

Agenda Item	<b>7.6</b>
Report No	<b>PLN/067/21</b>

## HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** 14 September 2021

**Report Title:** 21/01987/S42: Beaufort Wind Limited  
Achkeepster (Causeymire) Wind Farm, Spittal

**Report By:** Acting Head of Development Management

### Purpose/Executive Summary

**Description:** Causeymire Wind Farm - Application for non-compliance with Condition 1 (Operational Timescales) attached to Planning Permission ref. 01/00361/FULCA to allow the development to operate to 02 September 2038

**Ward:** 3 – Wick and East Caithness

**Development category:** Major

**Reason referred to Committee:** S42 application relating to a major development

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.

### Recommendation

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report

## **1. PROPOSED DEVELOPMENT**

- 1.1 The application seeks consent under Section 42 to extend the lifetime of the operational Causeymire Wind Farm which was consented in September 2003 and allowed for operation of the wind farm for a period of 25 years (until September 2028). This application seeks to extend this to 2038 i.e. a further 10 years.
- 1.2 Informal pre-application advice was provided to the applicant in terms of the information required to support any application including the scope of the submitted Environmental Report.
- 1.3 The application is supported by copies of the original documentation, an updated Environmental Report, and details on the inspection, servicing and maintenance of the turbines.
- 1.4 Variations: None

## **2. SITE DESCRIPTION**

- 2.1 The site comprises the existing Causeymire Wind Farm which consists of 21 turbines at total height to tip of 100m with a hub height of 60m and 80m rotor diameter and with a generating capacity of 2.3MW. Each turbine is based on a reinforced concrete foundation around 15m in diameter and 3m in depth and accessed via stone capped tracks. Power output is delivered by underground cables buried along the access track leading to a substation building just north of the main entrance to the site from the A9.
- 2.2 The development lies on land to the west of the A9, around 15km south of Thurso and 19km west of Wick Since this wind farm was constructed there has been further renewable energy development within close proximity such that a cluster of turbines has now been formed including Bad A Cheo, Achlachan and Halsary wind farms.

## **3. PLANNING HISTORY**

- 3.1 01/00361/FULCA Erection of 24 wind turbine generators and improvement of existing vehicular access (N.B only 21 turbines were erected) 02.09.2003

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised: John O’Groat Journal (Unknown Neighbour)  
Date Advertised: 14<sup>th</sup> May 2021  
Representation deadline: 28<sup>th</sup> May 2021  
Timeous representations: 8 (7 support comments and 1 objection)
- 4.2 Material considerations raised are summarised as follows:

## Objection

- Public safety – concerns about the safety of the turbines for a further 10 years beyond their original lifespan particularly given the height and weight of the structures should they collapse. A new planning application for the renewal of the wind farms should instead be submitted.

## Support

- Local employment generation
- Green energy
- Turbines are still in good condition and maintained by four local technicians on the site
- The environmental report demonstrates the wind farm has not altered local fauna and the changes to drainage have increased sphagnum (peat moss)

## Non-material support comments:

- Contribution to benefit funds ('community benefit')

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](http://www.wam.highland.gov.uk/wam).

## 5. CONSULTATIONS

5.1 **Halkirk and District Community Council:** No response

5.2 **THC Environmental Health:** No objection to the development subject to an up to date wind farm condition being attached to any consent which restricts limits to 35dB LA90 daytime; 38dB LA90 night time or up to 5dB above the revised background as per Table 5 of the applicant's noise assessment. However, this would also be subject to a maximum limit of 2dB above predicted levels at any location or wind speed as per Table 6 of the noise assessment.

5.3 **THC Transport Planning** do not object to the application and have no comments on the application.

5.4 **THC Access Officer** does not object to the application and have no comments on the application.

5.5 **NatureScot:** do not object to the application. It sets out that there are natural heritage interests of international importance on this site, but it advises that these will not be adversely affected by the proposal.

5.6 **SEPA** do not object to the application and have no comments on the application.

5.7 **Scottish Water:** do not object to the application. It sets out that there are no drinking water catchments or water abstraction sources which are designated as Drinking Water Protected Areas under the Water Framework Directive in the area that may be affected by the proposed activity.

5.8 **NATS Safeguarding:** do not object to the application. It explains that the proposal does not conflict with NATS safeguarding criteria.

5.9 **Ministry of Defence:** do not object to the application.

