THE HIGHLAND COUNCIL

Agenda Item	6.2
Report No	PLS/048/14

SOUTH PLANNING APPLICATIONS COMMITTEE
24 JUNE 2014

13/02441/FUL: RWE Innogy UK Limited
6km West of Findhorn Bridge, Glen Kyllachy, by Tomatin.

Report by Head of Planning and Building Standards

SUMMARY

Description : Wind farm (50MW) consisting of 20 turbines, 110m maximum height to blade tip, associated infrastructure, access tracks and 3 borrow pits.

Recommendation : Grant planning permission with conditions.

Ward : 20 - Inverness South

Development category : Major

Pre-determination hearing : none

Reason referred to Committee : More than 5 objections

1. PROPOSED DEVELOPMENT

1.1 The application is for the development of a wind farm, known as Glen Kyllachy, with a potential generating output of 50MW. It comprises the following main elements: -

- 20 wind turbines (each 2.5MW and 110m maximum tip height);
- 80m permanent anemometer mast;
- A temporary power-performance mast for 3 - 6 months during construction;
- Access from the A9 for construction traffic (the Northern Access);
- Western, Eastern and Southern access points for operational traffic;
- Approximately 12.3km of new access tracks, 4km of upgraded access tracks and the use of 16.7km of existing access tracks;
- A substation compound and control building – two options are proposed;
- Communications and other associated infrastructure;
- A temporary construction compound;
- Use of existing hardstanding as a laydown area during construction; and
- Three temporary borrow pits (to be restored after construction).

1.2 The wind farm consists of two groups of turbines, nine located to the south-west and eleven turbines to the south-east of the existing Farr wind farm. Although separate from the Farr project it has been designed to form a cohesive grouping of turbines

providing visual balance from many locations in the surrounding landscape. This, the applicant advises, is achieved through the use of a similar sized turbine and a consistency of spacing.

1.3 The operational lifespan of the wind turbines is 25 years after which time the development will be decommissioned with above ground facilities being removed and site restored. A bond is to be made available to provide a guaranteed decommissioning fund. The operational phase is expected to provide 6 FTE jobs. Construction, employing around 100 individuals, is anticipated to take 24 months.

1.4 Construction traffic to the site is proposed principally from the A9 trunk road (northern access) through the same access point used for the Farr Wind Farm. In this manner all construction traffic will be directed to site from the trunk road. At the operational phase, there are three accesses which are proposed for service vehicles allowing options for access to the site from Strathnairn in the north and Strathdearn in the south. Two accesses (western and southern) are from the Garbole road, an unclassified road which links Farr and Garbole, located to the south-west of the site. The third access (eastern) is on the Coignafearn Road, a C class road, located to the south-east of the site.

1.5 As the proposal involves Environmental Impact Assessment development, the application is supported by an Environmental Statement (ES). This includes a substantial package of photomontages, including a set of monochrome images to better distinguish the proposed turbines from existing turbines of Farr Wind Farm. With the knowledge and expertise of statutory consultees, there is sufficient information available within the ES to allow consultees and the Council to make a judgement on the application.

1.6 Although not part of this application, a separate application will be made under the Section 37 of the Electricity Act to provide a connection from the wind farm to the grid. There are a number of plans for the expansion of the grid in this area, which will influence the final connection option for this project. A connection date of 2018 has been offered by SHETL to the developer. In view of these developments the applicant is seeking a five year period to implement their project, two years more than the standard time used for the grant of planning permission.

2. SITE DESCRIPTION

2.1 The site is located approximately 16km south of Inverness, 4.5km west of the A9 trunk road, National Cycle Route 7 and the village of Tomatin and 4.5km south-east of the B851 and village of Farr. There are no residential properties within 2.6km of the proposed turbines. There are a few scattered residential properties in Strathdearn located within 1km of from the site boundary at its “eastern” access. 15 places of holiday accommodation are identified by Visit Scotland in the area surrounding the site. The closest tourist properties are the Fearnag Lodge self catering accommodation and the Anchneim House Bed and Breakfast both of which are located near the village of Farr, 5.5 km to the west of the proposed development. Recreational activities in the vicinity of the site include walking, outdoor sporting pursuits, cycling and touring. Locally there is white water rafting on the River Findhorn. The local rivers, including the River Findhorn, are popular with anglers.

Visit Scotland identifies 5 visitor attractions in the area surrounding the proposed development including Tomatin Distillery, Culloden Battlefield, Carrbridge Golf Club, Carrbridge Artists Studio and the Landmark Forest Adventure Park.

2.2 The site extends to approximately 574.5 hectares, although the footprint of the development is significantly less. The land is generally upland in nature and is open moorland. It is dominated by modified blanket bog, with areas of dry, wet and sub-alpine heaths, flushes and acid grassland heavily modified by active land management. The site is currently used for rough grazing and shooting. The site typically ranges from approximately 460m (Above Ordnance Datum) AOD to 550m AOD with a generally south-westerly aspect. The lowest point is at the eastern access point to the Coignafearn Road (330m AOD).

2.3 Development is focused in two main areas including an area to the south-west and an area to the south-east of the existing Farr wind farm. In the south-western area, the landform slopes away from Carn Odhar (556m AOD) in a south-westerly direction to approximately 470m AOD close to the Garbole Road. The topography of the area to the south-east is more complex and varied than the western area. The area to the south-east contains a number of summits; Carn Dubh (606m AOD), Carn Choire Odhair (609m AOD) and Beinn Bhreac (601m AOD) to the north-west and Carn na Seanalaich (548m AOD) to the south-east.

2.4 There are nine small watercourses within or adjacent to the site boundary, excluding the northern access track. These are all narrow, shallow burns which either drain into the Kyllachy Burn (a tributary of the River Findhorn) or directly into the River Findhorn. River Findhorn supports salmon and sea trout and the tributaries of the River Findhorn, such as the Kyllachy and Corrievorrie burns, are important nursery areas for juvenile stocks of both these fish species.

2.5 The site and the adjacent land is likely to be used by a small number of protected species including otter, water vole and pine martin and contains valued habitats such as blanket bog, upland heath / montane heath and juniper woodland. There are no statutory designated sites for nature conservation within or adjacent to the site. However, there are a number of sites within 10km of the wind farm at its closest point including: -

- Loch Ruthven SSSI/SPA/SAC/Ramsar – 6.3km distant;
- Loch Ashie SSSI/SPA – 5.98km distant;
- Kinveachy Forest SSSI/SPA/SAC – 5.90km distant.
- Carn nan Tri-tighearnan SSSI/SAC – 5.35km distant;
- Slochd SAC – 4.12km distant;
- River Spey SAC – 8.13km distant;
- Allt na Feithe Sheilich SSSI – 6.72km distant; and
- Littlemill Fluvio-glacial Landforms SSSI – 0.72km distant.

2.6 The site itself falls within the Rolling Uplands Landscape Character Type as identified within the SNH Inverness District Landscape Character Assessment. The site has no specific landscape designation. However, the north-western boundary of the Cairngorms National Park is located approximately 4km to the southeast of the site boundary.

2.7 The site contains no scheduled ancient monuments. Six undesignated historic assets are located within the site situated adjacent to the access track routes to the south-east and north-west of the proposed development. These include a prehistoric hut circle and field system, medieval or later townships, an undated farmstead, a mill - leat and a military road. Three scheduled monuments are located in the immediate study area within 2km of the proposed development. A further eight scheduled monuments comprising prehistoric settlement sites, ritual and funerary sites, and post medieval deserted townships are located in the wider study area between 2km and 5km. Four listed buildings lie between 1km and 2km of the proposed development, adjacent to the River Findhorn south-east of the proposed eastern access track including: -

- Dalarossie Church, Category B listed
- Dalarossie Church Burial Ground, Category B listed
- Garbole Bridge, Category C(S) listed, and
- Kyllachy House, Category C(S) listed

2.8 When assessing a wind farm proposal consideration of similar developments around the site is required. The list below presents the projects around this development site that are Operational, Approved or have been Submitted but are not yet determined. A plan highlighting these projects will be circulated with this report.

Operational	Approved or Under Construction	Not yet Determined
Farr Wind Farm	Corriegarth	Allt Duine
Millennium (I, II and III)	Dunmaglass	Glenmorie
Fairburn	Corriemollie	Millennium (IV)
Novar (I & II)	Moy	
Beinn Tharsuinn	Coire na Cloiche	
Beinn Oighrean	Tom Nan Clach	
Lochluichart	Bhlaraidh	
Corrimony	Hill of Glaskyle	
Berry Burn	Stronelairg	
Paul's Hill		
Cairn Uish		
Findhorn		

3. PLANNING HISTORY

3.1 **05.01.2011** Erection of two temporary anemometer masts granted temporary planning permission (10/04773/FUL).
May 2011 Scoping Opinion on project in excess of 50MW issued from Energy Consent Unit.
August 2010 Scoping Opinion on project to 50MW was issued by the Planning Authority.

4. PUBLIC PARTICIPATION

4.1 Advertised as EIA development (twice) allowing 28 days for comment. Representations deadline: 06 Jan 2014.

4.2 The application has attracted 64 representations including 35 letters of support and 29 objections (see list appended to this report).

4.3 Material considerations raised in objection are summarised as follows:

- Conflict with the policies of the Development Plan.
- Conflict with Council's ideas for the an A9(T) road corridor free from largescale onshore wind energy development.
- Visual Impact.
- Cumulative visual impact on Strathdearn and Strathnairn.
- Impact on local landscapes of value including Cairngorm National Park and several designated Special Landscape Areas including Loch Ness.
- Visualisations are not consistent with Council standards for fair assessment.
- Impact on valued peat-lands (a carbon sink).
- Impact and disturbance from construction traffic.
- Road safety concerns from construction traffic.
- Pollution from construction activities.
- Impact on Findhorn River / fishing Interests/ spawning grounds.
- Impact on water quality, existing drainage and increased risk of flooding.
- Noise – local residential properties, historic churches / cemeteries.
- Noise nuisance to residents (audible and health impacts).
- Cumulative noise in excess of levels experienced from Farr wind farm.
- Cumulative impact on habitat and wild life including a wide range of protected birds (Golden Eagles, Red Kites, Buzzards, Hen Harriers and Ospreys).
- Adverse impact on local recreational interests – walkers, cyclists (National Cycling Route), bird watchers fishers, nature lovers and those seeking peace and quiet.
- Impact on archaeological site (Druim an Tuirc).
- Impact on holiday accommodation within the locality.
- Impact on tourists / travellers on the A9 road and north rail line.
- Impact on motor cycle and car rally participants using the Garbole road.
- Cumulative impact of wind farms detracting inward investment.
- Quality of "EIA" poor.

4.4 Material considerations raised in support are summarised as follows:

- Support Renewable Energy.
- Employment.
- Well sited / good location.
- Landscape already has operational turbines.
- Good access from A9 trunk road.
- Builds on success of Farr wind farm.
- Not intrusive to residents in Strathnairn / Strathdearn.
- Will produce clean energy.
- Minimal impact on environment.

- It utilises existing track infrastructure.
- Benefit local people.

4.5 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 Strathdearn Community Council has objected to the application. It also highlighted concerns on the visualisations presented with the application and presented ideas for planning conditions on signage, turbine layout, private water supplies, public viewpoint and parking area should the Council approve the development. Within its objection it highlights the following key issues: -

- Cumulative impact
- Noise
- Uncertainties in respect of the grid connection, grid network improvements, road access and property values.

5.2 Strathnairn Community Council has objected to the application. It has highlighted the following adverse impacts on local residents and visitors: -

- Visual Impact / Visual Disturbance
- Noise
- Visualisations - poor quality to assess impact
- Loss of amenity
- Landscape and Cumulative effects
- Tourism
- Wildlife and Habitat

5.3 Access Officer has no objection to the application. There is low recreational use of the site by walkers, hill runners and skiers. Positive benefits on public access will depend on the appropriate furniture being installed at boundaries and gateways. These should be secured by conditions.

5.4 Forestry Officer has no objection to the application.

5.5 HET - Archaeology Unit has no objection to the application. Request a condition to secure the recording of any historic interests found during the ground breaking elements of the development.

5.6 Environmental Health has no objections to the application. Request a condition to ensure predicted cumulative noise levels are not breached at properties closest to the proposed development.

5.7 Flood Unit has no objection to the application. Request a condition that all culverts be sized to accommodate the 1 in 200 year flow plus allowance for climate change.

5.8 Transport Planning has no objection to the application. Measures to ensure that development traffic shall adhere to the proposed routes need to be set as a planning condition to be approved in consultation with the Road Authority

5.9 Scottish Water has no objection to the application.

5.10 Transport Scotland (TS) has no objection to the application. A request is made for a planning conditions to secure wheel washing facilities; a Route Access report for exceptional loads and suitable road signage prior to the commencement of deliveries.

5.11 Cairngorm National Park Authority (CNPA) has no objection to the application. The Proposal will be seen in conjunction with Farr Wind Farm. It will intensify, rather than significantly increase, the effect of Farr in views from the National Park.

5.12 Scottish Natural Heritage (SNH) has no objection to the application. It advises that the proposal will not affect the special qualities identified for the National Park including its National Scenic Area(s), landscape character, visual amenity or wild land. Mitigation during construction is sought to secure the protection of protected species (otter, wild cat, bats, nesting birds, curlew and black grouse) that use the site as well as habitat management / deer management.

5.13 Historic Scotland (HS) has no objection to the application. It advises that there are no nationally important heritage assets within the development site, nor any significant impacts on national important heritage assets beyond the site.

