Agenda	5.1
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Report	PLN/011/18
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THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 6 March 2018

Report Title: 17/01900/FUL: Orenda Energy Solutions

Land 440M SE of Cnoc Na Gaoithe, Murkle, Thurso

Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Installation of a 49 kw wind turbine with height to tip of 33.471 m,

height to hub of 23.4 m and a rotor diameter of 18.9 m

Recommendation: Grant

Ward: 2 - Thurso and North West Caithness

Development category: Local

Reason referred to Committee: Community Council objection

Recommendation

Members are asked to agree the recommendation to grant as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

1.1 The application seeks consent for the installation of a single Orenda 49kw wind turbine with a total height to tip of 33.47m. The turbine would have 3 blades and a height of 23.4m to its hub and a rotor diameter of 18.9m.

Access to the site by delivery and construction vehicles is likely to be taken from the main unclassified public road which leads directly to the farm and associated field networks. No new access track will be required. The turbine has a hydraulic tower which is raised from ground level without the need for a crane. Therefore, unlike most wind energy installations, there is no requirement for the creation of permanent access tracks in association with the proposal.

1.2 The following supporting Information has been submitted by the applicant:

Noise Assessment

Ecological Appraisal

Landscape and Visual Impact Assessment

Supporting Statement

Visualisations

1.3 Variations: None

2. SITE DESCRIPTION

2.1 The site lies on land 440M SE of Cnoc Na Gaoithe. The site lies within agricultural land associated with Gothigill lying approximately 2.18km south west of Castletown. The development site lies in the region of 331m south east of the unclassified public road leading towards Castletown. The A836 lies 1.7km to the north and the A9 5.68km west. The area is populated with residential properties and farming enterprises with the nearest residential property appearing to be located at Gothigill approximately 289m from the turbine. The applicant has advised that Gothigill is owner occupied and will receive a benefit from the turbine installation. The closest property not associated with the application appears to be Cnoc Na Gaoith which lies approximately 395m from the turbine development. There are no nature conservation designations on the site. Loch of Durran is some 2.89km away. Other designations such as Weydale Quarry is at a distance of 3.35 km and Dunnet Links is at a distance of 2.97km. The proposed wind turbine sits approximately 60m AOD.

3. PLANNING HISTORY

3.1 28 March 2017 17/01078/SCRE, Erection of 1 no 49Kw wind Screening — turbine with height to tip of 33.471m, height to hub EIA not of 23.4m and a rotor diameter of 18.9m required

4. PUBLIC PARTICIPATION

Advertised: John OGroat Journal - Schedule 3 development (14 days)

Date Advertised: 2 June 2017

Representation deadline: 16 June 2017

Representations: 5

4.2 Material considerations raised are summarised as follows:

RSPB: The comment states that the RSPB does not object to this specific proposal and are generally supportive of renewable energy projects. The RSPB does, however, have concerns of the cumulative impacts of small scale wind turbine projects, in combination with small scale woodland creation, in Caithness is having on farmland waders such as lapwing and curlew. The comment notes that the numbers of breeding pairs of both species have reduced in the area, and that the open fields around the proposed turbine are suitable habitat for both lapwing and curlew.

Additionally, a total of 3 objections have been received from other Third Parties. Objections were concerned with the following issues:

- that approval would set the precedent of allowing further developments of single wind turbines in Caithness;
- the unsuitability of the Caithness landscape to host multiple large and small scale turbine projects and as such, this development will have a detrimental visual impact and contribute to a negative cumulative impact on the Caithness landscape;
- the commercial nature of the development;
- the impact on local wildlife, habitats, and particularly local birds.
- the impact of construction on local infrastructure, including roads and tourism;

One Third Party comment of support has also been received. The comment is supportive of onshore wind turbine developments because they, as stated: produce cheap energy; support local industry, landowners and jobs, as well as; reduce carbon emissions and improve energy security.

4.3 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.

5. CONSULTATIONS

5.2

Environmental Health: No objections – conditions attached.

Transport Planning: The construction information in the Supporting Statement submitted by the applicant indicates a relatively minor construction project, requiring a small amount of construction traffic, no oversized loading and suggesting no material change to the site access may be necessary

Transport Planning have no objection to this development subject to a condition requiring submission of a construction traffic management plan.

5.3 **SEPA**: No objections. Declined to offer a formal comment on this proposal as the scale and nature of the development does not meet their criteria for consultation

- 5.4 **Castletown Community Council**: Objection. Members raised an objection due to the cumulative impact of small scale wind turbine developments; the Castletown & District area now has a single turbine in every view and no more should be consented.
- 5.5 **Scottish Natural Heritage**: No objections. Declined to offer a formal comment on this proposal as it does not meet their criteria for consultation due to location and scale.
- 5.6 MOD: No objections or site specific comments. Standard request for details to be provided prior to commencement

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Highland Wide Local Development Plan 2012**

- 28 Sustainable Design
- 29 Design Quality & Place-making
- 57 Natural, Built & Cultural Heritage
- 58 Protected Species
- 59 Other important Species
- 60 Other Importance Habitats
- 61 Landscape
- 67 Renewable Energy Developments

6.2 Caithness Local Plan (2002) (as continued in force):

Policies: No site specific policies

6.3 Caithness and Sutherland Local Development Plan (Modified Proposed Plan, 2016):

Policies: No site specific policies

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance On-shore Wind Energy Supplementary Guidance (adopted November 2016)

Scottish Planning Policy requires Planning Authorities to set out a spatial strategy to assist with the development of large scale onshore wind farms. Whilst targeted at large scale proposals, it provides a useful reference point for all types of wind turbine development.

