

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
18 November 2014

Agenda Item	7.3
Report No	PLS/086/14

14/03482/S36 - Beinneun Wind Farm Ltd
Beinneun Wind Farm, 8 Km NW Of Invergarry, Glenmoriston

Report by Head of Planning and Building Standards

SUMMARY

Description: Variation to consented wind farm (Ref: 11/04152/S36) including, increase in blade tip height by 1.5 metres to 133.5 metres and revised dimensions to the sub-station and control building.

Recommendation: RAISE NO OBJECTION

Wards: 13 - Aird and Loch Ness

Development category: Major

Pre-determination hearing: None

Reason referred to Committee: Section 36 Application

1.0 PROPOSED DEVELOPMENT

1.1 The application seeks a variation in the consented Beinnuen Wind Farm (11/04152/S36), which was granted consent under Section 36 of the Electricity Act 1989 (As Amended) by Scottish Ministers on 5th November 2012. The variations proposed are as follows:

- Increase in blade tip height by 1.5m from 132m to 133.5m. This is a result of rotor diameter increasing from 104m to 108m and the turbine blade length increasing from 50.8m to 53.3m; and
- Increase in sub-station and control building dimensions from 19m long to 27m long and from 8m wide to 9.5m wide.

1.2 No other variations to the previously approved scheme are sought through this application. The remainder of the development will remain unchanged and consist of 25 wind turbines with a generating capacity of up to 3.4 MW per turbine giving a total potential capacity of 85 MW and associated infrastructure.

1.3 The application has been submitted to the Scottish Government for approval

under Section 36(C) of the Electricity Act 1989 (As Amended) and The Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013. Should Ministers approve the variation to the development, it will also vary the deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (As Amended). The Council is a consultee on the proposed variation to the development. If the Council object to the development, Scottish Ministers will be required to hold a Public Local Inquiry before determining the application.

- 1.4 The variation is supported by an Environmental Statement (ES) under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (as amended). This Environmental Statement submitted is the same as that submitted for the original application. Additional information has been provided to address the main areas of change as a result of the application. This includes information on landscape and visual impacts, traffic mitigation and ornithology.

2.0 SITE DESCRIPTION

- 2.1 The wind farm site extends to approximately 1,709ha with the built development occupying a much smaller area. The turbines are to be set on an area of undulating ground. The ground on which the turbines sit varies in height between 130m and 687m above ordnance datum (AOD).
- 2.2 The site is located approximately 8km north west of Invergarry and 13km west of Fort Augustus. There are a number of smaller groups of houses in this area including those at Faichem (5.9km), Munerigie (3.8km), and Inchlaggan (3.9km). Generally, the immediate area to the north and west of the turbine envelope is sparsely populated.
- 2.3 The site will be accessed from the A87 with turbines delivered via Kyle of Lochalsh Harbour.
- 2.4 When assessing a wind farm proposal consideration of similar developments around the site is required. Of particular interest in relation to this site is Millennium Wind Farm and its extensions. This comprises of:
- Millennium Wind Farm - 16 Turbines at 115m to tip;
 - Millenium Extension A - 4 Turbines at 115m to tip;
 - Millenium Extension B - 6 Turbines at 125m to tip; and
 - Millennium South Wind Farm - 10 Turbines at 132m to tip (application to be determined).

3.0 PLANNING HISTORY/BACKGROUND

- 3.1 **05.11.2012** Section 36 Consent Granted for 25 wind turbines and associated infrastructure with a maximum capacity of up to 85 MW (11/04152/S36)
- 14.10.2014** Section 36 Application to extend Beinnuen Wind Farm by 8 Turbines. Expected determination February 2015. (14/03983/S36).

3.2 Following the submission of information by the applicant, Conditions 1, 2, 4, 5, 6, 7, 8, 9 a-f, 10, 11, 15, 16, 18, 19, and 20 of the deemed planning permission have been satisfied, but not discharged. In addition elements of Condition 3 have been satisfied but not discharged.

