. They represent a range of visual receptors and view types and have been selected in consultation with the Planning & Development Service and SNH.

- 8.23 An appraisal of the visualisation work concurs with the conclusion in the ES that the overall visual impact will be restricted principally due to the transitional fringe areas of sloping moorland to the rear of the coastal edge along the south side of the Coigach peninsula. The detailed viewpoint assessment of the 11 viewpoints concludes that there will be significant effects of moderate to major at two viewpoints – Polbain (Viewpoint 2) and Broch near Achlochan (Viewpoint 9); and moderate from four viewpoints – Achiltibuie Primary School (Viewpoint 1); above Ardnagoine, Tanera Mor (Viewpoint 3); Achnahaird (Viewpoint 5); and the peak 1km north-west of Sgurr an Fhithleir (Viewpoint 8). For the remaining five viewpoints assessed no significant effects were predicted.
- 8.24 The character of the landscape is defined within the Ross and Cromarty Landscape Character Assessment (SNH 1999) as Sloping Terrace Moorland (where the proposal is located). Other surrounding landscape types affected are Smooth Moorland; Rocky Moorland; Linear Crofting; Enclosed bay and offshore islands; and Rugged Mountain Massif. In terms of the magnitude of effect on the landscape the ES expresses the view that any direct effects on character will be limited to the Sloping Terrace Moorland. In this regard the final position of the turbine was chosen to sit at a mid point in this transitional moorland landscape to achieve a degree of separation from the crofting townships at Achiltibuie whilst retaining a sense of an interconnected element which relates to a managed landscape near a settlement. It was also located to avoid encroachment on the more remote, tranquil areas of wild land, particularly from the interior of the Assynt – Coigach NSA and its associated mountain tops.
- 8.25 Following an appraisal of the ES, with respect to the impact on landscape character, the conclusion put forward is accepted. It is acknowledged that the turbine will bring change to the character of the area; however beyond the immediate locality the impact of the proposed turbine on landscape character will be limited in extent and significance.
- 8.26 The potential of any cumulative effects arising from the proposed turbine is confined to an area within which one or more operational, consented or ‘in planning’ wind farms are located within 25km. With no such development in the 25km study area, the ES concludes any such impact will be limited. This conclusion is accepted.

## 8.27 Viewpoints

### 8.28 Viewpoint 1 - Achiltibuie Primary School

This viewpoint is located at a relatively high point from the primary school car park within the settlement of Achiltibuie, approximately 2.3km to the north-west. Only the hub and blades will be visible in this view and those will be back clothed entirely by sloping moorland. An appraisal of this visualisation concurs with the conclusion of the ES that impact will not be significant.

#### 8.29 Viewpoint 2 – Polbain

This viewpoint is located by the public road on the edge of the township of Polbain, approximately 5.8km to the north-east. The turbine will be seen as a prominent new element towards the rear of the expansive view across Badentarbet Bay. The full height of the turbine will be back clothed by the underlying moorland context. An appraisal of the visualisation concurs with the conclusion of the ES that whilst the impact is significant, its context within the wider view is contained and this limits the magnitude of visual change.

#### 8.30 Viewpoint 3 – Above Ardnagoin, Tanera Mor

This viewpoint is located on the nearby island of Tanera Mor and as with Viewpoint 2, the full height of the turbine will be seen as a new element but it will sit within the sloping moorland context. An appraisal of the visualisation concurs with the conclusion of the ES that whilst the turbine will provide a clear change it will be restricted to a small section of the wider view and thus the magnitude of visual change is reduced.

#### 8.31 Viewpoint 4 – Ullapool to Stornoway Ferry

This viewpoint is located at a point approximately 8.2km south-west of the site on the route of the ferry from Ullapool to Stornoway. A wireframe only is provided for this aspect and this demonstrates that the turbine will be seen at a midpoint of; and completely back clothed by; the open moorland area above Achiltibuie. An appraisal of the visualisation concurs with the conclusion of the ES that the turbine will appear as a small element within this context and only a moderate alteration in the view, away from the context of the distinctive mountain peaks and focus towards the Summer Isles.