5.14 Scottish Environmental Protection Area (SEPA) has no objection to the application. A request is made for planning conditions to be attached to any grant to address key issues in respect of the need for a site specific construction and environmental plan (CEMP), engagement of an environmental Clerk of Works, a Peat Management Plan, Habitat Management Plan (for Ground Water Dependent Terrestrial Ecology (GWDTE), water course buffers 50 & 100m and a Decommission and Restoration Plan.

5.15 Civil Aviation Authority (CAA) has no objection to the application. A request is made for a condition to any grant for information on the locations, heights and lighting status of the turbines and meteorological masts, the estimated and actual dates of construction and the maximum height of any construction equipment to be used, prior to the start of construction, to allow for inclusion on aviation charts.

5.16 National Air Traffic Systems (NATS) has no objections to the application.

5.17 Ministry of Defence (MOD) has no objection to the application. Planning conditions are requested to secure aviation lighting on turbines.

5.18 Highlands and Islands Airport Ltd (HIAL) has no objections to this application.

5.19 Findhorn District Salmon Fisheries Board objects to this application. The Board's principal issues relate to impact on water quality and run off from the site. It has requested that the assessment presented by the applicant be "peer reviewed".

6. DEVELOPMENT PLAN POLICY

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

Highland Wide Local Development Plan (2012)

6.2 Policy 28 Sustainable Development
Policy 29 Design, Quality and Place Making
Policy 31 Developer Contributions
Policy 51 Trees and Development
Policy 52 Principle of Development in Woodland
Policy 55 Peat and Soils
Policy 57 Natural, Built and Cultural Heritage
Policy 58 Protected Species
Policy 59 Other Important Species
Policy 60 Other Important Habitats
Policy 61 Landscape
Policy 64 Flood Risk
Policy 67 Renewable Energy including significant effects on: -

- Natural, Built and Cultural Heritage
- Other Species and Habitat Interests
- Landscape and Visual Impact
- Amenity at Sensitive Locations
- Safety and Amenity of Individuals and Individual Properties
- The Water Environment
- Safety of Airport, Defence and Emergency Service Operations
- The Operational Efficiency of Other Communications
- The Quantity and Quality of Public Access
- Other Tourism and Recreation Interests
- Traffic and Transport Interests

Policy 72 Pollution
Policy 77 Public Access

Inverness Local Plan (2006) (as continued in force)

6.3 No relevant policies.

7. OTHER MATERIAL POLICY CONSIDERATIONS

Scottish Government Planning Policy (SPP) and Guidance

7.1 The Scottish Government has recently consulted on an updated policy statement. However, it is SPP (February 2010) which requires to be considered in the determination of the current application. It contains a number of subject specific policy statements which are relevant to this application, including:-

- Rural Development
- Landscape and Natural Heritage

- Wild Land
- Transport
- Renewable Energy

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

- National Planning Framework for Scotland 2
- PAN 56 – Planning and Noise
- PAN 58 – Environmental Impact Assessment
- PAN 60 – Planning for Natural Heritage
- 2020 Routemap for Renewable Energy
- Onshore Wind Turbines (Updates July 2013)
- Wind Farm developments on Peat Lands (June 2011)

Interim Supplementary Guidance: On-shore Wind Energy (March 2012)

7.3 The site falls within an Area of Search requiring proposals to be assessed against Policy 67 of the HwLDP.

Highland Renewable Energy Strategy (HRES) (May 2006)

7.4 While superseded, in part, by the above Interim Supplementary Guidance, HRES is still relevant as a strategy document for renewable energy. Relevant policies to the current application, not otherwise superseded the above noted Supplementary Guidance, include:

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

8. PLANNING APPRAISAL

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

8.2 The determining issues for the Council as planning authority responding to this consultation are:

- Does the proposal accord with the development plan?
- If it does, are there any material considerations for not approving the proposed development?
- If it does not accord, are there any material considerations for approving the proposed development?

Assessment

8.3 To address the determining issues, the Planning Authority must consider the following:-

a) Development Plan
b) Interim Supplementary Guidance : Onshore Wind Energy.
c) Highland Renewable Energy Strategy.
d) National Policy.
e) Roads / Traffic Impact and Public Access.
f) Water / Drainage and Peat.
g) Natural Heritage.
h) Design,
i) Landscape (including Wild land)
j) Visual Impact.
k) Cultural Heritage.
l) Economic Impact and Tourism.
m) Aviation Interests.
n) Noise.
o) Construction Impacts.
p) Other Material Considerations within representations.

Development Plan

8.4 The Development Plan comprises the adopted Highland wide Local Development Plan (HwLDP). There are no site specific policies affecting this application site within the Inverness Local Development Plan. The principal HwLDP policy on which the application needs to be determined is Policy 67 - Renewable Energy. The other HwLDP policies listed at 6.1 of this report are also relevant and the application must be assessed against these also for example Policy 61 - Landscape. These matters all fall within the ambit of Policy 67 and are assessed in full within a number of material considerations examined within this report.

8.5 Policy 67 highlights that the Council will consider the contribution of the project towards renewable energy targets, positive and negative effects on the local and national economy other material consideration including making effective use of existing and proposed infrastructure and facilities. In that context the Council will support proposals where it is satisfied they are located, sited and designed such as they will not be significantly detrimental overall individually or cumulatively with other developments having regard to 11 specified criteria (as listed in para 6.2). If the Council is satisfied that there will be no significant adverse impact then the application will accord with the Development Plan.

Interim Supplementary Guidance – Onshore Wind Energy

8.6 The Council has developed Interim Supplementary Guidance to assist with the consideration of onshore wind energy. Public representations have highlighted references to policies set out in earlier draft versions of this guidance, which have not been pursued. For example there is no policy to restrict largescale wind farm development adjacent to the A9 corridor between Inverness and the CNPA.

8.7 The site principally falls within an “Area of Search” for wind energy requiring the policy to be assessed, as noted above, within Policy 67 of the HwLDP. Only the northern access track, the existing Farr Wind construction track route, falls within “stage 2 constraints” given its proximity to the communities of Farr, Inverarnie and Torbreck. The Supplementary Guidance expands on the considerations / criteria set out in the Development Plan policy. Criterion 1 Natural, Built and Cultural Heritage; 3 (Landscape and Visual Impact), 4 (Amenity at Sensitive Locations) and 7 (Safety of Airport, Defence and Emergency Service Operations) will be key issues to be examined in this assessment. If the Council is satisfied on these matters then the application will accord with its Interim Supplementary Guidance.

Highland Renewable Energy Strategy

8.8 The Development Plan references HRES which was developed by the Council for a range of Renewable Energy technologies. In particular the document addresses additional benefits from such investment including for example ‘Education and Training,’ ‘Community Benefit’ and ‘Local Content’ all important considerations when assessing individual project proposals – see later section on economic impact. For the avoidance of any doubt only those parts of the Council’s HRES which are compliant with Scottish Government SPP remain in force.

National Policy

8.9 The Scottish Government has a positive approach to Renewable Energy technologies. This is set out in Scottish Planning Policy (SPP) with further advice on renewable energy targets available from its “Routemap for Renewable Energy in Scotland 2013”. There is a Scottish Government target of 50% of Scotland’s electricity demand to be generated from renewable resources by 2015, and 100% of Scotland’s electricity demand to be generated from renewable resources by 2020. The targets are not a cap.

8.10 The Scottish Government has advised that operational onshore wind energy capacity deliver 46% of Scotland’s gross electricity consumption in 2013. 11.2 GWh was delivered from wind turbines. At the end of 2013, 6,592MW of installed renewable electricity capacity was available. Onshore wind energy projects in operation or approved as of April 2014 in Highland have a capacity to generate 1,660MW, 25% of Scotland’s onshore wind energy. A further 2,500MW has been approved offshore. The draft SPP documents, recently out for public consultation, do not substantially change the emphasis of the Scottish Government’s stance on wind energy. No great weight can be given to the draft SPP position at the current time.

8.11 SPP advises that planning authorities should support the development of wind farms in locations where technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. Criteria for the assessment of applications are listed including landscape and visual impact; effects on heritage and historic environment; contribution to renewable energy targets; effect on the local and national economy and tourism and recreation interests; benefits and dis-benefits to communities; aviation and telecommunications; noise and shadow flicker; and cumulative impact. These elements, as relevant to this application, are examined within this assessment.

8.12 SPP advises that when considering cumulative impact the factors for planning authorities to consider should be set out in the Development Plan or supplementary guidance. The Development Plan is expected to have a spatial framework for onshore wind farms over 20MW drawn from the identification of areas requiring significant protection, areas with potential constraints against identified criteria and areas of search where appropriate proposals are likely to be supported, again subject to identified criteria. The spatial approach advanced by Highland Council is as set out in its Interim Supplementary Guidance, noted above.

Roads / Traffic Impact and Public Access

8.13 The development will bring increased traffic onto the trunk road network principally during construction. There would also be short term impact on the local road network and trunk road network as Abnormal Loads (turbines parts) are delivered to the site on the A9(T) road between the port of Inverness and the main northern site access towards the end of the construction stage. This impact would be similar to that experienced during the development of the Farr Wind Farm

8.14 The proposed development will utilise the existing northern access for all construction works and any large loads needed for maintenance during the operational phase. On completion the existing three accesses from the local road network are to be used for ongoing servicing and general maintenance. Transport Planning have no objection to this approach subject to a condition requiring that the measures to ensure development traffic adhere to approved routes that be submitted and approved by the Planning Authority in consultation with Transport Planning.

8.15 The unclassified Garbole road is popular with recreational cyclists. There is an extensive network of paths and tracks in the area that the community and visitors walk forming part of the area's wider paths network. There are also core paths in Tomatin. Horse riders might use the access tracks within the wind farm if the gate and cattle grid at the northern boundary with the Forest Estate did not prevent it. Positive benefits on public access will depend on the appropriate furniture being installed at boundaries and gateways. The Council's Access Officer recommends that these provisions are secured by condition requiring that an Access Management Plan to be submitted for approval.

Water / Drainage and Peat.

8.16 The majority of the site lies within the headwaters of the Kyllachy Burn which is a tributary of the River Findhorn. The Kyllachy Burn has a catchment area of approximately 29.8km2, to its confluence with the River Findhorn, approximately 1.5km south east of the site. The existing northern access track lies within the catchment of tributaries of the River Farnack which is a tributary of the River Nairn. The site is not within or near any sites protected or designated for hydrological reasons. The site lies within a Groundwater Drinking Water Protected Area associated with the Findhorn bedrock and localised sand and gravel aquifers. This water body has been classified as 'good'. SEPA notes that there are two abstractions within 5km of the site, one of which is for Tomatin Distillery. The abstraction for the

distillery is located more than 3km from the development and would not be affected by the proposed development.

8.17 There are 12 private water supplies within a 5km radius of the site that serve domestic premises with less than 50 people supplied, and provide less than 10 cubic metres of water a day. During construction of the proposed development, and to a lesser degree during operation and decommissioning, there would be a number of activities taking place that could impact primarily on surface water quality and potentially on groundwater quality. There is a risk of accidental pollution downstream of areas of construction. The Findhorn Fisheries Board has in effect objected to the application on this basis, through its request for peer review of the submitted information. No objections have been raised to the application from SEPA and or TECS subject to appropriate conditions to secure mitigation to minimise the risk of pollution, flooding, ground water dependant terrestrial eco-systems, etc. by design and the adoption of best practice construction compliant with the Council's policy on Construction and Environmental Management. Confirmation is required on the development options for the substation, with the final site selection undertaking localised micro-siting to safeguard groundwater dependent terrestrial ecosystems. A 100m buffer to the Corrievorrie Spring has been noted within consultations.

8.18 The site contains significant areas of blanket bog (peatlands) which has been the subject of artificial drainage improvements, muir burning and grazing as a consequence of current estate management. Average peat thicknesses are 1.1m although peat depths range between 0.5m and 3m deep. The design of the wind farm has sought to avoid areas of deeper peat, where possible. This ensures that the risk of peat-slide is of low risk. SEPA is generally content with the project design as presented within the ES, although it has requested a condition to secure a Peat Management Plan to assist with the handling of peat / peat storage during construction to help maximise the re-use of this material.

Natural Heritage

8.19 As noted earlier (para 2.5) the site contains no nature conservation designation but does have valued habitat and is likely to be used by a number of European and nationally protected species including otter, bats, wild cat, water vole, pine martin, golden plover, dunlin, curlew, black grouse, merlin, red kite, golden eagle and peregrine falcon. SNH is content with the assessment as presented within the ES and has advised that the development is unlikely to impact on any surrounding designated sites.

8.20 If the application is granted planning permission SNH have highlighted the need for a number of conditions including a commitment to a Construction and Environmental Management Plan. In this manner pre-construction surveys are required to help identify any holts, dens, burrows, roosts, nesting areas, leks and generally the presence of any protected species which would then trigger careful management of construction / construction activity constraints with input from an Ecological Clerk of Works (ECOW). It has also requested that the developer produces a Habitat Management Plan and Deer Management Plan as mitigation to help minimise impact on affected habitats. It has also requested an allowance of turbine micro-siting to avoid areas of montane heath. Finally SNH recommends that the CEMP approach is

extended to all decommissioning works.

Design

8.21 The final design as presented in the application consists of two main groups of turbines with nine located to the south-west, and eleven to the south-east of the existing Farr Wind Farm. The applicant has advised that it is of particular importance that the proposed wind farm achieves a good integration with the existing Farr Wind Farm. This has been achieved from most locations in the surrounding landscape due to the spacing of turbines and use of a similar sized turbine. The design evolution as set out in the ES allowed for further mitigation to be taken into account including the use of existing site access tracks where possible; minimisation of land take; siting to minimise impacts on the wider landscape; and minimisation of the length of new access tracks within the site.