4.0 PUBLIC PARTICIPATION

4.1 Advertised: 12th September 2014 in the Inverness Courier, The Herald and Edinburgh Gazette.

Representation deadline: 14 October 2014

4.4	Timeous representations against:	0
	Comments:	0
	Representations in support:	0

5.0 CONSULTATIONS

Consultations undertaken by the Planning Authority

5.1 Fort Augustus Community Council has not responded to the consultation.

5.2 Glengarry Community Council has not responded to the consultation.

5.3 Transport Planning Team has not objected to the application.

5.4 Flood Team has no comments to make on the application.

5.5 Environmental Health has not objected. Environmental Health are seeking a noise condition to be attached to any consent which may be granted to ensure effective control over noise levels at this and, in turn, any future development within the vicinity of the wind farm. This would limit the noise levels to 33db at wind speeds of 10 m/s at noise sensitive properties.

5.6 Access Officer has not objected to the application.

Consultations undertaken by the Energy Consents and Deployment Unit

5.7 Scottish Natural Heritage has not objected to the application.

5.8 Scottish Environment Protection Agency has not objected to the application.

5.9 Transport Scotland has not objected to the application. Conditions are requested in relation to routes for abnormal loads, details of accommodation measures and signage or temporary traffic control measures to be agreed with Transport Scotland.

5.10 Ministry of Defence has not objected to the application.

6.0 DEVELOPMENT PLAN POLICY

6.1 The following policies are relevant to the assessment of the application:

Highland-wide Local Development Plan (April 2012)

- 6.2
- | | |
|-----------|--------------------------------------|
| Policy 28 | Sustainable Development |
| Policy 29 | Design, Quality and Place Making |
| 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 |

Inverness Local Plan (As Continue in Force 2012)

6.3 The general policies and land allocations of the Local Plan pertinent to this application have been superseded by the policies of the Highland-wide Local Development Plan.

Proposed Inner Moray Firth Local Development Plan (November 2013)

6.4 No policies or allocations relevant to the proposal are included in the Proposed Plan.

Supplementary Guidance

6.5 The following Supplementary Guidance forms a statutory part of the development plan and are considered pertinent to the determination of this application.

- Sustainable Design Guide: Supplementary Guidance (January 2013)
- Highland Statutorily Protected Species: Supplementary Guidance (March 2014)

7.0 OTHER RELEVANT PLANNING POLICY

Onshore Wind Energy: Interim Supplementary Guidance (March 2012)

7.1 The document provides a spatial framework to guide the location of large wind farms, development guidelines for all locations and additional guidance on the policies and principles set out in Policy 67 – Renewable Energy Developments of the Highland-wide Local Development Plan.

Highland Renewable Energy Strategy (HRES) (May 2006)

7.2 While superseded, in part, by the above Interim Supplementary Guidance, HRES is still relevant as a strategy document for renewable energy. Relevant policies to the current application, include:

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

Scottish Government Planning Policy and Guidance (June 2014)

7.3 The Scottish Government has recently published its updated policy statement and advice. It advances principal policies on Sustainability and Placemaking, and subject policies on A Successful, Sustainable Place; A Low Carbon Place; A Natural, Resilient Place; and A Connected Place. It also highlights that the Development Plan continues to be the starting point of decision making on planning applications. The content of the SPP is a material consideration that carries significant weight, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case.

7.4 In addition to the above, the Scottish Government sets out further advice on Renewable Energy in a number of documents and web based information regularly updated including: -

- National Planning Framework for Scotland 3
- PAN 56 – Planning and Noise
- PAN 58 – Environmental Impact Assessment
- PAN 60 – Planning for Natural Heritage
- 2020 Routemap for Renewable Energy
- Onshore Wind Turbines
- Wind Farm developments on Peat Lands

8.0 PLANNING APPRAISAL

8.1 Section 25 and of the Town and Country Planning (Scotland) Act 1997 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

Determining Issues

8.2 The determining issues are:

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

Planning Considerations

8.3 The principal of the development has been established. This is an application to vary two elements of the development which have previously been granted consent through the Electricity Act and as such have deemed planning consent through the Town and Country Planning Acts. As set out in Section 3 of this report a number of conditions associated with the deemed planning permission have

been satisfied.

Development Plan

- 8.4 The principal of this development is clearly established through the existing consent granted under the Electricity Act. The Development plan policy has not changed since the time of the Report's decision in November 2012. The key issue therefore is whether the variations proposed would make the development incompatible with the development plan.

Material Considerations

- 8.5 The variations proposed have the potential to affect a small number of issues. These are:
- Design, Landscape and Visual Impact;
 - Noise;
 - Ornithology; and
 - Roads and Transportation.