## **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  
30 - Physical Constraints  
31 - Developer Contributions  
57 - Natural, Built & Cultural Heritage  
58 - Protected Species  
59 - Other important Species  
60 - Other Importance Habitats  
61 - Landscape  
63 - Water Environment  
67 - Renewable Energy Developments

### **6.2 Caithness and Sutherland Local Development Plan 2018**

No policies or allocations relevant to the proposal are included in the adopted Local Development Plan. It does however confirm the boundaries of Special Landscape Areas within the plan's boundary.

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

Onshore Wind Energy: Supplementary Guidance (November 2016 and associated Caithness Landscape Sensitivity Appraisal)  
Sustainable Design Guide (Jan 2013)  
Highland's Statutorily Protected Species (Mar 2013)

## **7. OTHER MATERIAL POLICY CONSIDERATIONS**

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

Scottish Planning Policy  
National Planning Framework 3  
Scottish Energy Strategy (Dec 2017)  
Historic Environment Policy for Scotland (HEPS, 2019)  
PAN 1/2011 - Planning and Noise (Mar 2011)  
PAN 60 – Planning for Natural Heritage (Jan 2008)  
2020 Routemap for Renewable Energy (Jun 2011)  
Onshore Wind Energy (Statement), Scottish Government (Dec 2017)  
Wind Farm Developments on Peat Lands, Scottish Government (Jun 2011)  
Energy Efficient Scotland Route Map, Scottish Government (May 2018)

## **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.

### **Determining Issues**

- 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.

### **Planning Considerations**

- 8.3 In considering a Section 42 application the Planning Authority's assessment is concerned solely with whether deletion of the condition is appropriate and whether any additional conditions may be required. In doing so, the up-to-date planning policy context must be considered.

### **Development plan/other planning policy**

- 8.4 The development plan now comprises the Highland-wide Local Development Plan (HwLDP), the Caithness and Sutherland Local Development Plan (CASPlan) and all statutorily adopted supplementary guidance. There are no site-specific allocations for the site nor policies related to this type of development within the CASPlan however it does broadly set out ongoing support for renewable projects as part of the overall vision for the area. The Council's Onshore Wind Energy Supplementary Guidance has also been adopted since the wind farm became operational.
- 8.5 The application requires to be assessed principally against the criteria set out in Policy 67 – Renewable Energy and the associated Onshore Wind Energy Supplementary Guidance. The other HwLDP policies listed at 8.1 of this report are also relevant however are echoed in the terms of Policy 67 which highlights that the Council will consider renewable energy in terms of its impacts visually, on natural heritage, on aviation and so forth. The policy also notes that the 'safety and amenity of buildings/amenity of users of core paths or other established public access for walking, cycling or horse riding' will be assessed which is of most relevance in this instance given the original 25-year consent was granted on the basis of that being the lifespan of the turbines.
- 8.6 National planning policy remains supportive of onshore wind energy development with the framework for assessing wind farm proposals set out in Scottish Planning Policy (SPP) which highlights that areas identified for wind farms should be suitable for use in perpetuity. Whilst consents can be time limited, the same principle applies to the assessment process in that wind farms should be considered acceptable in perpetuity with any imposition of time limits relating to turbine lifespans rather than to address any concerns regarding amenity for adjacent communities. In essence the time limit on a wind farm does not negate the need to ensure the wind farm is sited and designed to ensure impacts are minimised. In determining the original application, it was considered that any such adverse impacts had been minimised or mitigated. Consideration of any increase in the length of any permission that may be

granted therefore should be on the basis that the turbines continue to operate efficiently and effectively for the duration of the permission and that any turbines which becomes redundant within the permission period will be appropriately decommissioned.