8.22 The turbines will be seen from the local Garbole road, as are the Farr turbines, set on open moorland. The deployment of internal transformers and not external transformers assist in minimising clutter around the existing Farr turbine bases. This design detail should be secured by condition for the Kyllachy turbines. Given that there are no residential properties within 2.6km of the proposed turbines householder amenity issues arising from for example shadow flicker are limited.

8.23 The application presents two possible options for the siting of the substation compound. Each in their own way is an acceptable option that is located close to existing estate access routes. Although SEPA has highlighted its preference for option 1, removing the need to connect with the existing estate track east of Turbine 16. The final site selection and detailed design of the switchgear / substation still requires careful attention to ensure the design layout and overall appearance fits its location, rather than an acceptance of an atypical design as presented in the ES. In this regard the applicant has been asked to look at local context and existing building vernacular for inspiration / replication.

Landscape (including Wild land)

8.24 The assessment as presented within the ES advises that the proposed wind farm would sit within a large landscape character area which is recognised as rolling uplands, part within “Inverness district” and part in “Moray and Nairn district” which extends on an alignment southwest – northeast. The character of this area consists of largescale, smooth rounded hills, with summits of a similar height, spaced apart. The vertical elements of the development would make a significant effect on the landscape in the immediate area. However this effect diminishes with distance given the largescale nature of the surrounding landscape. It is this diminishing effect that helps reduce the impact of the development upon the designated landscapes surrounding the site including the Cairngorm National Park to the south; the Special Landscape Areas of “Loch Ness and Duntelchaig” to the north west and “Drynachan, Lochindorb and Dava Moors” to the east. SNH advise that the proposal will not affect the special qualities identified for the National Park including its National Scenic Area, landscape character, visual amenity or wild land.

8.25 The impact of the development contained within this one landscape character type, which is already impacted by wind farm development including Farr wind farm

(operational), Moy Wind farm (granted / not constructed), Dunmaglass wind farm (under construction), Corriegarth wind farm (granted / not constructed) and Tom Na Clach (granted / not constructed). Glen Kyllachy has been designed to be seen as an extension of Farr wind farm, i.e. a single entity whose impact is already recognised in the landscape. The cumulative ZTV (KW6-9) illustrates the visibility of the Glen Kyllachy wind farm in addition to the existing Farr turbines. The additional visibility, as noted by SNH, will be limited. It is further recognised that the significant effects of each of the other developments (Moy, Tom Na Clach, Dunmaglass and Corriegarth) are also relatively local and thereby, set apart from one another.

8.26 SNH has advised that in its assessment of the initial Farr wind farm it had highlighted significant adverse visual impacts from Strathnairn and in the determination of that application sought mitigation measures to ensure that the proposal did not spill out from the 'bowl' in which it is contained. These impacts were reduced by the subsequent removal of proposed turbines from the approved scheme. The Glen Kyllachy proposal is located next to and is clearly associated with the Farr turbines. Parts of the proposed scheme, SNH advises, would "re-introduce significant but local visual impacts from Strathnairn" in the areas around Dunlichity Lodge and Brin Mains, undermining the mitigation previously secured in the Farr scheme. The proposal also introduces greater visibility of turbines from the A9 Slochd than the Farr wind farm (VP 5). SNH does not consider the impacts of the proposal to be of national importance. In its view the landscape and visual impacts are of regional and local significance.

8.27 Representations have highlighted the additional impact within Strathnairn as noted by SNH, also adding in the impact of the development as, for example, seen from properties such as Glen Nairn Lodge. The applicant's ES advises the cumulative magnitude of change of the proposed Kyllachy Wind Farm, when seen in conjunction with the existing Farr wind farm turbines is slight due to the limited number of turbines added to the view and small additional proportion of the view that would be occupied by turbines. This view is not contested.

8.28 SNH further advises that the development results in a combined wind farm that visually extends out of the natural bowl in which Farr sits, spilling over into the surrounding moorland as illustrated at VP16 – (Beinn Bhreac Mhor). This cumulative impact is assessed within the ES as major / moderate. SNH agrees with that assessment. This impact will be experienced from other locations including VP18 (Abriachan) but not, SNH advises, to the extent that it will result in a significant landscape impact.

8.29 The ES highlights further significant landscape impact as seen from VP2 (Strathdearn –east of A9), VP 9 (Coignafearn Road), VP 13 (Strathdearn – west of A9) and VP 15 (Garbole Road). The ES concludes that due to the large scale of the landscape, the overall impact would generally be moderate and not significant. However, there would be localised significant impacts on landscape character on some nearby summits within the Rolling Uplands LCT and on Strathdearn and Glen Kyllachy. This conclusion is not contested.

8.30 SNH has advised on wild land that the Glen Kyllachy wind farm does not lie within a Search Area for Wild Land (SAWL) or a Core Area of Wild Land (CAWL) but visibility of the proposal (and the existing Farr turbines) extends into both these classified

areas highlighting land with wildness qualities. This visibility is limited in the main to areas that already are impacted with visibility of the Farr turbines. SNH agrees with the findings presented in the ES that impact from the Glen Kyllachy wind farm development on the integrity of the wild land areas will not be greatly increased.

Visual Impact.

8.31 The application has been assessed for visual impact using 23 viewpoints agreed with SNH and the Planning Service. The viewpoints selected provided a range locations representing local views, wider (mid range) and then more distant views taking account the interests of potential receptors, including road users, residents, settlements, recreational interests and designated sites. Representations have criticised this list, highlighting the absence of view points from the Balvraid Road (U339) at locations between Stabul-Ur and Balvraid, Clune Road between Drumbain Farm and Balnagordonach, Findhorn Bridge and the Cairngorms National Park Boundary. Whilst viewpoints from these locations would have shown the impact of the development, the impact can also be understood from the viewpoints as presented within the ES.

8.32 The ES presents the findings of the assessment and highlights that the development will have significant impact from a number of locations. These are considered in turn.

VP 2 Strathdearn, east of A9 at Ruthven – Residential properties, at a distance of 5.4km to the nearest turbine, with have a view of 3 turbines to hub height and a further three turbines (blade tips only). This would add to the existing view of 2 turbines from the Farr wind farm to hub height.

VP3 A9 approach to Tomatin – Cyclists, who utilise the National Cycle route (NCR7) into Tomatin from Moy, at a distance of 5.1km, would see 1 turbine to hub height, and blades of another 3 turbines in addition to Farr turbines, 2 turbine blades only.

VP 5 Slocht Summit – Motorists on the A9(T) road including many tourists and cyclists, who utilise the National Cycle route (NCR7) into Tomatin from the Slochd, at a distance of 7.5km, would see 6 turbines to hub height, and blades of another 6 turbines in addition to Farr turbines, three to hub height and 5 blades only. Views from the rail line are significantly more limited on account of the route of the railway through a cutting for many sections north of the Slochd.

VP 6 Carn nam Bain Tighearna – Hill walkers, who climb to this local hill top, at a distance of 9.1km, would see the full cluster of turbines at Glen Kyllachy, in addition to most of the turbines of Farr wind farm. The development would be more prominent that the Farr turbines. From this high point location a number of other wind farms can be seen including Allt Duine (yet to be determined), Corriegarth, Dunmaglass, Moy, Novar, Tom Na Clach, Berry Burn and Paul's Hill.

VP 9 Coignafearn Road – Residents and recreational users (walkers /cyclists) will have views of the wind farm from the flat bottomed river valley. Although the visualisation is not presented to Council standards the visibility of a turbine located at some 2.8km distance would introduce a new adverse visual impact. Depending where you are located on this road / valley the view of turbines ranges from no visibility to

views of potential 4 turbines. The viewpoint demonstrates one turbine including its hub. One further blade tip would also be seen. The wireline highlights that a further additional blade tip could be seen from this location.

VP 13 Strathdearn west of A9 – Recreational users (walkers / cyclists/ tourists / fishers) using this river valley route will have views of turbines, albeit local vegetation and topography limits the experiences as viewers pass through the area. The wireline highlights 5 turbines (potentially) being visible. The photomontage highlights only one turbine in full view, with tree cover (in leaf) restricting further visibility.

VP 15 Garbole Road – Road and Recreational users (walkers / cyclists/ tourists) will be impacted by the development given the distance to the nearest turbine being only 1.2km. Almost all turbines will be on view in addition to the many turbines from the Farr wind farm and the existing grid line which passes through this area.

8.33 From wider views such as VP 1 (Carn nan Tri-Tighearnan), VP 18 (Abriachan), Viewpoint 20 (Nr Loch Ashie) the wind farm can be regarded as a development that extends Farr wind farm. The design does not result in a significant adverse visual impact as noted in the ES and by SNH who have not objected to the application. The application has also not raised any objection from the Cairngorm National Park Authority.

8.34 The ES concludes that "The wind farm would result in some localised significant effects within Strathdearn and on the adjacent summits of the Monadhliath Mountains. However, the extent of significant impacts through the wider landscape would be localised and limited in extent". Whilst this conclusion is not contested attention is highlighted to the comments from SNH, Strathnairn and Strathdearn who have highlighted particular local visual impact from receptors (residents) as experienced from VPs 5 (Slochd), VP 15 (Garbole Road) and VP 19 (Strathnairn). The impact, of significance, is not contested, but a judgement is required as to whether this visual impact is sufficiently adverse on the highlighted receptors to a degree that renders the application unacceptable. The existence of the existing Farr turbines are helpful in understanding the degree of impact, and it is important to recognise that Glen Kyllachy turbines will be to a degree more visible, for example, from VP 5 (Slochd).

Cultural Heritage.

8.35 Within the site there are no designated historic assets. Six undesignated historic assets are situated adjacent to the access track routes to the south-east and north-west of the proposed development. Overall, the ES raises no significant direct or indirect issues, a conclusion with which the Council's Historic Environment Team (HET) concur. Representations have in particular highlighted stone markers within Glen Kyllachy associated with the Druim an Tuirc burial chamber at Glenkirk. The Council's Archaeologist is content that these historical features can be protected / left undisturbed; provision for which can be secured by planning condition.

8.36 The ES sets out a number of measures to mitigate impacts, principally a combination of fencing off sensitive areas and watching briefs, where issues have been identified. No direct impacts to known cultural heritage assets are predicted, but should this change the Council's HET require to be notified immediately to ensure an appropriate

response is put in place. With this in mind the necessary archaeological works / mitigation will need to be secured using the Council's standard ARC 1 condition.

Economic Impact and Tourism.

8.37 The project offers approximately £12m of construction investment, with approximately 100 local workers assisting during the 24 month construction tasks. The ES advises there are 6FTE posts to be commissioned during the 25 year operational phase. Such contracts continually add to economic base of the Highlands The development will allow the traditional land uses of the estate to continue.

8.38 The ES has assessed the likely impacts on surrounding businesses, tourist and recreational interests as noted generally in paragraph 2.1 above. The most significant impacts on such interests are the visual impacts, particularly on the walkers, cyclists and other recreational users in the area, as considered earlier in this assessment. The ES advises that the socio-economic effects are either negligible or minor. Although a number of representations have highlighted concerns, the findings of the ES are not contested given the limited impact on the key tourist assets which are set apart from this development site. In addition the Council's Access Officer highlights only low level use of the site, by walkers, hill runners and skiers.

8.39 The Council is aware of the importance of the landscape and the many other assets of the Cairngorm National Park and the Highlands generally to draw in visitors and sustain the tourist's related business in the area. The CNPA has raised no objection to the application.

8.40 It is the construction phase that it likely to present the most adverse impacts on the local economy, through construction traffic on the A9, particularly when deliveries of the abnormal loads (turbine parts) are undertaken. The experience of the Farr wind farm construction gave rise to no significant adverse impact. Planning conditions requiring positive traffic management and community consultation to avoid delivery dates with key local events (Moy Fair) can help minimise such impact. Overlapping construction timetables with similar projects such as the Moy Wind farm can also be included within any such condition, with a requirement to effectively manage impact on key roads arising from two or more significant construction projects.

Aviation Interests

8.41 The project has been assessed against local and national aviation interests including Dalcross Airport and RAF Lossiemouth. There have been no objections raised within consultations from aviation interests however a request has been made by the MOD for a lighting scheme, which can comprise an infra red solution. On this basis there should be no additional visual impact from the project arising from the required lighting. This can be secured through planning condition.

Noise

8.42 The applicant has undertaken an assessment of the predictive noise from operational turbines and the location of properties north, east and south of the development site. This has included two new approved houses one north west of Tomatin Distillery and

one north west of Asgard, Strathdearn. These were granted planning permission since the EIA Scoping response on this application and the operation of the Farr wind farm. It was also necessary to examine the cumulative noise arising from the operation of the proposed turbines and the operational turbines within Farr wind farm. However operational noise capacity for the Farr wind farm scheme is higher than the predicted levels for that scheme. This has led to some uncertainty regarding impact, particularly if noise levels at Farr increase, for whatever reason. The applicant has concluded that the operation of the Glen Kyllachy turbines is not expected to have significant adverse impact on the dispersed properties beyond the development site.

8.43 The Council's Environmental Health Officer (EHO) has highlighted a current complaint in respect of noise arising from the Farr turbines, although the basis of concern has not been confirmed. It is with this background that careful scrutiny of the Glen Kyllachy project, including the potential cumulative impact with Farr wind farm has been undertaken. This has had to also recognise the additional planning permissions for housing granted since the Farr wind farm has become operational.

8.44 The EHO does not objection to the application from the predicted noise levels, including cumulative noise levels, but has highlighted that at two properties the predictive levels are close to the limits set within noise guidance and standards. Accordingly a request, acceptable to the applicant, has been made for a planning condition to ensure compliance monitoring from the outset and mitigation measures which include curtailment of individual turbines in different conditions up to and including potentially cessation of operation.

Construction Impacts.