Design, Landscape and Visual Impact

- 8.6 The supporting information submitted with the application has suggested that there will be no discernible difference in terms of landscape and visual impact given the layout of the scheme remains unchanged. A Zone of Theoretical Visibility figure has been submitted which shows limited change, to the spread of visibility of the development. The most notable change is a new area of theoretical visibility around Meall a Chrathaich. However, given the distance to the scheme (18 km) this would be insignificant.
- 8.7 The applicant states that the proposed variation would lead to no discernible change in the visual impact of the development, against the impacts identified during the application for the original development. This has been demonstrated through the submission of visualisations, to Highland Council Standards, from key viewpoints used in the original application. These are:
- Viewpoint 2 - A87 Layby near Bun Loyne; and
 - Viewpoint 5 - Ceannacroc.
- 8.8 The proposed development will be seen in the landscape with Millennium Wind Farm and its extensions, which include turbines of three different heights. If approved, the turbines as part of Beinneun Wind Farm will be 0.5m higher than those proposed at Millennium South. It is not considered that this variation in heights will be noticeable given the variations in the local topography.
- 8.9 The principle of turbines in this location is established, as is the level of landscape and visual impact of the proposed development due to the previous consent on the site. It is considered that the applicant has provided a pragmatic and proportionate landscape and visual impact assessment. The findings of this are not disputed.

- 8.10 The design for the substation was subject to a condition on the deemed planning permission for the originally consented development. While the application seeks to increase the size of the sub-station building for operational purposes, the indicative design as shown in the ES has not changed. This increase in size is considered acceptable and the design of the building will still require to be agreed with the Planning Authority. The design of the sub-station should respond to local architecture, use traditional materials, reflect estate colours and promote a sense of identity in relation to the wind farm.

Noise

- 8.11 The original application did not identify noise sensitive receptors within the area predicted to experience noise levels in excess of the ETSU-R-97 criterion of 35 DB, $L_{A90, 10min}$. The proposed variation does not have a material affect on noise. The previously granted consent was not subject to a planning condition related to noise. However, it is considered appropriate to recommend such a condition is attached in order to retain control over noise levels in the event of any future planning application in the vicinity to enable noise to be effectively controlled. Based upon the conditions attached to other consents within this area and taking into account potential cumulative impacts, it is considered that a condition limiting noise to 33 DB at wind speeds of 10 m/s at noise sensitive properties should be recommended to Scottish Ministers.

Ornithology

- 8.12 The original Environmental Statement identified potential effects on valued ornithological receptors during the operational phase of the development. Through mitigation proposed these effects were minimised. The proposed variation will lead to a very slight increase in the theoretical collision risk for Golden Eagles, the applicant considers this to have little material influence on the assessment of effects reported in the original Environmental Statement. SNH have considered this application and have stated that the proposed variations have no implications for any of their interests.

Roads and Transportation

- 8.13 The proposed variation will lead to an increase in length and weight of vehicles on the trunk and local road network, however the variation will not lead to an increase in vehicular movements on the road network above what has previously been assessed. Transport Scotland and the Transport Planning Team have sought conditions to secure information on traffic management, abnormal load routing and accommodation works. Conditions addressing these issues were attached to the original deemed planning permission.

Other Material Issues

- 8.14 The application has increased the blade tip height but not increased the potential generating capacity of the application. The proposed development has potential to make a significant (85 MW) contribution towards the Scottish Government's target of 50% of Scotland's electricity demand to be generated from renewable

resources by 2015, and 100% of Scotland's electricity demand to be generated from renewable resources by 2020. The targets are not a cap.

- 8.15 In line with The Highland Council policy and practice, community benefit considerations are undertaken as a separate exercise and generally parallel to the planning process.
- 8.16 There are no other relevant material factors highlighted within representations for consideration of this application.

9.0 CONCLUSION

- 9.1 All relevant matters have been taken into account when appraising this application. The consultee responses indicate that there are no material changes to the impacts of the development as a result of the proposed variations. It is considered that the variations would not result in the development being incompatible with the Development Plan.
- 9.2 It is considered that the application to vary the blade tip height and the size of the substation building on this extant Section 36 Consent under the Electricity Act accords with the development plan and is acceptable in terms of all other applicable material considerations.

