

APPENDIX 1:
**LIST OF RESPONDENTS, SUMMARY OF COMMENTS ON ISSUES AND
 RECOMMENDED COUNCIL RESPONSE**

A. List of respondents

Note: Not all respondents commented on all sections of the Draft SG. Minor presentational and typographical comments have not been summarised here but have been noted in preparing the final draft of the SG.

Campaign Groups

Friends of the Great Glen	Strathnairn Action Group
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Charity/ Club/ Third Sector Organisations

Mountaineering Council of Scotland	The Royal Society for the Protection of Birds (RSPB) Scotland - North Highland
North East Mountain Trust	

Community Councils

Ardross Community Council	Inverness West Community Council
Brora Community Council	Nigg & Shandwick Community Council
Ferintosh Community Council	Strathdearn Community Council
Fort Augustus & Glenmoriston Community Council	Tarbat Community Council
Glenurquhart Community Council	

Government/ Statutory Body/ Other Public Organisations

Historic Environment Scotland	Scottish Natural Heritage (SNH)
Network Rail	Scottish Water
Scottish Canals	The Moray Council
Scottish Environment Protection Agency (SEPA)	The Scottish Government

Industry

Abbey Ecosse Limited	Force 9 Energy Partners LLP
ABO Wind	Infinergy Ltd
BH Wind Energy Ltd	Muir Smith Evans
Coriolis Energy	Partnership for Renewables
Creag Riabhach Wind Farm Ltd	REG Windpower
Dell Windfarm Ltd	RES Ltd
Druim Ba Sustainable Energy	RWE Innogy UK
EDF Energy Renewables	Scottish Renewables
Energiekontor UK Ltd	SSE Renewables
Engie Renewables	Vattenfall Wind Power Ltd
ESB Wind	WKN AG
Falck Renewables Wind Ltd	wpd Scotland Limited

Members of the Public & Other Individuals

24 Members of the Public and other individuals also responded

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The Natural and Historic Environment

Summary of the comments received:

Multiple choice responses:

Of those respondents that answered (26):

12% strongly agreed; 35% agreed; 38% disagreed, and 15% disagreed with the approach taken.

Campaign Groups

- Definitions of wind energy development are too vague. Use of the word 'generally' leaves too much flexibility for developers. More detail is required on mitigation.

Charities/ Clubs/ Third Sector Organisations

- Statements regarding wild land areas are inadequate, do not afford 'significant protection' and no amount of mitigation can remove the visual intrusion of a wind farm.
- List of potential impacts of wind energy development should be expanded to include impacts to foraging areas, flight paths and increases in collisions.
- Land outwith designated sites with qualifying interests is not protected and risks loss of habitat as well as increasing direct impacts on a range of (protected) bird species.
- In reference to SNH Guidance on Connectivity, THC should specifically state that the qualifying interests of SPAs may depend on undesignated land several kilometres distant from the designation.
- In referring to SNH guidance on potentially vulnerable species, the guidance could also refer to: RSPB Scotland (incl. RSPB Bird Sensitivity Map); Highland Raptor Study Group; Scottish Wildlife Trust; Wildfowl & Wetlands Trust and National Biodiversity Network (NBN) Gateway.
- As a minimum reference should be made to the SNH Guidance on the assessment of cumulative impact of onshore wind in relation to birds.
- The Guidance should recommend developers to support further research to improve the knowledge base that underpins the ornithological assessments undertaken for wind farm proposals, e.g. through financing Scottish Wind Farm Bird Steering Group.

Community Councils

- Greater efforts are needed to safeguard protected species (White Tailed Eagle, Golden Eagle, Hen Harrier and Red Kite) from impacts of development including ensuring the three tests required to issue a licence are met.
- Comments on Spatial Framework Maps: Object because Tarbat CC area is open and flat causing turbines to be prominent and incongruous in an area with a dispersed population that would be susceptible to unacceptable individual and community amenity impacts.
- Tarbat Ness is a tourist asset that requires safeguarding; the whole area is heavily dependent on the tourist economy that is threatened by onshore wind energy development.
- Accept the assurances given to us that each planning application for a wind farm will have to be decided according to the appropriate policy criteria. We do not feel, however, that the present draft adequately reflects this due to the terminology and groupings in the Spatial Framework mapping.
- Agree with approach and want to stress that important for each proposed development to look at wider natural environment and other plans in pipeline, e.g. each proposal may not have too much impact on flight path of golden eagle but if there are three proposals in

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pipeline or likely to be consented that could impact on golden eagle as cumulative impact is considered.

Government/ Statutory Bodies/ Other Public Organisation

- Only where development is proposed on areas identified as being wild land should a wild land assessment be required. This paragraph should be amended to reflect this point.
- In their updated SG The Moray Council are incorporating Policy Guidance Maps that are ‘areas with the greatest scope for further investigating the potential of wind turbine developments, reducing the potential development areas identified by the spatial framework.’
- Welcome the preparation of the guidance and consider it clearly sets out how the Council will manage onshore wind development and recognition that avoidance of significant adverse effects on historic environment assets and their setting is a key consideration.
- Additional references should be included:
 - Environmental Impact Assessment and the Historic Environment <http://www.historicscotland.gov.uk/index/heritage/policy/environmental-assessment/eiafaqs.htm>
 - Managing Change Guidance Note on Setting <http://www.historic-scotland.gov.uk/setting-2.pdf>
- The SG does not go into significant detail about the Historic Environment so it will be important that the SG is read alongside the revised Highland-wide Local Development Plan including the new Historic Environment policy and SG.
- First bullet of para. 1.4 is lengthy and hard to read, alternative wording suggested:
“Any proposal likely to have a significant effect on a European site (Special Area of Conservation or Special Protection Area) should provide sufficient information to enable the Council to carry out an ‘appropriate assessment’ of its implications for the European site in view of the site’s conservation objectives, in line with the Conservation (Natural habitats &c.) Regulations 1994 as amended. If it cannot be demonstrated that the proposal will not adversely affect the integrity of the site concerned, it can only proceed if: there are no alternative solutions and the plan or project must be carried out for imperative reasons of overriding public interest. Where the site concerned hosts a priority species however the overriding interest must relate to human health, public safety or have beneficial consequences of primary importance to the environment.”
- Should include link to SNH Guidance on assessing connectivity within SPAs: <http://www.snh.gov.uk/docs/A675474.pdf>
- Include bullet on how developers should take account of impacts on NSAs and National Parks adjacent to proposal.
- SLAs bullet may be more appropriately located in section 1.11 on landscape and visual effects.
- Recommend that there is some mention that cumulative impacts on some Annex 1 bird species may become significant at the regional (or Natural Heritage Zone) level and that developers will need to assess these in some circumstances.
- Cumulative impacts on birds could impact on the strategic capacity for wind energy developments in some parts of Highland in due course and this should perhaps be recognised somewhere in Section 2 (possibly as an extra bullet in para. 2.11). SNH can provide advice at scoping and is collating relevant information.
- Welcome inclusion of encouragement to include detail on all aspects of development but also encourage early submission of detailed proposals for woodland management and (where appropriate) compensatory plantings where these raise issues relevant to the EIA for the wind farm and its determination. Woodland management within the wind farm site is an obvious issue for inclusion but so would landscape and bird impacts of compensatory planting outwith the site if it contributed to cumulative impacts within the Zone of Visual

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Influence (ZVI) or Natural Heritage Zone (NHZ) population.

Industry

- Para. 1.2 - This is inconsistent with general practice in respect of Capacity Studies and is not a fair reflection of current turbine sizes.
- Para. 1.4 - The following clarification should be added: *"and where details are known at the time that applications for wind farms are made."*
- Introduction to SG- for Section 36 applications the LDP is a relevant consideration, it is not "the law" to comply and this distinction should be made clear.
- Spatial Framework should be subject to a separate detailed consultation.
- Key Development Plan considerations fail to address SPP para. 169 issues of net economic impact; contribution to renewable energy targets and effects of GHG emissions.
- Guidance fails to state that climate change is the single greatest threat to Scotland's habitats (as stated by SNH). RSPB also state that *migrating birds may have to change their migration routes or the places where they breed or spend winter* [See Link](#)
- Section 1- the 18 factors are assumed to relate to HwLDP policies but this should be clarified. The 18 factors do not cover all the aspects set out in para. 169 of SPP.
- Wild land should not be assumed to be incapable of accommodating a development. Wild land mapping was only intended to be a strategic tool. The SG position is overly restrictive, is not acceptable and is significantly contrary to national policy. The test relating to wild land assessment relates to proposals in wild land areas, proposals outwith will be a consideration in DM process - SPP para. 169.
- Interpret SNH Guidance 2015 pg. 20 as stating that wild land areas may be able to accommodate wind energy development and that the draft SG therefore conflicts with this approach.
- Para. 1.4 second bullet point: "No proposal should compromise the natural environment resources of Highland"- this requires a full explanation. If addressing para. 212 of SPP, it only applies to certain designations. The test set out in the SG is different to those required in para. 212 of SPP.
- The policy ought to make it clear that a wild land impact assessment will be required of developers where there is the potential for a significant effect on the qualities of wild land areas. The policy should also make absolutely clear, in a manner consistent with SPP, that consideration will be given to the site specific findings of the applicant's assessment. It should not be assumed that because a proposal is within an area identified by SNH as a wild land area there will necessarily be significant effects on wild land qualities. Even if there are such effects, SPP requires the planning authority to give further consideration to whether those effects can be substantially overcome through mitigation.
- It should not only be the upcoming SNH wild land area descriptions that are relied upon for assessing the qualities of a wild land area since developers' site-specific assessment will also provide useful analysis.
- Guidance should be consistent with SPP para. 145 in relation to context and setting of historic environment assets.
- The fourth bullet point suggests that only schemes which have no significant effects on cultural heritage features would be approved. There are many wind farm schemes where reporters have approved proposals which have some significant effects on cultural heritage features. The text in the bullet point is therefore too restrictive and is not in accordance with SPP para. 145.
- Paragraph 1.4, 5th bullet - Wild Land Areas are very sensitive to development. Given this hyper sensitivity it would be appropriate to re-word the last sentence of this section to read: *"to maintain the objectives of wild land areas"*, as opposed to avoiding impacts.
- The presence of wild land push development closer to settled areas- lack of potential in wild land, even where this is supported by communities, can impact on socio-economics of

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fragile communities.

- It should be clear that the definition of a wind farm in wild land can be the usual commercial 2-3 MW turbines and the number is not limited- each project should be considered on its own merit under SPP.
- The Draft SG is a consultation draft and until the consultation process is complete and a fully adopted version of the Draft SG is published, material weight cannot be attributed to this document.
- Draft SG fails to recognize the potential for shared ownership of renewables as set out in the new Good Practice Guidance.
- RES welcomes the SG's guidance that Wild Land Character Assessments should be submitted illustrating appropriate mitigation to reduce predicted significant effects on the qualities of wild land as identified in the SNH mapping, or on the physical or perceptual qualities of such land for development that is located in close proximity whereby significant effects are predicted.

- According to SNH's Spatial Planning for Onshore Wind Turbines – natural heritage considerations Guidance June 2015) the location of a wind farm within a WLA does not preclude its acceptability. Annex 1 of this guidance describes landscape objectives, one which is accommodation:
"The aim of landscape accommodation is to retain the overall character of the landscape, yet accepting that development may be allowed which will have an impact on the landscape at the local scale. Development fits within the landscape and does not change its character to a significant extent. Landscape accommodation implies that there may be important landscape-related constraints in terms of the siting, design and scale of wind farms, but that suitably designed wind farms can be compatible with this objective. Within local landscape designations and Wild Land Areas, the degree of landscape protection will be less than for National Scenic Areas. In these areas, an appropriate objective may be to accommodate wind farms, rather than seek landscape protection. Where this approach is chosen, the justification will need to be clearly articulated in relevant planning policy."

Members of the Public & Other Individuals

- Second bullet of para. 1.4 'National' needs to be defined- is this Highland/Scotland/UK? Unless Scotland has its own constituted energy market and legal climate change obligations and funds its own energy program, the UK should be the level that strategic decisions should be made.
- The sentence "Potential for significant adverse effects on nationally important features must be clearly outweighed by social or economic benefit of national importance" should be removed as it negates the previous sentence.
- Wording in paragraph 1.4 is too vague and leaves a lot of tests open to interpretation.
- Whilst the guidance is sound as far as it goes it falls short in what it considers the natural environment. The highlands are renowned for their beauty which is not enhanced by the erection of wind turbines. I also suspect that "economic benefit of national importance" is often translated to economic benefit to a company (i.e. profits).
- There should be no wind farm development in wild land areas. Assessment should be prepared in adjacent buffer zones which should also be mapped.
- The section should be more robust and less vague.
- The increased detail given in this section is very good and clear. More emphasis should be given to potential impact of secondary developments such as powerlines. 7th bullet point - spelling mistake - should be licence not license.
- SLAs should be off-limits to wind farm development and should be included in the Spatial Framework Maps.
- All proposals for onshore wind energy development and their associated infrastructure

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cause enormous environmental damage and all developments should be objected to by the Council.

- Mitigation is ineffective and restoration is unlikely.
- The firms involved in Onshore Wind Energy must prove that there is a demonstrative need for extra wind farms. This would need to show:
 1. power generated since start of project
 2. how often were the wind turbines not in use
 3. how much were the companies paid not to use the wind turbines
 4. profit from individual projects
 5. maintenance, running costs
 6. found environmental costs
 7. how much economic benefit has accrued to the region as a whole and local communities in particular. How many new local full time jobs have been created?
 8. how accurate were the initial projections for the above and also; (a) profits (b) wind consistency (c) electrical need within the Highland region (d) cost effectiveness of the project (e) benefits to the local communities (f) detrimental effects to the local community.
- A local tax should be levied from wind farm construction workers not from the local area to ensure the local economy realises the economic benefits promoted by the developer.

Recommended Council response to comments received:

A number of modifications to structure and wording of the section were suggested and have been considered, those appropriate have been incorporated into the final Supplementary Guidance.

It is the Council's expectation that development should not cause significant adverse impacts on the features described in and safeguarded through the supplementary guidance. However, it is recognised that there may be potentially adverse effects that cannot be avoided and in such instances mitigation will be expected. There may be significant adverse impacts that cannot be overcome through mitigation and how much weight to attach to these effects will be considered in the planning balance before reaching a decision on an application. The wording of the section has been amended accordingly.

Suggestions that the Spatial Framework should be subject to a separate and detailed consultation process are noted. However, alongside the key issues covered in the Draft Supplementary Guidance, the Spatial Framework has been the subject of previous consultation through a [Consultation Paper](#) (March 2015).

Suggestions for including Special Landscape Areas in the Spatial Framework mapping are noted, but they are not included in the list of constraints of Table 1 of Scottish Planning Policy and cannot therefore be included. However, the Council does highly value these assets and affords them weight through both the Highland-wide Local Development Plan and in the Supplementary Guidance.

It is noted that Scottish Government indicated that only in wild land areas should a wild land assessment be required. The Council sought clarity on this issue from Scottish Government and were informed (by email on 10.3.16) that wild land assessment may be required outwith a wild land area where there is potential for impacts, and that this would depend on the project-specific factors. Therefore the policy position in the Draft Supplementary Guidance has been carried forward.

The suggestion that SNH Guidance (Spatial Planning for Onshore Wind Turbines- natural heritage considerations) indicates that wild land areas may be able to accommodate wind farms is noted. However, the section of the SNH guidance referred to also states that where such an approach is

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taken there should be clear justification. At a strategic, Highland-wide level, the Council does not consider that advocating such an approach would be compatible with wild land areas. However, the presence of a wild land area does not prevent applications from being proposed, and in such cases the merits and impacts of the proposal will be assessed on a case-by-case basis.

The Water Environment

Summary of the comments received:

Multiple choice responses:

Of those respondents that answered (8):

25% strongly agreed; 38% agreed, and 38% disagreed with the approach taken.

Community Councils

- Also need to look at the proposed hydro schemes of any size in the wider area of any proposed development as the cumulative impact of those is building up and should be measured.

Government/ Statutory Bodies/ Other Public Organisation

- Alternative wording for para. 1.5 is suggested: *“Developments should be designed to avoid impacts upon the water environment wherever possible. There should be a minimum buffer of 50 m between any works and the water environment. Where impacts on the water environment cannot be avoided then developers will be expected to demonstrate how these impacts will be mitigated. The water environment includes ground water, surface water (including water supplies) and groundwater dependant terrestrial ecosystems (GWDTE). The measures proposed to protect the environment during construction should be included in a Construction Environmental Management Plan and detailed Schedule of Mitigation. SEPA’s Planning Guidance on Windfarm Developments provides detailed advice.”*
- Para. 1.6 should be moved to para. 1.8 as it refers to peat.
- A new section should be created at the start of the SG setting out and promoting the pre-application advice service.
- Scottish Water is a consultation body as stipulated in the EIA regulations (2011) and should be consulted at the EIA screening stage, EIA scoping stage and Environmental Statement/ Planning stage. Communication should be via two specific mailboxes.