8.45 Highland communities and relevant organisations managing or undertaking wind farm development are becoming increasingly familiar with the impacts of wind farm construction including traffic impacts, traffic and construction noise, borrow pit working, construction compounds, working with concrete, oils and fuels, waste, ground disturbance, working within a peat environment during dry, wet and cold conditions. To best manage the likely impacts the Council, together with SNH, SEPA and other bodies such as the local Fisheries Board expect a developer to adopted a Construction and Environmental Management Plan (CEMP) approach to all construction activity to minimise adverse impact upon the local environment / ecology/ hydrology, etc. This Plan helps set out in full the offered mitigation as presented with the applicant's ES and as requested or agreed through the assessment of an application.

8.46 The applicant has highlighted its commitment to a CEMP approach, which would also include an Excavated Material's Management Plan to ensure compliance with method statements and to keep track of volumes extracted from borrow pits in line with expected excavations. The CEMP approach would apply to all construction activity and restoration works, both short term and at the project end. This will include plans required in respect of peat management, habitat management or deer management as requested by statutory agencies for approval prior to implementation.

8.47 The development of the Farr wind farm provides some experience of the successful management of a largescale onshore wind energy project in this locality managed

through planning conditions. Adoption of a similar approach securing an appropriate level of mitigation as currently advanced by the applicant, with the additional input as requested from statutory consultees, should secure effective management of construction impacts on key environmental resources. The applicant has requested planning permission be granted for five years, two years more that is standard, on account of the expected grid connection date. There is no reason to suggest this request be refused.

8.48 The three identified borrow pits offer acceptable project locations and indicative workings, details of which would require further approval as a requirement of condition. The winning of the material on-site is an acceptable approach which minimises traffic impact arising from material importation.

Other Material Considerations within representations.

8.49 In line with The Highland Council policy and practice, community benefit considerations are undertaken as a separate exercise and generally in parallel to the planning process.

8.50 There are no other relevant material factors highlighted within representations for consideration of this application by the committee.

9. CONCLUSION

9.1 The Scottish Government gives considerable commitment to renewable energy and encourages planning authorities to support the development of wind farms where they can operate successfully and where concerns can be satisfactorily addressed. The project has the potential to provide a further 50MW generation of renewable energy towards Scottish government targets. As with all applications the benefits of the proposal must be weighed against potential drawbacks and then considered in the round, particular against the policies of the Development Plan.

9.2 The site falls within an “Area of Search” within the Council’s Supplementary Guidance for onshore wind farm development; the default position set out in the guidance once national and local constraints are identified. Many issues highlighted in the processing of this application, for example in relation to construction traffic, protection of water quality and impact on peat can be managed through appropriate mitigation, the adoption of good construction practices and or planning conditions. The majority of statutory consultees are content with the project subject to requested planning conditions being put in place. 35 letters of support have been made for the proposal which would seem to add to an existing development in this location. The impact of the new turbines is seen to be lessened by the presence of existing turbines.

9.3 However, the application has attracted three objections from consultees including two local community councils and the local salmon Fisheries Board. 29 representations against the proposal have also been lodged. The key issues of objection relate to the visual impact including the cumulative impact of large scale wind turbines in this locality, as well as impact on the landscape of this area which is set between the Cairngorm National Park and other valued designations, communities and transport routes.

9.4 As noted from the assessment of this application, the development will have significant impact locally on the landscape and will be seen from surrounding hill tops. The project would add to the impact already created by the Farr wind farm. SNH has highlighted that the development spills out of the bowl, within which the Farr wind farm project was contained, but acknowledges the extra impact particularly within Strathnairn is of regional and local concern only. It also acknowledges that given the impact of the existing wind farm on the landscape and particularly areas to the southwest of the site with wildness qualities, the project does not be greatly increase the acknowledged existing impact from Farr wind farm. The site lies outwith the National Park and the Cairngorm National Park Authority have not objected to the development. SNH and CNPA will have considered not just the impact of the development on the landscape but also cumulative impact including nearby wind farm developments of Farr, Moy, Tom na Clach, Dunmaglass, Corriegarth projects.

9.5 The acceptability of a proposal with regard to its visual impact is in many ways a subjective matter. While a significant number of the objectors consider that the development will have an adverse impact on visual amenity and the landscape qualities of the area, supporters indicate that this is a suitable site for wind energy development. There will undoubtedly be additional adverse visual effects to the local community as seen from a number of viewpoints including users of the Garbole Road, Coignafearn Road, the A9(T) road at the Slochd and a few residential properties in Strathnairn and Strathdearn. In the latter case, the visual impact is at distance from each property ≥ 2km, where the impact on the amenity of each property is not considered to be significantly adverse to be considered as being unacceptable to the amenity of any residents.

9.6 The visual impact particularly of road users in this area is one which is already impacted by wind farm development. The existence of one wind farm in this location, which already impacts on a wider area, is not justification for further development alone. However if there is an opportunity to have a well design, enlarged cluster, using an existing wind farm access route for construction, this is in many ways preferable to a more dispersed pattern of development.

9.7 For road users on the Garbole Road, the visual impact of turbines will be greater than that of the Farr turbines, but will very much be seen as an extension of the existing development, with similar impact. The impact as seen from the Coignafearn Road (VP 9 and 13) is limited and intermittent. It is from the Slochd (VP 5), Strathnairn (VP19), Loch Ashie (VP 20) that the extended array of turbines can best be assessed location, but on account of the distance to the nearest turbines (≥ 5km) the impact is such as not being significant to the extent that the application be amended or refused. At viewpoints of greater distance, for example, at Abriachan (VP18) the development presents as a cohesive unit with the existing Farr turbines.

9.8 The benefits of the proposal must be weighed against potential drawbacks and then considered in the round. The project carries considerable support in principle by virtue of the Government's policy and targets towards greater renewable energy production. With a generating capacity of up to 50MW the proposal would make a useful contribution to meeting both national and The Highland Council's own renewable energy targets. The proposal will create a number of construction jobs, albeit short term, as well as providing wider economic benefits to the local economy during the

construction of the wind farm. The applicant has been able to demonstrate that many of the potential adverse impacts can be adequately addressed.

9.9 While the development will become a more significant feature of wind farm development in the local area, it is considered that the proposal is acceptable in terms of design and layout in that it is complementary to the existing Farr wind farm. In landscape terms the development does seem to co-exist with existing Farr turbines and is separated from other largescale renewable projects in the wider area. The visual impact, in taking into consideration the benefits of promoting a clustered approach to the location of such development, while significant from some viewpoints, is not considered to be significantly detrimental to the amenity of residents and users of the surrounding area. If these views are accepted, it can be concluded that the proposals would comply with the Development Plan.

10. RECOMMENDATION

10.1 It is recommended the application be granted planning permission subject to the conditions and reasons highlighted below.

Action required before decision issued	n
Notification to Scottish Ministers	n
Notification to Historic Scotland	n
Conclusion of Section 75 Agreement	n
Revocation of previous permission	n

CONDITIONS

1. This planning permission shall expire and cease to have effect after a period of 30 years from the date when electricity is first exported to the electricity grid network (the "First Export Date"). Upon the expiration of a period of 25 years from the First Export Date, the wind turbines shall be decommissioned and removed from the site, with decommissioning and restoration works undertaken in accordance with the terms of condition 3 of this permission. Written confirmation of the First Export Date shall be submitted in writing to the Planning Authority within one month of the First Export Date.

   Reason: Wind turbines have a projected lifespan of 25 years, after which their condition is likely to be such that they require to be replaced, both in terms of technical and environmental considerations. This limited consent period also enables a review and, if required, re-assessment to be made of the environmental impacts of the development and the success, or otherwise, of noise impact, species protection, habitat management and mitigation measures. The 30 year cessation date allows for a 5 year period to complete commissioning and site restoration work.

2. No development shall commence until a draft Decommissioning and Restoration Plan (DRP) for the site has been submitted to, and approved in writing by, the Planning Authority in consultation with SNH and SEPA. Thereafter and no later than 12 months prior to the decommissioning of the development, a detailed DRP, based upon the principles of the approved draft plan, shall be submitted to, and approved in writing by,

the Planning Authority, in consultation with SNH and SEPA. For the avoidance of doubt, the DRP shall include the removal of all above ground elements of the development, all new (as opposed to existing at the time of the grant of planning permission) access tracks required for the development including any new access tracks retained from the Farr Wind Farm not decommissioned by that project, the treatment of disturbed ground surfaces, management and timing of the works, environmental management provisions and a traffic management plan to address any traffic impact issues during the decommissioning period. The Decommissioning and Restoration Plan shall be implemented as approved.

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

3. No development shall commence until a financial guarantee using Section 69 Agreement Local Government (Scotland) Act 1973 (or equivalent legal agreement mechanism) is in place with the Highland Council to secure the proper de-commissioning of the wind farm and site reinstatement as set out within the approved draft Decommissioning and Restoration Plan required under Condition 2 above.

   Reason : To ensure the necessary finances to guarantee final site restoration.

4. The Wind Farm Operator shall, at all times after the First Export Date, record information regarding the monthly supply of electricity to the national grid from each turbine within the development and retain the information for a period of at least 24 months. The information shall be made available to the Planning Authority within one month of any request by them. In the event that:

   i. any wind turbine installed and commissioned fails to supply electricity on a commercial basis to the grid for a continuous period of 6 months, then the wind turbine in question shall be deemed to have ceased to be required. Under such circumstances, the wind turbine, along with any ancillary equipment, fixtures and fittings not required in connection with retained turbines, shall, within 3 months of the end of the said continuous 6 month period, be dismantled and removed from the site and the surrounding land fully reinstated in accordance with this condition; or

   ii. the wind farm fails to supply electricity on a commercial basis to the grid from 50% or more of the wind turbines installed and commissioned and for a continuous period of 12 months, then the Wind Farm Operator must notify the Planning Authority in writing immediately. Thereafter, the Planning Authority may direct in writing that the wind farm shall be decommissioned and the application site reinstated in accordance with this condition. For the avoidance of doubt, in making a direction under this condition, the Planning Authority shall have due regard to the circumstances surrounding the failure to generate and shall only do so following discussion with the Wind Farm Operator and such other parties as they consider appropriate.

   All decommissioning and reinstatement work required by this condition shall be carried out in accordance with the approved detailed Decommissioning and

Reinstatement Plan, or, should the detailed Decommissioning and Reinstatement Plan not have been approved at that stage, other decommissioning and reinstatement measures, based upon the principles of the approved draft DRP, as may be specified in writing by the Planning Authority.

Reason: To ensure that any redundant or non-functional wind turbines are removed from site, in the interests of public safety, amenity and environmental protection purposes.

5. The development shall be undertaken in accordance with the application, approved layout Ref Drawing Number 000003 dated 28 May 2013, the mitigation cited within the supporting Environmental Statement (ES) and in compliance with the planning conditions attached to this planning permission. For the avoidance of doubt the turbines, access tracks and crane hard-standing areas may be micro sited but no more than 50 metres from the positions shown in the approved plans unless otherwise agreed in writing with the Planning Authority in consultation with SEPA and SNH. Micro siting will also be constrained to ensure 50m buffers are retained from all watercourses, areas valued for Ground Water Dependent Terrestrial Ecology and Montaine Heath.

   Reason: To ensure the development is carried out in accordance with the approved plans with some flexibility to take account of local site conditions uncovered at the final design and construction stage.

6. The application hereby approved includes development options with regard to the siting of the proposed sub-station. For the avoidance of any doubt, prior to the commencement of any development on site the developer must supply finalised details for approval of the Planning Authority on which options for the sub-station is to be pursued, thereby confirming the area of ground for the alternate option to be left undisturbed. The final design for each element must demonstrate an element of micro-siting to minimise impact on groundwater dependant terrestrial ecosystems as already advised by SEPA.

   Reason: To ensure the development is undertaken with the least environmental impact and within minimal disturbance on valued groundwater ecosystems.

7. No development shall commence until full details of the proposed wind turbines have been submitted to, and approved in writing by, the Planning Authority. These details shall include:

   i. The make, model, design, power rating and sound power levels of the turbines to be used; and

   ii. The external colour and/or finish of the turbines to be used (incl. towers, nacelles and blades) which should be non-reflective pale grey semi-matt.

   Thereafter, development shall progress in accordance with these approved details and, with reference to part ii above, the turbines shall be maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned. For the avoidance of doubt, all wind turbine blades shall

rotate in the same direction.

Reason: To ensure that the turbines chosen are suitable in terms of visual, landscape, noise and environmental impact considerations.

8 Unless otherwise agreed in writing by the Planning Authority, all of the wind turbine transformers shall be located within the tower of the wind turbine to which they relate. Agreement for external transforms will only be given if the developer can, through detailed design work and additional landscape and visual impact assessment, demonstrate, to the satisfaction of the Planning Authority, that they would not adversely affect the character, integrity or general amenity of the application site and its setting.

Reason: To ensure ancillary elements of the development, such as external transformers, are only permissible if, following additional design and LVIA work, are demonstrated to be acceptable in terms of visual, landscape, noise and other environmental impact considerations.

9 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), and unless there is a demonstrable health and safety or operational reason, none of the wind turbines, anemometers, power performance masts, switching stations or transformer buildings / enclosures, ancillary buildings or above ground fixed plant shall display any name, logo, sign or other advertisement without express advertisement consent having been granted on application to the Planning Authority.

Reason: To ensure that the turbines are not used for advertising, in the interests of visual amenity.

10 No development shall commence until full details of the final location, layout, external appearance, dimensions and surface materials of all control buildings, welfare facilities, compounds and parking areas, as well as any fencing, walls, paths and any other ancillary elements of the development, have been submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA and SNH, as necessary). Thereafter, development shall progress in accordance with these approved details. For the avoidance of doubt, details relating to the control, substation and welfare buildings shall include additional architectural design, LVIA and other relevant assessment work, carried out by suitably qualified and experienced people, to ensure that they are sensitively scaled, sited and designed. For the avoidance of doubt the deployment of peat bunds for screening of such buildings / equipment is not permitted.