#### 8.32 Viewpoint 5 – Achnahaird

This viewpoint is located approximately 7.7km to the north-west on the public road through Achnahaird. The turbine will appear as a distant feature on a lower section of the distant horizon. An appraisal of the visualisation concurs with the conclusion of the ES that whilst it will be viewed above the skyline, its distance and remoteness from the distinctive mountain peaks will ensure that the magnitude of change in the characteristics of the view will be medium to low.

#### 8.33 Viewpoint 6 – Layby on A832 at Little Loch Broom

This viewpoint is located 14.4km to the south, on the south-west side of Little Loch Broom. From this location the turbine will be visible in distant views within and with a backdrop of the sloping moorland of Coigach which can be seen beyond the Scoraig peninsula below the dominant peaks of Ben Mor Coigach. An appraisal of the visualisation concurs with the conclusion of the ES that impact on this view will be minor given the distance involved and other more dominant features in the landscape.

#### 8.34 Viewpoint 7 – An Teallach

This viewpoint is located at the trig point on An Teallach, over 22km to the south. A wireframe only of this aspect is provided which demonstrates that the turbine will be seen as a minor element in the far low lying landscape. An appraisal of the visualisation concurs with the conclusion of the ES that impact will be negligible, given the distance and siting of the turbine low down in the landscape, back clothed totally by its moorland context.

8.35 Viewpoint 8 – Peak 1km north-west of Sgurr an Fhithleir

This viewpoint is located on a high point, approximately 3.7km to the east and the turbine will be viewed from above as a new feature in the foreground of distant views out towards the Summer Isles. An appraisal of the visualisation concurs with the conclusion of the ES that the impact will be moderate given the small scale of the turbine within the panoramic views available from this peak and the existing settlement running below the turbine site.

8.36 Viewpoint 9 – Broch near Achlochan

This viewpoint is located 2km to the west close by the shore of Horse Sound and the turbine will be seen as a prominent element to the rear of the existing houses at Badenscallie, albeit with rising land behind. An appraisal of the visualisation concurs with the conclusion of the ES that the impact will be relatively high and will be a distraction in views towards Ben Mor Coigach beyond.

8.37 Viewpoint 10 – Achmore, Annat Bay

This viewpoint is around 10km to the south on the north side of the Scoraig peninsula and the turbine will be seen as a minor element in a distant view. A wireframe only has been provided which demonstrates that the turbine will be entirely back clothed by the sloping moorland in which it sits. An appraisal of the visualisation concurs with the conclusion of the ES that the impact and degree of change in this view will be relatively low.

8.38 Viewpoint 11 – Stac Pollaidh

This viewpoint on the iconic peak of Stac Pollaidh, over 7km to the north-east was specifically requested by SNH at pre-application stage – and from the wireframe provided demonstrates that the turbine will not be visible. An appraisal of the visualisation concurs with the conclusion of the ES that there will be no visual impact of the turbine in this view.

8.39 An important part of the ES and the Council's assessment of this application is to consider the effects that the proposed turbine with its associated infrastructure would have on the existing landscape environment, the special qualities and characteristic features of the National Scenic Area and on the people who view it. It is also essential as part of this process to consider the wider area and any impact on the adjoining Wester Ross National Scenic Area and on the areas designated by SNH as Search Areas for Wild Land (SAWL). This assessment must also consider any cumulative impact.