### **Modification of Condition 1**

- 8.7 The proposal to extend the lifespan of the wind farm has arisen through 'engineering life extension' analysis undertaken by the applicant on a number of wind farms. This evaluated the condition of the turbines including modelling which determining the remaining useful life of the turbines. The project concluded that the installed turbines are in good condition for their age, and from a design perspective are robust and therefore suitable for extended operation beyond their original design life.
- 8.8 The application is accompanied by a Statement on the Inspection, Servicing, Maintenance and Repair Programme of the wind farm. This details a programme of works for the renewal, refurbishment and repair of turbine components including monitoring the condition of the turbines through drone technology to help identify any potential issues at an early stage. The programme also details that there are four dedicated technicians responsible for day-to-day maintenance and ensuring continuity of staff. On the basis of this programme of works being carried out there are no concerns with regard to public safety. As a result, in terms of engineering and public safety it is considered appropriate to allow the wind farm to operate for a further ten year period. This is however subject to a number of conditions including those related to decommissioning of the wind farm and removal of redundant turbines.
- 8.9 In terms of visual impact, the wind farm is now an established feature within the area and an extension to its lifetime will have no significant additional effect on the landscape character, key views, gateways or key routes. It could also be argued that the subsequent wind farms which have been developed incorporated the layout of Causeymire in their design rationale in order to ensure a coherent cluster was formed. The potential removal of the Causeymire turbines may therefore impact on the visual appearance of this cluster.

### **Impact on Natural Heritage**

- 8.10 Whilst the majority of impacts arising from a wind farm (other than visual) are through its construction, impact on ornithology and natural heritage assets is an ongoing issue through the operational lifetime of a wind farm. The site lies outside but close to the boundary of the Caithness and Sutherland Peatlands Special Protection Area (SPA), as well as within connectivity distance of the Caithness Lochs SPA and East Caithness SPA. As required by condition on the original consent, a scheme for habitat enhancement and bird monitoring was agreed in consultation with NatureScot (previously SNH) and the Royal Society for the Protection of Birds; this agreement was subsequently formalised as part of the Section 75 Agreement.
- 8.11 NatureScot consider that the proposal to extend the lifetime of the wind farm would have a likely significant effect on the Caithness and Sutherland SPA as well as the Caithness Lochs SPA and East Caithness SPA. Although the latter two are some distance from the wind farm, it is within foraging range of protected birds which are

qualifying features of the sites. NatureScot have provided advice that the integrity of each SPA would not be adversely affected however the status of these sites means that the requirements of the Habitats Regulations apply. As the Council are the Responsible Authority, an Appropriate Assessment has been undertaken utilising the information available from the applicant and the advice provided by NatureScot. This is contained within Appendix 2 of committee report.

- 8.12 The site also lies close to the River Thurso Special Area of Conservation, protected for Atlantic Salmon, however given no further construction is required, no significant effects are likely either directly or indirectly.

### **Noise**

- 8.13 The applicant has submitted a noise assessment which notes that the original background assessment for Causeymire was carried out using what is now considered obsolete methodology. The consultant has revised the results in accordance with recent guidance and this demonstrates that the predicted levels for Causeymire can still comply with consented limits albeit with little margin for error. The assessment notes that since Causeymire was built there have been several other wind turbine developments in the area and correctly states that the responsibility for complying with cumulative noise limits would lie with each subsequent applicant in turn and this would have been considered at their respective planning stages. As part of a Section 42 application there is an opportunity to review conditions to ensure these are still appropriate particularly in light of the cumulative position.
- 8.14 The Council's Environmental Health Officer initially requested a new noise condition which restricts limits to 35dB LA90 daytime; 38dB LA90 night time or up to 5dB above the revised background as per Table 5 of the applicant's noise assessment. The applicant has however noted some concern regarding this approach which they consider may curtail the wind farm in certain conditions. The Council's EHO has further explained that given that the margin between predicted levels and previous consented limits is already less than 1dB it is not clear how applying a 2dB margin is likely to significantly impact the operation of the wind farm and therefore remains satisfied that allowing a 2dB margin over and above predicted levels, which themselves include a margin, is reasonable. As such a condition which reflects this will be attached to the consent; the condition will be based around the EHO's consultation comments noted in Section 5.2 with a fully prepared condition provided at the NPAC meeting for agreement.

### **Socio-Economic Benefits**

- 8.15 Continued operation of the wind farm will result in ongoing direct employment for four full time technicians. There are further contractors involved in operation and maintenance activities that visit the wind farm on a less frequent basis. With an installed capacity of 48.3MW, the development will continue to contribute towards the ongoing production of renewable energy in Highland providing a useful contribution to the grid.

## **Non-material considerations**

- 8.16 The issue of community benefit is raised in representations. Community benefit is not a material planning consideration.