Reason: To ensure that all ancillary elements of the development are acceptable in terms of visual, landscape and environmental impact considerations.

11 No development shall commence until a scheme of aviation lighting is submitted to, and approved in writing by, the Planning Authority after consultation with the Ministry of Defence. Thereafter the approved scheme of aviation lighting shall be fully implemented on site. The Company shall provide both the Ministry of Defence and the Defence Geographic Centre (AIS Information Centre) with a statement, copied to the Planning Authority and Highland and Islands Airports Limited, containing the

following information:

a. The date of commencement of the Development;
b. The exact position of the wind turbine towers in latitude and longitude;
c. A description of all structures over 300 feet high;
d. The maximum extension height of all construction equipment;
e. The height above ground level of the tallest structure; and
f. Details of an infra red aviation lighting scheme as agreed with the MOD, other aviation interests and the Planning Authority.

Reason: -To ensure that the erected turbines present no air safety risk and in a manner that is acceptable to local visual impact considerations.

12 No development shall commence until a community liaison group is established by the developer, in collaboration with The Highland Council and local Community Councils. The group shall act as a vehicle for the community to be kept informed of project progress and, in particular, should allow advanced dialogue on the provision of all transport-related mitigation measures and to keep under review the timing of the delivery of turbine components. This should also ensure that local events and tourist seasons are considered and appropriate measures to co-ordinate deliveries and work with these and any other major projects in the area to ensure no conflict between construction traffic and the increased traffic generated by such events / seasons / developments. The liaison group, or element of any combined liaison group relating to this development, shall be maintained until the wind farm has been completed and is fully operational.

Reason: To assist with the provision of mitigation measures to minimise potential hazards to road users, including pedestrians, travelling on the road networks.

13 Prior to commencement of deliveries to site, a Route Access Report including swept path analysis must be undertaken to ensure that exceptional loads can be transported through the trunk road network safely. The complete report shall detail any accommodation measures required including the temporary removal of street furniture, junction widening, traffic management etc. and show that the transportation will not have any detrimental effect on structures within the route path.

Reason: To minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the development.

14 During the delivery period of the wind turbine construction materials any additional signing or temporary traffic control measures as identified and deemed necessary by a recognised QA traffic management consultant due to the size or length of any loads being delivered or removed must be approved by Transport Scotland before delivery commences.

Reason: To ensure that the transportation will not have any detrimental effect on the road and structures along the route.

15 During construction, vehicle wheel washing facilities shall be provided within the site at a suitable location prior to vehicle departure onto the A9 trunk road.

Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

16 Prior to the commencement of development, an undated traffic impact statement must be submitted to the Planning Authority for final approval in consultation with the Roads Authority. Where departures are proposed from the initial traffic impact assessment, these must be supported with an agreed pre construction survey assessment and appropriate mitigation to safeguard the integrity of the local road network including if necessary the prior provision of “wear and tear” agreement and associated financial bond.

Reason: To ensure that all construction traffic will not have detrimental effect on the road and structures to be used within the construction of the development and provisions are in place to ensure repairs can be implemented.

17 No development shall commence until an Access Management Plan (ACP) is submitted for the approval of the Planning Authority to detail: -

- how construction traffic will be managed to ensure general access to the countryside will be sustained / improved during the construction period.
- Permanent site signage and access control (gates) etc. to facilitate public access provision including walkers, cyclists and by horse during the operation of the development when the wind farm tracks are available for public access.

The approved plan will then be implemented on an agreed timetable.

Reason: - To ensure public access to the countryside is not unnecessarily impeded as a result of this development, including during its construction.

18 No development shall commence until a finalised Construction Environmental Management Document is submitted to and agreed in writing by the Planning Authority in consultation with SNH and SEPA. The document shall include:

- An updated Schedule of Mitigation (SM).
- Processes to control / action changes from the agreed Schedule of Mitigation.
- The following specific Construction and Environmental Management Plans (CEMP):

    i. Peat Management Plan – to include details of all peat stripping, excavation, storage and reuse of material in accordance with best practice advice published by SEPA and SNH. This should for example highlight how sensitive peat areas are to be marked out on-site to prevent any vehicle causing inadvertent damage.
    ii. Management of Geo-technical Risks including provision of a completed Peat Landslide Risk Assessment
    iii. Water Management Plan - highlighting drainage provisions including monitoring / maintenance regimes, deployment of water- crossings using bottomless culverts, surface water drainage management (SUDs) and development buffers (50m minimum) from watercourses, local springs and

identified groundwater dependent terrestrial ecosystems.

iv. Pollution Prevention Plan.
v. Site Waste Management Plan.
vi. Construction Noise Mitigation Plan.
vii. Species Protection Plan for otter, wildcat, bats, pine martin, water vole, breeding birds (merlin, black grouse, curlew) and groundwater dependent terrestrial ecosystems (GWDTEs) including details of pre-commencement surveys and development of buffer areas to prevent encroachment on protected species and valued habitat.
viii. Site Landscaping and Restoration Plan highlighting measures to ensure grazing animals including deer do not damage restored and reinstated ground.
ix. A Habitat Management Plan to mitigate the loss of priority habitat including avoidance of development upon montane heath and minimisation of impact on blanket bog and upland dry heath highlighting works including peatland management to compensate for losses within and beyond the development site including the effective monitoring and reporting post construction.
x. A Deer Management Plan addressing deer numbers on site, construction displacement, the potential for the wind farm to create new sources of food and / or shelter, the impacts this may have and how this will be monitored and managed over time. It should also take into account the potentially competing objectives of any other objectives for the site (eg habitat restoration), and seek the optimum outcome for both.
xi. Woodland Management Plan highlighting the extent of works, albeit limited, to under undertaken within the application site and confirming the volume / area of compensatory planting to be provided.

- Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities which shall include but not necessarily be limited to:

  i. Providing training to the developer and contractors on their responsibilities to ensure that work is carried out in strict accordance with environmental protection requirements;
  ii. Monitoring compliance with all environmental and nature conservation mitigation works and working practices approved under this consent;
  iii. Advising the developer on adequate protection for environmental and nature conservation interests within, and adjacent to, the application site;
  iv. Directing the placement of the development (including any micro-siting, as permitted by the terms of this consent) and the avoidance of sensitive features; and
  v. The power to call a halt to development on site where environmental considerations warrant such action.

- Details of any other methods of monitoring, auditing, reporting and communication of environmental management on site and with the client, Planning Authority and other relevant parties.

- Statement of any additional persons responsible for ‘stopping the job / activity’ if in potential breach of a mitigation or legislation occurs.

Unless otherwise agreed in writing by the Planning Authority the development shall proceed in accordance with the agreed CEMD.

Reason: To protect the environment from the construction and operation of the development and secure final detailed information on the delivery of all on-site mitigation projects.

19 No development or work (including site clearance) shall commence until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development / work, including a timetable for investigation, all in accordance with the attached specification, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

Reason: In order to protect the historic interest of the site.

20 The rating level of noise immissions from the combined effects of the wind turbines (including the application of any tonal penalty) of both Farr and Glen Kyllachy wind farms when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to these conditions at any dwelling which is lawfully existing or has planning permission at the date of this permission and:
The rating level of noise immissions from the combined effects of the wind turbines (including the application of any tonal penalty) of Glen Kyllachy wind farm when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed 35dB LA90 at the consented dwelling site at grid reference 824550 275303 and:

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

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

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

(d) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limits set out in the Tables attached to these conditions or approved by the Planning Authority pursuant to paragraph (f) of this condition shall be undertaken at the measurement location approved in writing by the Planning Authority.

(e) Prior to the submission of the independent consultant's assessment of the rating level of noise immissions pursuant to paragraph (F) of this condition, the wind farm operator shall submit to the

Planning Authority for written approval a proposed assessment protocol setting out the following:

(i) The range of meteorological and operational conditions (the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions.

(ii) A reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component.

The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the information provided in the written request from the Planning Authority under paragraph (B), and such others as the independent consultant considers necessary to fully assess the noise at the complainant's property. The assessment of the rating level of noise immissions shall be undertaken in accordance with the assessment protocol approved in writing by the Planning Authority and the attached Guidance Notes.

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

g) The wind farm operator shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Planning Authority made under paragraph (B) of this condition unless the time limit is extended in writing by the Planning Authority. All data collected for the purposes of undertaking the compliance measurements shall be made available to the Planning Authority on the request of the Planning Authority. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

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

i) No generation of electricity to the grid from the wind turbines shall take place until a Scheme for the regulation of amplitude modulation has been submitted to and approved in writing by the local planning authority. The scheme should be implemented as approved.

Table 1 – Between 07:00 and 23:00 – Noise limits expressed in dB LA90,10 minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

Location	Standardised wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
Asgard	35	35	35	36.4	36.4	36.8	37.5	38.5	39.8	41.2	41.2	41.2
Dalmagarry	30	30	30	46.9	48.4	49.9	51.3	52.8	54.3	55.8	55.8	55.8
Easter Woodend	35	35	35	35	35	35	37.4	39.7	41.6	42.6	42.6	42.6
Gaich	35	35	35	35	35	35.4	37.9	39.9	40.6	40.6	40.6	40.6
Kennels House	35	35	35	35	35	35	35.4	38.3	40.9	43.1	43.1	43.1
Moy More House	35	35	35	35	36.1	38	40.8	43.3	45.7	47.8	47.8	47.8
Tomatin Distillery	35	35	35	35	35	36.9	39.4	42.4	45.7	49.6	49.6	49.6

Wester Lairgs	35	35	35	35	35	35	35.3	37	38.9	41.1	41.1	41.1
Corrievorrie	35	35	35	35	35	35	37.4	39.7	41.6	42.6	42.6	42.6
Garbole	35	35	35	36.4	36.4	36.8	37.5	38.5	39.8	41.2	41.2	41.2
Kyllachy House	35	35	35	35	35	35	37.4	39.7	41.6	42.6	42.6	42.6
Wester Auchintoul	35	35	35	35	35	35	37.4	39.7	41.6	42.6	42.6	42.6
Woodend	35	35	35	35	35	35	37.4	39.7	41.6	42.6	42.6	42.6
Ardachy Consented Property	35	35	35	35	35	35	37.4	39.7	41.6	42.6	42.6	42.6
Tomatin Consented property	35	35	35	35	35	36.9	39.4	42.4	45.7	49.6	49.6	49.6

Table 2 – Between 23:00 and 07:00 – Noise limits expressed in dB LA90,10-minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

Location	Standardised wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
Asgard	38	38	38	38	38	38	38	38	38.4	39.4	39.4	39.4
Dalmagarry	38	38	38	38	38	38	38	38	38.8	39.7	39.7	39.7
Easter Woodend	38	38	38	38	38	38	38	38	40.2	41.6	41.6	41.6
Gaich	35	35	35	35	35	35.4	37.9	39.9	40.6	40.6	40.6	40.6
Kennels House	38	38	38	38	38	38	38	38	40.9	38.9	38.9	38.9
Moy More House	38	38	38	38	38	38	38	38	41.2	44.8	44.8	44.8
Tomatin Distillery	38	38	38	38	38	38	38	38	42	46.9	46.9	46.9
Wester Lairgs	38	38	38	38	38	38	38	38	38	38	38	38
Corrievorrie	38	38	38	38	38	38	38	38	40.2	41.6	41.6	41.6
Garbole	38	38	38	38	38	38	38	38	38.4	39.4	39.4	39.4
Kyllachy House	38	38	38	38	38	38	38	38	40.2	41.6	41.6	41.6
Wester Auchintoul	38	38	38	38	38	38	38	38	40.2	41.6	41.6	41.6
Woodend	38	38	38	38	38	38	38	38	40.2	41.6	41.6	41.6
Ardachy Consented Property	38	38	38	38	38	38	38	38	40.2	41.6	41.6	41.6
Tomatin Consented property	38	38	38	38	38	38	38	38	42	46.9	46.9	46.9

Table 3: Coordinate locations of the properties listed in Tables 1 and 2.

Property	Easting	Northing
Asgard	275666	824218
Dalmagarry	278793	832298
Easter Woodend	279388	826364
Gaich	268940	831224
Kennels House	267617	829078
Moy More House	276649	835444
Tomatin Distillery		
Wester Lairgs	270408	834885
Corrievorrie	277304	824768
Garbole	275623	824224
Kyllachy House	278624	825925
Wester Auchintoul	278196	824492
Woodend	279124	826217
Ardachy Consented Property	277821	825138

Tomatin Consented property	278287	829146

Note to Table 3: The geographical coordinate references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

The Highland Council hereby makes the following Direction under Section 58(2) of the Town and Country Planning (Scotland) Act 1997 (as amended).

The development to which this planning permission relates must commence within FIVE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.