Industry

- At Paragraph 1.5 where it states "It should demonstrate that the development will not have a significant adverse effect individually or cumulatively (with other built, permitted or lodged wind energy proposals) on the water environment." This should be altered to read *"unacceptably adverse effect"*, as adverse effects are not necessarily unacceptable.
- At paragraph 1.5 it is stated that any proposal for a wind energy development “should demonstrate that the development will not have a significant adverse effect” on the water environment. That threshold is inappropriately onerous and not consistent with

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Regulations. Significant environmental effects are those effects that must be taken into account by decision- makers and do not represent a criterion of acceptability in its own right.

Members of the Public & Other Individuals

- “Where impacts on the water environment cannot be avoided” - I suspect that in Caithness (The Flow Country) this will be every wind turbine. Planting large lumps of concrete is liable to change the nature of the ground.
- Private water supplies must be protected. Mitigation must be robust not just an undertaking to follow "best practice".
- Section 36 application - needs to be clarified what this is.
- Are carbon calculator assessments robust and reliable since the data is provided by the developer and how are they validated?

Recommended Council response to comments received:

A number of modifications to structure and wording of the section were suggested and have been considered, those appropriate have been incorporated into the final Supplementary Guidance.

It is the Council’s expectation that development should not cause significant adverse impacts on the features described in and safeguarded through the supplementary guidance. However, it is recognised that there may be potentially adverse effects that cannot be avoided and in such instances mitigation will be expected. There may be significant adverse impacts that cannot be overcome through mitigation and how much weight to attach to these effects will be considered in the planning balance before reaching a decision on an application. The wording of the section has been amended accordingly.

A suggestion to consider cumulative impacts of hydro schemes is noted, but since the guidance deals specifically with onshore wind energy, it is not appropriate to address such an issue. Scottish Natural Heritage (2015) have published *Hydroelectric schemes and the natural heritage* guidance that deals specifically with cumulative impacts. HwLDP and the final SG also recognise the potential for cumulative effects from other relevant development.

Peat

Summary of the comments received:

Multiple choice responses:

Of those respondents that answered (17):

12% strongly agreed; 59% agreed; 24% disagreed, and 6% disagreed with the approach taken.

Campaign Groups

- What a Section 36 Application is needs explained.
- Limitations in accuracy of mapping may mean other sensitive areas of Carbon Rich Soils, Deep Peat and Priority Peatland Habitat (CPP) are not shown on the SNH map.
- The Council should require developers to provide greater detail on their methodology for peat restoration.

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Charities/ Clubs/ Third Sector Organisations

- Peatlands are afforded "significant protection" due to their stored carbon. This section is a useful step forward. It will need tightening in the future but, as a first pass on the topic in the planning context, it is to be commended.
- Support commitment to safeguard peatland but request additional commitment to avoid development on deep peat, require all proposals to use the carbon calculator, and provide further guidance on the acceptability of carbon payback times.

Community Councils

- Plantation forestry was often planted on deep peat and carbon rich soils and THC should remain aware of this.
- Carbon calculator is out of date for current mix of energy generation.
- All associated infrastructure should be required to use carbon calculator, not just turbine's siting and design.

Government/ Statutory Bodies/ Other Public Organisation

- Bullet point in section 1.8 should be revised slightly so that (1) it is clear that peat survey and site assessment need to consider all infrastructure and not just the location of turbines, and (2) that the presentation of the information needs to show all infrastructure and all probing information together.
- Include a bullet point on peat slide risk assessment in this section.
- Two bullet points relating to restoration and enhancement should be brought together so that (1) mitigation of the effects of development on peatland can be achieved by habitat restoration in other areas of the site, (2) proposals for other peatland habitat improvement works are also supported, and (3) where restoration or improvement works are proposed they should be outlined in a draft Habitat Management Plan (HMP) which should provide enough information to demonstrate how the proposals will be implemented and managed.
- CPP paragraph: request the following amendment: *"Therefore, if a proposal is brought forward in an area identified as CPP and it is found that the development will be located on carbon rich soils, deep peat or priority habitat, it is unlikely to be supported unless it can be demonstrated through....."*
- Welcome the reference to the construction environmental management plan (CEMP) process, but as outlined above, we suggest the initial reference should be made earlier on in the document. Also in this location it is implied that it is only relevant in relation to CPP. We therefore ask that reference to CEMPs in the CPP section is removed but a new bullet point is included which requires all the peat information to be presented in a Peat Management Plan, which could form part of the CEMP.
- Section 1.9. We therefore ask that reference to Guidance on the Assessment of Peat Volumes, Reuse of Excavated Peat and Minimisation of Waste (available from www.scottishrenewables.com/publications/guidance-assessment-peat-volumes-reuse-excavated/) is added.
- It should be made clear that all associated infrastructure should be included in peat assessments.
- The SG position on borrow pits should be clarified- i.e. that they should only be permitted where there are significant environmental or economic benefits compared to obtaining material from local quarries. Given the potential impacts on soils and related hydrology, this is an important consideration in peatlands.
- Appropriate mitigation should be exemplified with reference to construction techniques: floating tracks, piling for installation of turbine bases.

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- Support position that SNH Map is high-level; reference to map should be updated when finalised 2016 map is published.

Industry

- Para. 1.8 - It should be acknowledged that in some instances it will be impossible to avoid impacts.
- There should not be strong policy protection for areas of CPP because even SNH Guidance states that CPP is not a fundamental hurdle to development.
- Future high-efficiency projects will likely be on peat.
- Should change text: First bullet point - It is not realistic to expect developments to 'avoid' impacts. Recommend change text in second sentence to "*...significant impacts on peat should be minimised through design that also minimise the potential for alteration of hydrological regimes that may cause additional drying of peat.*"
- Micro-siting is a construction term generally used to respond to small scale variations in ground conditions.
- Suggestion that HMP may be required should clarify what would trigger this: e.g. where significant effects are predicted on species or habitats before consideration of mitigation through measures such as HMP and Peat MP.
- Requirement for CEMP should be clearly stated as linked to pre-construction preparation, possibly outline CEMP, where it is clear that sensitivities identified will be clearly material to decision making.
- Support the approach but request that the mapping is referred to as 'draft mapping' until the finalised map is published.
- Supportive of approach but the final bullet point of para. 1.8 is overly restrictive and the phrase significant adverse effect should be changed to unacceptable adverse effects.
- It should be made clear that CPP mapping is not a presumption against development and that where development is proposed on CPP areas, it will be considered acceptable where significant effect on the qualities can be substantially overcome by siting, design or other mitigation.
- The final CPP document due to be published should be referred to in the final SG.
- Following text should be added to para. 1.8, bullet 5 after across Scotland: and should not be overly relied upon to emphasise the limitations of the SNH map's accuracy.
- Recommend that there is policy acceptance, subject to the limits of SPP14, that as long as the available evidence is of a substantial net saving of carbon, after all reasonable mitigations have been deployed, then proposals should be supported, in relation to peat.
- The wording in relation to CPP soils is more balanced and could usefully replace the need for a separate para. on peat.

Members of the Public & Other Individuals

- Supportive of encouraging use of carbon calculator but concerned a lack of transparency about assumptions in the model, lack of consistency in values input and output across different EIAs and limited technical ability of planning authority and statutory consultees to interpret inputs or results.
- Suggest that applicants should try to use the calculator to compare and inform different design decisions.
- Approach is 'open-ended, peat should be protected or not'.
- Peat and soil designations should not rule out the possibility of a development, but would only require any appropriate assessments being completed.
- There is no proper mapping of peat so bullet point 5 should have a stronger emphasis on the developer carrying out a full and comprehensive peat survey including its depth and classification.

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- Peat should not be disturbed and therefore "mitigation" should not be an issue.
- Explanation needed about what a Section 36 Application is.
- The SNH Map may not highlight all areas with potential peat sensitivities.
- The CPP map is only one reference document and data used to create it subject to sampling error.

Recommended Council response to comments received:

A number of modifications to structure and wording of the section were suggested and have been considered, those appropriate have been incorporated into the final Supplementary Guidance.

It is the Council's expectation that development should not cause significant adverse impacts on the features described in and safeguarded through the supplementary guidance. However, it is recognised that there may be potentially adverse effects that cannot be avoided and in such instances mitigation will be expected. There may be significant adverse impacts that cannot be overcome through mitigation and how much weight to attach to these effects will be considered in the planning balance before reaching a decision on an application. The wording of the section has been amended accordingly.

It is noted that respondents highlight limitations in the methodology and data sets used to derive the CPP mapping. However the CPP map, in its final form, will represent a nationally important mapped environmental interest as set out in SPP (2014). Therefore it serves as a guide to where the greatest peat sensitivity is likely to be and as a trigger for detailed assessment through the EIA process. HwLDP policy is clear that the peat resource should be safeguarded, this includes areas mapped as CPP and any other area where peat may be present.

The suggestion for all proposals to be required to use the Carbon Calculator is noted, the final Supplementary Guidance encourages its use, but this is the strongest emphasis that can be made because only schemes generating 50 MW and above (Section 36 applications) are required to use it. Carbon calculators include all aspects of a proposed scheme, not just turbine bases, as one respondent states.

Whilst the suggestion to define acceptable carbon payback times would be beneficial, this would be better defined at a national level.

A rationalisation of the various suggestions for rewording, including the points about mitigation and restoration and carbon rich soils, deep peat and priority peatland habitat are included in the final Supplementary Guidance as suggested by respondents.

Trees and Woodland

Summary of the comments received:

Multiple choice responses:

Of those respondents that answered (10):

40% strongly agreed; 40% agreed; 10% disagreed, and 10% disagreed with the approach taken.

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Campaign Groups

- Upland forestry removal can accelerate run-off and the Council should ensure developers liaise with SEPA to ensure flooding risk is not increased.

Charities/ Clubs/ Third Sector Organisations

- Compensatory planting should be done with regard to best practice principles for open habitat restoration, and compensatory planting should avoid areas of deep peat and open areas currently important to breeding waders e.g. pasture and other managed grassland.

Community Councils

- Forestry has often historically been planted in areas of CPP and this factor should be considered by THC.
- Further assessment of cumulative impacts including water flow and rock movement by removal of commercial forestry is required, including multi-agency assessment.

Government/ Statutory Bodies/ Other Public Organisation

- Suggest inclusion of additional text to clarify requirements for handling of felled material: *“Developers should provide information on the fate and use of all felled material. Proposals should be in line with the joint SNH, FC and SEPA Guidance Use of Trees Cleared to Facilitate Development on Afforested Land which is available from www.sepa.org.uk/environment/energy/renewable/”.*
- Additional text and link to joint agency guidance (http://www.sepa.org.uk/media/143799/use_of_trees_cleared_to_facilitate_development_on_afforested_land_sepa_snh_fcs_guidance-april_2014.pdf) suggested to require that detailed proposals for compensatory planting are included with the planning application.

Industry

- Section is negative and infers the wind industry seek to remove forestry to improve wind yield, it is often possible to accommodate a wind farm in a forest site.
- It may not always be possible to develop using keyholing, and clearfelling combined with Forest Design Plans may offer a more positive benefit for the landscape and environment.
- The industry are aware of the requirements of the Scottish Government’s Control of Woodland Removal Policy, and the guidance fails to acknowledge the potential for positive outcomes from developers with landowners and the forestry commission.
- Plantation forestry has limited biodiversity value- additional text is suggested to acknowledge this: *“Where tree removal is necessary for wind farm development, alternative habitats should be encouraged to flourish in accordance with the objectives listed under Section 1.4 The Natural and Historic Environment.”*

Members of the Public & Other Individuals

- General support for the recognition of conflict. The screening potential of trees and woodlands is often overstated in applications and guidance should encourage recognition of the varying growth heights across tree and woodland life cycle and seasonality of screening with deciduous trees.
- Felling should be sensitive to the landscape and undertaken to avoid erosion.
- Monitoring of forestry should be undertaken to protect from disease.
- Better environmental interpretation of forests required.

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- Many substantial commercial woodlands are being clear felled and will take a long time for replacement planting to reach maturity.
- This should be tightened up again with strict conditions applied as part of the planning consent and not left to the discretion of the developer.
- Whether commercial or not, trees are important for carbon reduction. It should be a requirement that planning applications include specific details of replanting so that they can be considered with the application.
- Like most government policy this assumes climate change is man-made and can be averted. This is nonsense since the climate has always changed unrelated to carbon emissions etc. It may be changing but there is nothing we can do except prepare for it. Felling trees to make way for wind turbines is environmentally destructive and causes the death of much wild life. Compensatory planting cannot 'compensate'.

Recommended Council response to comments received:

A number of modifications to structure and wording of the section were suggested and have been considered, those appropriate have been incorporated into the final Supplementary Guidance.

It is the Council's expectation that development should not cause significant adverse impacts on the features described in and safeguarded through the supplementary guidance. However, it is recognised that there may be potentially adverse effects that cannot be avoided and in such instances mitigation will be expected. There may be significant adverse impacts that cannot be overcome through mitigation and how much weight to attach to these effects will be considered in the planning balance before reaching a decision on an application. The wording of the section has been amended accordingly.

A range of concerns were raised by respondents about the removal of woodland. For relevant Schemes, the Environmental Impact Assessment process includes assessing a broad range of potential impacts of a scheme, including impacts related to flooding, biodiversity, peat disturbance and landscape and visual impacts. The Supplementary Guidance recognises the potential impacts of tree removal and links to key policies and documents from Scottish Government and other agencies.

The suggestion that plantation forestry has limited biodiversity value is noted. However, whilst biodiversity is an important factor, there are others, like maintaining a timber supply, that must be taken into consideration in the planning balance. Annex C of the Scottish Government's Control of Woodland Removal Policy sets out indicators of acceptability for woodland removal and this is referred to in the Supplementary Guidance.

Landscape and Visual Effects

Summary of the comments received:

Multiple choice responses:

Of those respondents that answered (29):

21% strongly agreed; 28% agreed; 34% disagreed, and 17% disagreed with the approach taken.

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Campaign Groups

- There is no mitigation possible for industrial-scale wind turbines.
- The 2 km community separation distance should be strictly adhered to.
- Visualisations should be discussed with local residents, e.g. through the Community Council.
- The Council's standards are not always rigorously pursued by Council Planners.

Charities/ Clubs/ Third Sector Organisations

- There need to be stronger requirements on mitigation measures, like planting for screening.
- Visualisations should be the same as those required by SNH.

Community Councils

- Individual homes and groups of houses require the same 2km community separation.
- Special Landscape Areas should carry weight in decision-making, and should be included in the Spatial Framework.
- The Ben Wyvis Range should be a Special Landscape Area and views to and around it should be safeguarded.
- Presence of one windfarm should not set precedent for more, cumulative effects also need to be considered.
- Community Councils should be able to ask for supplementary visualisations if they deem them necessary.
- The Ben Wyvis Range falls within the category for Special Protection. Previous Decisions support this protection. THC have included Ben Wyvis, Caithness and Ardross as areas for which strategic capacity work is to be undertaken. FCC request that The Ben Wyvis Range be considered as an Area of Special Landscape Interest similar to the Loch Ness Special Landscape Sensitivity.

Industry

- Definition of what an important public view is and how it can be quantified is required.
- Only landscape character that is considered important should be a key asset.
- Visualisations should be the same as those required by SNH. The Council should ensure that all applications adhere to the visualisation standards for consistency.
- It needs to be acknowledged that all larger-scale development will have some unavoidable landscape and visual effects. Alternative wording suggested: *"All proposals should seek to avoid unacceptably adverse landscape and visual effects"*.
- *Lodged* planning applications should not be given equal weight when considering cumulative impacts, this is contrary to SPP, which states that the weight apportioned should reflect the position in the planning application process.
- An absolute rule on internally-housed transformers is unnecessary as external transformers can and have been used sensitively in Highland. Alternative wording could be: *"Particular consideration should be given to minimizing landscape and visual effects by avoiding the use of external turbine transformers."*
- The policy approach presented is overly complicated, inconsistent, cumbersome and its application in DM is not clear. It involves:
 1. Key development plan considerations
 2. Key aspects to consider (as set out in para. 1.4)
 3. Landscape and visual assessment that introduces a specific DM test (as set out in par 1.11)
 4. Reference to a series of thresholds and measures (Section 4.1- referred to at par 1.12)

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5. Key assets (par 1.11)

6. Landscape and visual factors (par 1.12)

- The 2 km community separation distance should not be referred to as a key asset. Alternative wording suggested: *Residences in the vicinity of the proposal (the need for a focused Residential Visual Impact Assessment should be scoped with the Planning Service); and 2km trigger for consideration of potential effects of amenity at residential buildings and boundaries of settlements (mapped, where relevant); and Individual properties and those settlements not identified within the development plan will be protected by the safeguards set out in the local development plan policy criteria.*
- Paragraph 1.11 should not refer to key assets in conjunction with NSAs and National Parks, these are different spatial framework groupings. As currently presented, the guidance does not reflect SPP.
- A DM test is introduced at para. 1.12 and this should be moved to the siting and designing wind turbines and wind farms or mitigation section to clarify the factors' utilization as mitigating or design criteria rather than DM test factors. Disagree that a fundamental design objective is to avoid significant residual landscape and visual effects. Acceptable proposals may still have significant residual effects. The use of the words 'avoid significant adverse...' is overly restrictive.
- The needs of climate change mitigation mean turbines will get bigger and so too will the potential for significant effects.
- THC's guidance is detailed and technically sound, but the decisions made by planning committees without the justification of relevant material considerations is of concern. The credibility of the guidance and development plan is at stake where officer recommendation is rejected by committee.
- There should be clearer definition of 'settlements' (e.g. number of residential buildings within a specified radius or area) or the boundary of 'relevant' settlements should be made mapped and made available to developers.
- Landscape Character Areas should not be included as a factor as they have not been through a robust consultation process (assumed this referring to landscape sensitivity studies).
- Important public views are poorly defined and open to interpretation, is the entire adopted Highland road network really a key asset?
- Reference to undergrounding of cables should be removed. It is only mentioned as a component of one rule in the Holford Rules, the guidelines that form the basis for decision making for transmission lines.
- Local landscapes need to be flexible to change to support the local economy and environment, this includes accommodating renewable energy.
- Opportunities for positive environmental and landscape improvements can emerge as mitigation for wind energy development and is supported by SPP (para. 194).
- Local landscapes need to be flexible to change to support the local economy and environment, this includes accommodating renewable energy.
- Should remove reference to 'lodged' proposals as it is unrealistic to include these as the baseline, it should only be existing and consented development as set out in para. 169 of SPP.
- Para. 1.11 WLA reference should be separated from NSAs and national parks to avoid elevating the status of WLAs.
- Reference to 2 km separation from residential buildings should be removed as it is not supported by SPP.
- Suggest additional wording for clarity re. 2 km from residential buildings and boundaries of settlements to ensure it is not interpreted as a buffer on development:
 - *Reference below to 2km from residential buildings and boundaries of settlements indicates the particular sensitivity within these distances and the potential need for a specific visual impact on residential amenity. It does not infer a buffer on*

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development in these zones.