Landscape Sensitivity Appraisal for Caithness (adopted as Supplementary Guidance on 7 December 2017)

This document has been prepared to identify strategic capacity for wind energy development in Highland. This is to be regarded as separate Supplementary Guidance document to the above Supplementary Guidance although the 2 documents are closely related and sit for use together and both together form a suite of supplementary guidance.

Visualisation Standards for Wind Energy Developments

Visualisations submitted require to comply with the Council's Visualisation Standards

Highland Renewable Energy Strategy (May 2006)

The Council has an approved Renewable Energy Strategy (HRES) which sets out its vision and policies on a whole raft of potential renewable energy technologies. Relevant policies to the current application, not otherwise superseded by the above noted Supplementary Guidance, include:

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

7.2 Scottish Government Planning Policy and Guidance

Scottish Government Planning Policy and Guidance which include the following main provisions:

- National Planning Framework for Scotland
- SPP
- 2020 Routemap for Renewable Energy in Scotland Updated October 2012

SPP contains a number of subject specific policy statements, also supported by Planning Advice Notes (PANs) which give additional guidance on topics. SPP policies of note to this development include:

- Rural Development
- Landscape and Natural Heritage
- Transport
- Renewable Energy

8. PLANNING APPRAISAL

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

8.2 **Determining Issues**

8.3 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.

8.4 Planning Considerations

- 8.5 The key considerations in this case are:
 - a) compliance with the development plan and other planning policy
 - b) any other material considerations.

8.6 Development plan/other planning policy

8.7 Although Policies 28 (Sustainable Design), 57 (Cultural and Built Heritage), 58 (Protected Species) and 61 (Landscape) are all relevant to this proposal and require to be given due weight, it is appropriate to asses this application principally within the terms of Policy 67.

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. Wind turbine proposals, therefore, must be satisfactory in terms of location, siting and design such that they will not be significantly detrimental either individually or, cumulatively with other developments. Furthermore, the HwLDP outlines a range of criteria against which proposals will be assessed, of which the following are relevant to the assessment of this application:

- a) Roads and Traffic Impact
- b) Natural Heritage
- c) Design, Landscape and Visual Impact
- d) Noise
- e) Shadow Flicker
- f) Cultural Heritage
- g) Tourism/Socio-economic impact
- h) Construction Impacts
- i) Aviation Interests
- j) Radio and TV

8.8 Roads and Traffic Impact

Based on the information submitted and technical input from Transport Planning, it is not considered that the proposal will result in any significant roads or traffic impacts. Transport Planning have requested that a condition be attached requiring a Construction Traffic Management Plan to be is submitted prior to construction.

8.9 **Natural Heritage**

An ecological survey has been submitted by the applicant it concludes that the site and specific area around is of low ecological value in terms of terrestrial mammals. The land does not offer suitable habitat in respect of ornithological concerns. The applicant engaged in direct discussions with SNH and consider there is unlikely to be a significant effect at this location. There has been no evidence of any protected species or habitat on site and with preferred habitats within the surrounding area. it is considered that there is minimal risk of impact to species. As noted in the consultations section above, SNH declined to offer formal comments on the application. Based on the information available, the Planning Service considers that the potential for impact on natural heritage is low.

8.10 Design, Landscape and Visual Impact

The proposal requires to be assessed against the Local Development Plan and Supplementary Guidance. The Council's Guidance defines larger scale wind energy development as being generally turbines of 30m or above to blade tip. The Landscape Sensitivity Appraisal helps inform development management decisions by exploring the capacity of the landscape to accommodate future development based on landscape character (and its sensitivity) and current development. document has been prepared to identify strategic capacity for wind energy development in Highland. The site lies within CT9 - Farmed Lowland Plain. This is an extensive landscape character type which forms a broad and relatively low-lying plain and basin. The landscape is predominantly farmed and well settled. There are typically wide views within and across the landscape but few scenic views. A relatively small number of wind farms exist within this character type. There is limited scope for larger scale turbines in this location. The guidance states that turbines should: be single or in small groups; be tied into the existing field and settlement pattern; be carefully chosen to ensure their height and numbers reflect the balance of development within the farmed basin and that no one development type dominates; avoid cumulative impacts along routes and around settlements.

- 8.11 A Landscape and Visual Impact Assessment has been submitted as part of the application. The supporting statement includes a brief landscape and visual impact assessment, and visualisations which are not in accordance with the Council's Guidelines. With a turbine of this scale, the Council expects visualisations showing the proposed turbine from a number of viewpoints in order to allow an assessment of landscape and visual impact to be made. Although photomontage visualisations have been submitted, these fail to comply with the Council's 'Visualisations Standards for Wind Energy Developments' in a number of areas. It is not considered that the photomontages are fit for purpose and do not allow a robust assessment of visual impact to be made. However, visualisations are only one tool in the assessment. A site visit has been undertaken of the proposed location and surrounding area.
- 8.12 The submitted LVIA considers that the siting of turbines within this area is established as being acceptable due to the existence of turbines of varying sizes within 5km of the site, and larger wind farms in the wider area. The LVIA states that cumulative impact has been assessed and is considered to be acceptable, although full details of this assessment have not been submitted. The LVIA considers that the siting of the turbine in this position gives a visual association with

Gothigill and the current screening around properties such as mains of Olrig and Olrig House give the turbine a backdrop of vegetation rather than wide open landscape. The LVIA states that given the scale of the landscape, the acceptance of existing turbine developments, the erosion of some area of the landscape and the modest size of the turbine, it is considered that the landscape has the capacity to encompass a single turbine at this location without any unacceptable level of impact either as a development in its own right or cumulatively with other developments in the area.