On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

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

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents from the roads Authorities prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: http://www.highland.gov.uk/yourenvironment/roadsandtransport

Application forms and guidance notes for access-related consents can be downloaded from:
http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm

Mud & Debris on Road

Please note that it an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Signature:

Designation: Head of Planning and Building Standards

Author: Ken McCorquodale (01463) 702256

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

LIST OF REPRESENTATIONS FOR ERECTION OF A WIND FARM (MAX. 50MW INSTALLED CAPACITY) COMPRISING 20 TURBINES (110M MAX. HIGH TO BLADE TIP) AND ASSOCIATED INFRASTRUCTURE, ACCESS TRACKS AND 3 BORROW PITS (GLEN KYLLACHY WIND FARM). AT
Land 6000M W Of Findhorn Bridge At Glen Kyllachy, Tomatin,
13/02441/FUL

OBJECTORS

1. Mrs Michelle Bryden, Sheneval, Tomatin, IV13 7XY,
2. R V Hewett, Greengates , Grantown-on-Spey, PH26 3PR,
3. Dr Adrian Yallop, Allt nam breac, Flichity, Inverness, IV2 6XE,
4. Mrs Diana Usborne, The Heights, Tomatin, Inverness-Shire, IV13 7YN, ,
5. Mr Mark Courtney, Soilsean, Tomatin, By Inverness, IV13 7XY,
6. R E Thomas, River View, Morile, Tomatin, Inverness-shire, IV13 7YN,
7. Mr Donald G MacAskill, Silver Birches, Alt-Dhubhag, Tomatin, Inverness, IV13 7YP,
8. Save Our Strathnairn, Roger Croson, Glen Nairn Lodge, Flichity , Inverness, IV2 6XE,
9. Richard M Seaman MRICS, Goldsmith & Co., 48 North Castle Street, , Edinburgh, , EH2 3LU,
10. Mr & Mrs Allan and Elaine Hodgson, Wester Auchintoul, Tomatin, Inverness, IV13 7YA,
11. Mrs Kathleen Bonniface, Alt Dubh, Tomatin, Inverness, IV 13 7YP,
12. Mr Stanley Beaumont, Beinn Alainn, 8 Juniper Drive, Tomatin,
13. Strathdearn Against Windfarm Developments, Mrs Pat Wells, Altchosach, Tomatin,
14. Findhorn DSFB, Per: R & R Urquhart LLP, 121 High Street, Forres, IV36 1AB,
15. Mrs A Glynne-Percy, Tigh An Lochain, Tomatin, IV13 7XX, Inverness-shire,
16. Elisabeth And Keith Urquhart, Carrbridge, Inverness-shire, PH23 3BX,
17. W And E Campbell, Tombreck House, Inverarnie, Farr, Inverness, IV2 6XA, ,
18. Mr & Mrs Peter & Wendy Bennett, Asgard, Garbole, Tomatin, Inverness, IV13 7YA,
19. Carol James, Iarr Tigh, Tomatin, Inverness, IV13 7YA, ,
20. Dr Helen Jackson, The Braes, Insch, AB52 6 UB,
21. Mr Steven R Raine, Dell Cottage, Tomatin, Inverness, IV13 7YA, ,
22. Save Our Strathnairn, Per: Roger Croson, Glen Nairn Lodge, Flichity, Inverness, IB2 6XE,
23. Pat Wells, Altchosach, Tomatin, Inverness, IV13 7XZ, ,
24. Mr & Mrs J Starbrook, Dalnahoin, Raigbeg, Tomatin, IV13 7XY,
25. R Kenword, Easter Midmorile, Tomatin, Inverness, IV13 7YA,
26. Mrs J Tatlow, Wades Cottage, Tomatin, IV13 7XX,
27. Mr & Mrs T Coninx, No Address,
28. D.C. Wells, Altchosach, Tomatin, Inverness-shire, IV13 7XZ,
29. Mr Peter Batten, 15 Rowan Drive, Culbokie, Dingwall, IV7 8NB

SUPPORTERS

1. Mr James Macpherson-Fletcher, Clune Farmhouse, Tomatin, IV13 7XZ
2. Mr Charlie Blair, 11(2F3) Stead's Place, Edinburgh, EH6 5DY
3. Mr Stuart Perowne, 3 Warrington Crescent, London, W9 1ED
4. Mr Alex Catto, Easter Aberchalder, Gorthleck, IV2 6UJ
5. Mr Martin Sweeney, 20c Thorney Crescent, Battersea, SW11 3TT
6. Mr Christopher Mackenzie, 19 Atheldene Road, London, SW18 3BN
7. Mr D Brown, Keepers cottage, Gaich, Farr, Iv2 6xb
8. Miss Bettine Mackenzie, Glenkyllachy, Tomatin, IV13 7YA
9. Mr James Gout, 78 Bernard St, St Albans, AL3 5QN
10. Miss Tommy Fry, Flat 11 Hepburn House, Marsham Street, London, SW1P 4HW
11. Mr Neil Macpherson, Craggie House, Daviot, Inverness, IV2 5XQ
12. Mr Allan Macpherson-Flether Of Balavil, The Estate Office, Balavil, Kingussie,

13. Mr Creighton Boyd, Killyfaddy Manor, Clogher, BT76 0XR
14. Mr Michael Mackenzie, Hill Farm Cottage, Thame Road, Piddington, OX25 1QB
15. Mr James Murray, Farr Mains, Farr, Inverness, IV2 6XB
16. Mrs Henrietta Charteris, Pond Hall Farm, Bentley, Ipswich, IP9 2LR
17. Mr Adam Horsley, 42 Tonsley Hill, London, SW18 1BB
18. Mrs Annabel Mackenzie, 19 Atheldene Road, London, SW18 3BN
19. G Smith, Riverside House, Inverarnie, Farr, IV2 6XJ
20. Mr Simon Francis, Wheatsheaf Farm, Sherborne, DT9 4LQ
21. Mr Edward Douglas-Home, 15A Heriot Row, Edinburgh, EH3 6HP
22. Mr Jamie Russell, 1 Shelley Dairy Cottages, Ipswich, IP75RG
23. Mr Roland Peto, Anwoth House, Gatehouse of Fleet, Castle Douglas, DG7 2EF
24. Mr Heneage Stevenson, Spring farm, Coddenham, Ipswich, Ip6 9tn
25. Mr James Reynolds, 25 Sudeley Street, London, N1 8HW
26. Mrs Doune Francis, 22 Morella Road, London, S2 8UH
27. Mrs Olivia Bridges, 29 Sudeley Street, London, N1 8HW
28. Mr Charles C Connel, Garrogie Lodge, Whitebridge, Inverness, IV2 6UR
29. Energy North, Morrich House, 20 Davidson Drive, Invergordon, IV18 0SA
30. Mrs Isla Sweeney, 20 c Thorney crescent, Morgans walk, London, Sw11 3tt
31. Mr Alexander Stevenson, Flat 3, 21a Foley Street, London, W1W 6DS
32. Mr Stuart Kennedy, Keepers House, Dalarossie, Tomatin, iv13 7ya
33. Mr Jonathan Quin, 66 Stockwell Park Road, London, SW9 0DA
34. Mr Peter Enskat, 60 Stockwell Park Crescent, London, SW9 0DG
35. Sir Edward Greenwell, Dalmigavie, Tomatin, IV13 7YB

Guidance Notes for Wind Farm Noise Conditions

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support Unit (ETSU) for the Department of Trade and Industry (DTI).
Guidance Note 1

(a) Values of the LA90,10 minute noise statistic should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

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

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

(d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. All 10 minute arithmetic average mean wind speed data measured at hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres . It is this standardised 10 metre height wind speed data, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10-minute increments thereafter.

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

(f) A data logging rain gauge shall be installed in the course of the assessment of the levels of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d).
Guidance Note 2

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

(b) Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (d) of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall

in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1. In specifying such conditions the Local Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.

(c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90,10 minute noise measurements and corresponding values of the 10- minute wind speed, as derived from the standardised ten metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the standardised mean wind speed on the X-axis. A least squares, “best fit” curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Guidance Note 3

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

(b) For each 10 minute interval for which LA90,10 minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that uninterrupted uncorrupted data are available (“the standard procedure”). Where uncorrupted data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.

(c) For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104109 of ETSU-R-97.
(d) The tone level above audibility shall be plotted against wind speed for each of the 2 minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be used.

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

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

Guidance Note 4

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

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

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

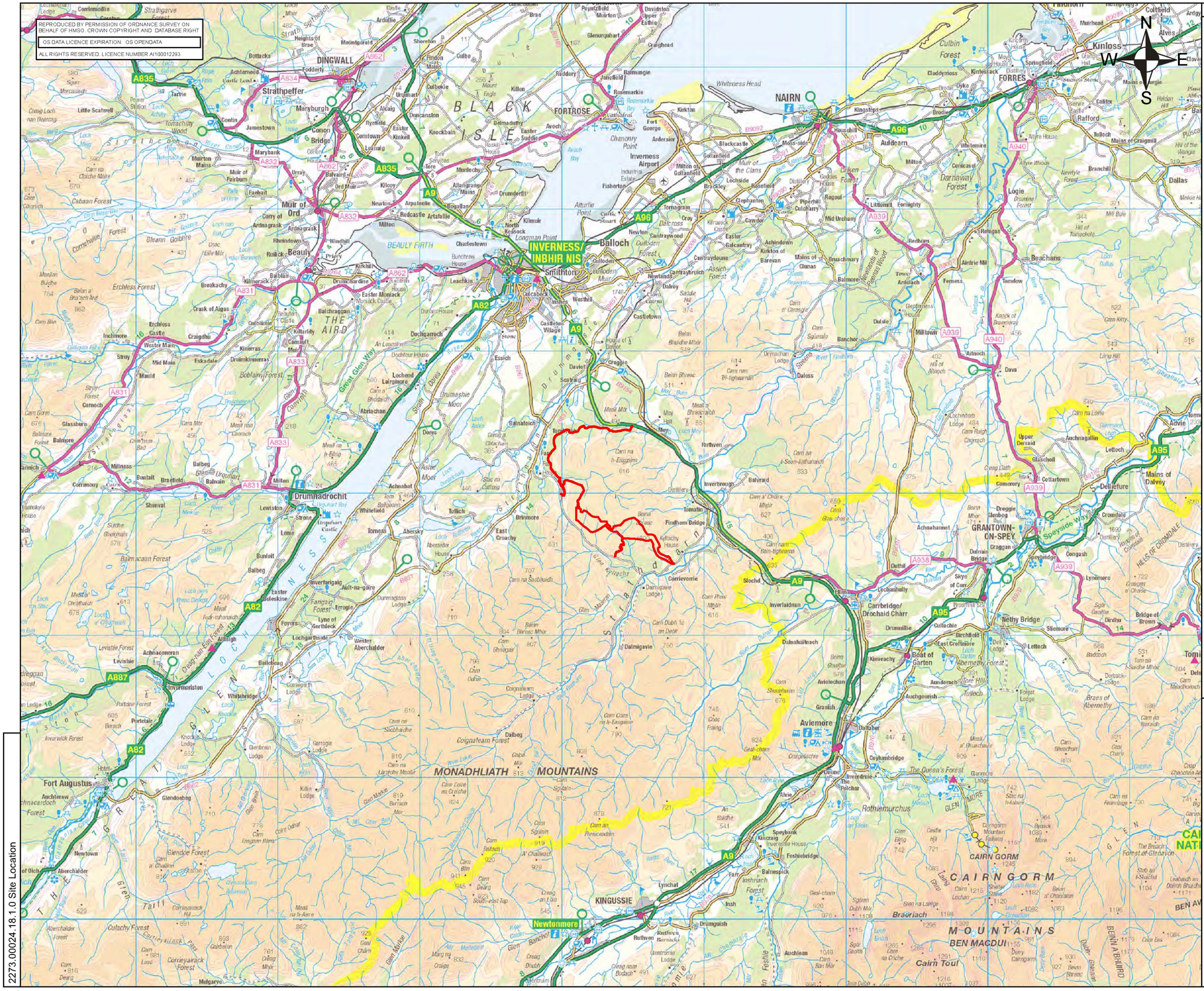
(d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

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

(f) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty: $L1 = 10\log [10L2/10 – 10L3/10]$

(g) The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.