## **Matters to be secured by Legal Agreement**

- 8.17 As noted above the original consent has an accompanying Section 75 Agreement which secures the following:
- Maintenance of the wind farm such that environmental impact is minimised
  - Habitat enhancement scheme
  - Reinstatement of the site including £300k bond
  - Obligation to address any impact on TV/radio signal attributable to the wind farm
- 8.18 The applicant has been informed that, should consent for a lifetime extension to the wind farm be granted, the terms of the Section 75 will require to be modified to make reference to this further permission and to bring the bond up to today's value. The applicant will be required to do this through the submission and approval of an application under S75A of the Act.

## **9. CONCLUSION**

- 9.1 The application seeks consent for allow the Causeymire Wind Farm to increase its lifetime by a further 10 years allowing operation until the year 2035. With an installed capacity of 48.3 MW the development will continue to make a useful contribution to the tackling climate change as well as maintaining a small number of full time jobs. The wind farm has formed a visual presence within the area for a number of years which has been assessed as being acceptable. It is considered that, based on the information submitted with this application, the wind farm is able to continue to safely operate for a further 10 years subject to the applicant's proposed programme of ongoing inspection, servicing, repair and maintenance and conditions to ensure any turbines which do become redundant within this period are decommissioned.
- 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: The development will continue to help Highland meet targets for renewable electricity generation as part of an overall commitment to tackle climate change.



10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

## 11. RECOMMENDATION

**Action required before decision issued** Y

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation Y

Revocation of previous permission N

**Subject to the above actions**, it is recommended to GRANT the application subject to the following conditions and reasons (with a further condition relating to noise to be presented for agreement at NPAC):

1. The development shall be undertaken in accordance with the planning permission reference 01/00361/FULCA, approved plans and the Environmental Statement except in so far as amended by the terms of this consent or as subsequently agreed in writing by the Planning Authority in consultation with NaureScot (formerly Scottish Natural Heritage) and Scottish Environmental Protection Agency.

**Reason:** To ensure the development is carried out in accordance with the submitted documentation.

2. Planning Permission is hereby granted for an operational period of up to 35 years from the date consent was first granted (2<sup>nd</sup> September 2003). At the end of the operational period, decommissioning and restoration shall be completed within 2 years of cessation date (2<sup>nd</sup> September 2040).

**Reason:** The application is for a temporary period of 35 years.

3. If any wind turbine fails to supply electricity to the grid for a continuous period of 6 months then, unless otherwise agreed in writing with the Planning Authority, a scheme for the removal of that wind turbine and any surface ancillary works solely relating to that wind turbine shall be submitted in writing for the approval of the Planning Authority. The scheme shall then be implemented as approved.

**Reason:** To ensure that any redundant wind turbine is removed from site, in the interests of safety, amenity and environmental protection.

4. Not later than 12 months before the end of the consent period, a decommissioning and site restoration scheme shall be submitted for the written approval of the Planning Authority, such scheme to include the removal of above-ground elements of the development, management and timing of any works, environmental management provisions and a traffic

management plan to address any traffic impact issues during the decommissioning period. The scheme shall be implemented as approved.

**Reason:** To ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration of the site, in the interests of safety, amenity and environmental protection.

5. Prior to development or works on the site which involve decommissioning and/or maintenance that requires provision of new or improved tracks, or replacement of any turbine components (defined as towers, blades or nacelles), a Construction Traffic Management Plan shall be submitted to and agreed in writing by the Planning Authority. The Construction Traffic Management Plan shall include proposals for construction vehicle routing, the location and design of accesses from the public highway onto the site, management of traffic at junctions to and crossings of the public highway and other public rights of way, the scheduling and timing of movements, details of escorts for abnormal loads, temporary warning signs, temporary removal or replacement of highway infrastructure and street furniture, off-site road works and banksman details etc. The approved Construction Traffic Management Plan shall be implemented as approved in writing by the Planning Authority. For the avoidance of any doubt this will include details to advise the public including road users living along the access route of the expected abnormal loads associated with the delivery of turbine parts.

**Reason:** In order to protect highway safety and the amenity of other users of the public highway and rights of way.

6. Prior to development or works on the site which involve decommissioning and any/or maintenance that requires provision of new or improved tracks, or replacement of any turbine components (defined as towers, blades or nacelles), a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with NatureScot, SEPA and other Council Services. Construction of the development shall proceed in accordance with the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP should include information on the following matters: -

- Environmental Policy - Statement of responsibility for all environmental features, safeguards and mitigation.
- Appointment and scope of work for an Ecological Clerk of Works (ECoW) who shall have responsibility for monitoring compliance with the provisions of the approved CEMP and who shall report all breaches of the approved CEMP to the Planning Authority.
- Details of construction works, the construction methods and surface treatment of all hard surfaces and tracks.
- Details of temporary site compounds for storage of materials and machinery (including areas designated for car parking).
- Details of the timing of works and methods of working for cable trenches and foundation works.