- 8.13 In terms of visual impact, the LVIA considers that the turbine appears very small in stature in relation to the wider landscape when viewed from a distance. There are areas of screening from trees in the landscape which aid the setting and provide a backdrop. The LVIA states that the magnitude of change could be described as being moderate as the turbine is a visually acceptable scale within the landscape and does not dominate and identified sensitive feature.
- 8.14 9 visualisation photomontages have been submitted by the applicant:
- 8.15 VP A is 340m from the turbine on the Sibmister to Castletown road, the turbine is clearly visible and the lower portion of it is back dropped by trees. The telecoms mast on the hilltop shows the presence of a tall vertical structure in the landscape that the turbine would relate to. The LVIA assesses the impact as being medium. The Planning Authority agrees with this assessment.
- 8.16 VP B taken from the Sibmister to Castletown road (further west than VP A referred to above) shows that only the blades are visible over the horizon, as such the turbine's impact is low from this vp. The Planning Authority agrees that the impact here is low.
- 8.17 VPs C (A836 to east of Castletown) D (Inkstack), E (Greenland) and F (Hastigrow) are at a distance that the turbine is not overly prominent, as such the impact of the turbine is low at these points, the Planning Service agrees with this. In VPs D and E the turbine is viewed in the context of other turbines and is back dropped by landform.
- 8.18 VP G (Tain) shows that from some locations the turbine can be partially sky lined. The turbine appears prominent in this view. The LVIA submitted considers that the turbine does not appear overly large from this vp and it does not dominate any property or place of note. The LVIA considers that the telecoms mast which sits on the hill appears more prominent and draws the eye rather than the turbine. The LVIA states that the impact is low, the Planning Authority agrees with this.
- 8.19 VP H (from the public road to the west of Olrig House) is from 850m away and the turbine is clearly visible. The topography of the land allows the turbine to sit into the land rather than appearing atop of a landscape feature. The turbine is prominent but does not appear overly large in this context. The Planning Authority agrees with the LVIA that the impact is moderate.
- 8.20 VP I (Haimer) shows that only the blade tip is visible. The Planning Authority considers that the impact is low/negligible from this point.
- 8.21 The LVIA includes a very brief statement on cumulative effects which concludes that this is not an issue. Cumulative visual effect has however been identified as a concern by the Community Council. The concerns around cumulative impact of wind energy development in Caithness are understood, however, in this instance it

is not considered that the proposed turbine, by virtue of its size and scale, results in a significantly detrimental cumulative visual impact. Whilst the turbine can be seen, this is largely at a localised level only as the turbine relates to the wider context and can therefore be considered acceptable in this instance.

8.22 Overall the Planning Authority considers that there is scope in this location for a turbine of this scale without significant visual, landscape or cumulative impacts. The siting of the turbine means that it is at times back dropped, and also appears related to the existing telecoms mast which is located at a higher level. As such visual impact is minimised due to the scale of the turbine, its relationship to the landform and other man made features.

8.23 **Noise**

A noise assessment has been submitted. This states that the property Gothigill will receive a benefit from the turbine installation. The closest non associated property appears to be Cnoc Na Gaoith which lies approximately 395m from the turbine development. There are a number of residential properties within the locale and the noise assessment submitted includes a review of the noise level impacts towards these properties. The noise assessment identifies the properties which may be affected by noise impact and these have been included in calculations. The properties are known as Cnoc Na Gaoith, Mains of Olrig Farm, Mains of Olrig and Olrig Farm Cottages. None of these properties are believed to be within the landowners control and none will receive a financial benefit from the development. As there is no benefit to any of the properties they have been assessed on a 34.7dB(A) level to ensure compliance apart from when assessing the cumulative impact.

8.24 Environmental Health have provided a detailed technical consultation response which outlines the following:

On the face of it, the predicted noise levels from the turbines will comply with the simplified standards suggested by the guidance in ETSU-R-97 i.e. 35dB LA90 at wind speeds up to 10m/s.

However, the ETSU standard is based on the assumption that, at higher wind speeds, the elevated background noise will mask the turbine noise. In the case of this turbine I am not convinced that will be the case as the noise data seems to shows the levels starting to significantly increase at wind speeds above 10m/s. The applicant should be aware that the local authority has additional powers to control noise under the Statutory Nuisance provisions of the Environmental Protection Act 1990 particularly if the noise has any characteristics which might make it more intrusive. Compliance with Planning consent limits does not necessarily provide a defence against enforcement action under this legislation. However, I understand the turbine has a braking system and is designed so it can be easily lowered by one person. Therefore, if necessary it appears it could be easily taken out of use should it be necessary to avoid complaints in certain wind conditions. Environmental Health has no objections to the application subject to a detailed condition being applied. Although this make of turbine may have an MCS certificate it is not classed as a small turbine. Unfortunately, the conditions are extremely detailed but as yet there is no accepted format for a shortened ETSU condition for smaller developments. The limits have been derived from the need to guard against cumulative impact both now and in future while giving a reasonable margin for the operator. The applicant has also claimed that the occupier of Gothigill has a financial involvement in the development and has requested a higher limit of 45dB LA90 for this property.