(h) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note 3 above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then the development fails to comply with the conditions.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FORRES
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DINGWALL
Balloch
Smithton
Inverness Airport
Muir of Ord
Beauly
Kinloss
Rafford
Auldearn
Darnaway Forest
Culbin Forest
BEAULY FIRTH
BLACK ISLE
THE AIRD
Boblainy Forest
Erchless Forest
Cabaan Forest
Cromarty Firth
Great Glen Way
Speyside Way
Drumnadrochit
Lochend
Dochgarroch
Balnain
Balnaboth
Balvraid
Inverbrough
Tomatin
Findhorn Bridge
Corrievorrie
Slochd
Inverlaidnan
Carrbridge/ Drochaid Charr
Nethy Bridge
Boat of Garten
Aviemore
Dalfaber
Coylumbridge
Inverdruie
The Polchar
Rothiemurchus
GLEN MORE
CAIRN GORM
CAIRNGORM MOUNTAINS
BEN MACDUI
Cairn Toul
Braeriach
MONADHLIATH MOUNTAINS
Fort Augustus
Invermoriston
Drumnadrochit
Lochness
Dalcross
Culloden
Kilmuir
Kirkton
Ardersier
Fort George
Cantraywood
Cantraydoune
Cantraybruich
Newlands
Dalroy
Castletown
Westhill
Culcabock
Inshes
Leachkin
Balloch
Kinmylies
Muirtown
Bunchrew
Charlestown
Longman Point
Alturlie Point
Fisherton
Tornagrain
Croy
Kilravock Castle
Easter Galcantray
Achindown
Kirkton of Barevan
Mains of Clunas
Bruachmary
Balmore
Newlands of Flemings Wood
Redburn
Ferness
Airdrie Mill
Tomdow
Relugas
Logie
Beachans
Dava
Aitnoch
Milltown
Dulsie
Bancher
Daless
Drynachan Lodge
Carn nan Tri-tighearnan
Carn Sgumaio
Belin Bhuidhe Mhor
Belin Bhreac
Carn n' Chrasgie
Carn Katy
Knock of Braemoray
Hill of Allnoch
Lochindorb Lodge
Carn Ruigh Chorrach
Carn na Lomie
Upper Derraid
Glaschoil
Cottartown
Camsmory
Auchnagallin
Lettoch
Advie
Mains of Dalvey
Dellefiure
Cromdale
Congash
Lynemore
Dirdhu
Bridge of Brown
Speybridge
Dulnain Bridge
Skye of Curr
Grantown-on-Spey
Achnahannet
Dreggie
Slenbeg
Cromdale
Duthil
Carr Dubh Mhor
Carn Ban Mor
Carn a' Choire Mhor
Carn Phris Mhor
Carn Dubh Mor
Carn Ruadh
Carn Ban Mor
Carn Eas
Carn Meadhonach
Braes of Abernethy
Forest Lodge
Dorback Lodge
Auchgourish
Aviemore
Dalfaber
Coylumbridge
Inverdruie
Rothiemurchus
Glenmore Lodge
The Queen's Forest
Kincraig
Speybank
Feshiebridge
Balnespick
Inshriach Forest
Lynchat
KINGUSSIE
Newtonmore
Ruthven Barracks
Drumguish
Insh
Auchlean
Glentromie Lodge
Creag nam Bodach
Creag Dhubh
Carn Dearg
Carn Bhin
Carn Sgulain
Carn Ban Mor
Carn Dubh Mor
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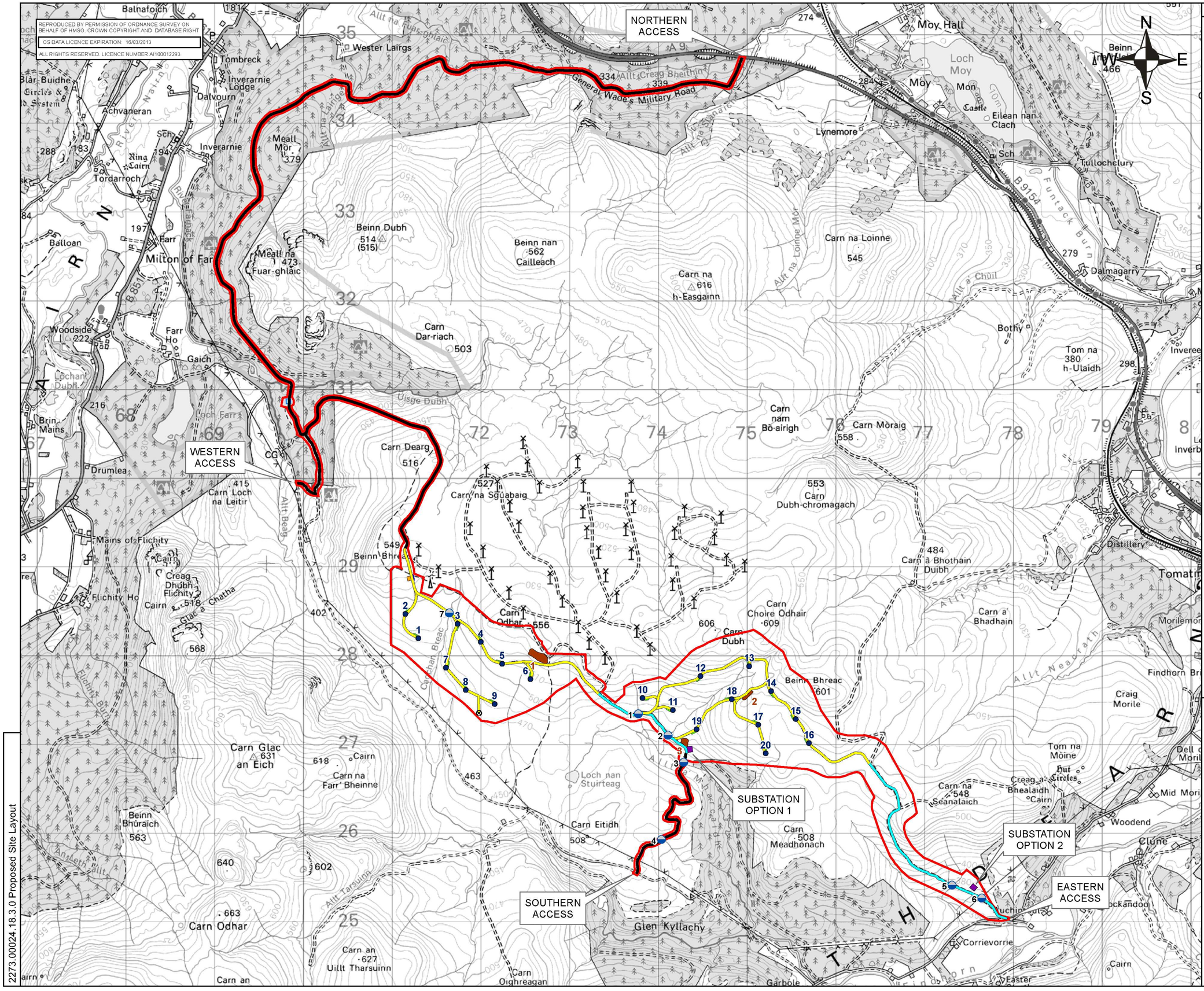
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SUBSTATION OPTION 1
SUBSTATION OPTION 2
N
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W
Balnafoich
Wester Lairgs
Tombreck
Inverarnie Lodge
Dalvourn
Achvaneran
Inverarnie
Tordarroch
Meall Mór
Meall na Fuar-ghlaic
Milton of Farr
Beinn Dubh
Beinn nan Cailleach
Carn na h-Easgainn
Carn Dar-riach
Carn Dearg
Carn Loch na Leitir
Carn na Sguabaig
Carn nam Bò-airigh
Carn Mòraig
Carn Dubh-chromagach
Beinn Bhreac
Carn Odhar
Carn Choire Odhair
Carn Dubh
Carn a' Bhothain Duibh
Carn a' Bhadhain
Carn Glac an Eich
Carn na Farr Bheinne
Beinn Bhuraich
Carn Eitidh
Carn Meadhonach
Carn Odhar
Carn an Uillt Tharsuinn
Carn Oighreagan
Glen Kyllachy
Loch nan Stuirteag
Carn na Seanalaich
Tom na Moine
Hut Circles
Creag a' Bhealaidh
Moy Hall
Loch Moy
Moy Castle
Eilean nan Clach
Lynemore
Tullochclury
Dalmagarry
Bothy
Tom na h-Ulaidh
Carn na Loinne
Beinn Inverwick
Funtack Burn
Allt a' Chuil
Allt na Loinne Mór
Allt na Stanaraich
Allt Creag Bheithin
General Wade's Military Road
Allt na Fuar-ghlaic
Allt na Lairige
Allt Beag
Allt Tarsuinn
Allt Neabrath
Allt Mhèr Gàrbh
Allt Mòr
Uisge Dubh
Cuchart Breac
Flichity Burn
Anstekh Allt
Balloan
Farr
Woodside
Farr Ho
Gaich
Lochan Dubh
Loch Farr
Brin Mains
Drumlea
Mains of Flichity
Flichity Ho
Creag Dhubh Flichity
Glac a' Chatha
Tomatin Distillery
Morilemor
Findhorn Bri
Craig Morile
Woodend
Clune
Corrievorrie
Garbole
Easter
Cairn
Dell of Morile
Mid Morie
Inverwick
Inverbe
Tomatin
Balnaboth
Blar Buidhe Circles & Stone System
Ring Cairn
Sch
Castle
Distillery
Hut Circles
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Tordarroch
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Inverarnie
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Carn na Loinne
Beinn nan Cailleach
Beinn Dubh
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Meall na Fuar-ghlaic
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Carn Dearg
Carn Loch na Leitir
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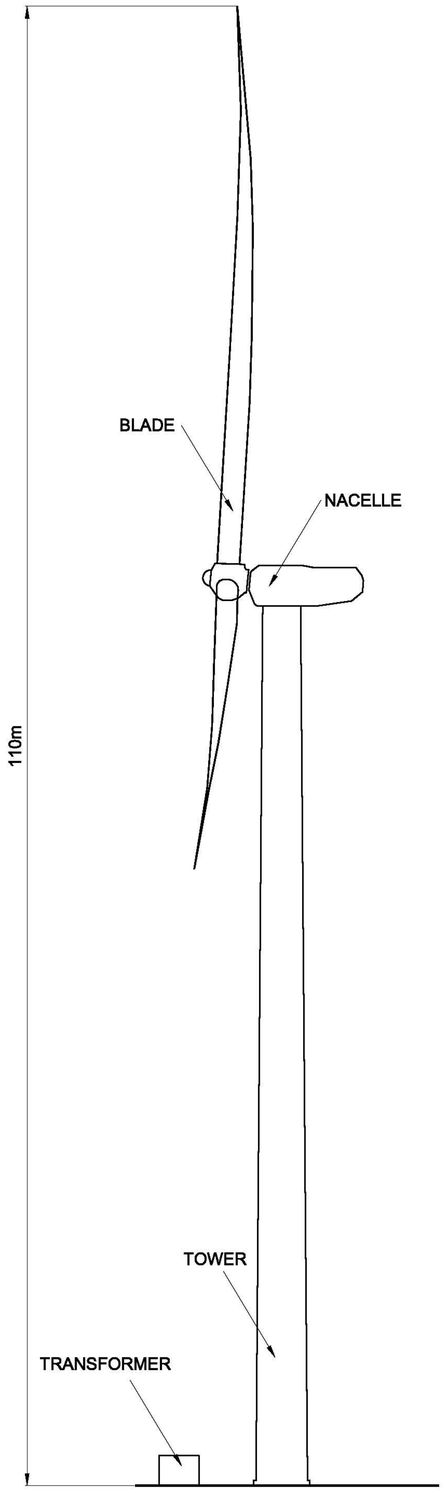
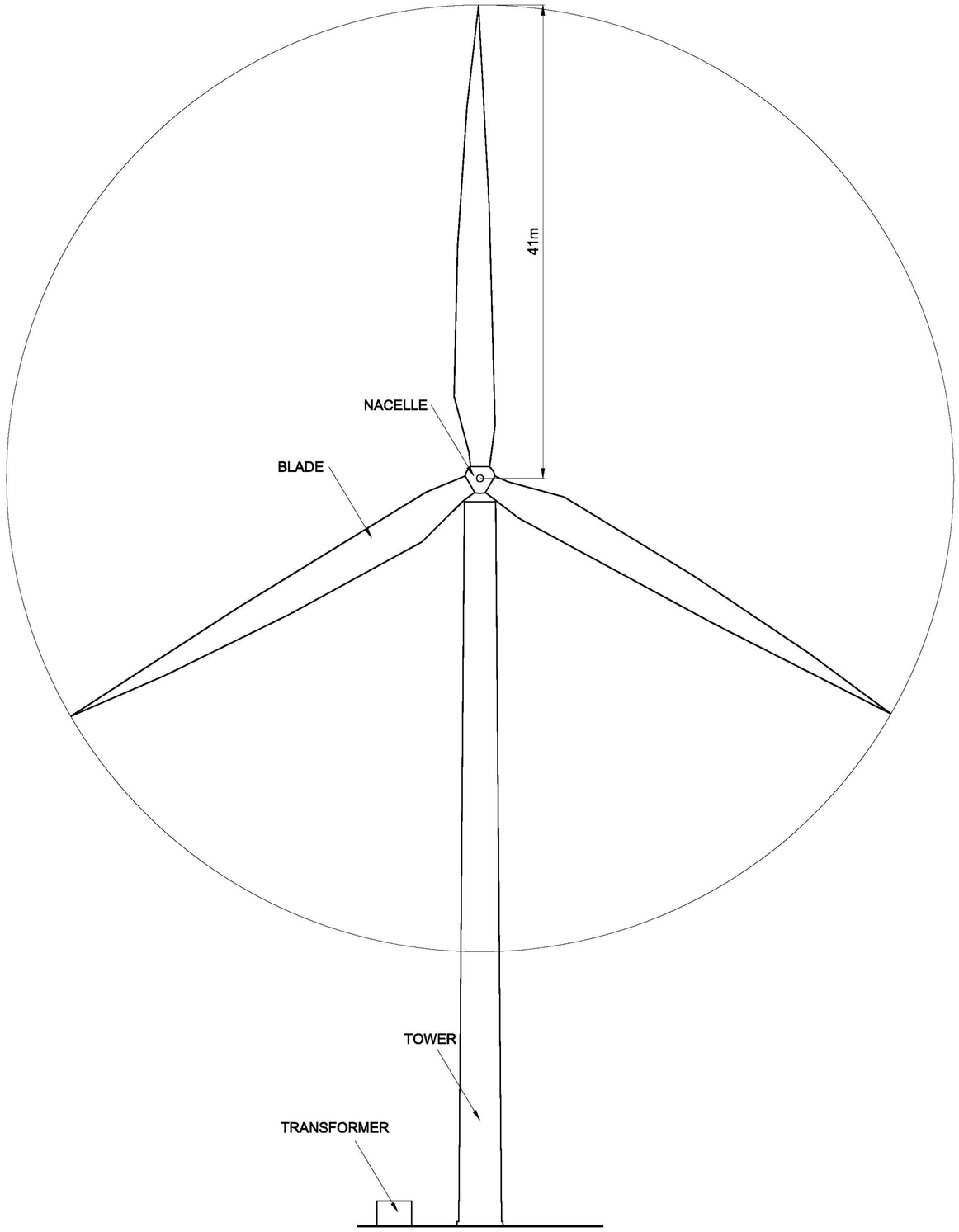