10.0 RECOMMENDATION

It is recommended that the Council **raise no objection** to the application. Should the application ultimately be approved by Scottish Ministers it should be subject to all planning conditions attached to the extant deemed planning permission (11/04152/S36) and the additional noise related conditions as set out below:

- 1. The Wind Turbine Noise Level, including the application of any tonal penalty specified in ETSU-R-97 at pages 99-109, shall not exceed 33 dB LA90,10min at any Noise-Sensitive Premises. This condition shall only apply at wind speeds up to 10m/s measured or calculated using the methods described in "Prediction and Assessment of Wind Turbine Noise" (published in IOA Bulletin March/April 2009).

Reason:

- 2. The Wind Farm Operator shall, beginning with the first day upon which the wind farm becomes operational, log wind speed and wind direction data continually and shall retain the data for a period of at least 12 months from the date that it was logged. The data shall include the average wind speed, measured in metres per second, over 10 minute measuring periods. These measuring periods shall be set to commence on the hour and at 10 minute consecutive increments thereafter. Measurements shall be calculated at 10m above ground level using the methods described in "Prediction and Assessment of Wind Turbine Noise" (published in IOA Bulletin March/April 2009). All wind speed data shall be made available to the Planning Authority on request in Microsoft Excel compatible electronic spreadsheet format.

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

3. At the reasonable request of the Planning Authority, the Wind Farm Operator shall assess, at its own expense and using a suitably qualified consultant(s) not involved in the original noise assessment, the level of noise emissions from the Wind Turbines.

Assessment shall be carried out in accordance with the Noise Measurement and Mitigation Scheme approved under this planning permission and a report of assessment shall be submitted to the Planning Authority within two months of a request under this condition, unless an alternative timescale is otherwise agreed in writing by the Planning Authority.

If noise emissions are found to exceed limits prescribed under this planning permission, then the Wind Farm Operator shall implement mitigation measures in full accordance with the approved Noise Measurement and Mitigation Scheme, or alternative equal or better mitigation measures as may first be approved in writing by the Planning Authority, in order to reduce noise levels to comply with prescribed limits. The time period for implementing mitigation measures shall be as outlined in the approved Noise Measurement and Mitigation Scheme or as otherwise may be specified writing by the Planning Authority.

Reason: To ensure that, following a complaint, noise levels can be measured to assess whether or not the predicted noise levels set out within the supporting noise assessment have been breached, and where excessive noise is recorded, suitable mitigation are undertaken.

4. No development shall commence until a Noise Measurement and Mitigation Scheme has been submitted to, and approved in writing by, the Planning Authority. The scheme shall include:
 - i. A framework for the measurement and calculation of noise levels to be undertaken in accordance with "The Assessment & Rating of Noise from Wind Farms", September 1996, ESTU report number ETSU-R-97 having regard to paragraphs 1-3 and 5-11 inclusive, of The Schedule, pages 95 to 97; and Supplementary Guidance Notes to the Planning Obligation, pages 99 to 109. Wind speeds shall be determined using the methods in "Prediction and Assessment of Wind Turbine Noise" (published in IOA Bulletin March/April 2009); and
 - ii. Mitigation measures to be enacted, along with a timetable(s) for implementation, should noise emissions exceed the limits prescribed under this planning permission.

Reason: To ensure that, following a complaint, noise levels can be measured to assess whether or not the predicted noise levels set out within the supporting noise assessment have been breached, and where excessive noise is recorded, suitable mitigation are undertaken.

Informative

Definition of Terms Used

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

"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.