8.25 Shadow Flicker

In this case the rotor diameter is 18.9m; the separation of 11 x this is 207.9m. The nearest (financially involved) house lies 289m from the proposed turbine with the nearest non-financially involved house lying 395m from the proposed turbine. As such there are no concerns with regards to shadow flicker.

8.26 Cultural Heritage

No significant impacts on cultural heritage have been identified by the applicant of the Planning Service/Historic Environment Team.

8.27 Tourism/Socio-economic impact

No significant impacts are identified.

8.28 Construction Impacts

The construction impacts are likely to be minimal given the scale of the proposal.

8.29 Aviation Interests

The site is outwith the safeguarding zone for Wick John O'Groats Airport. No impacts have been identified by CAA or MOD.

8.30 Radio and TV

No significant impacts are identified on radio and TV. In any event there is a standard condition attached to turbine consents to mitigate any unforeseen impacts.

8.31 **Hydrology**

No significant impacts are identified on hydrology.

8.32 Public Access

No significant impacts are identified on public access.

8.33 De-commissioning and Site Restoration

The supporting statement indicates that the turbine has a lifespan of 20 years. A standard condition is attached to turbine permissions regrading timescale, decommissioning and restoration.

8.34 Other material considerations

- 8.35 As noted above, objections have been received in relation to:
 - setting a precedent of allowing further single wind turbine development
 - cumulative negative landscape impact
 - impact on local wildlife, habitats, particularly birds

construction impact on local infrastructure including roads and tourism

With regard to the points raised, each planning application is considered on its own merits. The landscape and visual impacts have been assessed and it is not considered that a single turbine of the scale proposed in this location will have significant adverse landscape and visual impacts either individually or cumulatively.

Comments regarding natural heritage are noted and the potential for impacts have been considered in consultation with SNH. It is not considered that the turbine will itself or cumulatively result in significant adverse impacts on natural heritage.

There is no evidence to suggest that the proposal will result in significant impacts on local infrastructure or on tourism.

8.36 Non-material considerations

- 8.37 The commercial nature of the development has been raised by a third party, this is not a material planning consideration.
- 8.38 Matters to be secured by Section 75 Agreement
- 8.39 None

9. CONCLUSION

9.1 The application has been subject to consultation with relevant parties and public consultation. No significant impacts have been identified by any of the technical consultees. Third party representations have been received, these have been considered in the assessment of the application.

The proposal concerns the installation of a turbine of a medium scale. Although the photomontages submitted are of poor quality, it is considered that there is enough information to enable the application to be determined. As noted above, no technical issues have been raised by consultees therefore the main consideration in the determination of the application has been the visual impact of the proposed turbine. In this instance visual impact is minimised due to the scale of the turbine and its relationship to the landform and other man made features. Overall it is considered that the scale and siting of the turbine are acceptable in this location.

9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued N

Subject to the above, it is recommended that planning permission be **GRANTED,** subject to the following:

Conditions and Reasons:

1. For the avoidance of doubt the planning permission is for the erection of a single 49kw wind with height to tip of 33.471m, height to hub of 23.4m and a rotor diameter of 18.9m

Reason: To clarify the terms of the permission hereby approved and in accordance with the development applied for.

2. This planning permission shall expire and cease to have effect after a period of 27 years from the date of this decision notice. Upon the expiration of a period of 25 years from the date of this decision notice, the wind turbine shall be decommissioned and removed from the site, with decommissioning and restoration works undertaken in accordance with the terms of the Decommissioning and Restoration Plan.

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 27 year cessation date allows for a 2 year period to complete de- commissioning and site restoration work.

3. The developer shall, at all times after the date when electricity is first exported from the approved wind turbine, record information regarding the monthly supply of electricity and retain the information for a period of at least 12 months. The information shall be made available to the Planning Authority within one month of any request by them. In the event that the wind turbine, once installed and commissioned, fails to supply electricity for a continuous period of 6 months, then the wind turbine in question shall be deemed to have ceased to be required. Under such circumstances, the wind turbine, along with any ancillary equipment, fixtures and fittings not required in connection with retained turbines, shall, within 3 months of the end of the said continuous 6 month period, be dismantled and removed from the site and the surrounding land fully reinstated in accordance with a Decommissioning and Restoration Plan which shall first be submitted to, and approved in writing by, the Planning Authority.

Reason: To ensure that all wind turbines and associated development is removed from site should the wind farm become largely redundant; in the interests of safety, amenity and environmental protection.

4. The wind turbine shall be finished, and thereafter maintained, in a non-reflective pale grey semi-matt colour, the specific RAL code (or similar) of which shall first be approved in writing by the Planning Authority, and no symbols, signs, logos or other lettering shall be displayed on any part of the wind turbines nor any other buildings or structures within the application site unless required by law or as otherwise approved in writing by the Planning Authority. The development shall thereafter be undertaken in accordance with the agreed details.

Reason: In the interests of visual amenity.

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

Thereafter, and 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.

For the avoidance of doubt, the DRP shall include the removal of all aboveground elements of the development, the treatment of ground surfaces, management and timing of the works, environmental management provisions and a traffic management plan to address any traffic impact issues during the decommissioning period. The detailed Decommissioning and Restoration Plan shall be implemented as approved.