SIDE ELEVATION



FRONT ELEVATION

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KYLLACHY WIND FARM

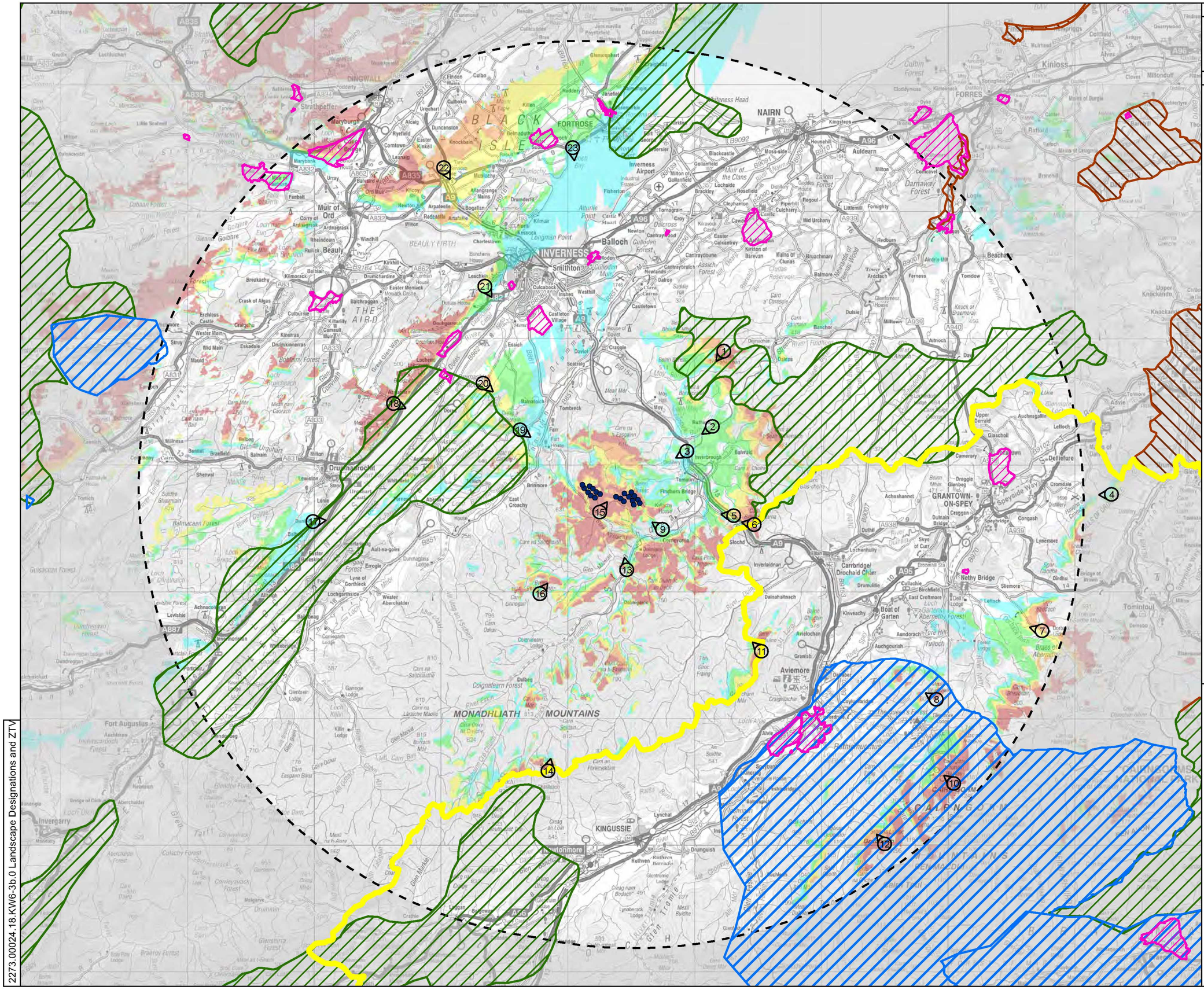
ENVIRONMENTAL STATEMENT

CANDIDATE WIND FARM TURBINE

KW3-3

Scale	Date
N.T.S. @ A3	MAY 2013

2273.00024.18.KW3-3.0.Wind_Turbine.dwg



NOTES

1. SEE KW6-5 FOR ZTV CALCULATION DETAILS
2. SEE KW6-3b FOR DATA REFERENCES

LEGEND

- PROPOSED KYLLACHY TURBINES
- 35km FROM OUTER KYLLACHY TURBINE
- VIEWPOINT LOCATION
- GARDENS AND DESIGNED LANDSCAPES
- NATIONAL SCENIC AREA
- NATIONAL PARK
- SPECIAL LANDSCAPE AREA
- AREAS OF GREAT LANDSCAPE VALUE

NUMBER OF TURBINES PREDICTED TO BE VISIBLE AT BLADE TIP LEVEL (110m)

- 1 - 4
- 5 - 8
- 9 - 12
- 13 - 16
- 17 - 20

N W E S

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KYLLACHY WIND FARM

ENVIRONMENTAL STATEMENT

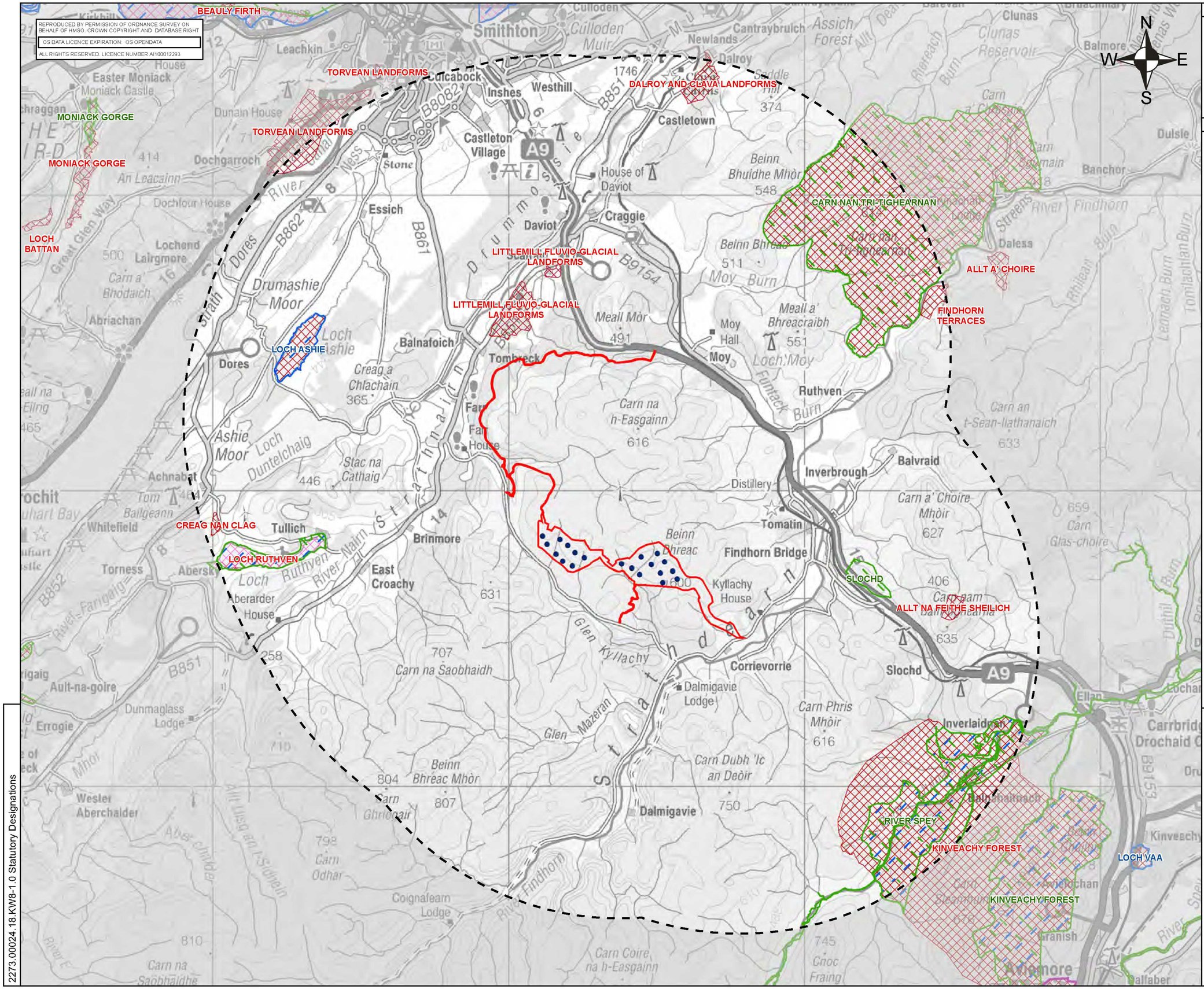
BLADE TIP ZTV AND LANDSCAPE DESIGNATIONS

KW6-3b

Scale 1:280,000 @ A3

Date MAY 2013

2273.00024.18.KW6-3b.0 Landscape Designations and ZTV



NOTES

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LEGEND

- APPLICATION SITE
- 10km RADIUS FROM APPLICATION SITE
- PROPOSED KYLLACHY TURBINES
- SPECIAL AREA OF CONSERVATION
- SPECIAL PROTECTION AREAS
- RAMSAR SITE
- SITES OF SPECIAL SCIENTIFIC INTEREST
- NATIONAL NATURE RESERVE

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KYLLACHY WIND FARM

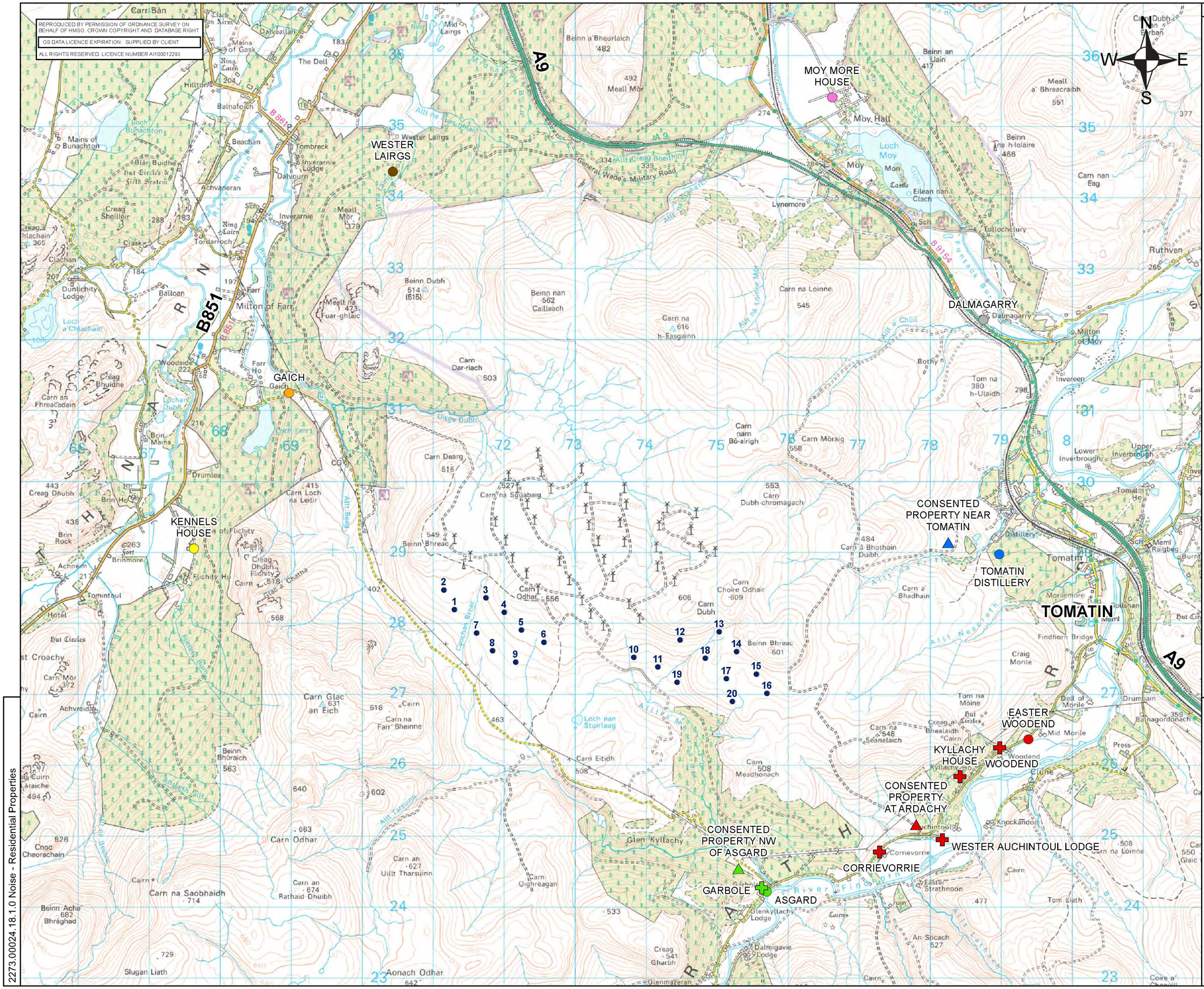
ENVIRONMENTAL STATEMENT

STATUTORY DESIGNATIONS

KW8-1

Scale	Date
1:120,000 @ A3	MAY 2013

2273.00024.18.KW8-1.0 Statutory Designations



LEGEND

PROPOSED GLEN KYLLACHY TURBINES

LOCATION TYPE

NOISE ASSESSMENT LOCATIONS

NOISE ASSESSMENT AND MONITORING LOCATIONS

PROPERTIES CONSENTED BUT NOT BUILT

MONITORING LOCATION USED

ASGARD

DALMAGARRY

EASTER WOODEND

GAICH

KENNELS HOUSE

MOY MORE HOUSE

TOMATIN

WESTER LAIRGS

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GLEN KYLLACHY WIND FARM

FOR INFORMATION

NOISE ASSESSMENT LOCATIONS

1

Scale 1:50,000 @ A3

Date APRIL 2014

2273.00024.18.1.0 Noise - Residential Properties