8.40 SNH summarises its response by noting that whilst the proposal will result in some

adverse local landscape and visual impacts it will not affect the integrity of the Assynt-Coigach NSA or have a major impact on the special qualities for which it has been designated. The applicants have worked with SNH and the Planning & Development Service to ensure that the site chosen is the best fit within this sensitive landscape and any moderate to significant visual impacts are restricted to certain locations close to the site, particularly looking up from the shore towards the mountain massif of Ben Mor Coigach, such as from Viewpoint 9; from Badenscallie Burial Ground; and from the end of the public road at Achduart. From most other locations where the turbine is visible it will be seen in the context of the adjacent built development at Achiltibuie against a sloping moorland background with negligible impact on the stunning mountain massif or on the mosaic of islands on the coastal fringes of Coigach. There will only be limited and very distant views from the northern fringes of the Wester Ross National Scenic Area. With no similar scale operational, consented or 'in planning' turbines within a 25km radius and with the nearest schemes over 42km distant the potential for any cumulative landscape and visual effects are limited. SNH makes no specific reference in its response to the SAWL within the NSA (which has its boundary over 7km distant from the turbine) however does agree with the statement in the ES which notes that the turbine will not confuse or diminish the prominence and scale of the lone mountains (which fall within the SAWL) to a significant extent.

8.41 SNH is clear in its response that any consent for this single community turbine should not be taken as an indication that further turbines could be accommodated without affecting the integrity of the NSA. This view is supported by the Council's Development Plan team who note that the Council's supplementary guidance on onshore wind energy identifies that the area has been excluded from the Areas of Search for large onshore wind development.

#### 8.42 **Economic Impact and Tourism**

8.43 Coigach Wind Power Ltd. (the applicant) was established in 2011 as a wholly owned trading subsidiary of Coigach Community Development Company (CCDC). Any profits from the wind energy project will be passed to CCDC to develop and fund community development activities. Specific projects which have been mentioned include community owned housing; workshops and business units; piers and harbour improvements; beach cleaning; dyke repairs; and path maintenance as well as having a fund for local groups and facilities.

8.44 The applicant has recognised the value of tourism and that the landscape is an important element which contributes to why people visit Coigach, but there is no evidence from other parts of the country that the presence of a single community turbine has resulted in harm to the tourist industry of that area. There are often fears expressed about what the visual impact of wind energy may be on tourism, but to date there has been no conclusive evidence to substantiate those concerns. The submission by the applicant concludes that the turbine will have a positive socio-economic effect and there is no substantive reason to contest these findings.

#### 8.45 **Aviation Interests**

8.46 No objections have been raised with regard to aviation interests but requests have been made for aviation lighting. The lighting has to be either 25 candela omni-

directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration. The applicant has confirmed that the infrared lighting is preferred and this can be reinforced by condition, as it will ensure less impact on local amenity as it is not visible to the naked eye.

#### **8.47 Residential Amenity, Noise and Shadow Flicker**

- 8.48 As highlighted in the Council's supplementary guidance : Onshore Wind Energy, consideration needs to be given to the potential impacts on amenity at sensitive locations as well as the safety and amenity of individuals and individual properties. This requires consideration of matters such as amenity, noise, shadow flicker, ice throw etc. The applicant has accepted that the site lies within a sparsely populated rural area, where baseline noise levels are expected to be low. Seven potential noise sensitive receptors (NSRs) were identified in the ES and assessment carried out of predicted noise levels at those properties at construction and operational stage. This concluded that construction noise at all receptors will remain below the guideline noise limits. In terms of operational noise the assessment has concluded that the noise levels will not exceed levels which may impact on the current existing amenity experienced at the nearest NSRs. It is therefore concluded that impact from noise will be negligible.
- 8.49 The Council's Environmental Health Officer has confirmed that he is satisfied with the noise assessment but suggests a standard condition as a precaution. In further response to concerns expressed by objectors over the accuracy of the noise assessment he confirms that it has been carried out in accordance with ETSU-R-97 which advises that barriers due to topographical features should not be considered. Therefore, the predicted levels have assumed line of sight for all properties. The assessment also assumes a worst case scenario that all properties will be directly downwind of the turbine at all times.
- 8.50 It is acknowledged that background levels in the area are low however, the guidance in ETSU-R-97 clearly states that in low noise environments the noise levels should be limited to a lower level of 35-40dB. Highland Council has stipulated 35dB which is as low a limit as can be applied. This applies to wind speeds up to 10m/s. There is no requirement for the applicant to submit results of the met mast monitoring. At a distance of over 500m, there is no evidence to suggest any adverse effect from vibration through the ground. Neither is there any evidence to suggest any adverse impact from pressure waves and the noise data for the candidate turbine indicates that there is no tonal penalty. The turbine will automatically shut down at wind speeds above 28m/s. Such conditions are rare and of short duration. In any event, it is unlikely that noise from the turbine would be audible over background noise.
- 8.51 With regard to shadow flicker the ES confirms no full shadow flicker assessment was carried out due to the fact that there are no properties within the area that would experience this. Only properties within 10 rotor diameters (440m) and also subject to certain criteria could potentially be affected. As the closest property of Achvraie House is approximately 580m distant, there are no predicted impacts on properties. This conclusion has been accepted by the Council's Environmental Health Officer who is satisfied that light flicker has been assessed in accordance with current advice on best practice. The ES notes that the risk to public safety