- It is considered inappropriate for the draft SG to require that 'lodged' proposals be given equal weight as operational and consented development in the consideration of cumulative impacts.
- Paragraph 1.11 could be more positively worded to encourage high quality development applications which can help to bring about beneficial, and ultimately valued, landscape change.

Members of the Public & Other Individuals

- Important to make distinction between Strategic Capacity and more broad Landscape and Visual effects. Would the guidance benefit from identifying the 'where' before the assessment criteria?
- Are all Key Gateway Locations and Key Locations to be listed for each study area and defined generally in the glossary?
- The granting of too many large scale windfarms is cause for alarm as the combined effect is resulting in some areas of outstanding beauty becoming encircled by turbines on all high aspects.
- Too much weight is given to visual impact at sites distant from wind farm developments.
- Turbines are part of Highland landscapes and this should be welcomed as a sign of us tackling climate change.
- Where a small part of a vista has a wind farm in view, those concerned should just focus on the rest of the view.
- Distance from development and angle covered are more objective measures for assessing impacts, acceptability and intrusiveness are too woolly and open to interpretation.
- Effect of development on property values is always avoided but it has a significant effect. There is no obligation for a developer to compensate home owners for loss of value and this needs to be addressed.
- The definition must be firmed up by defining 'settlements'. The Highland Council should either define clearly what constitutes a settlement (number of residential buildings within a certain area) or map the boundaries of relevant settlements.
- Areas of Wild Land are not National Scenic Areas, and many of them not accessed particularly or on the whole indeed not very accessible, so there should be clearer guidelines on what would need to be 'safeguarded'. The Highland Council should clarify if developments outwith an area of Wild Land are considered to be of concern for the status of the areas. If so, the development plan should define a buffer.
- I have sympathy with Highland Council having to operate within the strictures of central government policy. It is encouraging that "no go" areas have been designated such as in the national parks and Wester Ross. However this still leaves vast tracts of one of the most beautiful countries in the world "up for grabs". It is surely invidious to have to choose between say Cairngorm and Cannich, Wester Ross and Easter Ross. All are magnificent and need protection from industrialisation, equally.
- Wild land mapping should not weigh against proposals if the siting and all other main issues have been mitigated, especially in more remote areas with strong local support.
- 1.13 - In the past the selection of view points has introduced conflict within our community. Much of this could have been avoided if the people with the local knowledge had been consulted.
- Turbines on skylines should not be considered as having a negative visual impact because they are white and most efficient when sited on the skyline. Turbines back-clothed by

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typical Highland landcover stand out more, for example the Foulis turbine viewed from the south on the A9 at Culbokie it is prominent against the back-cloth, compared to when viewed from Cromarty Bridge where it is less prominent on the skyline.

- The cumulative benefits of multiple single turbines should be taken into account when balancing generating capacity considerations against visual impacts.
- 'Adverse visual impact' is a subjective term, and should be replaced with 'visual impact'.
- What mitigation for significant adverse landscape and visual effects and how it is assessed needs defined.
- 2 km separation should refer to residential buildings, not settlements. It is inadequate and should be increased to at least 5 km. Further increase should be possible when new noise guidance becomes available.
- Locations for visualisations should be agreed in consultation with Community Councils. They can be manipulated by developers, even when agreed with Council Planners.
- All proposals cause significant adverse and landscape effects and no mitigation can overcome this. Planning Officers need more time and authority to insist on correct visuals for all applications where these are required, including single turbines. Applications should not be registered without all necessary documentation. 2km setback from settlements is not sufficient in many cases since the effects will depend on the height of the turbines and the lie of the land, e.g. in a flat landscape they are more visible.
- Fully supportive of the Highland Council maintaining rigorous visualisation standards and holding developers to them.

Recommended Council response to comments received:

A number of modifications to structure and wording of the section were suggested and have been considered, those appropriate have been incorporated into the final Supplementary Guidance.

It is the Council's expectation that development should not cause significant adverse impacts on the features described in and safeguarded through the supplementary guidance. However, it is recognised that there may be potentially adverse effects that cannot be avoided and in such instances mitigation will be expected. There may be significant adverse impacts that cannot be overcome through mitigation and how much weight to attach to these effects will be considered in the planning balance before reaching a decision on an application. The wording of the section has been amended accordingly.

Concerns about requiring different visualisations from SNH are noted. However, The Highland Council has clear requirements for visualisations that provide verifiable fixed-perspective standards. They address the issue of misleading visualisations, which have historically been a source of complaint for Council customers. Since the introduction of the standards, there have been no complaints of misleading visualisations. The standards fulfil The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 in clearly depicting impacts of the proposal so they are understood by the public and competent authority. The standards are based on sound technical and scientific evidence. Locations for visualisations are agreed between the applicant and the Council to ensure a fair, proportionate and consistent approach to landscape and visual assessment.

Concerns for settlements and single residential properties outwith defined settlements in the Local Development Plan are noted. The Supplementary Guidance gives the strongest steer possible, within the confines of Scottish Planning Policy (2014), that all residential buildings within 2 km of a development are considered by the Council to be particularly sensitive to wind energy development. This is in line with Scottish Planning Policy (2014), in particular paragraph 164, and with Highland-wide Local Development Plan policy.

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Suggestions for including Special Landscape Areas in the Spatial Framework mapping are noted, but they are not included in the list of constraints of Table 1 of Scottish Planning Policy and cannot therefore be included. However, the Council does highly value these assets, affords them weight through both the Highland-wide Development Plan and in the Supplementary Guidance.

Suggestions for identifying new Special Landscape Areas are noted, but the purpose of the Supplementary Guidance is to ensure robust, effective and up to date information for onshore wind energy development. The importance of Ben Wyvis (which is a Special Landscape Area) and other important landforms around the Inner Moray Firth are being considered as part of the Landscape Sensitivity work, which will be included as part of the Supplementary Guidance in due course.

Issues raised around cumulative effects are noted. Cumulative effects are a key consideration in the development management process for individual planning applications, is a factor considered elsewhere in the Supplementary Guidance and is discussed in a range of other guidance documents cited.

Concerns raised about the introduction of 'overly complicated and cumbersome' policy tests are noted. However, the Supplementary Guidance sets out information on how officers will assess proposals in relation to a range of development plan policy considerations. The aim of the guidance is to provide clarity and certainty to developers and the public, the concerns raised are therefore noted, and the necessary restructuring of the Supplementary Guidance has been done.

It is noted that there are concerns about there being an absolute requirement for turbine transformers to be housed internally within turbines. Whilst there may be benefits to external transformers, the Council seeks to achieve the absolute minimum landscape and visual impacts wherever possible and one method is to house transformers internally. It is only by exception that schemes in Highland have been permitted with external transformers.

Points raised in relation to suggested mitigation measures introducing development management tests are noted. However, this paragraph does not introduce tests but rather suggests methods to to consider to design impacts out of a scheme.

The list of key aspects that may be relevant in the assessment of a proposal, in landscape and visual terms, have been interpreted by some as additional Spatial Framework features, and by others as strict development management tests. These assets are a list of things that the Council value and consider important to safeguard and are highlighted because they may be a key factor in the determination of a planning application and are therefore listed to provide clarity and certainty to the public and industry.

Siting and Design of Wind Turbines and Wind Farms

Summary of the comments received:

Multiple choice responses:

Of those respondents that answered (18):

22% strongly agreed; 44% agreed; 22% disagreed, and 11% disagreed with the approach taken.

Campaign Groups

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- The natural environment is under pressure from development and cumulative impacts are of concern to local residents. Monitoring of these impacts by the Council is welcomed.

Community Councils

- Power connections to the grid should be undergrounded. Access tracks and other infrastructure should be included in visualisations and Planners should require developers to provide this information in applications.
- Operational efficiency of course is the operators responsibility, but if such a redesign (or re-siting) occurs post planning permission but pre- installation, and that change alters the visual impact (e.g. pylon diameter and height) and blade dimensions (blade width and diameter sweep) then that change must be reassessed as a material planning matter.

Industry

- Grid connections are separate applications that come after the planning application. It is difficult or impossible to provide specific information when it is not known what the connection will be.
- Regarding para. 1.17 the grid connection is often undertaken as permitted development and so it would not be appropriate to include this within any planning application. The Council can leave this matter to the developer who can take a view on the individual circumstances of the site.
- Paragraph 1.16 The text in the first sentence should be amended as follows: “the operational efficiency of a windfarm, whilst key for commercial, energy generation and carbon emission reduction reasons”.
- It is not appropriate to establish a policy presumption against external transformers without adequate reasoning.
- SNH Guidance on Siting and Designing of Windfarms in the Landscape should be reflected by THC in development management decisions.

Members of the Public & Other Individuals

- Enforcement of siting and design requirements is necessary to ensure impacts are mitigated for future generations.
- Developer should provide visualisations from all residential buildings impacted and consider the efficiency of proposed schemes.
- Cumulative impact, including that from associated infrastructure, needs to be considered. Around Loch Ness there are cumulative impacts from several wind farm developments and local residents are tired looking at successive applications.
- Cumulative impact of existing and proposed wind farms is a major and growing concern of residents throughout the Highlands, but in East and Central Sutherland and Caithness in particular.
- Wind farms should be generally supported, well sited and screened, and sited away from settlements- therefore in conflict with SNH’s wild land areas. Wild land should not be a ban for development.

Recommended Council response to comments received:

A number of minor modifications to structure and wording of the section were suggested and have been considered, those appropriate have been incorporated into the final Supplementary Guidance.

It is the Council’s expectation that development should not cause significant adverse impacts on

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the features described in and safeguarded through the supplementary guidance. However, it is recognised that there may be potentially adverse effects that cannot be avoided and in such instances mitigation will be expected. There may be significant adverse impacts that cannot be overcome through mitigation and how much weight to attach to these effects will be considered in the planning balance before reaching a decision on an application. The wording of the section has been amended accordingly.

Concerns about the redesign of a scheme having landscape and visual impacts post consent are noted. However, a planning consent typically includes conditions to allow for micro-siting, and the potential impacts of this variation are appraised and inform the planning decision and micro-siting distance. Should changes beyond those allowed within the consent be required, a developer can submit an application for non-material variation. At this stage the Council will assess whether the variation is non-material (this can include request for further information, e.g. new visualisations) and decide whether a new planning application is required.

It is noted that there are concerns about there being an absolute requirement for turbine transformers to be housed internally within turbines. Whilst there may be benefits to external transformers, the Council seeks to achieve the absolute minimum landscape and visual impacts wherever possible and one method is to house transformers internally. It is only by exception that schemes in Highland have been permitted with external transformers.

The suggestion to introduce a requirement that developers produce visualisations from all residential properties is not supported as the right to a private view is not a material planning consideration. Where relevant, a developer will be required to assess the impacts of their proposal on residential amenity through landscape and visual impact assessment.

Safety and Amenity at Sensitive Locations

Summary of the comments received:

Multiple choice responses:

Of those respondents that answered (22):

14% strongly agreed; 36% agreed; 27% disagreed, and 23% disagreed with the approach taken.

Campaign Groups

- 1.24 The document states that “Turbines should be sited a minimum distance equal to x2 height of the turbine to blade tip from public roads and railways”. This should be extended to include public footpaths and bridleways, cycleways and long distance walking routes.

Community Councils

- It is totally unacceptable that large wind farms should be able to be built within 2km of individual residences. Turbines do fail and can eject matter at least 500m (Wind turbine accident at Nieder Kostenz in Rhineland-Palatinate, Germany - November 15, 2015). Secondly there is an increasing amount of litigation surrounding turbine noise, including the little understood issues of amplitude modulation and infrasound. The ETSU regulations are out of date and do not even measure infrasound.

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- We believe there is much more research necessary on the subject of noise, ultrasound and amplitude modulation. In all cases the precautionary principle should apply.
- 1.22 - The 2k should apply to all groups of houses, 2 or more, not just 'settlements'. Noise Ferintosh Community Council agree with the current Noise Assessment Criteria.

Government/ Statutory Bodies/ Other Public Organisation

- No justification for the twice turbine height to tip provided, other councils apply Highways Agency Guidelines of height + 10%; the Council should satisfy itself that the twice the height set back can be defended.

Industry

- Disagree with para. 1.22 assumption that all residential buildings are particularly sensitive to wind energy development. Fails to factor in varying sensitivity between receptors. Acceptable proximity of a wind turbine development should be determined by the size and distance of the turbines, orientation of views, local topography, the position of buildings, vegetation and trees and the scale and extent of the turbines. Such criteria require to be assessed on a case-by-case basis and there are examples of successful schemes less than 2km from residential buildings.
- Para. 1.23 - Seems to suggest that for larger developments a Residential Amenity Survey will now be required on all residential properties within 2km of the periphery of any development. Scope should be agreed with THC at scoping stage.
- Para. 1.25 - The full scope of the assessment should be agreed at scoping stage.
- The key question is whether or not effects are acceptable or not, and there should not be an absolute requirement to avoid or mitigate all effects such that they are not significant in EIA terms. It is fully accepted that mitigation of visual effects can be undertaken through design and siting of development such that visual effects would not be unacceptable.
- No reference to visual amenity in this section.
- Alternative policy wording is suggested for the section:
“to clearly demonstrate how potential impacts on amenity have been mitigated through factors such as siting and design such that unacceptable effects on visual amenity have been avoided”.
- The requirement for turbines to lie at a minimum distance of twice the height of the blade tip is unduly onerous and restrictive in relation to turbine placement. It is also unclear as to whether this guidance applies to all routes that may be used by cyclists, horse riders and pedestrians, or only to the stipulated ‘public roads and railways’.
- No evidence is provided to support the claim that turbines may prevent other forms of development from being realised in the area- ‘area’ requires a definition.
- Mitigation of impacts on amenity within 2km of proposals could include bunds or shelter belts- do not recommend the Council promote such approaches to mitigation of visual impacts. Mitigation of amenity effects will be by design.
- Larger scale should be multiple turbines >50m to tip, not single >50m turbines.
- It is not unusual to have significant residual effects on residential amenity, where the planning balance finds in favour of the development over these effects. Alternative wording suggested: *“Where wind farms are proposed in the vicinity of residences and settlements applicants will be expected to clearly demonstrate how significant impacts on amenity have been avoided or minimized”.*
- Noise, shadow flicker and shadow throw are issues for residential amenity and your text is adequate on those.
- We disagree that there is any evidence of driver distraction and therefore only a buffer in relation to turbine collapse is reasonable. We recommend such a setback would be 1.5 x tip height, or by agreement with transport authority.