- Details of the timing of works and construction of the substation/ control buildings and anemometry masts.
- Details of the bridges and culverts for all new water crossings.
- Pollution control arrangements, including protection of water courses and ground water and soils, bunding of fuel storage areas, and sewage disposal.
- Dust management.
- Cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to / from the site to prevent spillage or deposit of any materials on the highway.
- Disposal arrangements of surplus materials.
- Post construction restoration / reinstatement of the temporary working areas.
- Construction noise management plan (including identification of access routes, locations of materials lay-down areas, details of equipment to be employed, operations to be carried out, mitigation measures and a scheme for the monitoring of noise in the event of complaints).

**Reason:** To protect highway safety, amenity and control pollution of air, land and water.

7. The turbines shall be maintained in a non-reflective pale grey colour and that colour shall not be altered unless previously agreed in writing by the Planning Authority. No symbols, signs, logos or other lettering shall be displayed on any part of the wind turbines nor any other buildings or structures without the prior written approval of the Planning Authority.

**Reason:** In the interests of visual amenity.

8. All cables between the turbines and the substation shall be maintained underground with all electrical substation plant to remain contained within the building known as Achkeepster Cottage.

**Reason:** In the interests of visual amenity.

9. The access shall maintain visibility splays of 2.4m (the set back dimension x) x 215m (the y dimension) in both directions from the intersection of the access with the A9. Nothing shall obscure visibility measured from a driver's eye height of between 1.05m and 2.00m positioned at the set back dimension to an object height of between 0.26m and 1.05m anywhere along the y dimension. In addition the access gate shall be maintained at least 16 metres from the A9 carriageway and shall only be capable of opening away from the road.

**Reason:** In the interests of road safety.

10. An unobstructed turning area shall be maintained within the site.

**Reason:** In the interests of road safety.

11. The rating level of noise emissions from the combined effects of the wind turbines comprising the Causeymire Wind Farm (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to these conditions at any dwelling which is lawfully existing or has planning permission at the date of this permission and:

The rating level of noise emissions from the combined effects of the wind turbines (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed 35dB LA90 daytime; 38dB LA90 night time or up to 5dB above the revised background as per Table 5 of the applicant's noise assessment at any noise sensitive property. This shall also be subject to a maximum limit of 2dB above predicted levels at any location or wind speed as per Table 6 of the noise assessment.

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

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

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

(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 planning authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be

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

e. Prior to the submission of the independent consultant's assessment of the rating level of noise emissions pursuant to paragraph (g) of this condition, the wind farm operator shall submit to the planning authority for written approval a proposed assessment protocol setting out the following:

i. 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 from the planning authority under paragraph (c), 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 planning authority and the attached Guidance Notes.

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

g. The wind farm operator shall provide to the planning authority the independent consultant's assessment of the rating level of noise emissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the planning authority made under paragraph (c) of this condition unless the time limit is extended in writing by the planning authority. All data collected for the purposes of undertaking the compliance measurements shall be made available to the planning authority on the request of the planning authority. 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 planning authority with the independent consultant's assessment of the rating level of noise emissions.

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

#### Guidance Note 1

(a) Values of the LA90,10 minute noise statistic should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

(b) The microphone should be mounted at 1.2 — 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the Company shall submit for the written approval of the Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

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

(d) To enable compliance with the conditions to be evaluated, the Company shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, such as direct measurement at a height of 10 metres, this wind speed, averaged across all operating wind turbines, and corrected to be representative of wind speeds measured at a height of 10m, shall be used as

the basis for the analysis. It is this 10 metre height wind speed data, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter.

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

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

#### Guidance Note 2

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

(b) Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (d) of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1. In specifying such conditions the Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.

