

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE
28 April 2015**

Agenda Item	5.6
Report No	PLN/026/15

**13/04194/FUL: Mr Magnus Henderson per Wind Harvest Ltd
Land at Hill of Lychrobbie, Dunbeath**

SUMMARY

Description: Erection of 3 no 800kw wind turbines, with a height to tip of 74m, height to hub of 50m and a rotor diameter of 24m

Ward: 4 – Landward Caithness

Development category: Local

Pre-determination hearing : None

Reason referred to Committee : Area Manager's discretion.

1. PROPOSED DEVELOPMENT

1.1 The application seeks planning permission for the erection of 3 no. 800KW turbines. Each turbine measures a total height of 74m where the blades reach their highest point, a height to hub of 50m and a rotor diameter of 24m. Ancillary development comprises:

- 20m x 30m hardstanding next to each turbine;
- 15m wide component lay down area;
- 4m wide access tracks;
- underground cabling;
- control building.

It is noted that two of the proposed turbines would be financed, constructed and operated on behalf of the Berriedale and Dunbeath community, with all profits paid to a community interest group or similar. The development would have a total output of 2.4MW.

1.2 No pre-application advice was sought prior to submission of the application.

1.3 There is an existing access track leading to the site from the A9 trunk road which would be widened and improved to accommodate the proposed development. No other infrastructure exists on site at present.

1.4 The application is supported by an Environmental Statement.

- 1.5 **Variations:** No variations have been made to the proposal since the application was lodged.

2. SITE DESCRIPTION

- 2.1 The site is located approximately 1km west of Latheronwheel and 2.5km east of Dunbeath, at an elevation of around 150m above sea level. The turbines are sited in linear pattern with a slight curve, lying within the Sweeping Moorland Landscape Character Type as identified by SNH's Landscape Character Assessment. Access into the site from the A9 exists at present with areas of semi-natural woodland around the entrance point. The site itself largely comprises areas of moorland with some areas of peat in varying conditions. A small loch is located within the northeast of the site. There is also a small quarry within this section of the site.
- 2.2 The nearest residential property is Upper Latheron located 785m south east of the nearest turbine. A further 10 properties lie within 1.5km of the site. The nearest settlement is Latheronwheel located 1km east of the proposed turbines.
- 2.3 The site itself does not lie within any landscape designations however The Flow Country and Berriedale Coast Special Landscape Area lies between 4.5km 25km to the north and west of the site.
- 2.4 In terms of natural heritage designations, the proposed access track to the turbines falls dissects the Knockinnon Site of Special Scientific Interest. The East Caithness Cliffs Special Protection Area lies around 500m to the south east of the site.

3. PLANNING HISTORY

- 3.1 An EIA Screening Request for a single turbine was submitted in March 2012. The Planning Authority responded on 29th March 2012 outlining that EIA was not required.

An application for a temporary 50m met mast was approved in August 2011.

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Schedule 3 development & EIA – 29.11.2013
Representation deadline : 27.12.2013

Timeous representations : 59 representations

Late representations : 0

- 4.2 A total of 59 representations have been submitted. 51 of these comprise letters of support with 7 objection comments and 1 general comment. The issues outlined are summarised below:

Support

- Promotes farm diversification;
- Benefit to the community in terms of income;
- Reduction in global warming;
- Wind is one of the most available resources in Caithness;
- Excellent way in which to secure funding for community projects;
- Minimal visual impact;

- A precedent of large scale turbines has already been set in this area;
- Help against volatile fuel prices;
- Causes no pollution or gases;
- Long term financial benefits to community;
- Assessments submitted with planning application demonstrate that there would be minimal disruption to the community;
- Creation of jobs

Objection

- Potential for development to 'borrow' wind resource from Buolfriuch Wind Farm;
- Adverse visual impact due to location high on a ridge & within close proximity to coast;
- Adverse visual impact when viewed from A9;
- Overly dominant when viewed from A9, A99 and from Latheronwheel;
- Cumulative visual impact
- Risk of fire, ice throw or destruction particular to Laidhay;
- Distraction to drivers on A9;
- Poor quality photomontages;
- Errors in noise assessment;
- Air safety – MOD planes regularly fly in this area;
- Negative impact on wild land views and views of the Caithness hills (Morven and Scaraben)
- Adverse impact on Neil M Gunns Literary Landscape;
- Cannot be defined as a 'wind farm', should be 'wind factory';
- Contrary to policies 28, 67 and 72;
- Adverse impact to human health;
- Can cause fatalities to birds and bats;
- Adverse impact on residential amenity in terms of visual impact, noise and shadow flicker;
- Existing wind farm developments have led to a decrease in visitors to the area;
- Adverse environmental impact.

5. CONSULTATIONS

- 5.1 **Berriedale and Dunbeath Community Council** have expressed a neutral position.
- 5.2 **THC Transport Planning:** No objections subject to conditions regarding permanent road strengthening/improvements and temporary road widening and improvements. A Construction Traffic Management Plan for all construction traffic should be prepared and approved prior to construction starting. A Section 96 road bond would also be required at an amount of £15,000.
- 5.3 **THC Historic Environment Team:** No objections however the HET team outline that they are of the general view that given the number of important historic features in this area this type of development is 'broadly unwelcome and would be better located elsewhere'. Taking all factors into account, the view of the HET is that the visual impact is unlikely to be so severe as to warrant an objection. The

HET response provides a detailed assessment of impacts on the historic environment features identified in the ES. Most notably a small roofed building with stone walls located in the proposed temporary compound area. HET outline that there is no justifiable reason for the demolition of a roofed vernacular building in reasonable condition to facilitate a temporary compound area. HET outline that it is possible for all the identified features to remain in situ however if this is not the case, a condition would be required to ensure mitigation.

- 5.4 **THC Development Plans Team:** The application should be considered with particular reference to Scottish Planning Policy (SPP) (2014) including consideration of the SNH Wild Land Areas, the general policies set out in the Highland-wide Local Development Plan, the Council's relevant Supplementary Guidance and the Cumulative Landscape and Visual Assessment of Wind Energy in Caithness. The proposed development sits within a sensitive setting. Support for the proposal is only likely to be forthcoming if, amongst other material planning considerations, it is considered demonstrated how it will satisfactorily address potential impacts on Stage 1 areas; demonstrate that cumulative impacts have been considered and mitigate and demonstrate how impacts on the landscape and other relevant issues have been addressed.
- 5.5 **THC Access Officer:** No objections. The component laydown area and possibly some of the crane pad for the northernmost turbine will be constructed over an existing track on the site. Whilst it is acknowledged that use of this track is limited at present the development may increase accessibility to the site and use of the through route to Smerral may increase. The track past this turbine should be retained during the operation of the development for example by reinstating the track after the construction period, protecting the route during construction or by creating a minor diversion around the turbine and its associated facilities. The distance of any turbine location to the existing track through the site should meet the manufacturer's recommendations for the separation distance between the turbine and a route where the public may be reasonably expected.
- 5.6 **THC Environmental Health Officer (EHO):** No objections however highlights that there are a few areas that require clarification. Predicted noise levels at the nearest noise sensitive location are below the simplified ETSU standard. This should be secured by condition.
- 5.7 **Ministry of Defence: Objects** to the proposed development. The turbines will be 62.8km from, be detectable by, and will cause unacceptable interference to the Air Traffic Control radar service at RAF Lossiemouth.
- 5.8 **Scottish Natural Heritage:** The proposed development could adversely affect natural heritage interests of national importance. This is because access for construction of the proposed turbines is planned by widening, where required, the existing track running through the Knockinnon Health Site of Special Scientific Interest. This is likely to cause damage/disturbance to areas of the protected dry heath habitat. SNH outline a range of mitigation measures that the proposal should therefore be subject to including a detailed Construction Method Statement and Habitat Management/Restoration Plan to be agreed prior to works commencing.