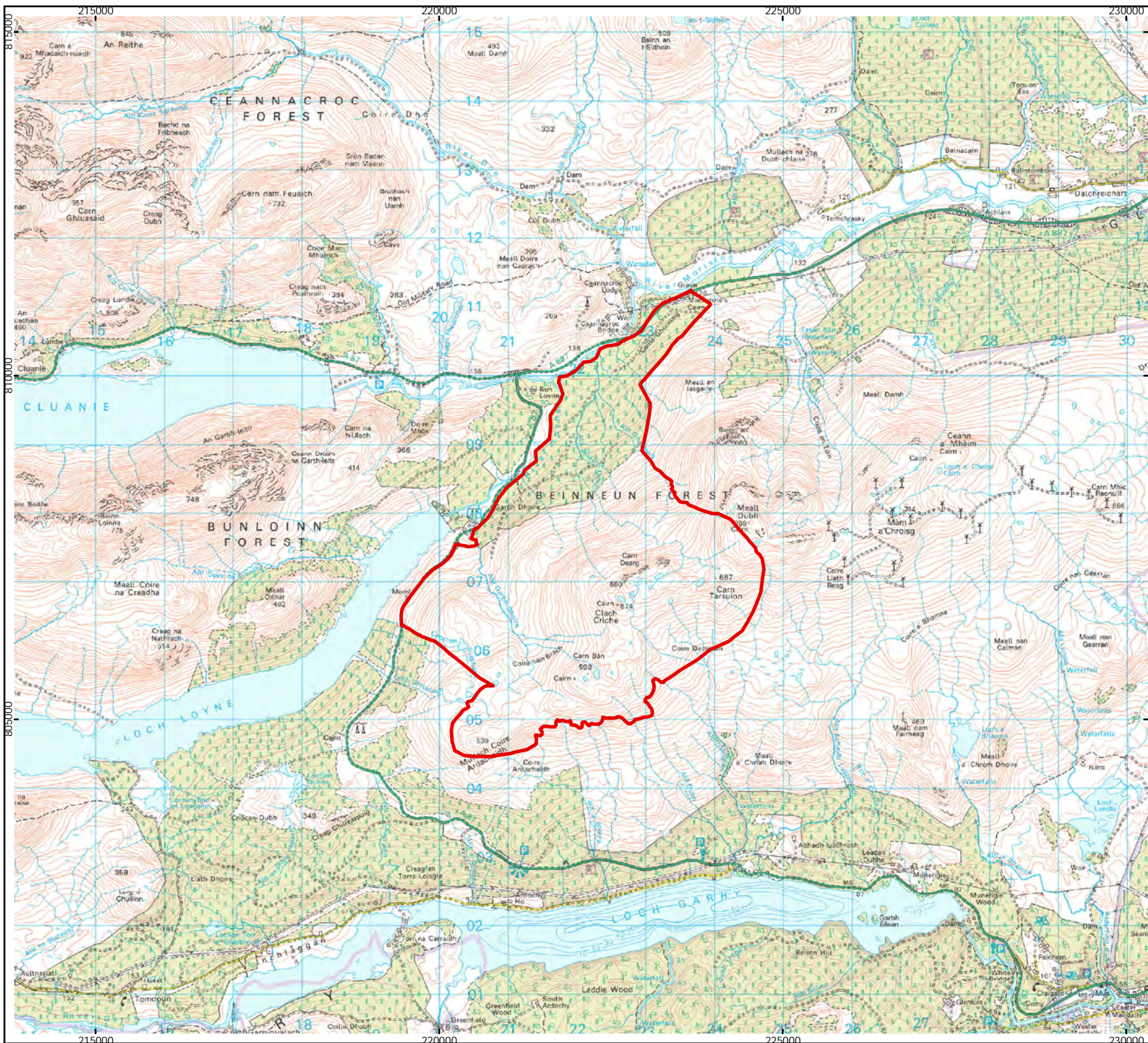
SIGNATURE

Signature:


Designation: Head of Planning and Building Standards

Author: Simon Hindson

Background Papers: Documents referred to in report and in case file.