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

- 5. No development shall commence until a Construction Traffic Management Plan (CTMP), aimed at controlling and minimising the impact of construction traffic has been submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The content of the CTMP shall be agreed in advance with the local roads authority. The Construction Traffic Management Plan shall include:
 - Details of any appropriate upgrading works at the junction of the site access and the public road. Such works may include suitable drainage measures, protection or modification of the existing culvert, changes to the geometry and form of road construction, measures to protect the existing public road and the provision and maintenance of appropriate visibility splays.
 - Proposed measures to mitigate the impact of construction traffic on the access routes to the site following assessment of the relevant roads.
 - Details of any traffic management measures required during both the construction and operation period.
 - Measures to ensure that all affected public roads are kept free of mud and debris arising from the development during the construction period.

- Details of adequate parking and manoeuvring space at the site for all vehicles likely to require access during the construction and operation period.
- To further protect the Council's interests, as roads authority, the developer shall be required to enter into a Wear and Tear Agreement in accordance with Section 96 of the Roads (Scotland) Act 1984. Under the terms of the agreement the developer shall be responsible for the repair of any damage to the Council's road network that can reasonably be attributed to construction traffic. As part of this agreement, pre-start and post construction road condition surveys shall be carried out by the developer in consultation and agreement with the local roads authority. In association with the agreement the developer may be required to provide a suitable financial security.

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

6. 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.

- 7. 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 dates that construction will commence on site and will be complete;
 - ii. The maximum height of each wind turbine, mast and construction-related equipment (such as cranes);
 - iii. A description of all structures exceeding 90m in height;
 - iv. The height above ground level of the tallest structure within the site;
 - v. The latitude and longitude of every proposed wind turbine and mast;
 - vi. The number of rotor blades on each turbine; and
 - vii. The total number of turbines and the total generation capacity of the turbine

Thereafter, the wind turbine shall not be commissioned until full details of any changes to information previously provided in relation to parts (ii) and (vii) above have been submitted in writing to the MoD, Defence Geographic Centre, NATS and HIAL. The development shall thereafter be undertaken in accordance with the agreed details.

Reason:

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

- 8. The rating level of noise emissions from the combined effects of the wind turbine hereby permitted (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in or derived from Tables 1 and 2 attached to these conditions and:
 - A) Prior to the First Export Date, the wind farm operator shall submit to the Local 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 Authority.
 - B) Within 21 days from receipt of a written request of the Local Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ an independent consultant approved by the Local Authority to assess the level of noise emissions from the wind farm at the complainant's property (or a suitable alternative location agreed in writing with the Local Authority) in accordance with the procedures described in the attached Guidance Notes.

The written request from the Local Authority shall set out at least the date, time and location that the complaint relates to. Within 14 days of receipt of the written request of the Local Authority made under this paragraph (B), the wind farm operator shall provide the information relevant to the complaint logged in accordance with paragraph (H) to the Local Authority in the format set out in Guidance Note 1(e).

C) Where there is more than one property at a location specified in Tables 1 and 2 attached to this condition, the noise limits set for that location shall apply to all dwellings at that location. Where a dwelling to which a complaint is related is not identified by name or location in the Tables attached to these conditions, the wind farm operator shall submit to the Local 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 submission of the proposed noise limits to the Local Authority shall include a written justification of the choice of the representative background noise environment provided by the independent consultant. The rating level of noise emissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Authority for the complainant's dwelling.

D) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the Local Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken.

Where the proposed measurement location is close to the wind turbines, rather than at the complainants property (to improve the signal to noise ratio), then the operators submission shall include a method to calculate the noise level from the wind turbines at the complainants property based on the noise levels measured at the agreed location (the alternative method). Details of the alternative method together with any associated guidance notes deemed necessary, shall be submitted to and agreed in writing by the Local Authority prior to the commencement of any measurements.

Measurements to assess compliance with the noise limits set out in the Tables attached to these conditions or approved by the Local Authority pursuant to paragraph (C) of this condition shall be undertaken at the measurement location approved in writing by the Local Authority.

- E) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the Local Authority for written approval a proposed assessment protocol setting out the following:
 - the range of meteorological and operational conditions (the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise emissions.
 - ii) a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component.

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 information provided in the written request of the Local Authority under paragraph (B), and such others as the independent consultant considers necessary to fully assess the noise at the complainant's property. The assessment of the rating level of noise emissions shall be undertaken in accordance with the assessment protocol approved in writing by the Local Authority and the attached Guidance Notes.

- F) The wind farm operator shall provide to the Local Authority the independent consultant's assessment of the rating level of noise emissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Authority made under paragraph (B) of this condition unless the time limit is extended in writing by the Local 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 Authority with the independent consultant's assessment of the rating level of noise emissions.
- G) Where a further assessment of the rating level of noise emissions from the wind farm is required pursuant to Guidance Note 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (F) above unless the time limit for the submission of the further assessment has been extended in writing by the Local Authority.
- H) The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d) of the attached Guidance Notes. The data from each wind turbine shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) of the attached Guidance Notes to the Local Authority on its request within 14 days of receipt in writing of such a request.
- Where it is proposed to operate any turbine in a reduced running mode in order to meet the limits in Table 1 or 2, no turbine shall be erected until a curtailment plan for the turbines has been submitted and approved in writing by the local planning authority. The curtailment plan shall demonstrate how the limits in Tables 1 or 2 will be complied with and shall include the following:
 - Definition of each noise reduced running mode including sound power data;
 - ii. The wind conditions (speed & direction) at which any noise reduced running mode will be implemented;
 - iii. Details of the manner in which the running modes will be defined in the SCADA data or how the implementation of the curtailment plan can be otherwise monitored and evidenced.