(c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90,10 minute noise measurements and corresponding values of the 10- minute 10- metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the 10- metre height mean wind

speed on the Xaxis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

#### Guidance Note 3

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

(b) For each 10 minute interval for which LA90,10 minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute

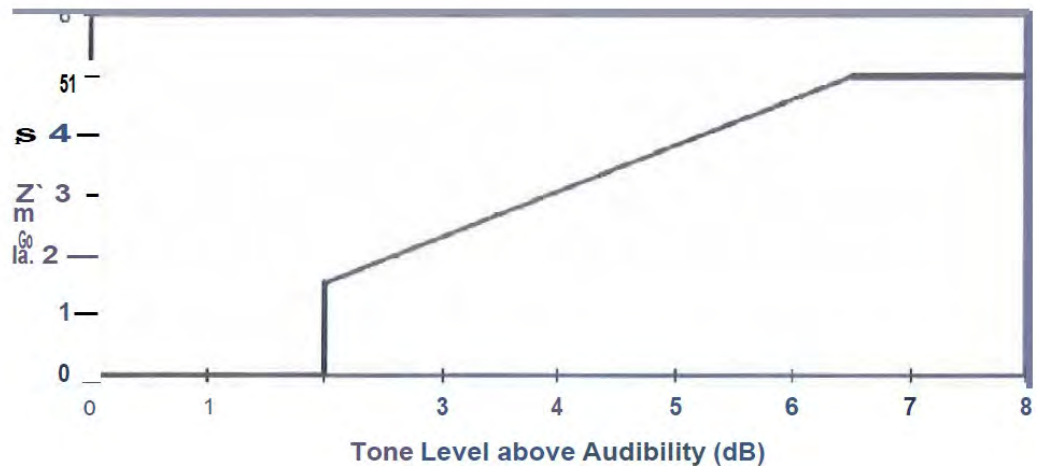
period. The 2 minute periods should be spaced at 10 minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.

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

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

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

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



#### Guidance Note 4

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



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

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

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

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

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

$$= 10 \log[10^{L_2} - 10^{L_3}]$$

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

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

**Reason:** To safeguard the amenity of nearby residents

## **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.

## **INFORMATIVES**

### **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.

### **Scottish Water**

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

### **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](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

Designation: Area Planning Manager - North  
Author: Gillian Pearson  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - Location Plan (Figure 1)

## Appendix 2 – Appropriate Assessments

### Caithness and Sutherland Peatlands Special Protection Area (SPA)

#### Caithness Lochs Special Protection Area (SPA)

##### East Caithness Cliffs SPA

Causeymire Wind Farm - Application for non-compliance with Condition 1 (Operational Timescales) attached to Planning Permission ref. 01/00361/FULCA to allow the development to operate to 02 September 2038

21/01987/S42

### **CONSIDERATION OF PROPOSALS AFFECTING EUROPEAN SITES**

The status of the above Special Protection Areas means that the requirements of the Conservation (Natural Habitats, & c.) Regulations 1994 as amended (the 'Habitats Regulations') or, for reserved matters the Conservation of Habitats and Species Regulations 2017 as amended apply.

This means that where the conclusion reached by the Council on a development proposal unconnected with the nature conservation management of a Natura 2000 site is that it is likely to have a significant effect on those sites, it must undertake an Appropriate Assessment of the implications for the conservation interests for which the areas have been designated. The need for Appropriate Assessment extends to plans or projects out with the boundary of the site in order to determine their implications for the interest protected within the site.

This means that the Council, as competent authority, has a duty to:

- Determine whether the proposal is directly connected with or necessary to site management for conservation; and, if not,
- Determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then
- Make an Appropriate Assessment of the implications (of the proposal) for the site in view of that site's conservation objectives.

The competent authority can only agree to the proposal after having ascertained that it will not have an adverse effect on the integrity of the sites. If this is not the case and there are not alternative solutions, the proposal can only be allowed to proceed if there are imperative reasons of overriding public interest, which in this case can include those of a social or economic nature.

## **Screening in Likely Significant Effects**

It is evident that the proposal is not connected with or necessary to site management for conservation, hence further consideration is required.

### **Caithness and Sutherlands Peatlands SPA**

The wind farm lies around 800m from this SPA which is protected for upland breeding birds and is likely to have a significant effect.

### **Caithness Lochs SPA**

The wind farm lies around 8km from this SPA which is protected for its wintering populations of Greenland white-fronted geese, greylag geese and whooper swans. The proposal is likely to have a significant effect on the greylag geese of this SPA.

### **East Caithness Cliffs SPA**

The wind farm lies 16km from this SPA which is protected for its cliff nesting seabirds and peregrine and is within foraging range for SPA gulls which are known to travel regularly between coastal colonies to inland feeding sites.