from ice throw is considered to be very low due to the few likely occurrences of these conditions along with the particular circumstances that can cause ice throw. Furthermore the blades are not positioned above any rights of way or footpaths. Nonetheless appropriate signage is proposed around the wind turbine to advise potential recreational users that in specific weather conditions icing may occur and the turbine should not be approached.

8.52 With regard to general amenity issues, the properties nearest to the turbine site at Badenscallie; and indeed most properties within the townships which make up Achiltibuie generally turn their back on the hill, with principal aspects away from the turbine site towards the sea. The site uses an existing utility provider track and access onto the public road. Aggregate for the extension of the track, crane hard standing, construction compound and laydown area will be sourced on site from a borrow pit to the west of the existing access track. This will reduce HGV movements on the public road.

8.53 No specific 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 experienced.

#### 8.54 **Transport and Access**

8.55 The ES includes a transport assessment which was informed by input from The Highland Council, Transport Scotland and Northern Constabulary. This notes that the estimated construction phase of the project would last around three months. An abnormal load assessment was carried out and a 'dry run' of the access route was carried out in April 2012. Estimated HGV movements show a total of over 125 HGV loads; however this includes 60 taken from onsite sources for contribution to construction of the access track and crane hard standing. The abnormal loads total 4 low loaders, 3 extendible trailers and 2 all terrain cranes.

8.56 TECS (Transport) confirms that the operational impact on the road network will be minimal. Conditions are recommended in relation to mitigating impact on the network during the construction period and those have already been identified within the ES.

8.57 There are no core or public paths passing through the site. The Council's Access Officer has confirmed that any direct impact on public access is minimal, other than views from more distant paths.

#### 8.58 **Hydrology and Peat**

8.59 There are no designated sites on or within 1km of the proposed development site. Areas of blanket bog were identified close by the site and peat probing was undertaken to identify how deep peat was within those areas identified; the majority being 0.3m or less and one small tongue of land having depths of less than 0.4m. A plateau area recorded peat depths of up to 1m within the centre of this area, becoming shallower towards the edges (where the turbine is proposed). During the design process, the turbine, crane pad and upper section of the access track

locations have been moved to the south to be located further away from the unnamed tributary of the Allt Ach a' Braighe burn and to avoid being located within localised areas of blanket bog as much as is possible. The new track has also been designed to avoid watercourse or drain crossings but will require one crossing or a diversion of a small ephemeral drain.

8.60 SEPA and SNH are satisfied that there are no specific issues in relation to the relatively small area affected. SEPA refers to standing advice for small scale and general wind energy projects. A small borrow pit is required on site for the source of aggregate and this has the potential to impact on existing surface water drainage. It would therefore be required that a site specific Construction and Environmental Management Plan be submitted prior to any works commencing and this would allow consultation with SNH and SEPA to ensure the specific extraction and construction methodologies can be secured to safeguard local interests.

8.61 **Matters to be secured by Section 75 Agreement**

None

**9. CONCLUSION**

9.1 The Scottish Government gives considerable commitment to renewable energy and this position is sustained within the emerging draft Scottish Planning Policy. Planning Authorities are encouraged to support the development of wind energy projects where impacts on the environment and communities can be satisfactorily addressed.