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- It would be helpful to have further information with regard to the term 'regularly occupied'. For example an office may be regularly occupied but the level of amenity afforded to the occupiers of the office would clearly be considerably different to that of a residential property.
- Support that rail is treated equally to roads regards safety and public safety- the approach promotes sustainable and integrated development of Highland's transport and energy infrastructure.
- Safety and Amenity It is noted that within 2km of larger scale developments amenity of residential properties is to be carefully considered. It must be clear that this is not the same as the 2km buffer applied to cities, towns and villages identified in the spatial strategy and as set out in Table 1 of SPP.
- Paragraph 1.23 Community amenity impact is not defined and is not identified in The Guidelines for Landscape and Visual Impact Assessment 2013. Recommend deletion of the paragraph, these issues are comprehensively covered in standard LVIA methodology and the scope of the assessment agreed with Highland Council through standard EIA scoping.
- Objects to the guidance that larger scale developments proposed within 2km of residential buildings and settlements, require to clearly demonstrate how potential impacts on amenity have been avoided or mitigated. This is very ambiguous guidance, by definition a larger scale development could comprise a single turbine greater than 30m to blade tip height, or a large wind farm, with both having very different impacts, accordingly there is no logical justification for a 2km trigger distance for such an assessment. In addition what amenity is to be assessed, this would differ between an individual residential property and a settlement. Such a statement within guidance does not in fact give clear and concise guidance to either communities or developers.
- The Council have no evidence to support its request for 11 times the rotor diameter and should therefore align their guidance with the national guidance produced by the Scottish Government on this subject.
- Where railway lines are concerned, Network Rail's guidelines should be followed (1 & ½ times fall distance).
- Request that the guidance produced by the Highways Agency is incorporated into the SG. Such guidance is relevant to turbines, and the particular issues that the Council seek to safeguard and has been based upon their extensive knowledge and evidence as the relevant highways agency.

Members of the Public & Other Individuals

- 2 km setback and post-construction noise monitoring should be made compulsory and apply to all homes.
- Support 2km separation threshold for all residential properties but since it is not an absolute separation it may be difficult to police.
- Consideration should be given to matching renewable energy guidance to housing policy, to align the issue of where development should take place and connect it to the HwLDP themes. The existing considerable policy conflict would be removed with the following: For dwellings within Hinterland, an absolute 2 km setback from larger-scale (>30m) turbines should apply for settlements, housing groups and single dwellings.
- For housing with a financial interest, I suggest that there is no distance setback proposal, but that the ETSU -R -97 guidance applies as now.
- The issue of sun reflection from turbine blades needs to be addressed.
- Clear guidelines required here for residential impact.
- Explanation of deviations from international best practice require explanation (increasing the 10 times blade diameter to 11 times and maximum shadow flicker of 5 mins /day).

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- This should not overly restrict development in more rural areas where nearby roads provide suitable access. An alternative is to define 'public roadways', excluding minor B roads or unclassified roads.
- Public footpaths, cycleways and bridleways pass under turbines. This section should provide some guidance on how the safety of these users is considered.
- Turbines should not be allowed within 5kms of residential properties.
- Generally OK but the document states that "Turbines should be sited a minimum distance equal to at least if not more than x2 height of the turbine to blade tip from public roads and railways". This should be extended to include public footpaths and bridleways, cycleways and long distance walking routes.
- Welcome Highland Council's overall approach to develop strategic planning guidance across the region, and support the spatial framework which gives consideration to National and International Designations, Other national important interests (e.g. Wild Land and carbon rich soils).
- There is greater scope to integrate wind energy developments with other built features within the landscape in order to minimise the overall environmental and visual impacts. Locating wind turbines and associated infrastructure close to roads, railways or non-residential buildings can reduce impacts and costs associated with access roads and power cables. Therefore I do not see the need for a strict 2km minimum separation distance around settlement development areas and think that this should be evaluated on a case by case basis.
- Locating wind farms close to other features where there is substantial human impact on the landscape e.g. bridges, factories, or quarries should also be encouraged if suitable wind conditions occur there.

Recommended Council response to comments received:

A number of modifications to structure and wording of the section were suggested and have been considered, those appropriate have been incorporated into the final Supplementary Guidance.

It is the Council's expectation that development should not cause significant adverse impacts on the features described in and safeguarded through the supplementary guidance. However, it is recognised that there may be potentially adverse effects that cannot be avoided and in such instances mitigation will be expected. There may be significant adverse impacts that cannot be overcome through mitigation and how much weight to attach to these effects will be considered in the planning balance before reaching a decision on an application. The wording of the section has been amended accordingly.

A number of points were raised in relation to the statement that the Council considers all residential buildings to be particularly sensitive to wind energy development. The 2 km distance reflects the potential for impacts on residential buildings but is not a ban on development. Within this distance landforms and other features between a proposal and a residential building may mean there is little potential for impacts. However, the opposite may also be true and the section seeks to flag the potential for impacts in order that they are appropriately assessed. The scope of assessment should be agreed early in the planning process and wording has been added to reflect this where relevant.

Several respondents raised issue with the safety set back of turbines. These focused on the set back distance being greater than that set out in national guidance, and access corridors other than road and rail (e.g. footpaths, bridleways etc.). Road and rail routes are prioritised as these are essential communication networks that are likely to suffer the greatest disruption as a result of turbine collapse. The separation distance of twice the distance from roads or rail are in the interests of safety. This is greater than a distance equal to twice the height to tip or height to tip

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plus 10% to ensure that a turbine permitted with a micro-siting distance would not result in a distance less than the height to tip plus 10%. The Supplementary Guidance has been updated to reflect this.

The point that the particular use of a regularly occupied building may determine the level of amenity afforded to it is noted. Whilst, for example an office user's visual amenity may be considered a lower level of amenity value compared to a residential user, issues like shadow flicker, glint or glare may have an equally adverse impact to a building's user. The Supplementary Guidance addresses this issue at a strategic Highland-wide level, and the specifics of this issue will be addressed on a case by case basis.

Tourism and Recreation

Summary of the comments received:

Multiple choice responses:

Of those respondents that answered (10):

10% strongly agreed; 70% agreed; 10% disagreed, and 10% disagreed with the approach taken.

Campaign Groups

More consultation weight to be given to local tourism data input - developers' E.S. data often just covers strategic, out-dated surveys.

Charities/ Clubs/ Third Sector Organisations

- No guidance is provided on how to assess the effects of proposals on tourism and recreation but guidelines are required.
- The importance of wildlife for tourism and recreation and as a community asset should be properly acknowledged and safeguarded since it is a growing source of income in the region.

Community Councils

- We feel all developers should be required to prepare tourism impact assessments to a high standard as an absolute requirement.
- Should perhaps specifically refer to rights of access which are an attraction for many visitors to Scotland and should be maintained wherever possible, and only limited for specific periods of time and to minimum areas for safety reasons.

Industry

- Section does not acknowledge positive impacts of development on tourism and recreation.
- Economic spin-offs from developments are a socio-economic consideration, not a tourism and recreation one, socio-economic benefits of developments should have a separate heading as a key development plan consideration.
- Scottish Renewables have used the mobile phone app 'Strava' to highlight that 82 tracks at 23 wind farm and hydro developments are popular routes for recreation demonstrating how

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development has improved access for recreation.

- None of the key development plan considerations address positive socio-economic impacts despite this being the first in para. 169 of SPP: ‘net economic impacts including local and community socio-economic benefits...’
- A letter to HoPS from Scottish Government (11.11.15) sets out the expectation that socio-economic impacts are addressed in the determination of applications for renewable proposals.
- Section implies that development would result in undefined negative effects without any evidence.
- It is notable that there is no section that deals with positive socio-economic impacts within the 18 ‘key considerations’ despite this being the first consideration at Paragraph 169 of SPP (‘net economic impact including local and community socio-economic benefits such as employment, associated business and supply chain opportunities’). Furthermore, the framing of socio-economic impacts under the heading of ‘Tourism and Recreation’ restricts the full evaluation of the proposal’s potential impact on the local economy. Tourism and recreation should be considered within the broader topic of socio-economic impact of proposed development so that both positive and negative potential impacts can be addressed and the net economic impact of the proposed development can be recognised. Bullet point three: Suggested amendment: [DELETE: •effects on industries such as forestry brought about through changes to land use and management, that may have knock on effects for tourism and recreation.] Comment: Forestry is a dynamic industry which, by its nature, changes landscape character. Commercial forestry necessitates felling, which undoubtedly has an impact on landscape character. However, the indirect effects on tourism of the modification in timing of felling plans to accommodate wind farm development should not be a material consideration to the wind farm decision.

Members of the Public & Other Individuals

- A series of detailed observations on the tourist industry and Scotland were submitted. Their content has been shared with our Tourism and Film Officer.
- Planning applications should require up to date survey data on impacts of onshore wind energy development on tourism. Mitigation cannot compensate for the destruction of a national asset.
- More up to date data is required on tourist attitudes to wind farm developments and applicants should be required to provide evidence to support claims over socio-economic benefits of development.
- Recreation should be banned on windfarms sites for safety reasons.
- Socio-economic benefits are overstated. Impacts on tourism are negative and can impact small businesses as tourists choose to go elsewhere.

Recommended Council response to comments received:

A number of modifications to structure and wording of the section were suggested and have been considered, those appropriate have been incorporated into the final Supplementary Guidance.

It is the Council’s expectation that development should not cause significant adverse impacts on the features described in and safeguarded through the supplementary guidance. However, it is recognised that there may be potentially adverse effects that cannot be avoided and in such instances mitigation will be expected. There may be significant adverse impacts that cannot be overcome through mitigation and how much weight to attach to these effects will be considered in the planning balance before reaching a decision on an application. The wording of the section has

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been amended accordingly.

The section has been redrafted to reflect the comments raised above: to encourage the use of research into effects of wind farms on tourism and recreation; to undertake any necessary assessment in agreement with the Council and, to address any potential benefits and impacts, direct and indirect as a result of the proposal.

Public Access

Summary of the comments received:

Multiple choice responses:

Of those respondents that answered (10):

10% strongly agreed; 60% agreed; 20% disagreed, and 10% disagreed with the approach taken.

Charities/ Clubs/ Third Sector Organisations

- Additional text suggested: *“Fences, other than around sub-stations and switchgear, should be avoided. The developer should justify any loss of general access by fencing, except as above”.*
- This section needs to distinguish more clearly between access during construction and access when a development is operational. Inserting a new paragraph quoting from and citing SNH’s Good Practice during Wind Farm Construction SNH (Version 3 September 2015) would suffice: *“Access rights may be suspended on land on which construction work is being carried out, except for routes that are core paths or rights of way. This suspension applies to areas where building operations are active ... and ... restrictions should be kept to the minimum area and the minimum duration that is reasonable and practicable.”*

Government/ Statutory Bodies/ Other Public Organisation

- Para. 1.30 - Remove reference to “The Right to Roam”.

Industry

- It needs to be accepted that there may be some impacts on visual amenity of access routes that could be found acceptable.
- Definitions for the terms ‘quality’ and ‘quantity’ are required.
- Para. 1.29 reference to alternative access should only require an ‘appropriate level of amenity’ as it would be impossible to provide exactly the same level and would likely prove contentious in practice.
- No specific mention of potential landscape and visual effects on public access is made in this section. It is suggested that appropriate reference be made here, or that a cross-reference is made to the ‘important public views’ that are referred to in the fifth bullet point in the section titled ‘Landscape and Visual Effects’.
- It would be useful to clarify that the Access Plan should be submitted as part of the Design and Access Statement.
- Paragraph 1.30 - It is submitted that the requirement for the provision of an access plan is extended to commercial schemes of all scales.

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Members of the Public & Other Individuals

- I would like to see more encouragement for developers to greatly improve off road cycle tracks - particularly if these can be 'joined-up' over several sites to create a real network of tracks.
- Core paths are designated for their scenic value. Impacts on this resource from onshore wind development therefore cannot be mitigated.
- Developers should be required to provide representative photomontage images from Core paths impacted by a proposal.
- There should be no public access to windfarms for any reason due to the obvious dangers - blade throw, turbine collapse, fire etc. Workers have to wear hard hats but it seems the public don't need them. Windfarms should not be sited near any public access routes.
- Very important to maintain rights of access.

Recommended Council response to comments received:

A number of modifications to structure and wording of the section were suggested and have been considered, those appropriate have been incorporated into the final Supplementary Guidance.

Safety of Airport, Defence and Emergency Service Operations

Summary of the comments received:

Multiple choice responses:

Of those respondents that answered (6):

33% strongly agreed; 33% agreed, and 33% disagreed with the approach taken.

Campaign Groups

- There should be no 'blanking' of receivers to avoid amplifiers being swamped or damaged by radar signals from wind turbines. Safety of the public is paramount.

Community Councils

- Lighting should only be added to turbines where required by statutory consultees and only non-visible lighting. This should be enforceable retrospectively.

Industry

- Some reference to mitigation solutions should be added to the first para. 1.31. The following sentence should be added to the end of the paragraph: *“Where this is not possible suitable mitigation solutions should be identified”*.

Recommended Council response to comments received:

The Supplementary Guidance takes account of, and where relevant, addresses the points raised.

Operational Efficiency of Other Communications

Summary of the comments received:
<p><u>Multiple choice responses:</u></p> <p>Of those respondents that answered (7):</p> <p>43% strongly agreed and 57% agreed disagreed with the approach taken.</p> <p><u>Community Councils</u></p> <ul style="list-style-type: none"> • Solutions to and compensation for interference must also be dealt by the Developer with within a defined timescale, say 3 months from the complaint being received. <p><u>Government/ Statutory Bodies/ Other Public Organisation</u></p> <ul style="list-style-type: none"> • Network Rail operates its own mast based tele-communications system which has recently been updated and upgraded throughout the Highlands, and the Far North and therefore supports the need for adequate consideration to be given to existing operators. Network Rail's own network should be considered within the ambit of clause 1.35.
Recommended Council response to comments received:
<p>The Supplementary Guidance takes account of, and where relevant, addresses the points raised.</p>

Traffic and Transport Interests

Summary of the comments received:
<p><u>Multiple choice responses:</u></p> <p>Of those respondents that answered (11):</p> <p>9% strongly agreed; 64% agreed, and 27% disagreed with the approach taken.</p> <p><u>Campaign Groups</u></p> <p>The Council should oversee/integrate, wherever possible, access routes to major wind farm developments in any district. incentives for road improvements paid for by developers must not permit multiple access routes to different wind farms to proceed, when a single route improvement would suffice.</p> <p><u>Government/ Statutory Bodies/ Other Public Organisation</u></p> <ul style="list-style-type: none"> • Borrow pits are rarely referred to in the SG. SPP par 243 outlines that minerals should be sourced from local quarries unless there are significant benefits from obtaining them onsite. This needs addressed in the SG to show a clear presumption against new borrow pits. • The level of detail on borrow pits in planning applications is often poor and therefore guidance is required in the SG on what information should be included- borrow pit impacts need to be assessed as part of the EIA.

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- Paragraph 1.38 - Comments made on behalf of Transport Scotland: After the final sentence in Paragraph 1.38 include the following text: *"It should be noted that any new or modified direct access from the trunk road network will require approval from Transport Scotland. The design of the new or modified access junction will require to be designed in accordance with the Design Manual for Roads and Bridges (DMRB). Transport Scotland will require to be satisfied that the proposal will not adversely affect the safety and performance of the trunk road network"*.
- There is often pressure for temporary or permanent access across level crossings to wind farm sites. This can impact upon safety and service provision and therefore any application that may increase pedestrian or vehicular usage at a level crossing should be supported by a full Transport Assessment.

Industry

- Para. 1.30 requires detail that is usually concluded after planning permission is granted. Alternative wording should be: *"This should include consultation with Roads Authority(ies) to agree the principle of proposed traffic intensification and route(s) for exceptional loads"*.
- Reference to road improvements in the last sentence should be deleted and *"to road mitigation works"* included. These alterations to routes should not prejudice the amenity of remote Highland roads and should be proportionate to the level of mitigation necessary to provide safe access for construction traffic.
- Reference to 'or lodged wind energy proposals' should be deleted. There is no justification in SPP for their inclusion.
- Construction must not disturb operation of neighbouring railways, operations that may affect the railway must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing. Operations may have to be restricted to times where the railway is closed to rail traffic.

Members of the Public & Other Individuals

- Safety of school transport and young road users needs to be addressed because planning conditions cannot address the impacts of additional traffic.
- It could be good to advise the public when such developments are done (transparency) - advert on TV news or radio, for example.
- Rural roads may not be suitable for abnormal roads and consideration to their suitability in light for safety of other users should be required.
- Construction traffic routes should be included with the planning application to enable the public to comment on the whole proposal.

Recommended Council response to comments received:

A number of modifications to structure and wording of the section were suggested and have been considered, those appropriate have been incorporated into the final Supplementary Guidance.

The Supplementary Guidance takes account of, and where relevant, addresses the points raised.

Electricity and Gas Infrastructure

Summary of the comments received:

Multiple choice responses:

Of those respondents that answered (7):

71% agreed and 29% disagreed with the approach taken.

Campaign Groups

- A definition is required about what an appropriate separation distance from electricity power lines is required.

Industry

- The last sentence of this section states: 'Developers are also strongly advised that they should obtain their (the relevant grid company) written consent prior to submission of the planning application'. This is unnecessary; all that is required at the pre-application stage is that initial consultation should take place with the statutory undertaker.

Members of the Public & Other Individuals

- A definition is required about what an appropriate separation distance from electricity power lines is required.

Recommended Council response to comments received:

A number of modifications to structure and wording of the section were suggested and have been considered, those appropriate have been incorporated into the final Supplementary Guidance.