SNH also outline landscape and visual advice concluding that the proposed development is likely to generate a number of adverse impacts due to its elevation within the landscape. Furthermore its proximity to major roads means that such a development would be prominent within sequential views. SNH therefore consider that the additional cumulative effects of the development would be relatively pronounced.

- 5.9 **Historic Scotland:** No objection however consider that there will be an impact on the setting of brochs located in the vicinity of the turbines where views from and towards these monuments are considered an important part of their setting. These are:
- Latheronwheel House, broch 500m W of (Index No.566) located around 600m from the site;
 - Greentulloch, broch 180m NE of (Index No.5089) located around 880m from the site;
 - Knockinnon, broch (Index No.563) located around 1.2km from the site;
 - Upper Latheron, broch 230m E of (Index No.598) located around 1.2km from the site.
- 5.10 **Transport Scotland per JMB:** No objections. Based on the information provided in the ES it is considered that the proposed development will not give any rise to any significant traffic or associated environmental impacts on the trunk road network during the construction and operational stages. No detailed assessment of the abnormal load route to site has been provided; this can be secured and agreed by condition.
- 5.11 **Scottish and Southern Energy:** The site is in close proximity to an 11,000 volt overhead line and as such no part of any turbine, building or machinery including parts thereof should not encroach within 222 metres from the outside conductor, this makes allowance for construction work during or in the future. It is therefore strongly recommended that the developer or their agents consult with SSE at an early stage.
- 5.12 **Highlands and Islands Airport Ltd:** No objections. The proposed development would not infringe on the safeguarding surfaces for Wick John O'Groats Airport.

6. DEVELOPMENT PLAN

The following policies are relevant to the assessment of the application

6.1 Highland-Wide Local Development Plan 2012

Policy 28	Sustainable Design
Policy 31	Developer Contributions
Policy 57	Natural, Built and Cultural Heritage
Policy 58	Protected Species
Policy 59	Other Important Species
Policy 60	Other Important Habitats and Article 10 Features
Policy 61	Landscape

Policy 67 Renewable Energy Developments including impact on:

- Natural, built and cultural heritage features;
- Species and habitats;
- Visual impact and impact on the landscape character;
- Amenity at sensitive locations;
- Safety and amenity of any regularly occupied buildings;
- Ground water/surface water;
- Safe use of airport, defence or emergency service operations;
- Other communications infrastructure
- Public access
- Tourism/recreation interests;
- Land and water based traffic and transport interests.

6.2 Caithness Local Plan (As Continued in Force)

The general policies of the Local Plan which applied to the development site have all been superseded by policies presented in the HwLDP.

7. OTHER MATERIAL CONSIDERATIONS

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

- 7.1 The guidance assists with identifying areas to be afforded significant protection from development, identify other constraints and policy criteria in order to identify broad areas of search for wind energy development. It is principally aimed at large wind farms (i.e. over 20MW in size), as required by Scottish Government, but also to the scale of turbines.
- 7.2 The site lies partially within a Stage 1 area (areas with a significant protection) but largely within a Stage 2 area (areas within potential constraints) by virtue of its proximity to the settlement of Latheronwheel.

Highland Renewable Energy Strategy (May 2006)

- 7.3 The Council has an approved Renewable Energy Strategy (HRES) which sets out its vision and policies on a whole raft of potential renewable energy technologies. Relevant policies to the current application, not otherwise superseded by the above noted Supplementary Guidance, include:
- Policy H1 Education and Training
 - Policy K1 Community Benefit
 - Policy N1 Local Content of Works

Scottish Government Planning Policy and Guidance

- 7.4 Scottish Government Planning Policy and Guidance which include the following main provisions:
- National Planning Framework for Scotland 3 – June 2014
 - SPP – June 2014
 - 2020 Routemap for Renewable Energy in Scotland – Updated October 2012

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 In order to address the determining issues, we must consider the following:
- a. Development Plan including Supplementary Guidance
 - b. Roads and Traffic Impact
 - c. Water and Drainage (including peat)
 - d. Natural Heritage
 - e. Design, Landscape and Visual Impact
 - f. Noise
 - g. Shadow Flicker
 - h. Cultural Heritage
 - i. Tourism
 - j. Construction Impacts
 - k. Aviation Interests
 - l. Radio and TV
 - m. Other material considerations raised within representations

Development Plan

- 8.4 As noted in Section 1, the proposed development would be partially owned and operated on behalf of Berriedale and Dunbeath community, with the funds managed by the Community Council or a similar organisation. The Highland-wide Local Development Plan contains a policy on such community proposals; Policy 68. This outlines that where a community wishes to develop a project, or take a share in a larger project, the Council will regard this as a material consideration. However this policy also states that this is only the case where the communities significantly impacted by the proposal are those benefitting from it. In this instance a judgement has to be made with regards what impacts are significant however it is considered that the impacts of the development will impact on communities beyond

Berriedale and Dunbeath therefore the proposal is not fully in accordance with the terms of Policy 68 and as with other renewable energy proposals, should be determined principally in accordance with Policy 67.

- 8.5 Policy 67 (Renewable Energy Developments) of the Highland-wide Local Development Plan gives general support to renewable energy development, taking into account any mitigation measures, where it is satisfied that they are located, sited and designed such that they will not be significantly detrimental either individually or cumulatively with other developments having regard to any significant effects on criteria listed earlier in this report. In addition, Policies 28 (Sustainable Design), 57 (Cultural and Built Heritage), 58 (Protected Species) and 61 (Landscape) are all relevant in and require to be given due weight.
- 8.6 This application needs to be assessed principally within the terms of Policy 67 of the HwLDP. Other policies set out in the HwLDP, as highlighted earlier in this report, relate to the assessment of key factors which are material considerations noted within this main policy. These elements will be addressed throughout this report.
- 8.7 Policy 67 highlights that the Council will consider the contribution of the project towards renewable energy targets, positive and negative effects on the local and national economy and other material considerations including making effective use of the existing and proposed infrastructure and facilities. If the Council is satisfied on the provisions of Policy 67 as noted in 6.1 and other policies generally then the application will accord with the Development Plan.

Supplementary Guidance

- 8.8 The Council's Development Plans Team outline when considering the Spatial Framework mapped in the Interim On-shore Wind Energy guidance, the following should be noted for the proposed wind farm:
- A large section of the access track is within a Stage 1 area (areas of significant protection)
 - The remainder of the access track and the proposed site locations for the turbines are within a Stage 2 area (areas of with potential constraints). This is in respect of the site's proximity to the settlement of Latheronwheel.