9.2 As with all applications the benefits of the proposal must be assessed against all relevant policies and guidance; and all other material considerations; and considered fully and thoroughly. This specific proposal is undoubtedly sensitive given its scale within Assynt-Coigach National Scenic Area. For this reason extensive pre-application consultation has been carried out by the applicant and appointed consultants, particularly with SNH, to narrow initial alternative sites down to a preferred site and to prepare a wide range of visualisations. As such a sensitive proposal merits, a robust Environmental Statement has been provided as Supporting Information which addresses all relevant issues.

9.3 The application is for a Community owned turbine, where profits will be ploughed back into community projects. The local Community Council supports the application. Public representation has been substantial with almost 600 comments split between those in favour and those against. Many and varied issues are raised within objectors' comments which have been addressed in the above appraisal. However it is clear and almost inevitable that the main thrust of objectors' concerns relate to the potential negative impact on the natural environment and existing stunning landscape within which the community of Achiltibuie is situated.

9.4 In contrast, comments in favour, which reflect the applicant's own submission, point to the project providing a significant income stream for the local community whilst making a small but significant contribution towards national renewable energy targets. It is submitted by supporters of the application that the care taken in



determining the detail and siting of the turbine will minimise impact on the environment and that the turbine will be seen as a positive element in the landscape as part of a thriving local community.

9.5 The determination of this application lies principally within the provisions of Policies 67 and 68 of the Highland wide Local Development Plan. The requirement is to consider the likely impacts of the development on a number of criteria and then consider if the development as presented is significantly detrimental to listed criteria. Adverse impacts have been taken into account within the ES and have been highlighted within this assessment but the development is also considered acceptable on many of such criteria. No objections have been received from statutory and non statutory consultees. Various technical issues can be adequately dealt with by condition. Significantly, SNH does not object to the application and concludes that the turbine will not have a significant impact on the qualities of the National Scenic Area. Accordingly, the application is considered to be one which can be accommodated without significant detriment in relation to all criteria and is one which thereby accords with the policies of the Council's Development Plan.

9.6 The sensitivities associated with this landscape are recognised by all however that does not preclude supporting development where appropriate. Support can be offered in this instance for this sensitively sited and well considered development which has been the subject of extensive pre-application discussion and consultation. Whilst this proposal can be supported as not having a significant impact affecting the qualities of the NSA within this coastal location that should not be presumed as indicating other similar proposals may not have such an impact on the integrity and quality of this landscape to its detriment.

## 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. No development shall commence until full details of the proposed wind turbine have been submitted to, and approved in writing by, the Planning Authority. These details shall include:
  - I. The make, model, design, power rating and sound power levels of the turbine to be used; and
  - II. The external colour and/or finish of the turbine to be used (incl. tower, nacelle and blades) which should be non-reflective pale grey semi-matt.

Thereafter, development shall progress in accordance with these approved details and, with reference to part ii above, the turbine shall be maintained in the approved colour, free from external rust, staining or discolouration, until such time as the development is decommissioned.

**Reason:** To ensure the final design uses materials that are suitable in terms of visual impact considerations.

2. This planning permission shall expire and cease to have effect after a period of 30 years from the date when electricity is first exported from the approved wind turbine to the electricity grid network (the "First Export Date"). Upon the expiration of a period of 25 years from the First Export Date, the wind turbine shall be decommissioned and removed from the site, with decommissioning and restoration works undertaken in accordance with the terms of condition 5 of this permission. Written confirmation of the First Export Date shall be submitted in writing to the Planning Authority within one month of the First Export Date.

**Reason:** Wind turbines have a projected lifespan of 25 years, after which their condition is likely to be such that they require to be replaced, both in terms of technical and environmental considerations. This limited consent period also enables a review and, if required, reassessment to be made of the environmental impacts of the development and the success, or otherwise, of noise impact, species protection, habitat management and mitigation measures. The 30 year cessation date allows for a 5 year period to complete commissioning and site restoration work.