The Curtailment Plan shall be implemented in accordance with the approved details

- J) Prior to the First Export Date, the wind farm operator shall submit to the Local Authority for written approval, a scheme of mitigation to be implemented in the event that the rating level, after adjustment for background noise contribution and any tonal penalty, is found to exceed the conditioned limits. The scheme shall define any reduced noise running modes to be used in the mitigation together with sound power levels in these modes and the manner in which the running modes will be defined in the SCADA data.
- K) The scheme referred to in paragraph J above should include a framework of immediate and long term mitigation measures. The immediate mitigation measures must ensure the rating level will comply with the conditioned limits and must be implemented within seven days of the further assessment described in paragraph G being received by the Local Authority. These measures must remain in place, except during field trials to optimise mitigation, until a long term mitigation strategy is ready to be implemented.
- **NB** For the purposes of this condition, a "dwelling" is a building within Use Classes 7, 8 and 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 which lawfully exists or had planning permission at the date of this permission.

Table 1 - Between 07:00 and 23:00

Location (easting, northing grid coordinates)	Standardised wind speed at 10 metres height (m/s) within the site averaged over 10-minute periods											
coordinates)	1	2	3	4	5	6	7	8	9	10	11	12
L _{A90} Decibel Levels												
Gothigill 396693417627,				40	40	40	40	40	40	40	45	45
Cnoc na Gaoithe 317262, 966837				30	30	30	30	30	30	30	35	35
Mains of Olrig 318148, 966937				30	30	30	30	30	30	30	35	35
Olrig Farm Cottages 318318, 966512				30	30	30	30	30	30	30	35	35

Table 2 - Between 23:00 and 07:00

Location (easting, northing grid coordinates)	(m/	Standardised wind speed at 10 metres height (m/s) within the site averaged over 10-minute periods										
	1	2	3	4	5	6	7	8	9	10	11	12
L _{A90} Decibel Levels												
Gothigill 396693417627,				40	40	40	40	40	40	40	45	45
Cnoc na Gaoithe 317262, 966837				30	30	30	30	30	30	30	35	35
Mains of Olrig 318148, 966937				30	30	30	30	30	30	30	35	35
Olrig Farm Cottages 318318, 966512				30	30	30	30	30	30	30	35	35

Note to Tables 1 & 2: The geographical coordinates references set out in these tables are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies. The standardised wind speed at 10

metres height within the site refers to wind speed at 10 metres height derived from those measured at hub height, calculated in accordance with the method given in the Guidance Notes.

The noise limits set out in Tables 1 & 2 are increased to 45 dB(A) LA9Q, or the relevant ETSU-R-97 derived "quiet daytime hours" or the "night hours" noise limit based on the measured background noise levels plus 5dB(A), whichever is the greater, at any noise sensitive premises whose occupants have a financial involvement with the wind farm. The wind farm operator must provide written confirmation of the location of any such premises and receive the written agreement of the Planning Authority prior to commencement of development.

Reason: To ensure that the noise impact of the development does not exceed the predicted noise levels set out within the supporting noise assessment.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

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.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Local Roads Authority Consent

Should it be found work is required at the farm entrance to modify, the applicant will be required to apply for a **Minor Works Permit**, often referred to as a Road Opening Permit from the Highland Councils Local Community Services Office, as the Roads Authority under Section 56 of the Roads (Scotland) Act 1984 prior to any work commencing on or adjacent to the public road network. All Minor Works Permit application enquires should be made via the Councils website at the following link www.highland.gov.uk or by contacting General Enquires tel no. 01349 886606. Please note that no work should commence until official permission from The Highland Council has been received.

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.

Mud & Debris on Road

Please note that it 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.

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 for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are 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 the 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

Guidance Notes for Noise Condition

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise emissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Note 3 with any necessary correction for residual background noise levels in accordance with Note 4. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

(a) Values of the LA90,10-minute noise statistic should be measured at the complainant's property (or an approved alternative representative location as detailed in Note 1(b)), using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated before and after each set of measurements, using a calibrator meeting BS EN 60945:2003 "Electroacoustics – sound calibrators" Class 1 with PTB Type Approval (or the equivalent UK adopted standard in force at the time of

the measurements) and the results shall be recorded. Measurements shall be undertaken in such a manner to enable a tonal penalty to be calculated and applied in accordance with Guidance Note 3.

- (b) The microphone shall be mounted at 1.2 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone shall be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.
- (c) The LA90,10-minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind speed and wind direction data and with operational data logged in accordance with Guidance Note 1(d) and rain data logged in accordance with Note 1(f).
- (d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine, arithmetic mean power generated by each turbine and any data necessary to define the running mode as set out in the Curtailment Plan at paragraph I of this condition, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. Each 10 minute arithmetic average mean wind speed data as measured at turbine hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data which is correlated with the noise measurements determined as valid in accordance with Note 2(b), such correlation to be undertaken in the manner described in Note 2(c). All 10 minute periods shall commence on the hour and in 10 minute increments thereafter synchronised with Greenwich Mean Time and adjusted to British Summer Time where necessary.
- (e) Data provided to the Local Authority in accordance with paragraphs (E) (F) (G) and (H) of the noise condition shall be provided in comma separated values in electronic format with the exception of data collected to asses tonal noise (if required) which shall be provided in a format to be agreed in writing with the Local Authority.
- (f) A data logging rain gauge shall be installed in the course of the independent consultant undertaking an assessment of the level of noise emissions. The gauge shall record over successive 10 minute periods synchronised with the periods of data recorded in accordance with Note 1(d). The wind farm operator shall submit details of the proposed location of the data logging rain gauge to the Local Authority prior to the commencement of measurements.