Cumulative Landscape and Visual Assessment of Wind Energy in Caithness

- 8.9 This assessment carried out in July 2014 does not form part of the adopted Development Plan and is not Council policy or guidance. However it has been produced to inform the preparation of our policies and guidance and may therefore be used as a material consideration for the determination of planning applications. The proposed site is identified as an '*area where additional development may give rise to the extension of cumulative effects in relation to existing and emerging development patterns*'. These are areas where receptor sensitivity tends to be high, and where cumulative landscape and visual effects are more likely to be considered less acceptable. This is not necessarily areas with existing cumulative problems but those that may be sensitive to low levels of cumulative effect.

National Policy

- 8.10 Scottish Planning Policy advises that planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed.
- 8.11 Criteria outlined within SPP for the assessment of applications include landscape and visual impact; effects on heritage and historic environment; contribution to renewable energy targets; effect on the local and national economy and tourism and recreation interests; benefits and dis-benefits to communities; aviation and telecommunications; noise and shadow flicker; and cumulative impact. In particular, the location of the turbines should be considered carefully to ensure that the landscape and visual impact is minimised. These elements, as relevant to this application, are examined within this assessment.
- 8.12 The Scottish Government in responding to climate change and advancing sustainable development has emphasised in Scottish Planning Policy (SPP) and more recently in the '2020 Route map for Renewable Energy in Scotland', a commitment to a target of 100% of Scotland's electricity demand to be generated from renewable sources by 2020 (from a mix of energy types). With regard to these targets Highland has been successful in assisting the delivery of targets for renewable energy, including onshore wind farms projects, a factor which will increasingly require assessment of cumulative impact. Given the current levels of permissions and applications across the area, the Council is well placed to contribute to these targets in addition to its own targets for installed capacity.

Roads and Traffic Impact

- 8.13 Good transport links to serve the proposed development exist at present. It is anticipated that component parts would be delivered to Wick and transported to the site via the trunk road network. Subject to conditions to ensure road improvements are implemented where required, these arrangements are considered to be acceptable to Transport Planning. A Wear and Tear Agreement would also be required, should consent be granted.

Water and Drainage (including peat)

- 8.14 The ES identifies that there are a number of areas of peatland located throughout the wider site, with differing water tables. The ES outlines that these areas would remain unaffected by any construction works. There are a number of watercourses located throughout the site, the ES also identifies that these would remain unaffected by any construction works. As a precautionary measure, a minimum 50m buffer from any watercourse is recommended. This could be secured by condition.

Natural Heritage

- 8.15 The access track for the proposed development lies within the Knockinnon Heath Site of Special Scientific Interest. SNH advise that this is lowland dry heath which is a scarce and vulnerable habitat. The key issue is therefore to avoid any further loss

of area or further reduction on condition of the habitat. SNH therefore initially objected due to a lack of assessment regarding this designation given the proposed development involves widening of the existing track running through the SSSI. Following submission of additional information from the agent, SNH have advised that the proposal could be progressed with mitigation measures including submission of a detailed Construction Method Statement to be agreed prior to start of works.

- 8.16 SNH advise that the proposal could affect both the East Caithness Cliffs and Caithness and Sutherlands Peatlands Special Protection Areas (SPA) which is protected for its populations of breeding seabirds and peregrine falcon however conclude that the proposal will not adversely affect the integrity of either site.

Wild Land

- 8.17 SNH has recently published a finalised map of Wild Land Areas (which is an amendment to and replaces the 2013 Core Areas of Wild Land Map). The Scottish Government's NPF3, published in June 2014, recognises wild land as a 'nationally important asset' and indicates Scotland's wildest landscapes merit strong protection. In terms of this site there are no wild land designations in the immediate vicinity but Causeymire – Knockfin Flows Wild Land Area is approximately 5km distant. It is not considered that this would be negatively impacted by the proposed development.

Design, Landscape and Visual Impact

Design

- 8.18 The ES outlines that the final design layout has been subject to a number of iterations and refinements in order to provide a clearly ordered, visually balanced group of turbines. The finalised layout comprises three turbines in a broad linear pattern with a slight curve.

Landscape Impact

- 8.19 The site lies within the 'Sweeping Moorland' Landscape Character Type as identified by SNH's Landscape Character Assessment. The key characteristics of this LCT include a simple composition of characteristics and a vast scale with sky, a horizontal uninterrupted skyline and absence of dominant visual foci. The LCA outlines that as such, new elements can become focal features, affecting the existing undifferentiated character.
- 8.20 SNH outline that the site also lies within close proximity to the Small Farms and Crofts LCT. This landscape is predominantly small scale and as such, is sensitive to the introduction of large scale features within or close to it. The hilltop location of the proposal would make it widely visible across surrounding areas, as illustrated by the Zone of Theoretic Visibility and visualisations. SNH outline that the development would often be seen as having a dominant influence on areas predominately characterised by a domestic scale. Consequently it is considered

that the development would have a significant effect on the surrounding settled and managed landscapes. SNH advise that the assessment of landscape impact provided in the ES underplays these effects.

Visual Impact (including cumulative impact)

- 8.21 The proposed turbines would be located on the hilltop at Lychrobbie at an elevation of around 150m above sea level. As such The Zone of Theoretical Visibility submitted alongside the application indicates that the turbines would have widespread visibility extending to just under 25km. Visibility would be primarily concentrated within a 10m radius of the turbines with the ZTV indicating that the full extent of the turbines would be theoretically visible from the settlements of Latheronwheel, sections of Dunbeath and extending to Lybster and Clyth in the east.
- 8.22 Visualisations are provided from a total of 8 viewpoints which have been selected to represent a range of receptors (e.g. residents, travellers). Whilst visualisations are beneficial in providing a visual aid of a particular proposal, it should be noted that these are just one component in allowing an assessment of visual impact to be made. The visualisations are considered to be in accordance with the Council's Visualisation Standards. The assessment provided in the ES notes that there would be a moderate, and therefore significant, impact from 4 of these viewpoints as detailed below:

Viewpoint 1 – Badnagie

- 8.23 This VP is located around 1.2km west of the proposed turbines on the road leading from the A9 to Houstry. It lies around 1.3km outside of Dunbeath. From this VP the full extent of the turbines would be visible, set entirely against the skyline. The ES outlines that the turbines would be viewed as a clearly ordered and visually balanced group. Whilst this visual balance is agreed, it is also considered that from this location, turbines of this scale would form a prominent focus in the landscape however it is acknowledged that this area is sparsely populated. The moderate, and therefore significant, assessment detailed in the ES is therefore agreed.

Viewpoint 3 – Latheronwheel

- 8.24 This VP is located is around 1.9km south west of the proposed turbines, on the A9 approaching Latheronwheel from the north. The viewpoint is intended to be representatives of travellers using the trunk road. When travelling along the A9 the predominant landform comprises open moorland which then drops to the coves at the settlements of Latheronwheel and Dunbeath. Due to the change in levels, the road creates a series of natural vistas around these coves. The ZTV indicates that from this VP the turbines will be particularly prominent within short distance views both to the north and south with the settlements of Latheronwheel and Dunbeath affected. Each of the turbines would be clearly visible on the ridgeline, sitting against the skyline. As with VP1 the ES outlines that the turbines would be viewed as a clearly ordered and visually balanced group. Whilst this visual balance is agreed, it is also considered that from this location, turbines of this scale would form a new dominant focus in the landscape, magnified by their location on the

hilltop. As such the turbines will occupy a significant proportion of the view obtained from the natural vistas currently enjoyed when travelling along this section of the A9. In addition to the Burn of Whilk development, which is now under construction 15km to the north-east of the site, the perception of the traveller will be markedly changed as both developments lie comparatively close to the A9.