It is the Council's expectation that development should not cause significant adverse impacts on the features described in and safeguarded through the supplementary guidance. However, it is recognised that there may be potentially adverse effects that cannot be avoided and in such instances mitigation will be expected. There may be significant adverse impacts that cannot be overcome through mitigation and how much weight to attach to these effects will be considered in the planning balance before reaching a decision on an application. The wording of the section has been amended accordingly.

It is noted that industry suggest it is unnecessary to strongly advise developers to provide evidence of consent from grid companies of their development not impacting on infrastructure. This is not an absolute requirement, but it is in the interest of the developer to provide as much detail as possible about all constraints related to their proposals and their intended means to overcome them. Having such evidence will help to speed up the planning process.

The suggestion to specify appropriate separation distance from power lines is noted, however it is not possible to prescribe a figure as this will vary depending on site and proposal-specific factors. The Supplementary Guidance sets out the factors that will be relevant.

Impacts of Other Proposed Development on Existing or Consented Windfarms

Summary of the comments received:

Multiple choice responses:

Of those respondents that answered (5):

20% strongly agreed and 80% agreed with the approach taken.

Campaign Groups

- It is essential that the potential impact of other developments (such as overhead transmission cables) is considered alongside any windfarm proposal.

Community Councils

- Emphasis on ensuring entire renewable energy project comes forward at the same time (turbines, access roads, grid connection and sub stations).

Industry

- This section raises an important issue but fails to assist the decision-making process, alternative wording is suggested:
"In general developers should design 'extension' wind farm projects beside operational or consented wind projects on the basis of a minimum separation defined by an ellipse around all turbines aligned in the prevailing wind direction with each ellipse being 7 x 5 rotor blade lengths. Where there is no precedence in development stage the Council expects developers to liaise to maximise renewable energy gains while minimising adverse effects".

Members of the Public & Other Individuals

- The Highland windmap is inadequate to assess proposals in relation to others as it does not include proposals prior to consent.
- There should not be an assumption that if an area is already impacted, further development is acceptable- cumulative impacts should be considered.

Recommended Council response to comments received:

A number of modifications to structure and wording of the section were suggested and have been considered, those appropriate have been incorporated into the final Supplementary Guidance.

It is noted that some respondents seek that all aspects of a development are submitted and considered together in the planning application. This is the Council's expectation and is set out elsewhere in the Supplementary Guidance.

Mitigation

Summary of the comments received:

Multiple choice responses:

Of those respondents that answered (8):

75% agreed; 13% disagreed, and 13% disagreed with the approach taken.

Campaign Groups

- Section is too brief and lacks detail. Given the reliance on mitigation to address impacts across the SG, more detail is required, particularly about how the Council manage, monitor and enforce mitigation.

Community Councils

- Does there need to be more clarity about how these are measured and enforced as we are not sure who does what and how the community in the area can report on any concerns?

Government/ Statutory Bodies/ Other Public Organisation

- In Paragraph 1.43 after the sentence "Mitigation may include both on-site and off-site measures, which may be covered by management plans, including construction environmental management plan (applicants should refer to the Highland Council's guidance), and these will be secured where appropriate by planning conditions or by Section 75 Agreements", include the following sentence: *"Any temporary or permanent mitigation required to the trunk road network will require to be discussed and agreed with Transport Scotland"*.

Industry

- Options for offsite mitigation could be expanded, suggested text:
"In addition to environmental management plans which may include offsite measures developers may consider options for appropriate off-site landscape mitigation measures that are aimed at enhancing landscapes, in a manner akin to ecological enhancement from off-site ecological measures".

Members of the Public & Other Individuals

- Mitigation should be covered by Bonds and this should be set out in the section.
- These must be specific and robust. Not just an undertaking to follow best practice.
- Mitigation needs to be managed, monitored and enforced where necessary, how is this currently undertaken?

Recommended Council response to comments received:

A number of modifications to structure and wording of the section were suggested and have been considered, those appropriate have been incorporated into the final Supplementary Guidance.

Mitigation measures to address specific impacts of a development are set out in the topic-specific

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parts of the Supplementary Guidance.

Text has been added to the section to clarify how the Council manage and monitor mitigation.

Restoration Bonds

Summary of the comments received:

Multiple choice responses:

Of those respondents that answered (10):

40% strongly agreed; 50% agreed and 10% disagreed with the approach taken.

Charities/ Clubs/ Third Sector Organisations

- Recommend Highland Council consider a pay as you go Escrow approach towards covering restoration costs. For larger developments, we would recommend that an Escrow arrangement is combined with an initial bond or guarantee to cover the initial period. We would caution against relying on the use of bank guarantees to cover restoration liabilities because a call on a bank guarantee relating to a breach of a planning condition could lead to costly disputes and delays with the bank and cause the developer to go into liquidation.

Community Councils

- The details of any Restoration Bonds should be public knowledge and open to scrutiny. Care should be taken that any Restoration Bonds are immune to the bankruptcy of the issuing bank.

Government/ Statutory Bodies/ Other Public Organisation

- Full restoration requires that sites do not abandon waste, should include: "*Restoration should include the removal of all waste materials*".
- Section should refer to SNH Decommissioning and Repowering plans for onshore wind farms guidance (SNH, 2014).
- Should relate reference to restoration to habitat management plans within decommissioning plans and reference to Planning for development: what to consider and include in Habitat Management Plans (SNH, 2014).

Industry

- Paragraph 1.44 - It should be clear that the requirements of restoration should not prejudice the habitat and access improvements that may have arisen as a result of the development of the wind farm.
- Paragraph 1.44 Suggested amendment: 'The Council will seek assurance These [DELETE: should] could be secured either by bond of caution (Bond) or by irrevocable letter of credit (LoC) from an appropriate bank. [DELETE 'Parent Company Guarantees will not be accepted'] Comment: Parent company guarantees should be acceptable from large companies. [DELETE Bonds/LoCs from major banks are a safer way of securing the

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Council's interests in these cases. These will be reviewed, typically every five years, to ensure that the value of bond is sufficient to restore the site at the end of the permission.].

Members of the Public & Other Individuals

- Some of the companies set up for the purposes of making applications for large scale windfarms are Limited Liability companies with two directors each holding one £1 share.
- Guarantees provided by those involved with the wind farm are not acceptable. There must always be bonds of some type. Local residents should also be protected against the wind farm operator going bust in the face of claims for (say) noise nuisance. Ultimately, the land owner must be responsible.
- Unlikely to be able to realise bonds 25 years after a development takes place. The opencast mining industry is an example of this.

Recommended Council response to comments received:

A number of modifications to structure and wording of the section were suggested and have been considered, those appropriate have been incorporated into the final Supplementary Guidance.

At present the Council ensure that Section 75 Legal Agreements are in place to secure funds for site restoration of wind farms. Typically reviews are undertaken every five years to ensure funds are sufficient to cover the cost of restoration, linked to a construction index. Council officers were involved in preparing the Heads of Planning Scotland [Position Statement on financial mechanisms to secure decommissioning, restoration and aftercare of development sites](#) and refer to this where relevant. The Supplementary Guidance now includes reference to this document,

The suggestion that details of restoration bonds should be public knowledge are noted. Whilst the public can request access to information relating to restoration bonds, at the planning application stage, only the use of a Section 75 Legal Agreement is established, typically by condition. The exact detail of the value of the Restoration Bond required will not be established until later in the development process, where a Restoration Plan will be prepared to inform this.

Suggestions that a sentence is included about removing waste materials is noted. However, this section deals specifically with restoration bonds, and where waste is relevant, the Supplementary Guidance reflects this principle, for example in the Trees and Woodland section, reference is also made in this section to other publications providing guidance on restoration.

The suggestion that restoration should not prejudice any benefits derived from developing the scheme is noted. Restoration may not necessarily be about returning all elements back to the pre-development state. For example, where road improvements like laybys have been formed, these may not require to be removed. However, the intentions for restoration need to be clearly stated from the outset for each proposal so that potential impacts can be assessed. Wording has been amended to reflect this point in the Supplementary Guidance.

Repowering

Summary of the comments received:

Multiple choice responses:

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Of those respondents that answered (10):

10% strongly agreed; 40% agreed, and 50% disagreed with the approach taken.

Campaign Groups

Paragraphs 1.45 and 1.46 both state the phrase "the site's EXISTING USE as a wind farm". This is acceptable. What is not acceptable would be "the site's CONSENTED use as a windfarm". The latter is becoming commoner in the region, and is questionable under E.U. environmental laws, since no development exists to have endorsed the suitability of the site "in perpetuity".

Community Councils

- There should be no presumption for repowering of an existing site, especially a) where that site is already badly intrusive and has a history of many objections/complaints; and or b) where the turbines will be of even greater visual impact and/or c) where operational noise has/is an issue for residents (replacement of course may improve noise effects...).

Government/ Statutory Bodies/ Other Public Organisation

- Repowering typically have significantly different layouts and there is therefore a need to ensure as much existing infrastructure as possible is used in new scheme.
- Additional text for para. 1.46: "*the council will take into account the existing use as a wind farm, the extent to which the new proposals makes use of existing infrastructure, and will balance this with...*".
- Moray Council is also including guidance on repowering in their SG review, considering potential for turbines 150 – 200m to blade tip.
- Welcome inclusion of section but request reference to 'Decommissioning and Repowering plans for onshore wind farms' (SNH, 2014).
- Caveats are required to account for potential impacts on key interests from taller/reconfigured turbines compared to those present. Additional impacts may also arise from new access tracks and other associated infrastructure.

Industry

- Support the reference to repowering, but recommend making reference to key Scottish Government Documents: 202 Route Map for Renewable Energy in Scotland Update (Sept 2015), in particular page 14, and SNH Spatial Planning for Onshore Farms: Natural Heritage Guidance (June 2015), in particular section 1.4.
- The policy approach presented is overly complicated, inconsistent, cumbersome and its application in DM is not clear. It involves:
 1. Key development plan considerations
 2. Key aspects to consider (as set out in par. 1.4)
 3. Landscape and visual assessment that introduces a specific DM test (as set out in par 1.11)
 4. Reference to a series of thresholds and measures (Section 4.1- referred to at par 1.12)
 5. Key assets (par 1.11)
 6. Landscape and visual factors (par 1.12)
- The first reference to strategic capacity is not until para. 1.47- this should be mentioned in the introductory section to help provide an overall understanding of the purpose of the SG. The Council should also consider the development of the turbine technology from the time of construction of the current wind farm to the technology of today in regards of tip height,

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diameter, output.

Suggested amendment: 'The Council supports the principle of repowering in appropriate circumstances. SPP outlines that 'areas identified for wind farms should be suitable for use in perpetuity'. Repowering schemes are treated as new planning applications and are therefore assessed on a case-by-case basis, taking into account all of the relevant factors set out in this guidance. However, [DELETE 'the site's existing use as a wind farm will be a material consideration in deciding an application'] there will be a presumption in favour of repowering existing sites.'

Members of the Public & Other Individuals

- Use of abbreviations is confusing for the public. SPP is not in the Glossary. I assume it refers to Scottish Planning Policy and not Scottish Provincial Press (I had to look it up).
- Strongly agree, make an existing wind farm a material consideration when repowering applications are presented.
- Repowering proposals should be assessed as new applications- existing development in the wrong place should not be allowed to remain in perpetuity.
- It would be more satisfactory if repowering windfarms were considered without their history, i.e. as a completely fresh application. Circumstances change over time.

Recommended Council response to comments received:

A number of modifications to structure and wording of the section were suggested and have been considered, those appropriate have been incorporated into the final Supplementary Guidance.

It is the Council's expectation that development should not cause significant adverse impacts on the features described in and safeguarded through the supplementary guidance. However, it is recognised that there may be potentially adverse effects that cannot be avoided and in such instances mitigation will be expected. There may be significant adverse impacts that cannot be overcome through mitigation and how much weight to attach to these effects will be considered in the planning balance before reaching a decision on an application. The wording of the section has been amended accordingly.

The existing use of a site as a wind farm is a material consideration, as set out in Scottish Planning Policy (2014). This will be taken into account in planning applications for repowering alongside all other relevant material considerations and will be balanced in making a decision on the application. This will include all aspects set out in the Local Development Plan, and will take account of the different layouts, configurations and turbine dimensions.

Community Renewable Energy Developments

Summary of the comments received:

Multiple choice responses:

Of those respondents that answered (12):

25% strongly agreed; 50% agreed, and 25% disagreed with the approach taken.

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Industry

- The Scottish Government's *Good Practice Principles for Shared Ownership of Renewable Energy Developments* should be referenced.
- A sub-heading dealing with net economic impact is required, which is a material consideration and is set out in SPP and a letter from the Chief Planner from September 2015.
- No mention is made of the targets for community renewable energy development.
- To ensure potential for other models of largescale developers sharing ownership with communities strong policy support is required, suggested text included:
"In recognition of the challenges that face communities in developing their own renewable energy projects we encourage early, positive and active engagement by wind farm developers with their local communities to promote the sharing of the project with community partners. Where appropriate measures can be demonstrated, including how such sharing will create social and economic benefits, then the Council will include this as a material consideration."
- Communities may prefer community benefit schemes rather than ownership for a range of legitimate reasons and these should be looked at as equally favourable.

Members of the Public & Other Individuals

- Community developments should only be considered if the vast majority of residents closest to the development agree to that development. Any form of community benefit in no way compensates residents living close to a wind farm.
- It is essential the same rules apply to Community Developments of windfarms as they do to any other windfarm developments. The fact that the community owns, or part-owns a development should be irrelevant when considering an application, the impacts are the same.
- Community ownership of any kind could be beneficial, even if only a small percentage stake, and therefore should be encouraged if there is an appetite in the community for such involvement/projects.
- Address issues of securing community renewables in localities where all suitable locations are in private ownership.

Recommended Council response to comments received:

A number of modifications to structure and wording of the section were suggested and have been considered, those appropriate have been incorporated into the final Supplementary Guidance.

It is the Council's expectation that development should not cause significant adverse impacts on the features described in and safeguarded through the supplementary guidance. However, it is recognised that there may be potentially adverse effects that cannot be avoided and in such instances mitigation will be expected. There may be significant adverse impacts that cannot be overcome through mitigation and how much weight to attach to these effects will be considered in the planning balance before reaching a decision on an application. The wording of the section has been amended accordingly.

The suggestion that some communities may prefer a community benefit scheme to a shared ownership scheme, and that these should be examined equally is noted. Whilst ownership is not a material planning consideration, the potential to deliver social and economic benefits to communities can be material. HwLDP specifically recognises this and therefore it will be taken into account in development management where relevant.

Assessment of current wind energy capacity based on study areas

Summary of the comments received:

Multiple choice responses:

Of those respondents that answered (19):

16% strongly agreed; 32% agreed; 42% disagreed, and 11% disagreed with the approach taken.

Campaign Groups

- Spatial framework maps need to be bigger scale and boundaries of Groupings definitive, not fuzzy. Further consultation on them with local communities is required.
- Ensure that study other areas (inc Dava) are implemented to consistent levels with Loch Ness work.
- The wider landscape character context is often overlooked by developers in their assessments.

Charities/ Clubs/ Third Sector Organisations

- Disappointing that only landscape aspects have been considered- this should be extended to include biodiversity and should consider all effects of development including displacement of forestry that results in loss of habitat etc.
- Cumulative biodiversity and tourism impacts already affect areas of Highland including Caithness farmland. There are areas of Highland at or near capacity in relation to impacts on biodiversity.
- Supportive of assessing capacity based on study areas, but mapping is required.
- The use of landscape character types creates reductionist analysis that obscures the holistic visual impacts of proposals.

Community Councils

- Para. 2.3 was not commentable and is a way for the Council to stop comments from the public. Easter Ross has more wind farm pressure than Caithness and should have had a landscape sensitivity study- it should be done as quickly as the Loch Ness study was.

Government/ Statutory Bodies/ Other Public Organisation

- A landscape architect is updating Moray's Landscape Capacity Study, which will inform their Policy Guidance Maps for areas of greatest potential for wind energy.
- Additional studies are a material development management consideration that can support decision making, the last sentence of para. 2.2 should therefore be deleted as it gives additional weight to the Strategic Capacity work.
- We suggest, in addition, paragraph 2.5 could a hyperlink to the SNH website page: <http://www.snh.gov.uk/about-scotlands-nature/scotlands-landscapes/landscapes-varieties/>
In paragraph 2.6, first bullet, we suggest '*Properties of the cluster (or clusters) and the Landscape Character Type relevant to its location*'. In paragraph 2.10: it is not clear if the graphics mentioned are shown in the Loch Ness example.