## **APPROPRIATE ASSESSMENT**

While the responsibility to carry out the Appropriate Assessment rests with the Council, advice contained within Circular 6/1995 is that the assessment can be based on the information submitted from other agencies. In this case, the Appropriate Assessment is informed by information supplied by NatureScot, the applicant and various published information.

### **Caithness and Sutherland Peatlands SPA**

#### **Appraisal Summary**

In its response to the Council, NatureScot advised that the proposal is likely to have a significant effect on the qualifying interests of the SPA however it is concluded that the proposal will not adversely affect the integrity of the Special Protection Area.

## **HIGHLAND COUNCIL APPRAISAL OF THE PROPOSAL**

- The proposal is not directly connected with or necessary to site management for conservation;
- The proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; therefore;
- An Appropriate Assessment of the implications (of the proposal) for the site in view of that site's conservation objectives is provided below.

- The proposal is to extend the lifespan of the development only and no further construction or physical modifications to the development are required. The proposal is therefore unlikely to lead to additional disturbance and/or displacement impacts to SPA birds.
- The development has been in place and operational for approximately 18 years. During this time, other wind farms have been constructed in close proximity of Causeymire (i.e. Bad a Cheo, Achlachan 1 and 2 and Halsary) and birds will have become somewhat habituated to the presence of turbines in this area.
- However, the development will continue to pose a collision risk to SPA birds and contribute to ongoing cumulative impacts with other developments affecting the SPA.
- The original planning application pre-dated current recommended guidance for assessing impacts of onshore wind farms on birds. This means there is no pre-construction flight activity data or Collision Risk Modelling (CRM) available for this development. In the absence of pre-construction information, data collected during post-construction monitoring (PCM) for the development to complete this assessment as well as other available survey information that covers this area.
- Based on the results of PCM, the proposal will have a likely significant effect on several SPA species via collision risk including golden plover, greenshank, hen harrier, merlin, red-throated diver, short-eared owl and wigeon.
- PCM shows flight data to be of a low level for these species and this appears consistent with other available survey data for this area. Based on this information, the proposal is unlikely to result in significant collision risk for these species both as a single development and cumulatively with other developments affecting the SPA.
- The conservation objectives for the site will not be undermined and the proposal will not adversely affect the integrity of the SPA.

The proposal will also have a likely significant effect on the Ramsar site interest, greylag goose, via collision risk. Given the low level of flight activity recorded during PCM and other available survey data, the proposal will not significantly contribute to cumulative impacts to the Ramsar population.

## **Caithness Lochs Special Protection Area**

### **Appraisal Summary**

In its response to the Council, NatureScot advised that the proposal is likely to have a significant effect on the qualifying interests of the SPA however it is concluded that the proposal will not adversely affect the integrity of the Special Protection Area.

## **HIGHLAND COUNCIL APPRAISAL OF THE PROPOSAL**

- The proposal is not directly connected with or necessary to site management for conservation;
- The proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; therefore;
- An Appropriate Assessment of the implications (of the proposal) for the site in view of that site's conservation objectives is provided below.

- PCM has been undertaken during the bird breeding season and therefore does not cover the wintering period when these species are present in Caithness. However, low levels of flight activity have been recorded in other survey work undertaken in this area, which has allowed us assessment.

– Based on this information and the high avoidance rate for grey geese (at 99.8%), the proposal will not result in a significant collision risk to SPA greylag geese both as an individual development and cumulatively with other developments affecting this SPA.