The ES outlines that this viewpoint is intended to be representative of travellers using the A9 however it could also be said that is representative of residents of Latheronwheel which have a greater sensitivity. The ES concludes that this VP would experience a moderate impact however it is considered that given the sensitivity of the receptor, a moderate-major impact should have been identified.

Viewpoint 4 - Leodebest

- 8.25 This VP is located around 2.6km north east of the proposed turbines within the crofting landscape. The land slopes away from the viewpoint, rising again towards the Hill of Lychrobbie. The ES outlines that the proposed turbines would be clearly visible as an evenly spaced group with a relatively small horizontal spread, appearing largely against the skyline. This viewpoint has been selected as being representative of residential properties and therefore a high sensitivity. The moderate – major impact identified in the ES is agreed.

Cumulative and Sequential Impacts

- 8.26 SNH outline that the development would result in a number of combined effects. The most notable effects would be experienced from the A9 and involve both additional sequential and combined effects. In particular, when travelling south on the A9, the proposed development would be seen in combination with Boulfruch wind farm. This is a development of 15 turbines which are 78m in height and located around 3km to the north west of the site. SNH outline that although the development would be perceived to be within the same type of moorland landscape, the developments are separated by some distance, to the extent that the proposed wind farm would be seen as distinct. During northbound A9 journeys the direction of view towards the development and the prominent location would combine to make the wind farm relatively influential within views in contrast to earlier views of wind farms on the A9 northbound which are relatively distant and/or oblique. The development would also appear conspicuous from the A99 during southbound journeys, after Upper Clyth around 4km east of Lybster. SNH outline that this would have the effect of extending the sequential experience of wind farms southbound, to a notable degree.
- 8.27 Visualisations to assess the effects with Burn of Whilk wind farm, consented in 2011 and now partially constructed, are absent from the application. This development comprises 9 wind turbines with a total height of 116m, located around 15km to the north east of the site. This is a significant issue as it limits understanding of the full cumulative and sequential effects of the proposed development. This proposal in conjunction with other large scale proposals such as Burn of Whilk will significantly alter peoples perception due to their prominence to

public corridors of travel along the A9 in particular. There is an increasing need to maintain areas of respite from wind turbine development experienced by travellers using the A99 and A9.

- 8.28 It is acknowledged that the design and layout of the proposed turbines has sought to ensure they appear visually balanced and that this avoids the potential for the turbine stacking or overlap however due to the prominent location of the proposal it is considered that the visual impact, including cumulatively, is likely to be overall significantly adverse when viewed from settlements and from the A9 trunk road. Concerns regarding the visual impact of the proposal have been raised with the agent and the applicant during processing of the application. It has been suggested that the height of the turbines could be reduced (with additional turbines added) or the turbines could be re-located off the brow of the hill. The applicant and agent have confirmed there is no scope for any alternative proposal in this general location. The Planning Service is supportive in principle of renewable energy schemes and particularly where they are community led however in this instance, we would encourage their siting in a less prominent location and are happy to discuss alternative locations with both the applicant and agent which may address planning concerns.

Noise

- 8.29 The EHO has outlined no objections on the basis that the predicated noise levels at the nearest noise sensitive location (Upper Latheron) are below the simplified 35dB standard. However the EHO highlights that there are a few areas that require clarification; the noise report states that it has included a cumulative assessment of noise arising from the development and a consented (now operational) turbine at Smerral however it is not clear whether the assessment has considered the predicted or the consented noise levels. Predicted noise levels at the nearest noise sensitive location are below the simplified ETSU standard. This should be secured by condition. The EHO recommends a cumulative noise assessment is undertaken to assess the noise impact of the development in combination with a proposed scheme at Newlands of Houstry. This was submitted under planning reference 13/03555/FUL however has since been refused.

Shadow Flicker

- 8.30 No assessment of shadow flicker is provided with the application. As per Scottish Government guidance, the Council would expect no property to be located within a distance equivalent to 10 rotors diameter. In this instance this distance equates to 240m. As noted previously the nearest property lies within 785m from any turbine.

Cultural Heritage

- 8.31 No objections however the HET team outline that they are of the general view that given the number of important historic features in this area this type of development is broadly unwelcome and would be better located elsewhere. Taking all factors into account, the view of the HET is that the visual impact is unlikely to be so severe as to warrant an objection. The HET response provides a detailed assessment of impacts on the historic environment features identified in the ES. Most notably a small roofed building with stone walls located in the proposed

temporary compound area. HET outline that there is no justifiable reason for the demolition of a roofed vernacular building in reasonable condition to facilitate a temporary compound area. HET outline that it is possible for all the identified features to remain in situ however if this is not the case, a condition would be required to ensure mitigation.

- 8.32 An objection to the proposed development has also been received from the Dunbeath Preservation Trust who are concerned with the impact the development will have on the amenity of cultural heritage in Dunbeath in particular.

Tourism/Socio-economic Impact

- 8.33 No assessment of tourism impact is provided within the ES. A recent VisitScotland study 'Wind Farm Consumer Research', undertaken in 2012, found that for the majority of respondents, the presence of a wind farm would not affect their decision about where to stay when on holiday or on a short break. It is noted the Dunbeath Preservation Trust have highlighted concern with regards impact on the coastal tourist route.

Construction Impact

- 8.34 It is anticipated that the construction phase would extend to 35 days spread over a 13 week period. In addition to the effects on habitat, there is some potential for construction related noise and activity impacts that could affect neighbours. Mitigation to reduce the potential impact could however be controlled by planning conditions.

Aviation Interests

- 8.35 As noted in Section 5, the Ministry of Defence have objected to the application. Their objection relates to the Air Traffic Control radar service at RAF Lossiemouth. The MOD state that there would be unacceptable interference to this service as a result of the proposed turbines. Their representation further states that wind turbines have been shown to have detrimental effects on the performance of MOD radar; the effects include the desensitisation of radar in the vicinity of the turbines and the creation of 'false' aircraft returns.
- 8.36 The MOD objection is a significant constraint which ultimately leaves the proposed development unviable and as a result, the application is contrary to the terms of Policy 67 of the Highland-wide Local Development Plan which states that there should be no significantly detrimental impacts to 'the safe use of an airport, defence of emergency service operation'. The agent has sought to resolve the objection from the MOD however has not been successful in this regard. It is understood from discussion with the agent that the objection cannot be overcome by a reduction in the height of the turbines or by micrositing.

Radio & TV

- 8.37 The ES identifies that consultation was undertaken with communications agencies was undertaken to predict the potential for disturbance to communications systems including those used by emergency services and mobile telephone service

providers. No telecommunication links will be affected. The Council has a standard practice of securing a small short-term bond to address adverse impacts that may emerge during construction and over the initial year of operation when problems may be detected or experienced.