3. No development shall commence until full details of the location, layout, external appearance, dimensions and surface materials of the control building, welfare facilities, compounds and parking areas, as well as any fencing, walls, paths and any other ancillary elements of the development (e.g. signage), have been submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA and SNH, as necessary). Thereafter, development shall progress in accordance with these approved details.

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

4. 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, anemometer, control buildings, temporary ancillary buildings 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:** To ensure that the turbine is not used for advertising, in the interests of visual amenity.

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

- I. No later than 3 years prior to the decommissioning of the development, the draft DRP shall be reviewed by the Wind Turbine Operator and a copy submitted to the Planning Authority for their written approval, in consultation with SNH and SEPA; and
- II. No later than 12 months prior to the decommissioning of the development, a detailed DRP, based upon the principles of the approved draft plan, shall be submitted to, and approved in writing by, the Planning Authority, in

consultation with SNH and SEPA.

**Reason:** To ensure that the decommissioning of the development and restoration of the site are carried out in an appropriate and environmentally acceptable manner.

6. No development shall commence until a Construction Environmental Management Document (CEMD), in accordance with The Highland Council's Guidance Note on Construction Environmental Management Process for Large Scale Projects (August 2010) (as amended, revoked or re-enacted; with or without modification), has been submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA, SNH and TECS). The CEMD shall be submitted at least two months prior to the intended start date on site and shall include the following:
- I. An updated Schedule of Mitigation (SM) drawing together all approved mitigation proposed in support of the application and other agreed mitigation (including that required by agencies and relevant planning conditions attached to this permission);
  - II. Construction Environmental Management Plans (CEMPs) for the construction phase, covering:
    - a. Habitat and Species Protection;
    - b. Pollution Prevention and Control;
    - c. Dust Management;
    - d. Noise and Vibration Mitigation;
    - e. Site Waste Management;
    - f. Surface and Ground Water Management;
      - i. Drainage and sediment management measures from all construction areas including access track improvements; and
      - ii. Mechanisms to ensure that construction will not take place during periods of high flow or high rainfall.
    - g. Water Course Management;
    - h. Peat Stability, Slide Risk and Management;
    - i. Public and Private Water Supply Protection Measures;
    - j. Emergency Response Plans; and
    - k. Other relevant environmental management as may be relevant to the development;
  - III. Post-construction restoration and reinstatement of temporary working areas, compounds and borrow pits;
  - IV. A statement of responsibility to 'stop the job/activity' if a breach or potential breach of mitigation or legislation occurs; and
  - V. Methods for monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority and other relevant parties.

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

**Reason :** To ensure that there is no pollution of air, land and water as a result of the development hereby approved; and that the correct methodology is used to reinstate sensitive upland habitats and to ensure that the landforms return to their previous state as soon as is possible.

7. No development shall commence until a scheme for the working of the borrow pit within the site has been submitted to, and approved in writing by, the Planning Authority, in consultation with SEPA and SNH. Thereafter, the scheme shall be implemented as approved. The scheme shall make provision for:
- i. Methods of working (including the timing of works and the use of explosives and/or rock-breaking equipment);
  - ii. A description of the volume and type of minerals, aggregates and/or fines to be extracted from the borrow pit;
  - iii. A site plan and section drawings showing the location and extent of the extraction area;
  - iv. Overburden (peat, soil and rock) handling and management;
  - v. Drainage infrastructure, including measures to prevent the drying out of surrounding peat land; and
  - vi. A programme for the re-instatement, restoration and aftercare of each borrow pit once working has ceased.

**Reason:** To ensure that a scheme is in place to control the use of borrow pits to minimise the level of visual intrusion and any adverse impacts as a result of the construction phase of the development.