Note 2

- (a) The noise measurements should be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b).
- (b) Valid data points are those measured during the conditions set out in the assessment protocol approved by the Local Authority under paragraph (E) of the noise condition but excluding any periods of rainfall measured in accordance with Note 1(f).
- (c) Values of the LA90,10-minute noise measurements and corresponding values of the 10-minute standardised ten metre height wind speed for those data points considered valid in accordance with Note 2(b) shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) shall be fitted to the data points to define the wind farm noise level at each integer speed.

Note 3

- (a) Where, in accordance with the approved assessment protocol under paragraph (E) of the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty shall be calculated and applied using the following rating procedure.
- (b) For each 10-minute interval for which LA90,10-minute data have been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise immissions during 2 minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure shall be reported.
- (c) For each of the 2-minute samples the tone level above audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R-97.
- (d) The tone level above audibility shall be plotted against wind speed for each of the 2-minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.
- (e) A least squares "best fit" linear regression shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line fitted to values within \pm 0.5m/s of each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2.
- (f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below derived from the average tone level above audibility for each integer wind speed.

Note 4

(a) If a tonal penalty is to be applied in accordance with Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Note 3 at each integer wind

speed within the range set out in the approved assessment protocol under paragraph (E) of the noise condition.

- (b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Note 2.
- (c) If the rating level at every integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Authority for a complainant's dwelling in accordance with paragraph (C) of the noise condition then no further action is necessary. In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (C) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise emission only.
- (d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:
- i. Repeating the steps in Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range set out in the approved noise assessment protocol under paragraph (E) of this condition.
- ii. The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:
- iii. The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.
- iv. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note (iii) above) at every integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Authority for a complainant's dwelling in accordance with paragraph (C) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Authority for a complainant's dwelling in accordance with paragraph (C) of the noise condition then the development fails to comply with the conditions.