Decommissioning and Site Restoration

- 8.38 Nominal details with regards decommissioning and site restoration are provided in the ES which states that states that the following the end of the operational life of the turbines, the foundations would be left underground and covered with top soil. In addition underground cables would be disconnected and remain in the ground. Were consent to be granted, the exact proposals would require to be agreed with the planning authority prior to commencement of development. In addition, it is standard practice for the Council to secure a bond or other financial mechanism to cover the full costs of site restoration.

Other material considerations raised within representations

- 8.39 The developer of Buolfruch wind farm claims that the proposed development will capture wind that it currently uses resulting in a reduction in productivity. While this has not been substantiated, it is possible that there will be some loss of productivity in certain wind conditions.

8.40 Other Considerations – not material

None

8.41 Matters to be secured by Section 75 Agreement

Not applicable.

9. CONCLUSION

- 9.1 The benefits of the proposal must be weighed against potential drawbacks and then considered in the round. The Scottish Government has given commitment to renewable energy and encourages planning authorities to support the development of wind farms where they can operate successfully and concerns can be satisfactorily addressed. The proposal has attracted considerable support from members of the public and it is also noteworthy that the proposal has received a very small number of objections. Indeed it is evident that there would be clear benefit to the community in Berriedale and Dunbeath arising from funds received from operation of the turbines. In this sense the Planning Authority are sympathetic to the aspirations of the community in progressing a development in this location. However, crucially, the proposed development is unable to comply with Policy 67 in terms of the significantly detrimental impact to the Air Traffic Control radar service at RAF Lossiemouth. It is regrettable that the agent has not been able to resolve the objection from the MOD on this basis.

- 9.3 In addition there are concerns with regards the visual impact of the proposed development, as detailed in Section 8, both as a stand alone development but also cumulatively. Furthermore the omission of the Burn of Whilk wind farm from the Environmental Statement does not allow the cumulative and sequential effects of

the proposed development to be fully assessment or understood. Again it is regrettable the agent and applicant are unable to pursue an alternative scheme that would address the Planning Authority's concerns in this regard. It is within reluctance that the application is being recommended for refusal and the applicant/agent have been offered the opportunity to discuss alternative schemes and/or locations with the Planning Authority with a view to progressing an acceptable proposal.

9.4 As outlined previously the application must be determined principally in terms of Policy 67 of the Highland-wide Local Development Plan, which also reflects the tests set out within other policies within the plan; for example Policy 28. It is not considered that these provisions can be met by the proposed development in terms of its significant detrimental impact on the radar service at RAF Lossiemouth and in terms of its visual impact which would be significantly detrimental to residential and community amenity but also further afield to travellers on both the A9 and A99 when viewed as a stand alone development but also cumulatively

9.5 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

It is recommended that permission be refused.

10. RECOMMENDATION

Action required before decision issued N

Notification to Scottish Ministers N

Notification to Historic Scotland N

Conclusion of Section 75 Agreement N

Revocation of previous permission N

Subject to the above, it is recommended the application be **REFUSED** for the following reasons:

1. The proposal is contrary to Policy 67 (Renewable Energy Developments) of the Highland-wide Local Development Plan as it would result in significantly detrimental visual impacts due to its height, scale and prominence, eroding individual and community amenity when viewed from properties and settlements within 2-3km of the site.
2. The proposal is contrary to Policy 67 (Renewable Energy Developments) of the Highland-wide Local Development Plan as it would result in significantly detrimental visual impacts due to its height, scale and prominence when viewed cumulatively with the operational Buolfruch wind farm and when viewed cumulatively and sequentially in combination with the under construction Burn of Whilk wind farm when viewed from along sections of the A9, a key tourist route.

3. The proposal is contrary to Policy 67 (Renewable Energy Developments) of the Highland-wide Local Development Plan as it would result in a significantly detrimental impact to the Air Traffic Control radar service at RAF Lossiemouth.

Signature: Dafydd Jones

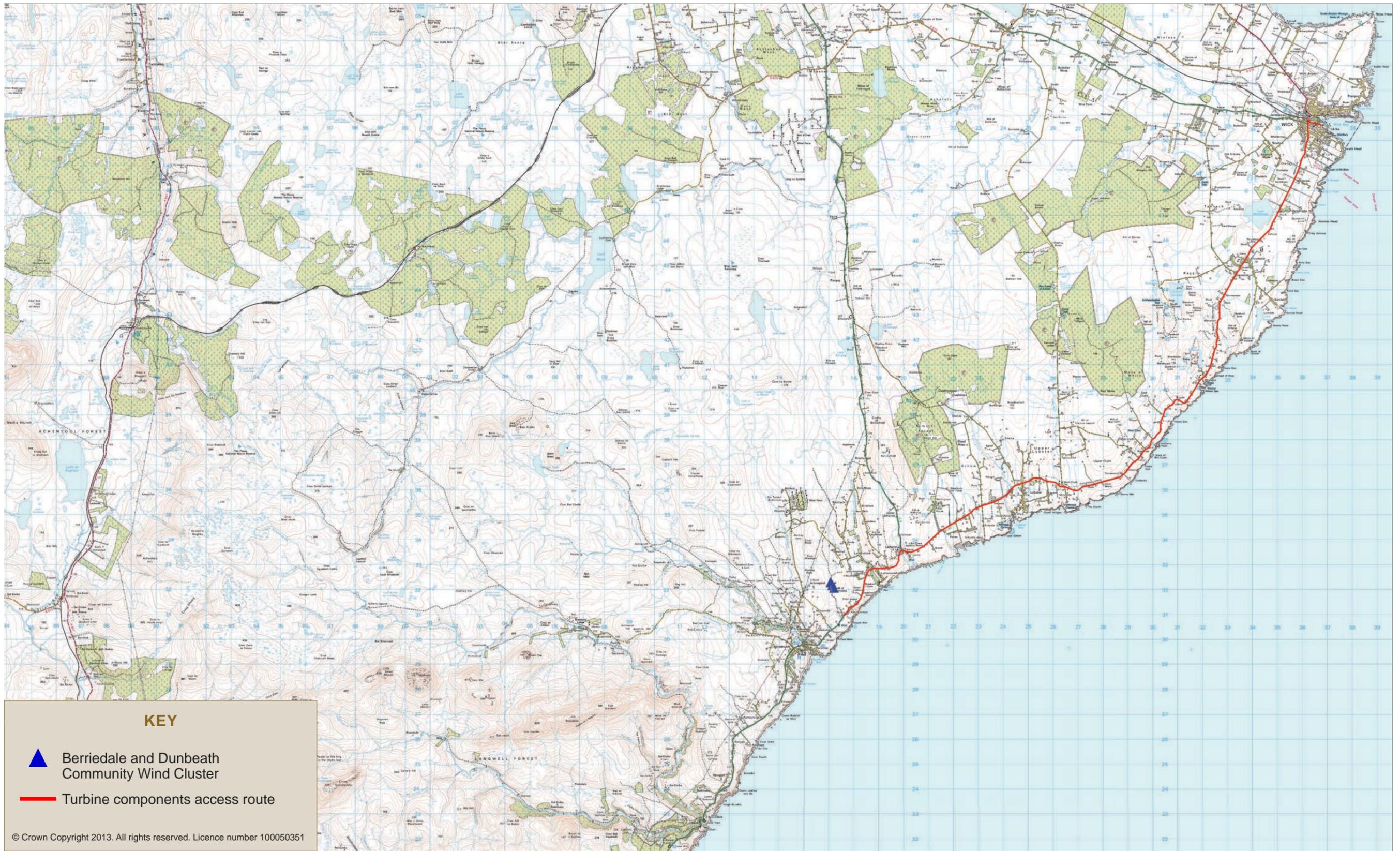
Designation: Area Planning Manager North