8. No development shall commence until the developer has provided the Ministry of Defence (MoD), the Defence Geographic Centre (AIS Information Centre), National Air Traffic Services (NATS) and Highlands & Islands Airports Ltd (HIAL) (copied to the Planning Authority) with the following information in writing:
- i. The date that construction will commence on site and will be complete;
  - ii. The maximum height of the wind turbine, mast and construction-related equipment (such as cranes);
  - iii. The latitude and longitude of the wind turbine and mast;

Thereafter, the wind turbine shall not be commissioned until full details of any changes to information previously provided have been submitted in writing to the MoD, Defence Geographic Centre, NATS and HIAL.

**Reason:** In the interests of air safety and navigation and for the avoidance of doubt.

9. The wind turbine shall not be erected until a scheme of aviation lighting (to be infrared unless technically impracticable) has been submitted to, and approved in writing by, the Planning Authority in consultation with the Ministry of Defence, CAA and Highlands & Islands Airports Ltd (HIAL). 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 interests of air safety and navigation and for the avoidance of doubt.

10. No development shall commence until a Traffic Management Plan (TMP) has been submitted to, and approved in writing by, the Planning Authority in consultation with the Roads Authority. The TMP, which shall be implemented as approved, must include:
- i. A description of all measures to be implemented by the developer in order to manage traffic during the construction phase (incl. routing strategies), with any additional or temporary signage and traffic control undertaken by a recognised SQ traffic management consultant;
  - ii. The identification and delivery of all upgrades to the public road network to ensure that it is to a standard capable of accommodating construction-related traffic (including the formation or improvement of any junctions leading from the site to the public road) to the satisfaction of the Roads Authority, including;
    - a. A route assessment report for abnormal loads, including swept path analysis and details of the movement of any street furniture, any traffic management measures and any upgrades and mitigation measures as necessary;
    - b. An assessment of the capacity of existing bridges and other structures along the construction access route(s) to cater for all construction traffic, with upgrades and mitigation measures proposed as necessary;
  - iii. Drainage and wheel washing measures to ensure water and debris are prevented from discharging from the site onto the public road; and
  - iv. A concluded agreement in accordance with Section 96 of the Roads (Scotland) Act 1984 under which the developer is responsible for the repair of any damage to the public road network that can reasonably be attributed to construction related traffic. As part of this agreement, pre-start and post-construction road condition surveys must be carried out by the developer, to the satisfaction of the Roads Authority(s).

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

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

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

12. All wires and cables between the wind turbine, control building and welfare buildings shall be located underground within the verge of the access tracks or

within 3m of the access tracks, unless otherwise agreed in writing by the Planning Authority. Thereafter, and within three months of the completion of cable laying, the ground shall be reinstated to a condition comparable with that of the adjoining land, to the satisfaction of the Planning Authority.

**Reason:** To minimise the level of visual intrusion and ensure that the construction of the wind turbine is carried out appropriately and does not have an adverse effect on the environment.

13. The rating level of noise immissions from the effect of the wind turbine (including the application of any tonal penalty) 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 turbine 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 turbine 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 turbine 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 turbine operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise immissions from the wind turbine 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 immissions 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 immissions. 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 turbine 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 immissions 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 turbine operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions 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 immissions.

g) Where a further assessment of the rating level of noise immissions from the wind turbine is required pursuant to Guidance Note 4(c), the wind turbine 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	Standardised wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
Achvraie House	35	35	35	35	35	35	35	35	35	35	N/A	N/A
Bella's Cottage	35	35	35	35	35	35	35	35	35	35	N/A	N/A
Burnside	35	35	35	35	35	35	35	35	35	35	N/A	N/A
Unknown	35	35	35	35	35	35	35	35	35	35	N/A	N/A
New Build	35	35	35	35	35	35	35	35	35	35	N/A	N/A

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	Standardised wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
Achvraie House	35	35	35	35	35	35	35	35	35	35	N/A	N/A
Bella's Cottage	35	35	35	35	35	35	35	35	35	35	N/A	N/A
Burnside	35	35	35	35	35	35	35	35	35	35	N/A	N/A
Unknown	35	35	35	35	35	35	35	35	35	35	N/A	N/A
New Build	35	35	35	35	35	35	35	35	35	35	N/A	N/A

Table 3: Coordinate locations of the properties listed in Tables 1 and 2.