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Industry

- Object to the study because the methodology is flawed and does not follow best practice guidance.
- Object to additional study areas being included in the SG because they have not had any further public consultation.
- Capacity and sensitivity are used interchangeably, but are two separate entities; this distinction needs to be made clear.
- Reference should be made to the GLVIA3 method for defining landscape/visual receptor sensitivity.
- The method applied to the study area is fundamentally flawed and there is a lack of consideration given to the LVIA work undertaken by applicants. Guidance on how to use outputs of the study is required and further clarity should be provided on the relationship of this document to the Environmental Assessment Regulations.
- Pressure for wind energy development should be portrayed in a positive way, highlighting socio-economic opportunities as well as constraints.
- Areas of existing development pressure are not the appropriate basis for identifying areas of strategic capacity.
- 2nd Bullet of para. 2.11 uses the word compliance, which implies strict accordance. This conflicts with the high-level nature of the study. It should be acknowledged that strategic guidance cannot compensate for site-specific design approached.
- Full public consultation is required for the remaining study areas being reviewed.
- Capacity and sensitivity are used interchangeably, but are two separate entities; this distinction needs to be made clear.
- The methodology requires a full explanation of the criteria and concepts used, and scale and definitions of sensitivity.
- The methodology does not conform to best practice guidance on capacity studies. SNH 2015 guidance should be followed. No reference is made to landscape policy objectives; descriptions of landscape characteristics is focused on those about sensitivity and value, not an objective description; there is a lack of detailed cumulative assessment.
- Key routes and views listed are not justified and the policy objective for wind energy development are not stated for them.
- No cumulative assessment is carried out for the Loch Ness LCAs, yet cumulative effects are cited as a key reason for limiting development.
- No analysis or assessment is provided about how further development might be accommodated in the LCAS, just conclusions about capacity.
- Incorporating a visibility assessment, as described in SNH 2015 guidance is suggested.
- No explanation is given about how landscape and visual sensitivity assessments are used to arrive at an overall judgement about capacity.
- More needs to be done to relate the strategic capacity work to the spatial framework.
- Strategic capacity should identify areas appropriate for larger scale wind farms and additional areas for other scales of wind energy.
- The Loch Ness area has no conclusions about where strategic capacity lies and most areas where potential is identified is contradicted by a Group 2 spatial framework constraint for carbon rich soil, deep peat and priority peatland habitat- this needs to be addressed.
- Alternative wording is suggested for para. 2.2:
"The Spatial Framework identifies those areas considered most appropriate for onshore wind farms. The limited number of constraints included in the SF means that there is merit in factoring landscape and visual constraints (including cumulative) into identification of areas of Strategic Capacity, and additional areas with greatest potential to accommodate smaller scales of onshore wind turbine development. The Council will identify those areas of Strategic Capacity that may be able to accommodate wind farms of at least 20MW installed capacity. The SF and Strategic Capacity mapping are not to be used sequentially

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but must be read together to guide new development. Where developments are proposed either in a 'Group 2' area of the SF or outside an area identified in the Strategic Capacity mapping the applicant will be expected to present a comprehensive assessment in relation to the reasons for the constraint, either Group 2 or landscape. Individual applications will be determined in relation to the criteria in the relevant HwLDP policies. Further detail on the policy criteria is provided in the following section."

- A more detailed account of the methodology undertaken is required.
- Given that Highland still has considerable renewables potential and markets itself as 'Home of Renewable Energy' a more positive or neutral introduction to this section is required.
- The order of the SG should be amended to give more prominence to the spatial framework.
- Strategic capacity and cumulative concerns may be overly restrictive and should not be added to the spatial framework mapping, this does not follow SNH guidance or SPP.
- The spatial framework should be clearly stated as of primary importance and the SG on strategic capacity as a secondary material consideration.
- It is unsatisfactory that the spatial framework is not to be included in the SG and delayed to be included in HwLDP2. It is also unsatisfactory that it is not consultable. This results in a situation where the previous Areas of Search in the Interim SG is the legitimate spatial framework for Highland, even though it does not comply with SPP since it has been subject to most public consultation and since the revised spatial framework is included for information only.
- Given that Highland still has considerable renewables potential and markets itself as 'Home of Renewable Energy' a more positive or neutral introduction to this section is required.
- Strategic capacity and cumulative concerns may be overly restrictive and should not be added to the spatial framework mapping, this does not follow SNH guidance or SPP.
- The spatial framework should be clearly stated as of primary importance and the SG on strategic capacity as a secondary material consideration.
- It is unsatisfactory that the spatial framework is not to be included in the SG and delayed to be included in HwLDP2. It is also unsatisfactory that it is not consultable. This results in a situation where the previous Areas of Search in the Interim SG is the legitimate spatial framework for Highland, even though it does not comply with SPP since it has been subject to most public consultation and since the revised spatial framework is included for information only.
- Lack of detailed explanation of the methodology used or the scores attributed to landscape sensitivity.
- None of the seminal references that refer to best practice have been used or referenced in the SG.
- There is an absence of advice outwith study areas- does this mean the study areas are the only areas where development will be supported.
- The results of all study areas should be used together to identify strategic capacity for the region, and this should be superimposed on the spatial framework.
- A complete reference is required for the SNH Scotland's Landscapes 2014 reference made at para. 2.5.
- The results of the study will go rapidly out of date and should therefore not be included in the SG.
- At least some of the landscapes in Highland should be capable of change to accommodate development. If the projects currently in the planning system have not been factored into this assessment, then there may ultimately be no scope for development left, as it is described in the landscape sensitivity work.
- Adopting a space and cluster approach to development planning that involves positively planning for 'wind farm landscapes' will help Highland Council to contribute to Government targets and effectively protect more sensitive and valued landscapes.

Members of the Public & Other Individuals

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- It will be good to see proposals compared with the objective HC assessment, rather than written from scratch with the developer's interests in mind.
- Developments should be considered on cumulative baseline at time of application or more guidance should be provided at pre-application advice stage if the Council are concerned about a particular area.
- This will be very useful, not only for Wind Farms but as a basis for future planning applications. It is a pity the work was not done earlier.
- When will the other areas be assessed and how will the process of preparation, consultation and adoption of the SG be undertaken?

Recommended Council response to comments received:

A number of modifications to structure and wording of the section were suggested and have been considered, those appropriate have been incorporated into the final Supplementary Guidance.

It is the Council's expectation that development should not cause significant adverse impacts on the features described in and safeguarded through the supplementary guidance. However, it is recognised that there may be potentially adverse effects that cannot be avoided and in such instances mitigation will be expected. There may be significant adverse impacts that cannot be overcome through mitigation and how much weight to attach to these effects will be considered in the planning balance before reaching a decision on an application. The wording of the section has been amended accordingly.

Concerns about the strategic capacity work only addressing landscape sensitivity are noted. Landscape sensitivity is an important factor for identifying strategic capacity, but not the only one. Other built and natural environment factors also inform the strategic capacity identified for each study area, and the methodology included in the Supplementary Guidance explains this.

It is noted that Moray Council are updating their Landscape Capacity Study and The Council will be liaising with them and other neighbouring authorities during the further work being undertaken on strategic capacity.

It is noted that several respondents raise specific issues with the methodology described to identify strategic capacity in study areas. The Draft Supplementary Guidance sets out the broad principles for the method applied. A detailed methodology is included in the Supplementary Guidance that addressed the range of concerns, including:

- Outline of the study areas included, and those to follow, and the commitment to further public consultation;
- Explanation of the need to focus resources to pressure areas, and the use of Landscape Character Types as a starting point for subdividing areas;
- Description of stages of the appraisal;
- Evidence of the application of best practice principles in the work;
- Explanation of the purpose of the studies (to support decision making and not as part of a sequential approach); and,
- Recognition of the role of detailed work in landscape and visual assessments for individual proposals.

Concerns that the Spatial Framework mapping will not be included in the Supplementary Guidance and that there has been limited consultation on its content are noted. The Supplementary Guidance will include the Spatial Framework to ensure the most effective and up to date policy framework for assessing planning applications. The Spatial Framework is largely prescribed by Scottish Planning Policy (2014) and therefore there is limited scope for it to be changed by the

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Council. The only factor the Council has influence over is the community separation for visual impact distance, and this issue, alongside the Spatial Framework, has been the subject of previous consultation through a [Consultation Paper](#) (March 2015).

It is noted that the Strategic Capacity work is based on a 'snapshot' in time of the current pattern of wind energy development. Nevertheless the 'space and cluster' approach combined with information across a range of study areas provides the most effective way for guiding development and thus providing guidance for Development Management case officers, industry and the public.

The suggestion that at least some Highland landscapes should be capable of accommodating change is noted. A key tool in the strategic capacity work is examining development including proposals at scoping stage through to operational schemes. There will be an indication of where there is strategic capacity in this section of the Supplementary Guidance. This does not prevent development from being proposed in areas of Highland constrained by the Spatial Framework, and does not prevent such proposals being supported if rigorous assessment demonstrates convincingly that any significant effects on the qualities for which that area was identified in the Spatial Framework can be substantially overcome. For example it may well be that development could be accommodated within areas mapped by SNH as Carbon Rich Soils, Deep Peat and Priority Peatland Habitat.

Concerns raised about the introduction of 'overly complicated and cumbersome' policy tests are noted. However, the Supplementary Guidance sets out information on how officers will assess proposals in relation to a range of development plan policy considerations. The aim of the guidance is to provide clarity and certainty to developers and the public, the concerns raised are therefore noted, and the necessary restructuring of the Supplementary Guidance has been done.

Some respondents suggest that a map of the current pattern of wind energy development be shown for each study area. This information is currently available online for the Highland Council Windmap, a reference is included in the methodology within the Supplementary Guidance.

It is noted there is an assumption that the conclusions of the landscape sensitivity assessment make a presumption against development on the basis of cumulative effects and local landscape considerations. This assumption is incorrect as the approach the study takes is to assess broadly those areas most susceptible to wind energy development to provide both clarity for the development management process and to help inform if and where strategic capacity exists in the study area. These aspects are discussed in the detailed methodology within the Supplementary Guidance.

References to specific natural heritage designations are not included in the assessment of landscape sensitivity because the assessment focuses solely on landscape and visual elements. The subsequent analysis used to identify strategic capacity factors in the Spatial Framework constraints (including National Nature Reserves) as well other natural and built environment features and designations.

Advice for Small-scale Developments

Summary of the comments received:

Campaign Groups

- Viewpoints should be agreed in liaison with local communities, e.g. via Community Councils. Viewpoints can be manipulated by developers and require proper scrutiny.

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- Strategic plan to assess cumulative impact should be required for each windfarm proposal, like the Caithness CVLA study 2014.
- Recognition of other relevant turbines for visualisations is welcomed, but this should be extended to associated infrastructure.

Charities/ Clubs/ Third Sector Organisations

- Would prefer that EIA screening is required for all small scale wind projects since large areas of undesignated land are important to protected species.

Community Councils

- Turbine dimensions can be critical to visual and landscape impact- for example in flat open areas.
- Impacts of safety lighting can also cause impacts at night.

Government/ Statutory Bodies/ Other Public Organisation

- Suggest reference could usefully be made to SNH guidance on:
 1. Assessing the impact of small scale wind energy proposals on the natural heritage (2014) available via <http://www.snh.gov.uk/planning-and-development/renewable-energy/onshore-wind/generaladvice-and-information/>
 2. Siting and Design of Small Scale Wind Turbines of between 15 and 50 metres in height (2012) available via <http://www.snh.gov.uk/planning-and-development/renewableenergy/onshore-wind/landscape-impacts-guidance/> and
 3. Micro-renewables and the natural heritage (2009) available via <http://www.snh.gov.uk/planning-and-development/renewableenergy/micro-renewables/>
- Make reference to Appendix 1 of SEPA Standing Advice (www.sepa.org.uk/media/136130/sepa-standing-advice-forplanning-authorities-and-developers-on-development-management-consultations.pdf) which provides advice for wind farms below 10 MW which are not subject to EIA. Suggest this fits best in the 'Preparing Proposals' section.

Members of the Public & Other Individuals

- The choice of view points should be agreed with the community as for the larger developments. The cumulative impact should be taken into account.

Recommended Council response to comments received:

A number of modifications to structure and wording of the section were suggested and have been considered, those appropriate have been incorporated into the final Supplementary Guidance.

It is noted that some respondents raise issue with visualisations, view points and cumulative assessments. For developments not subject to Environmental Impact Assessment, applicants will still be required to provide information on the landscape and visual impacts, including cumulative impacts, of their development. When this information will be required and what will be required are set out in the Supplementary Guidance.

Domestic Turbines Permitted Development

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Summary of the comments received:

Members of the Public & Other Individuals

- Why up to 6KW? New tech is now up to 8.5KW.

Recommended Council response to comments received:

The definition of Domestic Turbines is specifically to identify what will be classed as Permitted Development. Therefore, the 6 KW rating reflects the typical level of domestic energy consumption and is therefore indicative of what the Council consider as domestic. It is not an indicator of acceptability and potential developers can try to present a case why a larger energy rating should still be considered as domestic. Two other definitions also apply: the primary purpose is to supply a domestic property with power, and the annual electricity exported to the grid does not exceed the total energy requirements of the property by more than 25%.

Landscape and Visual Assessment

Summary of the comments received:

Multiple choice responses:

Of those respondents that answered (13):

8% strongly agreed; 38% agreed and 54% disagreed with the approach taken.

Campaign Groups

- No definitions are provided for the subjective terms used and some are so vague to become meaningless.
- How aspects like 'respect' or factors like 'threshold' are measured, how they have been decided and how they are to be judged need to be clear and unambiguous.

Charities/ Clubs/ Third Sector Organisations

- Criterion 3: It is not clear what might be regarded as 'valued natural and cultural landmarks'. For our members (MCoS) it would include all Munros, Corbetts and significant lesser hills (e.g. Suilven).
- Criterion 7: This criterion is sensible where it refers to new, distinctly separate, developments inserted into a clear gap between existing wind farms. However, there should be flexibility where a proposal would merge nearly-adjacent existing wind farms into a single large generating station in circumstances where the existing separation does not provide effective perceived separation.
- Criterion 9: The text in the bottom right quadrant is unclear because of the inclusion of the word 'surrounding'. Existing developments may not 'surround' a proposal site, so is the right word simply 'other'?

Community Councils

- Page 21, Para. 4.2 - Agree with most of the criteria outlined in this paragraph. But appreciated that most of these are subjective in their interpretation.
- There should be an integrated, holistic approach to identifying what residents and visitors

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value in our landscapes.

- Support should be available for communities facing multiple applications for large scale installations and trying to comment on technically complex EIAs and to ensure lay people can understand policies and impacts.

Government/ Statutory Bodies/ Other Public Organisation

- The term threshold should be avoided as it suggests developers are being encouraged to work towards a notional target. Alternative wording suggested: “*Development should ensure: Wind Turbines or other infrastructure do not overwhelm or otherwise detract from the distinctive transitional experience found at a key gateway locations and routes.*” “*Development should ensure: Wind Turbines or other infrastructure do not overwhelm or otherwise significantly detract from the visual appeal of key routes and ways.*” For Criterion 7, we suggest amending text in upper left hand box to read as follows ‘*The need for separation between developments and / or clusters is respected*’, and for the measure, suggest: ‘*the spaces between existing wind farms and / or clusters*’. With Criterion 8, we suggest the measure in lower box should read “*The proposal maintains the apparent landscape scale*” instead of ‘diminishes’ or alternatively you could use ‘*complements*’ or ‘*is consistent with*’.

Industry

- Appears this section is trying to create a scientific appraisal process for a subjective matter.
- How these criteria relate to the strategic capacity section is not clear.
- Are the thresholds relating to potential effects about being significant, therefore relating to the EIA regulations?
- If related to EIA regulations, are the implications of the thresholds that all significant adverse effects are unacceptable – this is not in line with SPP.
- Verbatim Comments:
- Criterion 1: It is unclear how the Council applies this criterion in the identification of potential areas of search. We suggest that the visual effect of the proposed development on the setting and views from access routes as well as from within the settlements is appropriate for consideration in an LVIA. Visual prominence from either within or on the access route to a settlement does not necessarily equate to significant effects; and turbines seen in several different directions do not necessarily mean that there is the perception of encirclement.
- Criterion 2: Key gateway locations and routes should be identified and the reasons for the identification of gateway locations should be described. Without clarity regarding the description of the gateway locations, it is not possible to use this criterion. The description of the threshold again appears to define the level of acceptability. If this is the case the term to ‘otherwise detract’ has no minimum and almost all future development would fail this test.
- Criterion 3: Significant effects are not necessarily unacceptable. This is a matter that should be considered in the planning balance when determining a planning application.
- Criteria 6, 7 and 9: These criteria all relate to the existing wind energy development in Highland. Cumulative relationships and design interactions of proposed schemes with existing wind farms are considered in detail in LVIA in accordance with best practice. It is noted that criterion 6 calls for consideration of the ‘Planning Authority stated aims for development of the area’. A cross reference to these stated aims is required, and clarification if these stated aims are clearly set out somewhere, or embedded in the results of the pilot study and future studies to be completed. It is also unclear as to what area is referred to, and whether the Council will state aims for each LCT, or each windfarm cluster, or for the Highland area as a whole. The call for proposals to ‘contribute positively’ is an

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opportunity for master planning that could include repowering. No reference is made in Section 4 to repowering.