Key

 Application Boundary



1:75,000 Scale @ A4
0 1 2 km

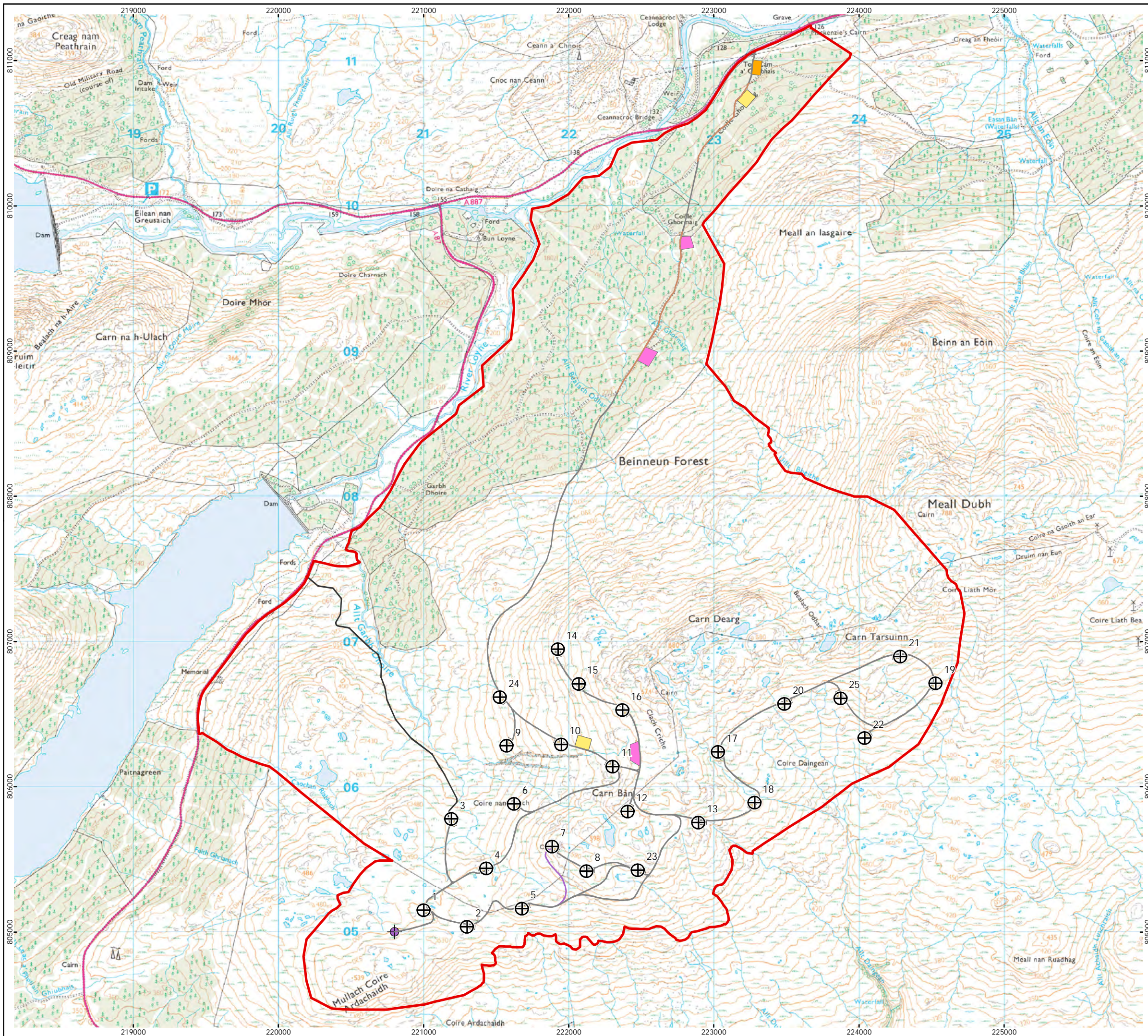
Produced: SC
Reviewed: PM
Approved: IS

Ref: 467/ES/015
Date: 01/11/2011

Site Location
NTS 1

Beinneun Windfarm
Non-Technical Summary

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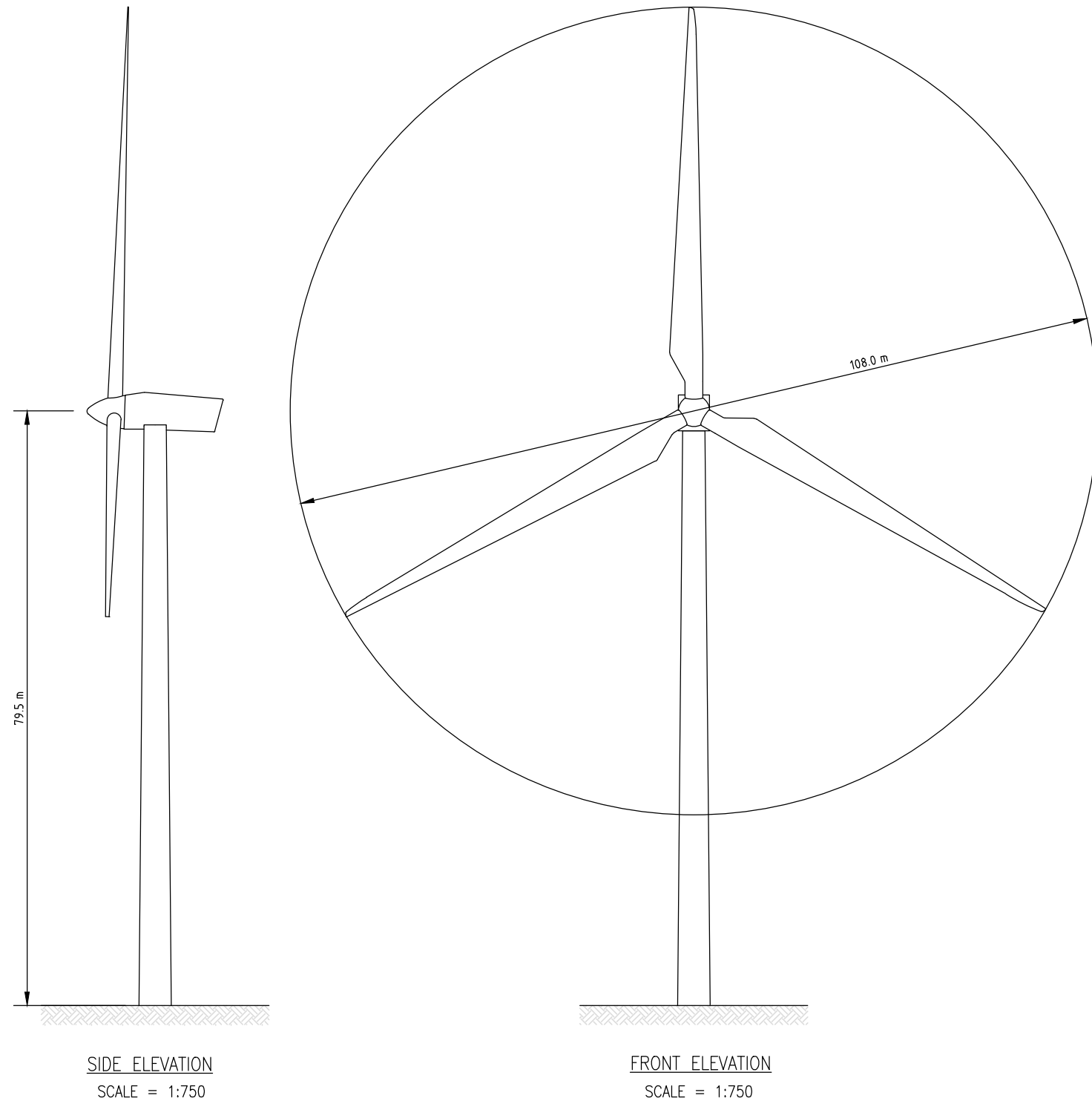
- Key**
- ⊕ Proposed Turbine Location
 - ▭ Application Boundary
 - Access Track to be Upgraded
 - New Access Track
 - Potential Track
 - 4x4 Access Track
 - ⊕ Meteorological Mast
 - ▭ Construction Compound
 - ▭ Crane Hardstanding
 - ▭ Potential Borrow Pit
 - ▭ Sub-station Compound
 - ▭ Turbine Foundation

ID	X	Y
1	221000	805150
2	221300	805036
3	221192	805779
4	221432	805438
5	221679	805162
6	221623	805883
7	221885	805589
8	222123	805420
9	221573	806283
10	221949	806292
11	222303	806140
12	222407	805830
13	222894	805755
14	221925	806948
15	222069	806710
16	222370	806529
17	223030	806242
18	223280	805891
19	224529	806713
20	223486	806572
21	224285	806898
22	224038	806336
23	222477	805427
24	221526	806618
25	223874	806610

1:25,000 Scale @ A3

Produced: SC
 Reviewed: PM
 Approved: IS
 Ref: 467/ES/016 Revision: C
 Date: 01/11/2011

Development Layout
 Figure 1.2
 Beinneun Windfarm
 Environmental Statement



NOTES:

NOT FOR CONSTRUCTION

Produced By: RM
Reviewed By: TAT
Approved By: RA

Ref: 467/ES/001
Date: 25/07/204

Revision: C

Typical Wind Turbine
Figure 4.1

Beinneun Windfarm
Section 36 Variation
Supporting Information