Property	Easting	Northing
Achvraie House (NSR01)	204581	905907
Bella's Cottage (NSR02)	204537	905954
Burnside (NSR03)	203971	906351
Unknown (NSR 04)	204154	906385
New Build (NSR07)	204087	906477

Note to Table 3: The geographical coordinate references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

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

- 14 For the avoidance of doubt, all mitigation measures with regard to ecology, ornithology, hydrology, Scottish Water Infrastructure, and archaeology; as recommended within the Environmental Statement, shall be undertaken as specified, and agreed in writing by the Planning Authority in consultation with SNH, SEPA and Scottish Water as appropriate.

**Reason:** To ensure that appropriate measures are taken to mitigate any potential for disturbance to the natural, built and cultural environment.

15. No development shall commence until a TV and radio reception mitigation plan has been submitted to, and approved in writing by, the Planning Authority. The plan shall provide for a baseline TV reception survey to be carried out prior to the commencement of turbine installation, the results of which shall be submitted to the Planning Authority. Within 12 months of the Final Commissioning of the



development, any claim by any individual person regarding TV picture loss or interference at their house, business premises or other building, shall be investigated by a qualified engineer appointed by the developer and the results shall be submitted to the Planning Authority. Should any impairment to the TV signal be attributable to the development, the developer shall remedy such impairment so that the standard of reception at the affected property is equivalent to the baseline TV reception.

**Reason:** To ensure local TV and Radio Services are sustained during the construction and operation of this development.

## **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.

## **INFORMATIVE NOTE REGARDING THE 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.

### **Schedule 3 Development Site Notice**

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country

Planning (Scotland) Acts and associated regulations.

### **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 and accompanying Environmental Statement. 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.

### **Environmental Impact Assessment**

In accordance with Regulation 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011, environmental information, in the form of an Environmental Statement, has been taken into consideration in the determination of this application and the granting of planning permission.

### **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.

### **Damage to the Public Road**

Please note that the Council, under Section 96 of the Roads (Scotland) Act 1984, reserves the right to recover all costs for repairing any damage to the public road (and/or pavement) which can be attributed to construction works for this development.

**Protected Species:** You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species is 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 a breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: [www.snh.gov.uk/protecting-scotlands-nature/protected-species](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

### **Protected Species - Contractors' Guidance**

You must ensure that all contractors and other personnel operating within the application site are made aware of the possible presence of protected species. They must also be provided with species-specific information (incl. guidance on identifying their presence) and should be made aware of all applicable legal requirements (incl. responsibilities and penalties for non-compliance).

### **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](mailto:env.health@highland.gov.uk) for more information.

### **Definition of Terms Used in this Decision Notice**

"Wind Turbine Noise Level" means the rated noise level due to the combined effect of all the Wind Turbines, excluding existing background noise level but including any tonal penalty incurred under the methodology described in ETSU-R -97, pages 99 - 109.

"Wind Turbine Operator" means the individual(s), organisation(s) or company(ies) responsible for the day-to-day operation of the wind turbine, who may or may not also be the owner of the wind turbine.

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

"Wind Speeds" means wind speeds measured or calculated at a height of 10 metres above ground level on the site at a specified Ordnance Survey grid reference agreed in writing by the Planning Authority

"Night hours" means 23:00 - 07:00 hours on all days.

"Noise-Sensitive Premises" means any building, structure or other development that, on the date of this planning permission, exists or is yet to exist but benefits from extant planning permission, the lawful use of which falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) or is as a flat or static residential caravan. Where such documents exist, this definition also includes any other premises defined as being noise-sensitive within any Environment Statement or other assessment or survey submitted in support of the planning application. For the purposes of this definition, 'premises' includes any relevant curtilage.

Signature: Dafydd Jones  
Designation: Area Planning Manager North  
Author: Dorothy Stott  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – Location Plan  
Plan 2 – Site Layout Plan  
Plan 3 – Turbine Elevations