- Criterion 8: The (corrected) text does not allow for any change in apparent landscape scale, which is a perceptual and therefore a subjective matter.
- Criterion 10: This criterion potentially relates well to established practice.
- Appears this section is trying to create a scientific appraisal process for a subjective matter.
- How these criteria relate to the strategic capacity section is not clear.
- Are the thresholds relating to potential effects about being significant, therefore relating to the EIA regulations?
- If related to EIA regulations, are the implications of the thresholds that all significant adverse effects are unacceptable – this is not in line with SPP.
- Verbatim Comments:
- Criterion 1: It is unclear how the Council applies this criterion in the identification of potential areas of search. We suggest that the visual effect of the proposed development on the setting and views from access routes as well as from within the settlements is appropriate for consideration in an LVIA. Visual prominence from either within or on the access route to a settlement does not necessarily equate to significant effects; and turbines seen in several different directions do not necessarily mean that there is the perception of encirclement.
- Criterion 2: Key gateway locations and routes should be identified and the reasons for the identification of gateway locations should be described. Without clarity regarding the description of the gateway locations, it is not possible to use this criterion. The description of the threshold again appears to define the level of acceptability. If this is the case the term to ‘otherwise detract’ has no minimum and almost all future development would fail this test.
- Criterion 3: Significant effects are not necessarily unacceptable. This is a matter that should be considered in the planning balance when determining a planning application.
- Criteria 6, 7 and 9: These criteria all relate to the existing wind energy development in Highland. Cumulative relationships and design interactions of proposed schemes with existing wind farms are considered in detail in LVIA in accordance with best practice. It is noted that criterion 6 calls for consideration of the ‘Planning Authority stated aims for development of the area’. A cross reference to these stated aims is required, and clarification if these stated aims are clearly set out somewhere, or embedded in the results of the pilot study and future studies to be completed. It is also unclear as to what area is referred to, and whether the Council will state aims for each LCT, or each windfarm cluster, or for the Highland area as a whole. The call for proposals to ‘contribute positively’ is an opportunity for master planning that could include repowering. No reference is made in Section 4 to repowering.
- Criterion 8: The (corrected) text does not allow for any change in apparent landscape scale, which is a perceptual and therefore a subjective matter.
- Criterion 10: This criterion potentially relates well to established practice.
- Definitions are required for the subjective phrases used in the different criteria.
- Criteria to assess criteria 7-10 are required.
- Additional 10 criteria are cumbersome and overcomplicated. These criteria should be moved to the Siting and Design section.
- The criteria need to have the subjective terms used well-defined and the way that each criteria/ threshold should be measured and assessed should be set out and references made to relevant good practice guidance.
- No justification or evidence is provided about each criterion actually being an issue in Highland or what has informed their inclusion in the guidance.
- Further explanation of the criteria is required including defining what is meant by each factor covered.
- If a particular threshold is not maintained, what would the effect be on the determination of

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the application?

- There is no development plan policy link for these criteria and their compatibility with the Plan should be examined.
- The large number of policy criteria focused on landscape and visual aspects may distort the planning balance.
- It needs to be accepted that there will be some significant residual effects that cannot be mitigated and that this is not enough to refuse a project.
- The need for renewable energy due to climate change should be recognized and an introduction to the section could help:
“Noise and Landscape and visual impacts are a particular interest to the Council. In exercising the Council's balancing duty when coming to an overall view on planning applications the range of benefits, particularly in relation to climate change mitigation, will be considered alongside the range of adverse impacts. It is common that landscape and visual impacts, including issues related to visibility such as cultural heritage, are the key determining topics. Therefore to guide design towards acceptability and provide additional criteria for assessing applications the following table (number) is provided. Applications should included information in relation to each of these Criteria. The attention to these topics does not indicate any lessening of attention to consideration of beneficial effects of an application.”
- It should be clarified that the criteria are included as guidance and not tests of whether a scheme is acceptable or not.
- A list of locations which are considered to be key gateways should be included and should be subject to consultation.
- Criterion 9 gives the impression that existing wind farms are valued landscape features which should be protected from further wind energy development. It is considered that this criterion would be overly restrictive for wind farm extension proposals. It should be deleted.
- Criterion 7: *“or is designed as a coherent extension or addition to an existing windfarm cluster”* should be added to the measure in respect of the second part of the criterion.
- Criterion 8: the following should be added to the measure in respect of the second part of the criterion: *“From sensitive viewpoints and route corridors”*.
- There is no benefit to listing criterion with ambiguous measures which again will be open to significant challenge during the development management process. Object to the inclusion of this further technical information within the SG as it does not provide any useful guidance due to its ambiguous nature.

Members of the Public & Other Individuals

- Contradicts section 8 (Spatial Framework) as areas with potential in those maps are SLAs that should be afforded protection under the criteria set out.
- The Spatial Framework mapping should be amended to ensure consistency and ensure adequate safeguarding for sensitive areas.
- No definitions are provided for the subjective terms used and some are so vague to become meaningless.
- How aspects like ‘respect’ or factors like ‘threshold’ are measured, how they have been decided and how they are to be judged need to be clear and unambiguous.

Recommended Council response to comments received:

A number of modifications to structure and wording of the section were suggested and have been considered, those appropriate have been incorporated into the final Supplementary Guidance.

It is the Council's expectation that development should not cause significant adverse impacts on the features described in and safeguarded through the supplementary guidance. However, it is

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recognised that there may be potentially adverse effects that cannot be avoided and in such instances mitigation will be expected. There may be significant adverse impacts that cannot be overcome through mitigation and how much weight to attach to these effects will be considered in the planning balance before reaching a decision on an application. The wording of the section has been amended accordingly.

It is noted that some respondents raise issue with the terminology used in the landscape and visual assessment criteria and challenge how all of the tests are to be applied, assessed and measured and that others suggest the Draft Supplementary Guidance is trying to create a scientific approach to a subjective assessment. However, the purpose of the criteria is to provide a clear framework and focus for assessment that provides an indication of what the Council is likely to find acceptable, and provides a basis for discussion of relevant issues between developers, the Council and other stakeholders. The criteria do not set absolute requirements, but rather indicate the factors that should be considered, and that will be taken on balance with all other planning considerations in the development management process.

Specific issues covered by the different criteria listed are general and are not prescribed because this would not be practical given the large geographical area the Guidance covers. However, on a project-specific basis the relevant issues covered by the criteria will be identified in agreement with the Council and other stakeholders, and their significance assessed against the proposal.

It is noted that there is concern that there is not an adequate link to the Highland-wide Local Development Plan for the criteria. However, as set out in Policy 67 of HwLDP, the Supplementary Guidance *will set out criteria for the consideration of proposals ... [and] ... ensure that developers are aware of the key constraints to such development and encourage them to take those constraints into account at the outset of the preparation of proposals*. Furthermore, as stated above and in the Supplementary Guidance, the criteria do not present a set of absolute policy tests, rather they set out criteria as a framework for discussion and assessment of proposals.

Noise Assessment

Summary of the comments received:

Multiple choice responses:

Of those respondents that answered (10):

10% strongly agreed; 30% agreed; 40% disagreed, and 20% disagreed with the approach taken.

Community Councils

- ETSU does not address amplitude modulation and only concentrates on the audible spectrum of sound. The Council need to apply the Precautionary Principle to safeguard human health and animal welfare until further research is undertaken.
- We feel noise, ultrasound and amplitude modulation effects of wind turbines require much more research.
- Noise impact evaluation should follow the most up to date standards with regard to health.

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Industry

- Institute of Acoustics Good Practice Guide does address lower levels of background noise and the Draft Supplementary Guidance is therefore wrong. Requiring measurement of the absolute lowest levels of background noise is unnecessary and impractical.
- DECC and their consultants are currently reviewing evidence on Amplitude Modulation and determining how to address this (if necessary).
- Disagree with the support provided by the supplementary guidance for setting noise limits below the lowest limits in the nationally recognised ETSU R97. When the ETSU guidance was drawn up it took into account the areas of the UK with the lowest background noise levels including the Highland Council area. The committee report on the earlier version of this supplementary guidance dated 19 August 2015 includes some commentary on this section and states that the noise consultant appointed by the council to review the supplementary guidance content on noise recommended that the phrase on setting noise limits below the lowest ETSU levels be dropped. This specialist advice has not been followed.
- Support reference to ETSU and Good Practice Guide.

Members of the Public & Other Individuals

- It would be useful for ES users if as part of the EIA developers submitted a contoured noise map showing the 35 dB contour on their noise modelling.
- Low baseline noise levels in rural areas makes them particularly sensitive to impacts from noise. These areas should have decreased levels of acceptable noise.
- Permanent noise monitoring equipment should be a statutory requirement with publically available monitoring data and monitoring should include infrasound.

Recommended Council response to comments received:

It is noted that the issue of Amplitude Modulation is still being addressed nationally. The Council are aware of the Institute of Acoustics' working group on this issue and will monitor progress to check if recognised guidance emerges as a result of this work.

Concerns raised that the Council may seek noise limits at the lower end of ETSU guidance are noted. However, this approach seeks to ensure that unnecessarily high noise limits are not set for individual schemes (for example, where predicted levels are 30 dB, an applicant may still seek a slightly increased limit of 35 dB), and, where relevant, to address the potential for cumulative noise effects.

The suggestion to require a 35 dB contour map as part of Environmental Statements is noted. This is generally provided in noise assessments, and where it would be beneficial for cumulative noise assessment, can be requested from the developer as required.

The suggestion to require permanent noise monitoring equipment is noted. However, this is not a proportionate approach to addressing the potential issue. Highland Council's approach is to require monitoring to be undertaken if a complaint is raised.

Loch Ness Landscape Character Areas

Summary of the comments received:

Campaign Groups

- Reference to the SLA highlighted as being inaccurately described- explanation unclear.
- General support for approach, descriptions and statements made.

Community Councils

- LCA 6 is not a uniform area and further detailed consideration of the different component parts is required.
- LCA 6: Think this area has enough consented wind farms and in view of its natural and environmental value there should be no further development.

Government/ Statutory Bodies/ Other Public Organisation

- Sensitivity rating tables should be mapped for each LCA or infrastructure type and if possible provided as a GIS.
- Explanation in chapter 2 about how key views have influenced conclusions about capacity would be helpful.
- Scottish Canals would like more details about the desired wind farms and their locations. Scottish Canals agree with sensitivity analysis stating viewpoints are of high sensitivity.
- LCA 5: It should be clarified that the landscape is very complex and that potential capacity in the LCA lies in the south east of the area.
- LCA 6: In the Potential for wind energy development reference is made to maintaining the perceived scale of the landform. It could be helpful to also refer to the scale of the landform when viewed from the Cairngorms National Park.
- LCA 13: Agree again with site sensitivity analysis. Scottish Canals would also like to highlight the visual impact on boaters. The Caledonian canal hosts a large amount of charter boats and this may hinder the visual aspect of the journey.

Industry

Description/ Landscape Role:

- The information provided in these sections is brief and does not give the required landscape character description. More information is required, a starting point should be the Key Characteristics from the SNH LCT assessments.

Key Views:

- This section takes a broad approach and includes caveats restricting relevance of views to specific parts of the LCAs, but not in all occurrences. More information and detailed discussion on specific areas of LCAs that contribute to Key Views is essential.
- Distance of Key Views from LCA 8 is too great to have significant effects- this is overly restrictive and not relevant to the study.
- Loch Ness views are experienced in closer proximity, wider views are restricted by the deep incised nature of the landform.
- Key Views from LCA 8 regarding Urquhart Castle – it is hard to understand how development in LCA 8 would affect key views because they are in a different direction of view from the LCA relative to the castle.
- The importance of LCA 8 and LCA 9 (in particular Loch Ness from Urquhart Castle) to key

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views is overstated.

- LCA 14 is too distant from Loch Ness East Key View to significantly affect the integrity of Key Views. Several key views are likely to be restricted to specific directions of view (aspects?). Caveats are required to clarify these points.
- Importance of LCA 14 to key views is overstated. Visibility is likely to be none/ limited/ very distant or not in principal orientation of key views.

Key Routes:

- No justification of key routes chosen is provided. Reference to the routes passing through LCAs requires further narrative to guide what weight to apportion to each route/LCA combination.
- Reference to where routes pass through is to LCTs, not LCAs, which is an inconsistency with the rest of the study.
- Some caveats are posed about restricting relevance of views to specific parts of LCAs, but this is only present in some cases. More detailed, focused information is required along with more recognition of the important role site-specific analysis and assessment is for mitigating potential impacts.
- The definition of routes ranges from road name to road name and location, further explanation and consistency is required.
- No definition is provided for “level of likelihood if increased exposure occurring” and the rating scale used lacks definition.
- Reference is made in some instances to key routes in more than one section of an LCA table, meaning the significance is being ‘double counted’.
- A map of key routes is required.

Key Views:

- Quite broad and there is a lack of explanation, justification or narrative on how to apportion weight to different views and their relative importance and role in the LCAs/ study area.
- The large distance from LCAs to/ from key views means it is debatable if significant effects would occur as a result of development in a distant LCA.

Description/ Landscape Role:

- More description of physical and experiential characteristics of LCAs and their relationship to other LCAs is required.
- Greater recognition of the role of detailed site-specific analysis is required.
- Broadbrush approach taken to listing LCAs relevant to key views- entire LCAs are described as being important to the integrity of key views. Only in some cases are caveats made, and the result is an overly broad impression of visibility of LCAs in key views. The same issue is evident in key views tables for each LCA.
- A map showing key views should be provided.
- Visibility from Urquhart Castle land based is limited by a hedge and, although elevated, is a busy car park, not a place to sit and enjoy a view.
- The contribution of Meall Fuar-Mhonaidh to views is 360 degrees and the Rocky Moorland Mosaic landscape contributes to views in greater measure than the Rolling uplands.

Landscape and visual sensitivities:

- Lack of description of the methodology and criteria used for this assessment-SNH guidance should be applied.
- These sections need to be consistently represented in this section so that an objective judgement can be made.
- The focus is subjective and only addresses factors likely to increase landscape sensitivity, it is therefore unrepresentative, negative and presents an imbalanced view.
- Landscape designations should be linked to the spatial framework groupings and the

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appropriate level of value attributed described.

- Sensitivity ratings applied need to be defined and the scores made should be justified.
- The level of detail for each LCA varies and the criteria used focuses on the assumption that development presents increasing landscape sensitivity.
- There is a lack of balance between sensitivities and where opportunities for development lie, resulting in the study being “unrepresentative, negative and biased”.
- No guidance or definition is provided of the scoring system used and there is a lack of interpretation of landscape value and sensitivity scoring or how it has influenced the conclusions for the LCA. If reference is made to different landscape designation, some acknowledgement of what weight to apportion to them should be included, e.g. NSA- Landscape Protection.
- Reference to current wind energy development should only feature in ‘current wind energy’ section and not elsewhere, where it is not relevant.
- Further detail of the justification for scoring sensitive visual receptors and how these scores have influenced the conclusions for each LCA is required.

Landscape character sensitivity:

- No guidance or definition is provided of the scoring system used and there is a lack of interpretation of landscape value and sensitivity scoring or how it has influenced the conclusions for the LCA.
- Further LCA-specific information is required.
- Reference to current wind energy development should only feature in ‘current wind energy’ section and not elsewhere, where it is not relevant.

Current wind energy development:

- To help identify where there is strategic capacity in a study area, specific detail about the size, layout and pattern of current development is required- this should follow the SNH good practice guidance.
- In LCA 10 two errors are made: Corrimony is referenced as being outwith the LCA, but is within it; Beinn Mhor was refused at appeal should not form part of the baseline.
- In LCAs 8, 9 & 14 there is no commercial scale wind energy development.

Potential for Wind Energy Development:

- Describing ‘thresholds for change’ is suggested as an alternative way to structure conclusions for each LCA.
- More justification is required in capacity statements. There is a lack of reasoning provided in previous rows of the table that mean it is hard to find justification for conclusions. Landscape objectives are not identified to aid in the justification. The method applied does not follow best practice guidance, and are not drawn from a defensible systematic and robust process.

LCA 8

- A limited and subjective list of considerations is presented with no mention of LCT descriptions, which are relevant to the study.
- There is no notable relationship between Fairburn and Dunmaglass wind farms. No mention is made of the ‘valued break in development’ in the eight other LCAs between the two developments. LCA 19 provides the natural break between the two areas.
- Reference to the Great Glen Way should be dealt with elsewhere, not in the landscape sensitivity.
- Encirclement of the Great Glen Way is unlikely due to the limited and distant influence of baseline development.
- The reporter’s rejection of the THC’s position requiring Druim Ba’s area to be maintained as an area of respite from wind energy is cited (at the inquiry for the 2011 planning

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application in LCA 8).

- There is no basis for the conclusions of the LCA without further justification and reasoning being provided. The section should look at what capacity the landscape has for development and cumulative issues should be described after. The location of the LCA between Fairburn and the Monadhliath cluster is subjective, unjustifiable and irrelevant.
- The presence of (or lack of) designations should be considered in determining the value of the LCA.
- Technical aspects of previous applications are not relevant to the study.
- Reference to commercial forestry should be in the context of this being a dynamic changing land use where operations occur irrespective of wind energy development. Key-holing is unlikely to constitute a notable landscape feature and should not result in a preclusion of wind energy development.