Signature: Dafydd Jones

Designation: Area Planning Manager

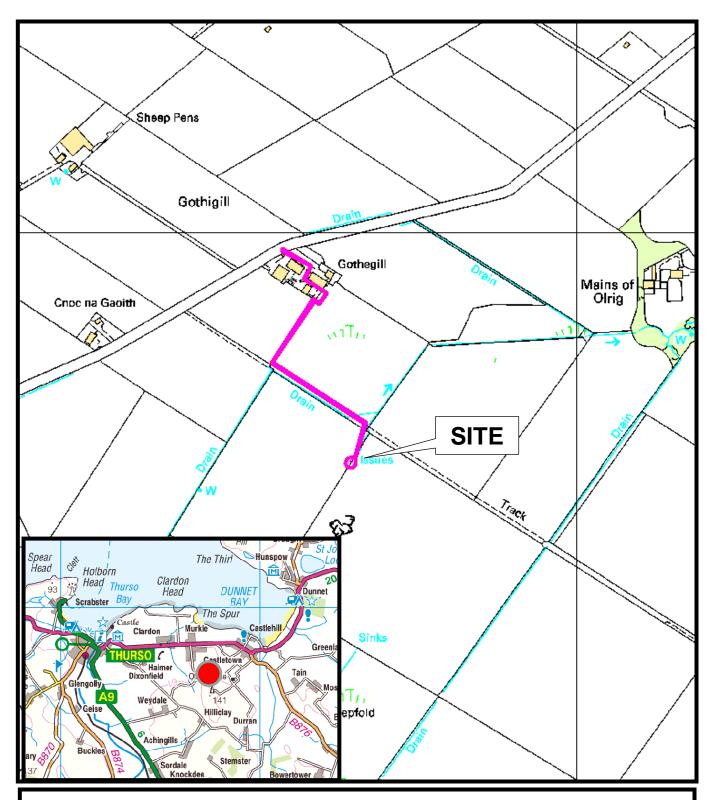
Author: Emma Forbes

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

Relevant Plans: Plan 1 – Location Plan

Plan 2- 000001 – Location Plan Plan 3 - 000003 – Block Plan

Plan 4 - EN-4004-A REV A - Elevation Plan





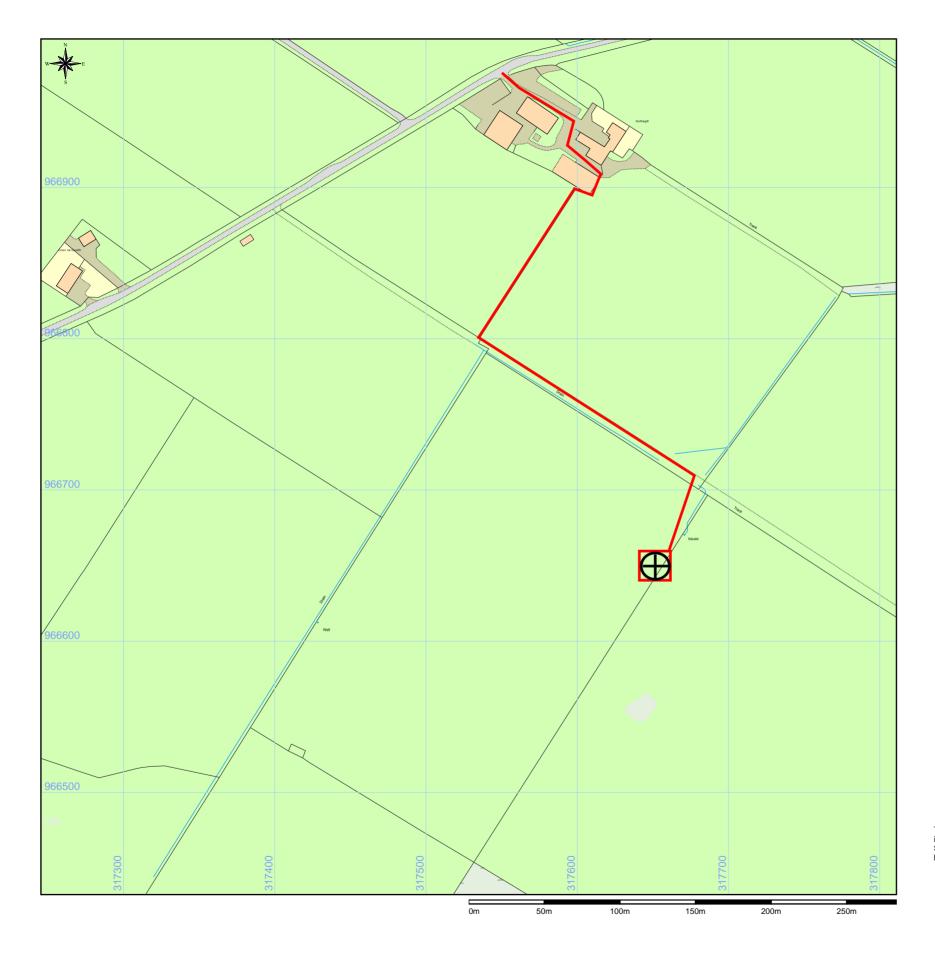
Planning & Development Service

17/01900/FUL

Installation of wind turbine at Land SE of Cnoc na Gaoithe, Murkle, Thurso



LAND AT GOTHIGILL



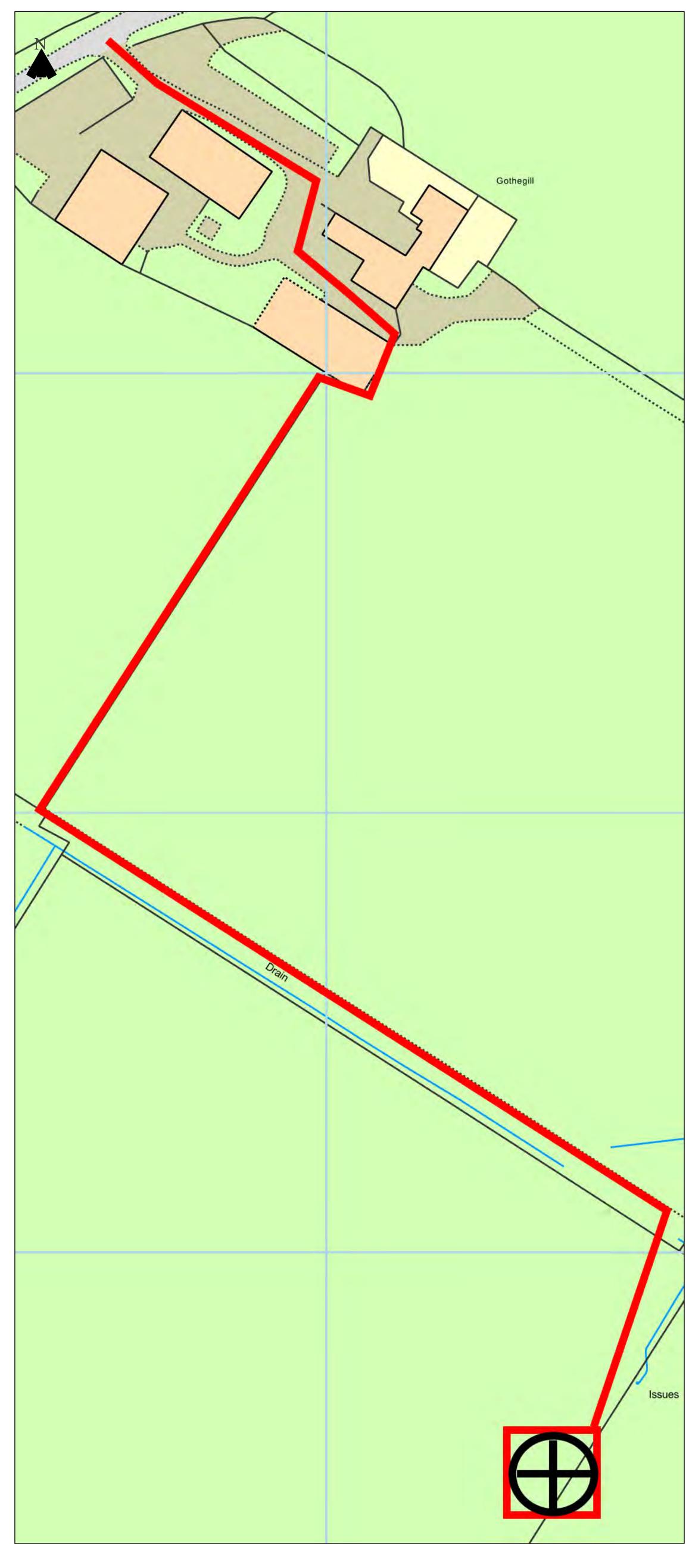
DEVELOPMENT AREA

____ ACCESS ROUTE - NO NEW ROAD REQUIRED

TURBINE POSITION: 317654, 966648

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DEVELOPMENT AREA — ACCESS ROUTE (NO NEW ROAD REQUIRED)