Author: Gillian Webster

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

APPENDIX - LIST OF REPRESENTATIONS FOR Erection of 3 no 800kw wind turbines, with a height to tip of 74m, height to hub of 50m and a rotor diameter of 24m AT

**LAND AT HILL OF LYCHROBBIE, DUNBEATH,
13/04194/FUL**



MAGNUS HENDERSON ~ KNOCKINNON
 BRUCE SUTHERLAND ~ LATHERONWHEEL MAINS

project : BERRIEDALE and DUNBEATH COMMUNITY WIND CLUSTER
 figure 3.1 : Site Location and Access Route

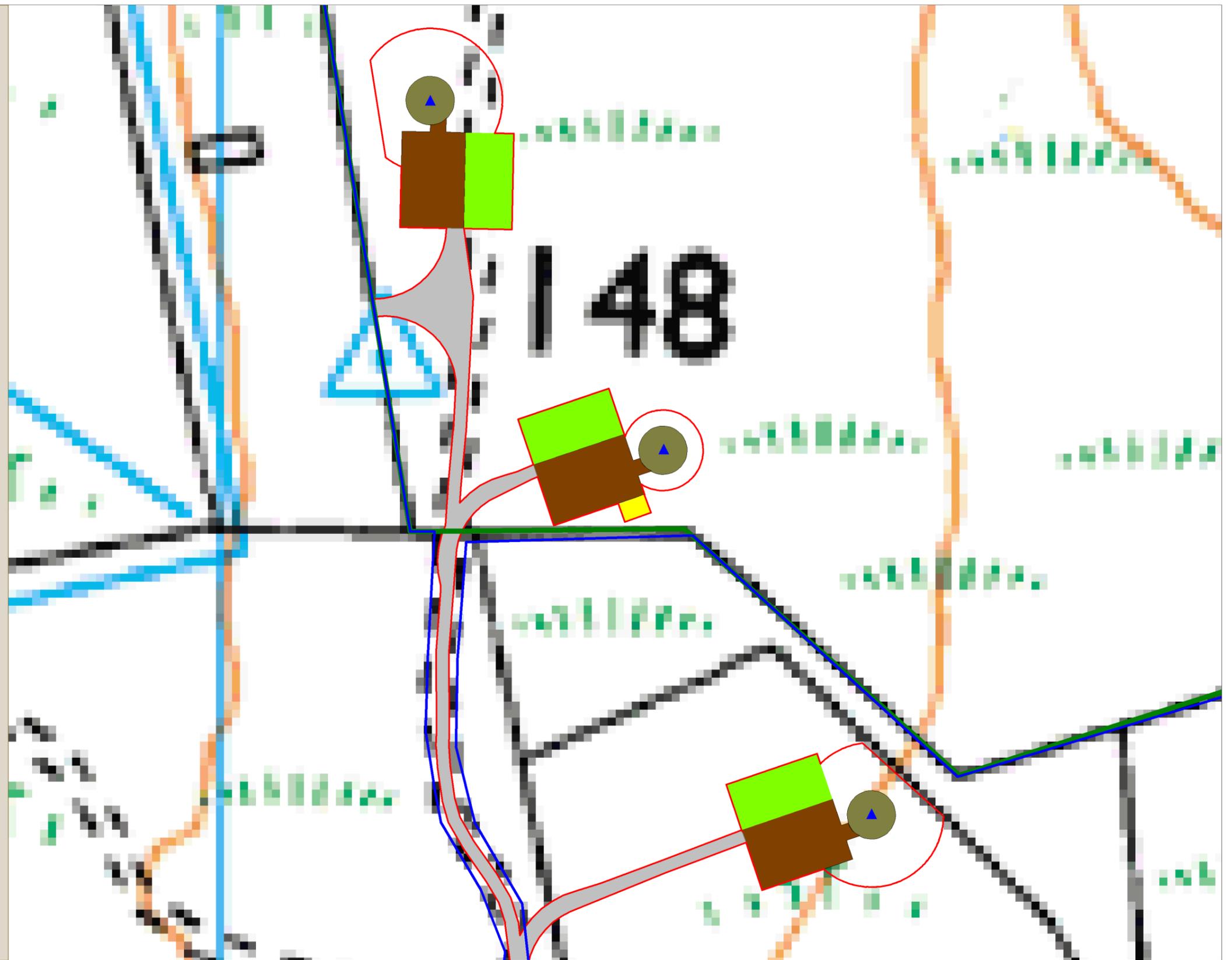
drawing no : Ly/AC/01
 scale : 1:150,000 @ A3



KEY

- Turbine foundation
- Access track
- Crane pad
- Component laydown area
- Substation
- Land ownership boundary
- Application boundary
- Berriedale and Dunbeath Community Wind Cluster