LCA 9

- LCA 9 does not provide an objective list of factors for considering landscape sensitivity but rather a very limited and subjective list of considerations.
- References to views from settlements and roads should only be included in the key views section to avoid the risk of double counting. The reference to areas of sensitivity due to settlement and roads are inaccurate and irrelevant to the study.
- The general absence of scenic designations should be reflected and regarded in considering the landscape sensitivity.
- The higher sensitivity of neighbouring LCAs should not be a consideration.

LCA 10

- The judgements made in this landscape character area do not reflect its position relative to the sensitive landscapes of Glen Affric, Glen Strathfarrar and Glen Cannich.

LCA 14

- Statement of the views in the LCA is inadequate to justify the sensitivity rating attributed.
- The Loch Ness and Duntelchaig SLA should be included in the description for the LCA as it is relevant to the sensitivity.

Members of the Public & Other Individuals

- Maps should be clearer and at a greater scale.
- Carr Ban is mistakenly referred to as Carn Ban in the title to LCA 14.
- Reference to the SLA highlighted as being inaccurately described- explanation unclear.
- Supports the statement in the Potential for Development that:
- “Small scale individual turbines where well located to existing buildings/land use. Turbines should be smaller three bladed machines. Development should avoid higher ground.”

LCA 1

- Size limit for small scale turbines should be defined.
- Corrimony access track present in LCA- access tracks should be avoided on steep sides of glen including on core paths.

LCA 8

- Strongly Agree- There are very intimate places within this area - in addition to many sweeping views. Large scale turbines would distort this delicate balance.
- Views west from the Great Glen Way should be protected. There should be a size limit specified for small turbines.

LCA 9

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- Three wind farms are already visible from the area north of Balnain, the area west of the A833 should be protected to avoid impacts of WLAs and SLAs to the west.

Key Routes

- The Great Glen Way as of 2014 has mountain plateau sections which have sweeping views over Loch Ness towards the East. Any development to the East would be visible. The A86 is not listed. It closely bounds the Loch Ness Landscape Character Areas Map on the South for approximately 5 miles from Spean Bridge to the East. It also meets the Map at Laggan.
- Routes such as the A833 and A831 are key routes for tourists and development should be avoided. "Infrastructure" such as tracks and cables should also be avoided.

Key Views

- These are mainly views of Loch Ness. Views from Wild Land areas into the study area are also important. Routes (say) to the Wild Land areas to the west are important for tourism. The 360 degree view from Meall Fuar mhonaidh if all the consented/in planning turbines are built would be a disgrace.

Recommended Council response to comments received:

A number of modifications to structure and wording of the section were suggested and have been considered, those appropriate have been incorporated into the final Supplementary Guidance.

It is the Council's expectation that development should not cause significant adverse impacts on the features described in and safeguarded through the supplementary guidance. However, it is recognised that there may be potentially adverse effects that cannot be avoided and in such instances mitigation will be expected. There may be significant adverse impacts that cannot be overcome through mitigation and how much weight to attach to these effects will be considered in the planning balance before reaching a decision on an application. The wording of the section has been amended accordingly.

It is noted that the role of local communities is important in identifying locally important/ sensitive features. The Supplementary Guidance has been updated to reflect this point and encourages developers to engage communities in an early and meaningful way.

Loch Ness Landscape Sensitivity

Summary of the comments received:

Multiple choice responses:

Of those respondents that answered (15):

13% strongly agreed; 47% agreed; 33% disagreed, and 7% disagreed with the approach taken.

Campaign Groups

- Conclusions for area immediately surrounding Loch Ness should be strengthened from 'Unlikely to be appropriate...' to 'not appropriate...'
- Key Route B861 should be scored 'low' to reflect the high pressure in the area from a

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range of wind farms (assume the respondent actually means 'high').

- This area has higher visitor numbers than 28 out of the 30 designated National Scenic Areas and should be handled with sensitivity and care.
- There is sufficient wind farm capacity already consented to meet energy needs in Scotland.
- We rely on the Highland landscape for the visitor economy and Loch Ness is a major asset that needs to be protected.
- The proposed and consented developments around Loch Ness will degrade and destroy the landscape, it is not the 'right' location for wind energy development.
- Current planning regulation does not give Loch Ness adequate protection.
- The Special Landscape Area designation does not give Loch Ness adequate protection.
- The Spatial Framework map does not give Loch Ness adequate protection and actually encourages development at Loch Ness.
- The visibility of 28 of Millennium South Wind Farm's turbines proves inadequate protection of Loch Ness and the Great Glen, and restitution of this visibility is recommended.
- The Council understate the landscape and visual impacts of development in the online wind map because the mapping does not show access tracks or grid connections.

Charities/ Clubs/ Third Sector Organisations

- This, and the other proposed area assessments, should be a separate document and only the conclusions on capacity carried over into the Supplementary Guidance as Section 2.

Government/ Statutory Bodies/ Other Public Organisation

- Scenic routes are not particularly sensitive to development and reference to them being a specific barrier to wind energy development should be removed.
- The study should be renamed 'Landscape Sensitivity' to avoid conclusion with LCAs.
- More specific reference to criteria in section 4.2 should be made to demonstrate which have particularly influenced the conclusions for LCAs.

Industry

- Study does not relate to the Spatial Framework and contradicts it by showing Loch Ness as having some potential for development. There is a need for further explanation of the methodology and guidance on how to apply the outputs of the work.
- The Landscape study goes beyond assessing sensitivity and identifies capacity, the wording of some parts of the guidance suggests that the outcomes are more than guidance and should be revised- alternative wording suggested. The method fails to follow best practice guidance for identifying capacity and is not robust, transparent or replicable for other parts of Highland.
- The wording of the assessment is phrased in a way that suggests an assumption that wind energy development will automatically have negative landscape and visual effects. This should be revised and balanced with the recognition of opportunities such as areas where constraints are not present, and where certain landscapes have capacity to absorb development.
- Any references to landscape designations should reflect their respective status in the spatial framework- e.g. NSA Group 1, WLA Group 2 etc.
- Further detail on the methodology and justification of why the extent of the study areas was chosen is required, as is a map showing the current development situation.
- The source of data used to derive each unit of land in the study is required. Explanation is needed of the difference between Landscape Character Types and Areas (LCT/ LCA), and how LCAs were identified. Where several LCTs have been grouped, or single LCTs have

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been sub-divided, to create LCAs, this should be explained. Where a particular LCT only appears once, its name should be used for the LCA, not a new location-based name, unless sub-dividing or grouping.

- There is a lack of balance in the assessment about where development can be accommodated and at what level.
- No assessment of cumulative change across the study area is given.
- Further use and evidence of how best practice guidance has been used in the method is required.
- Including this study, there are several steps required to assess a proposal's appropriateness: refer to HwLDP policy; refer to Key Development Plan Considerations; assess landscape and visual effects; assess 10 generic landscape and visual criteria; have regard to capacity study. This is over complex and should be rationalised.
- The Term 'compliance' is used in para. 2.11 which appears to elevate status of Loch Ness study (and others emerging) beyond that of guidance. The studies are strategic-level and cover extensive areas- alternative wording is suggested to reflect the importance of site-specific siting and design solutions.
- Para. 5.5 reference to designations should reflect the designation's spatial framework grouping so the different policy responses to each is clear, e.g. NSA is Group 1 so policy response should be 'landscape protection', whereas SLA is not in spatial framework, and policy response may be 'landscape accommodation' of development.
- The overall capacity in the Loch Ness study area is very limited and it is hard to understand how such conclusions have been reached without further detail of the methodology applied.
- It is essential that a more balanced, positive and flexible development management stance is used that recognises the importance of detailed, site-specific siting, design and analysis. The shortcomings of the study are due to the strategic nature and extensive areas covered. An example of such a shortcoming is provided for Cnoc an Eas Wind Farm where the conclusions of the LVIA on the overall effect on LCA 9 are found not to be significant (outwith the area of the windfarm site) compared with the conclusions in the guidance that state there is no overall potential for larger scale wind energy development. This fundamental difference is hard to understand.
- The assessments are undertaken without having a defined landscape policy objective underpinning them, like Landscape Protection/ Accommodation or Change. Most conclusions suggest a blanket Landscape Protection approach. This is in conflict with SPP because it attempts to preclude development mainly in spatial framework Group 3 areas. If the presumption against (landscape protection) is on the basis of cumulative effects and local landscape considerations, this is not justified anywhere in the outputs of study, making it therefore untenable and lacking in clarity.
- The source of data used to derive each unit of land in the study is required. Explanation is needed of the difference between Landscape Character Types and Areas (LCT/ LCA), and how LCAs were identified. Where several LCTs have been grouped, or single LCTs have been sub-divided, to create LCAs, this should be explained. Where a particular LCT only appears once, its name should be used for the LCA, not a new location-based name, unless sub-dividing or grouping.
- It is essential that a more balanced, positive and flexible development management stance is used that recognises the importance of detailed, site-specific siting, design and analysis. The shortcomings of the study are due to the strategic nature and extensive areas covered.
- Need reference for Scotland's Landscapes 2014/5.
- Most LCAs appear to have landscape policy objective of 'protection' which is only likely to be acceptable in Group 1 areas of the spatial framework. It is assumed that the presumption against development is due to cumulative effects and local landscape considerations, since the majority of LCAs are not in Group 1 areas and limited Group 2 areas of the spatial framework. No justification is provided for such conclusions and therefore it is untenable and lacks credibility.

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- Reserving comments on study until all draft assessments are consultable so that a technical response can be submitted.
- Study conclusions contradict SPP as only in National Parks can there be a presumption against development.
- “Every development should be assessed on its own merits and with properly designed planning policies the amenity of these areas will no doubt be safeguarded from inappropriate development”.
- No timescale provided for other study areas and it is therefore unreasonable to finalise the SG before other studies can be analysed and fully incorporated.
- Only part of LCA 5 is in the study area, but the map on page 26 shows all of it. The proper extent of the full study area is not shown on a map.
- A map of key viewpoint locations and list with justifications for their selections is required. All but 3 LCAs list ‘people at key viewpoints’ as highest sensitivity receptors, so key viewpoints should therefore be defined, assuming they will require to be assessed in LVIAs for proposals.
- A range of inaccuracies are listed where key views are referred to that are not consistent with the general direction of the view.
- Landscape character sensitivity scores have not been defined or the justification for a score provided.
- There is no discussion of the relative sensitivity of LCAs to different scales of turbines.
- Landscape sensitivity and potential for development sections don’t always match. There is a lack of discussion that makes it hard to see how sensitivity score is used to identify potential for development.
- There is very little potential for development identified, which does not follow advice of SPP to ensure full potential for renewables is achieved for areas (para. 155).
- Land-based views from Urquhart Castle should be removed as visibility is limited by a hedge.
- Page 25, Paragraph 5.4, second line: It is suggested that the word 'particularly' in relation to the area's sensitivity to development should be deleted as there is no explanation as to why this area would be especially so and different from other areas. Surely it is suffice to say that it is sensitive to development. Page 26, Paragraph 5.7: In the last sentence delete the word 'site' before 'infrastructure'. In this regard, there are opportunities in some instances for proposed wind farms to take advantage of existing access tracks which are associated with other unrelated projects such as hydro proposals.
- Object to methodology used as it contradicts SPP and does not identify capacity, but further limits development by identifying sensitivity. Strategic capacity should be identified following best practice principles.
- A map showing the current wind energy development in the area should be included in the study.
- The study that has been carried out, which it is assumed presumes against development in majority of the area on the basis of cumulative effects and local landscape considerations, does not provide any justification of this position.

Members of the Public & Other Individuals

- Study’s conclusions are too restrictive. Single and medium scale turbines up to 800kw should be looked on favourable- as suggested by David Attenborough’s comments on Glyndebourne Opera House.
- No reference made to NNRs and their protection- Glen Roy and Creag Meagaidh are both in the study area.
- Conclusions should be extended to those areas west of Loch Ness (because of WLAs).
- Maximum turbine height for small-scale should be defined.

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- A moratorium on decisions should be implemented until the SG is finalised.
- Use of the word 'susceptible' in the scoring is confusing.
- There is a lack of attention given to cumulative impacts of consented and in planning development.
- Conclusions for area immediately surrounding Loch Ness should be strengthened from 'Unlikely to be appropriate...' to 'not appropriate...'.

Recommended Council response to comments received:

A number of modifications to structure and wording of the section were suggested and have been considered, those appropriate have been incorporated into the final Supplementary Guidance. In particular, the methodology addressed a number of key concerns raised, including:

- Outline of the study areas included, and those to follow, and the commitment to further public consultation;
- Explanation of the need to focus resources to pressure areas, and the use of Landscape Character Types as a starting point for subdividing areas;
- Description of stages of the assessment;
- Evidence of the application of best practice principles in the work;
- Explanation of the purpose of the studies (to support decision making and not as part of a sequential approach); and,
- Recognition of the role of detailed work in landscape and visual assessments for individual proposals.

It is the Council's expectation that development should not cause significant adverse impacts on the features described in and safeguarded through the supplementary guidance. However, it is recognised that there may be potentially adverse effects that cannot be avoided and in such instances mitigation will be expected. There may be significant adverse impacts that cannot be overcome through mitigation and how much weight to attach to these effects will be considered in the planning balance before reaching a decision on an application. The wording of the section has been amended accordingly.

It is noted that some respondents suggest strengthening the conclusions of the study for the area immediately around Loch Ness. These conclusions about landscape sensitivity provide a high level strategic assessment. Their purpose is to help to inform identify strategic capacity and support development management decisions, rather than to exclude areas from development.

It is noted that Scotland continues to meet and surpass national targets for renewable energy generation and that Highland contributes to this. However, the targets set are not caps on generation and therefore it would be inappropriate to restrict development on this basis.

The Council is fully aware of the importance of the Highland landscape for a range of reasons, as highlighted by respondents, and this is a central reason for undertaking landscape sensitivity assessment and for identifying strategic capacity.

Some respondents suggest that Special Landscape Area designations do not afford sufficient protection to the landscape, but these features are afforded the maximum appropriate level of policy safeguard possible through both the Supplementary Guidance and the HwLDP.

Concerns about the Spatial Framework providing insufficient protection to the Loch Ness study area is noted. However, it is largely prescribed by Scottish Planning Policy (2014) and therefore there is limited scope for it to be changed by the Council. The only factor the Council has influence over is the community separation for visual impact distance, and this issue, alongside the Spatial Framework, has been the subject of previous consultation through a [Consultation Paper](#) (March

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2015).

Potential Further Submissions

Summary of the comments received:

Members of the Public & Other Individuals

- I think that the Developers should pay far more money for planning applications. It seems to be quite a small amount for all the work that is required by the planning authority. The fees should be increased considerably.

Recommended Council response to comments received:

The Supplementary Guidance takes account of, and where relevant, addresses the points raised.

Glossary

Summary of the comments received:

Community Councils

- Comments referring to spatial framework: Maps may be perceived as absolute rather than indicative; clarity about Group 3 areas not being a presumption for development, rather 'least constrained areas'.

Government/ Statutory Bodies/ Other Public Organisation

- Cluster - it may be helpful to clarify whether the phrase 'wind energy developments' includes single turbines or not.
- Visual receptor - Suggest, for the second sentence: "*The visual impact of one or more wind farms can be experienced in succession along routes, as well as from individual locations*".

Industry

- The spatial framework and SG are inconsistent and do not match. Areas where there are turbines are classed as 'area of significant protection'.
- To ensure clarity and certainty, the spatial framework should be brought forward in the SG under the HwLDP, and not delayed by waiting to include it in the HwLDP2.
- Greater focus should be given to the spatial strategy, as it is unclear as to how the designations etc within table 1 of SPP have been mapped to conclude on the areas of search. An interactive map of the Spatial Framework should be made publicly available.
- The proposed spatial strategy maps are not fit for purpose. To ensure consistency of application the maps must be capable of being interpreted for each development proposal and the GIS data used to create them made publicly available.

Members of the Public & Other Individuals

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- Area of Tarbat peninsular around Portmahomack should be coloured yellow not blue as shown on the plan.
- Portmanhomack should be a settlement as Balitore/Hilton and Shandwick are shown with a yellow exclusion Zone around them.
- The maps show too strong a presumption in favour of wind farm development in the eastern part of the Easter Ross peninsula.

Recommended Council response to comments received:

A number of modifications to structure and wording of the section were suggested and have been considered, those appropriate have been incorporated into the final Supplementary Guidance.

GIS data of the Spatial Framework map is freely available upon request, subject to the recipient signing a user agreement for the data.

Suggestions to amend the Spatial Framework are noted. However, the suggestions being made cannot be made as there are no mapped Settlement Development Area boundaries where the respondents are referring that would enable a change from Group 3 to Group 2. Nevertheless, the Supplementary Guidance gives the strongest steer possible, within the confines of Scottish Planning Policy (2014), that all residential buildings within 2 km of a development are considered by the Council to be particularly sensitive to wind energy development. This is in line with Scottish Planning Policy (2014), in particular paragraph 164, and with Highland-wide Local Development Plan policy.