### **East Caithness Cliffs Special Protection Area**

#### **Appraisal Summary**

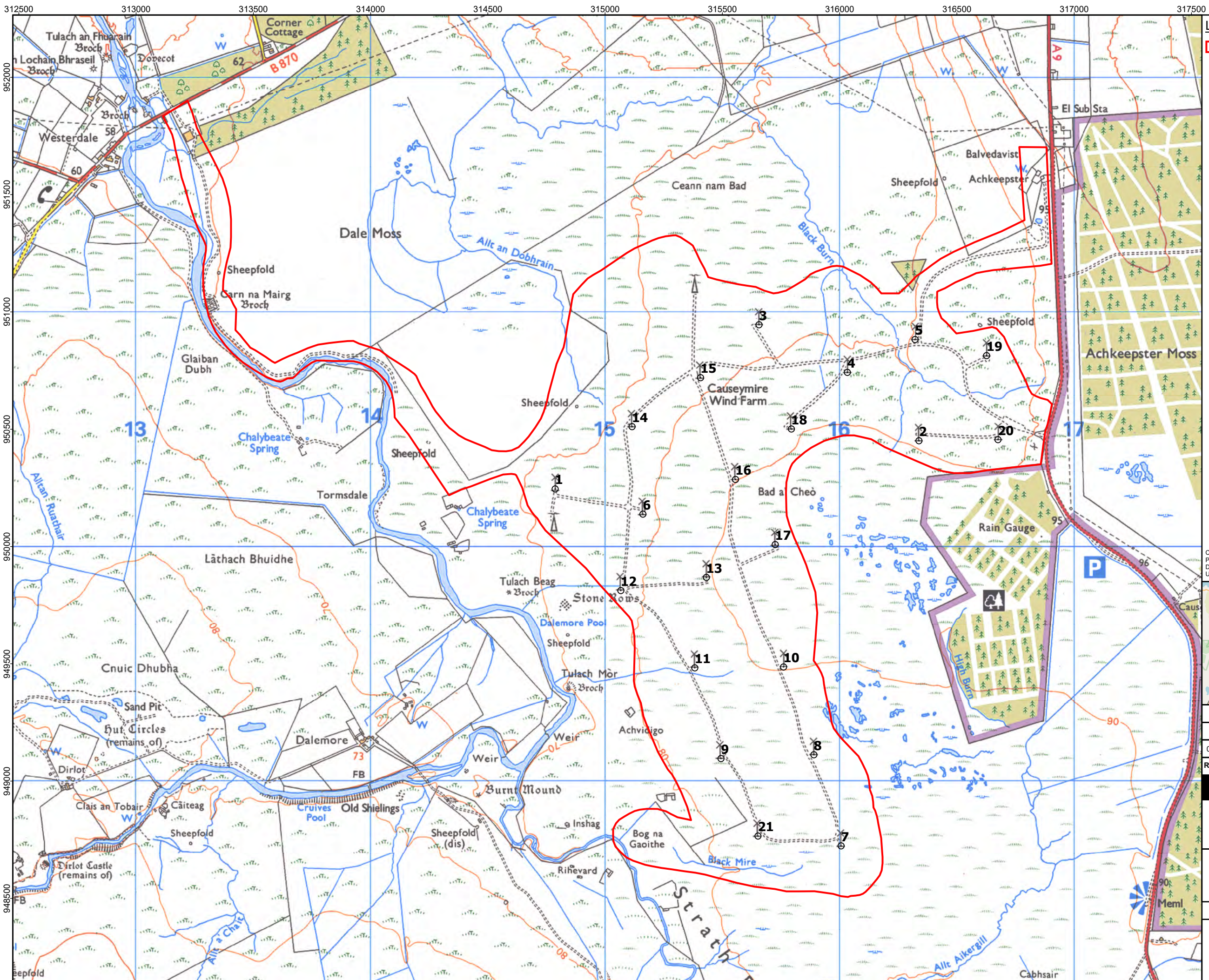
In its response to the Council, NatureScot advised that the proposal is likely to have a significant effect on the qualifying interests of the SPA however it is concluded that the proposal will not adversely affect the integrity of the Special Protection Area.

## **HIGHLAND COUNCIL APPRAISAL OF THE PROPOSAL**

- The proposal is not directly connected with or necessary to site management for conservation;
- The proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; therefore;
- An Appropriate Assessment of the implications (of the proposal) for the site in view of that site's conservation objectives is provided below.

- A relatively low level of flight activity was recorded during PCM and other available survey information covering this area. Based on this information, the proposal will not adversely affect the SPA herring gull or great black-backed gull population as a single development or in combination with other developments affecting the SPA.





- Legend:**
- Application Boundary
  - Existing Causeymire Wind Turbines

Coordinate System: British National Grid  
 Projection: Transverse Mercator  
 Datum: OSGB 1936  
 Units: Meter



Rev	Date	Description	Drn	Chk	App
00	09/04/2021	First Issue	KC	AP	RB

**Causeymire Wind Farm Life Extension**



TITLE: Figure: 1  
 Causeymire Wind Farm Site Location Plan

ID:663331\_Existing Turbine Location Plan