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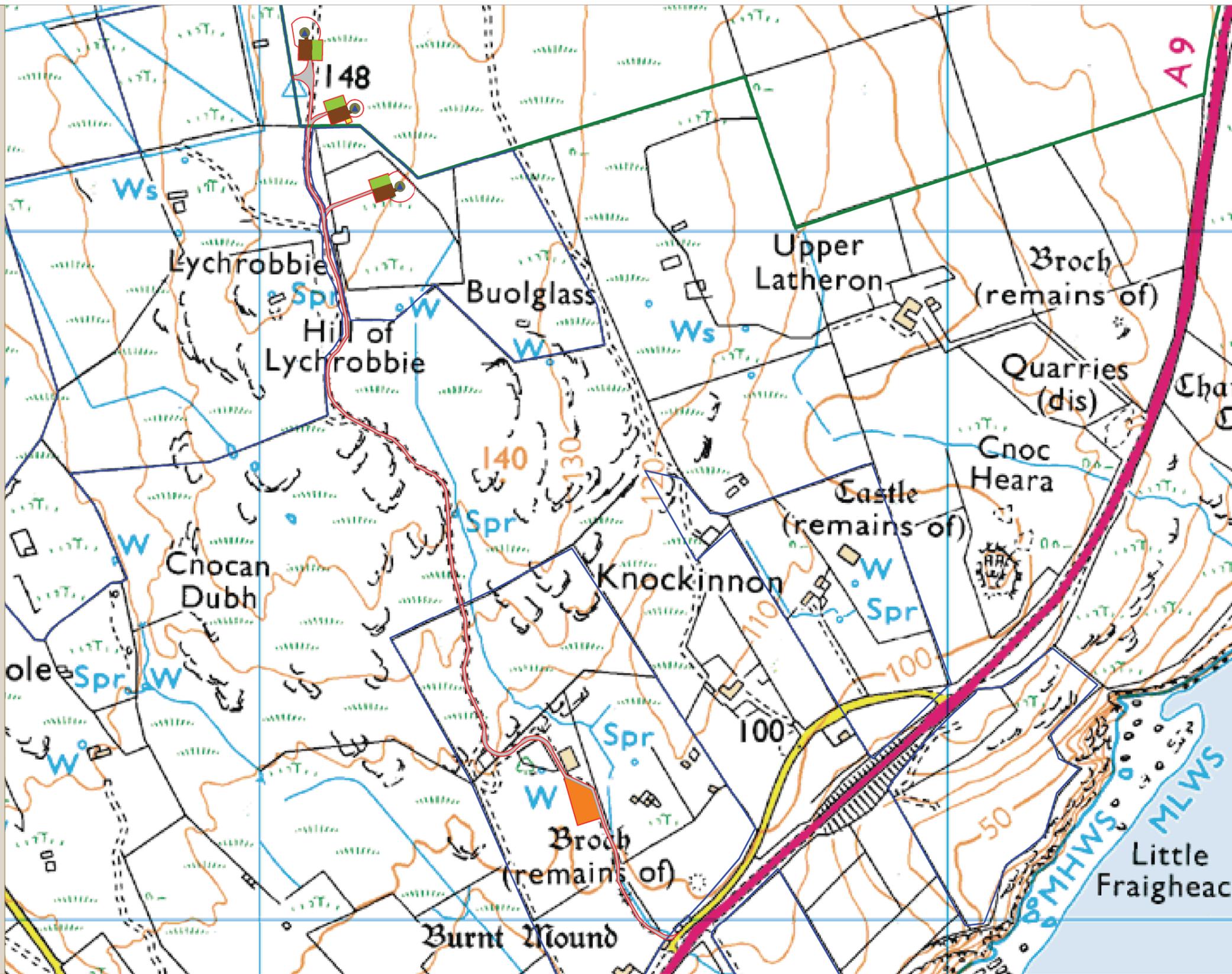
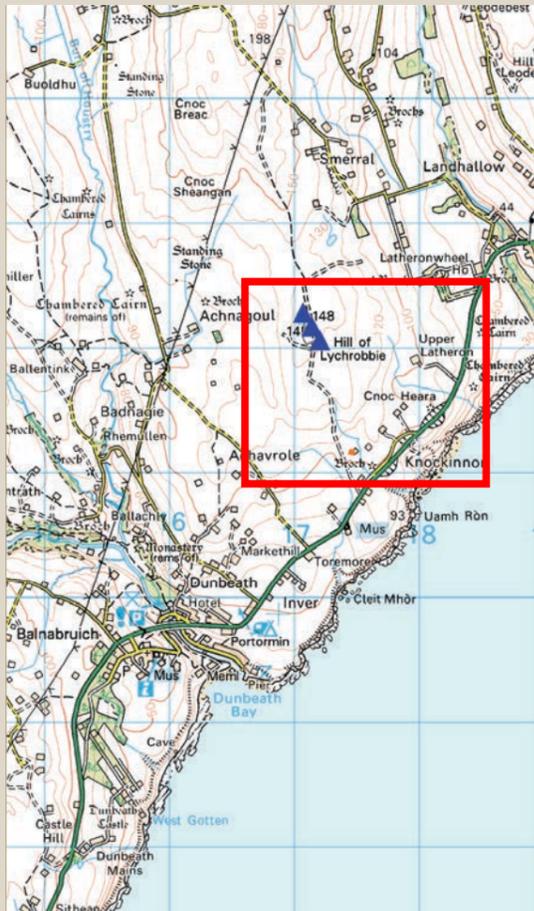


MAGNUS HENDERSON ~ KNOCKINNON
 BRUCE SUTHERLAND ~ LATHERONWHEEL MAINS

project : BERRIEDALE and DUNBEATH COMMUNITY WIND CLUSTER
 figure 3.2 : Site Plan

drawing no : Ly/SP/1

scale : 1:1,250 @ A3



KEY

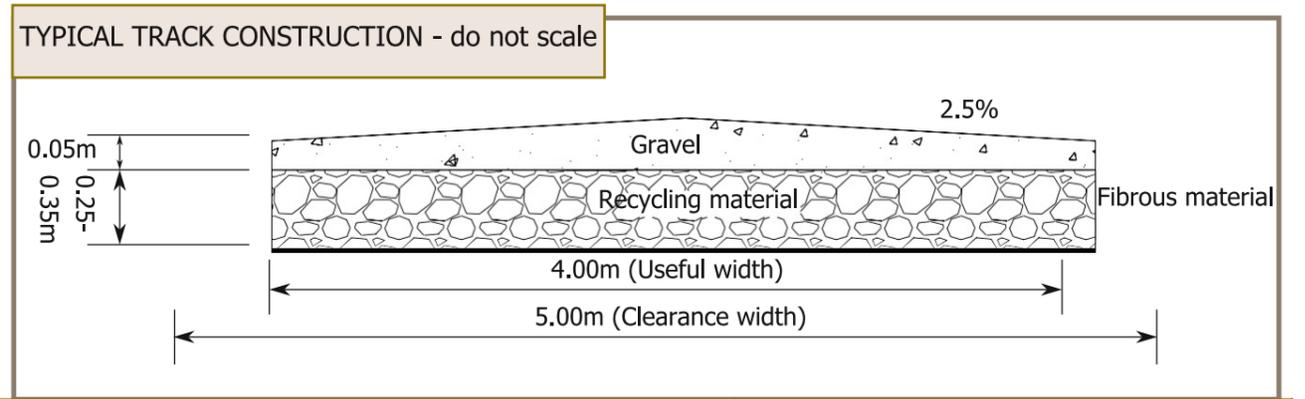
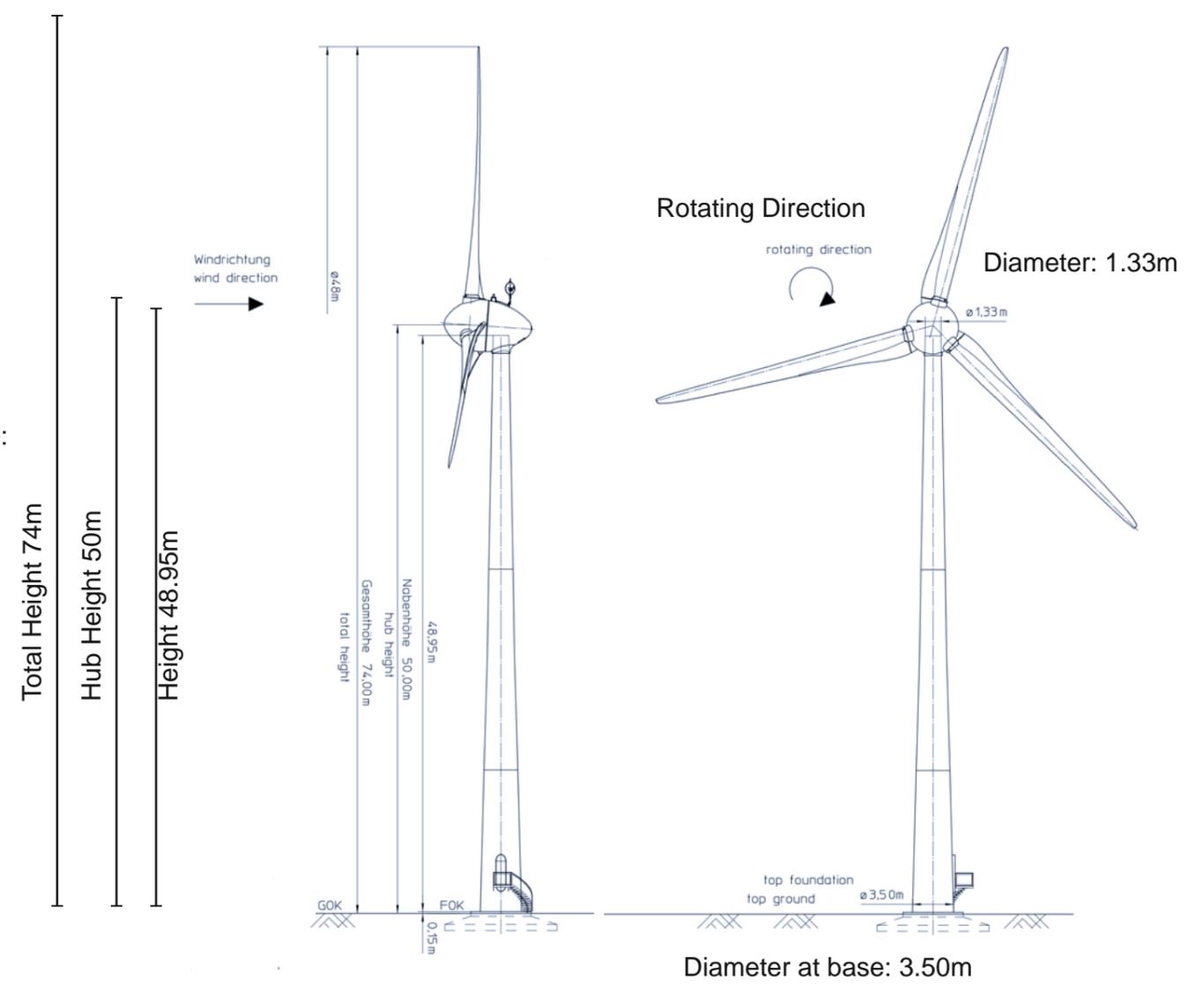
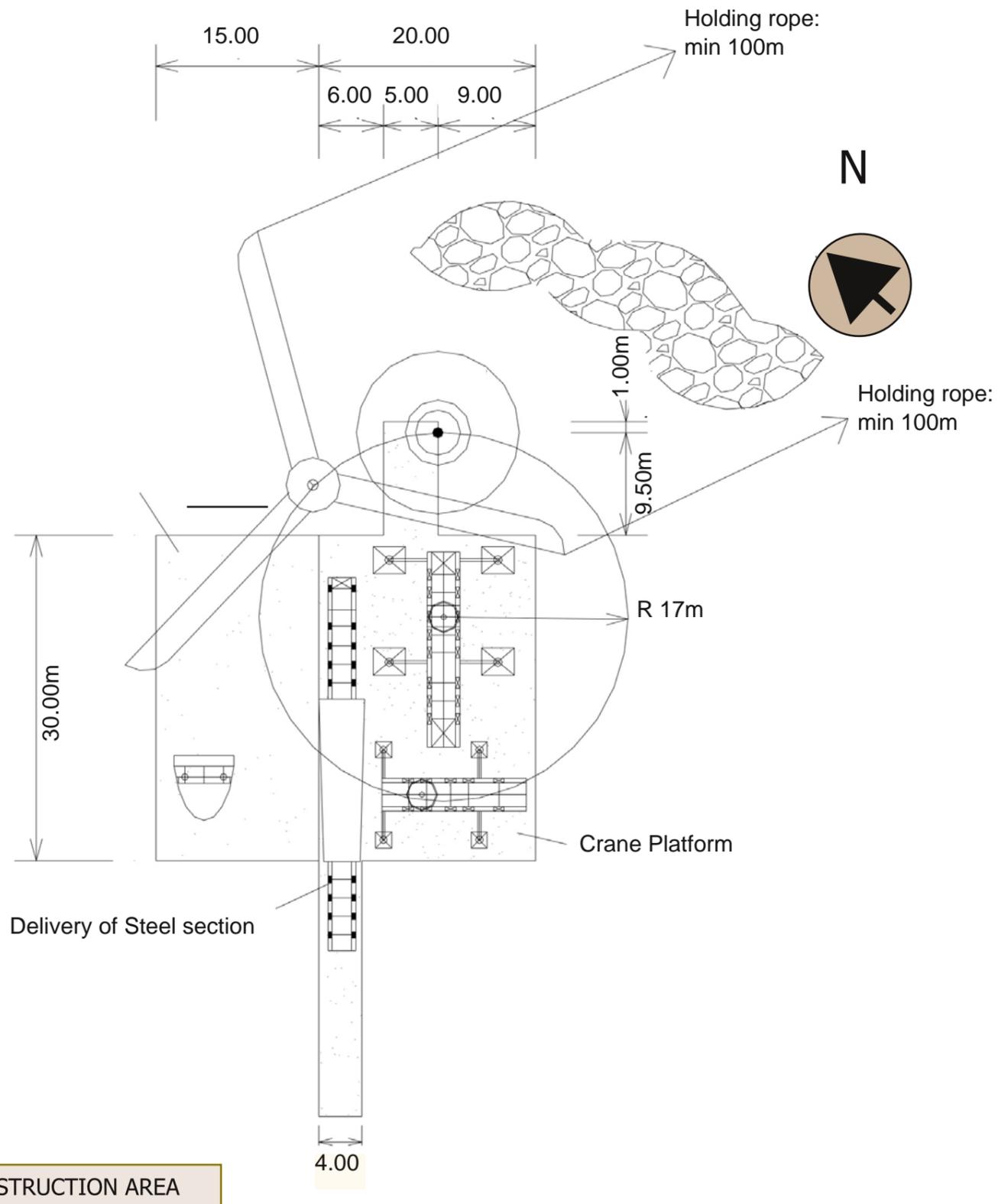
- Turbine foundation
- Access track
- Crane pad
- Component laydown area
- Substation
- Temporary construction compound
- Land ownership boundary
- Application boundary
- Berriedale and Dunbeath Community Wind Cluster

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project : BERRIEDALE and DUNBEATH COMMUNITY WIND CLUSTER
 figure 3.3 : Site Plan – Overview

drawing no : Ly/SP/2
 scale : 1:6,000 @ A3



CONSTRUCTION AREA

MAGNUS HENDERSON ~ KNOCKINNON BRUCE SUTHERLAND ~ LATHERONWHEEL MAINS	project : BERRIEDALE AND DUNBEATH COMMUNITY WIND CLUSTER	drawing no : Ly/TD/1
	figure 3.5 : Construction and Turbine Details	scale : 1:500 @A3