

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE
11 NOVEMBER 2014**

Agenda Item	7.5
Report No	PLN/081/14

FOLLOWING PUBLICATION OF NATIONAL PLANNING FRAMEWORK 3 AND SCOTTISH PLANNING POLICY (JUNE 2014) REQUEST FROM SCOTTISH GOVERNMENT FOR FURTHER REPRESENTATIONS ON TWO SECTION 36 WIND FARM APPLICATIONS: -

**12/02872/S36 - GLENCASSLEY WIND FARM, BY LAIRG SUTHERLAND
11/04718/S36 - SALLACHY WIND FARM, BY LAIRG SUTHERLAND**

Report by Head of Planning and Building Standards

Summary: - Following the publication of National Planning Framework 3 and the updated Scottish Planning Policy (SPP) the Scottish Government has asked parties who submitted representations on two as yet undetermined Section 36 applications for views on how the development proposals relates to the new SPP. It seeks in particular views on how the development proposal relates to policies contained in the new SPP regarding wild land and National Scenic Areas.

Recommendation: - Respond to the Energy Consents Unit that the Council has no additional representations to submit.

1. Introduction

- 1.1 On 21 May 2013 the North Planning Applications Committee considered the Council's consultation response on two Section 36 applications for wind farms at Glencassley Farm and Sallachy both by Lairg. The decision was reached following a site visit to the area held on 13 May 2013. The decision in the case of both applications was to raise no objection. The Minutes and Reports for both proposals form Appendix A, B and C to this report as is a map of the wind farms development highlighting the new areas of wild land.
- 1.2 On 23 June 2014 the Scottish Government published its third National Planning Framework (NPF3) and simultaneously revised its Scottish Planning Policy (SPP) statement. NPF is a framework for the spatial development of Scotland as a whole and it includes 14 national developments identified to deliver the strategy. SPP sets out national planning policies which reflect Scottish Ministers' priorities for the operation of the planning system and for the development and use of land.

- 1.3 The Energy Consents and Deployment Unit (ECDU) has now written to all parties who previously made representations on applications submitted under Section 36 of the Electricity Act 1989 that remain to be determined by Scottish Ministers (Appendix D). The ECDU is asking if parties wish to make further representations in relation to the new policy framework set out in the new NPF 3 and SPP. The ECDU has drawn particular attention to how the development proposal relates to policies contained in the new SPP regarding wild land and National Scenic Areas (NSAs). Responses were requested before the end of September 2014. However additional time has been made available to the Council to allow for its response to be collated, given the need to seek the views of the Committee.

2. Previous Considerations

APPLICATION 12/02872/S36 GLENCASSLEY WIND FARM

- 2.1 The report attached in Appendix A identified the determining issues at that time. This included impact on landscape designations such as Coigach - Assynt National Scenic Area (NSA) which is to the west and outwith the application site. It also highlights at Paragraph 8.23 – Paragraph 8.30 Search Areas of Wild Land (SAWLs) including the SAWL within which the site is located and nearby sites including the Ben Hee SAWL and another by Ben Klibreck. The applicant had undertaken an assessment of the impact of the development upon each SAWL and the NSA. Members were advised that Scottish Natural Heritage had objected to the application only on account of its impact on the SAWL. The views of parties, including those from the Mountaineering Council of Scotland and John Muir Trust, which had highlighted impact on the SAWLs were acknowledged.

APPLICATION 11/04718/S36 SALLACHY WIND FARM

- 2.2 The report attached in Appendix B identifies the determining issues at that time. This included impact on landscape designations such as the Coigach - Assynt National Scenic Area which is to the west and outwith the site of the application. Paragraphs 8.30 – 8.39 consider the impact on this NSA. It also highlights at Paragraph 8.43 – Paragraph 8.48, SAWLs including the SAWL within which the site was located and nearby SAWLs including Ben Hee SAWL and another Ben Klibreck SAWL. The applicant had undertaken an assessment of the impact of the development upon each SAWL. Members were advised that Scottish Natural Heritage had objected to the application both on grounds of impact on the adjacent NSA and on the SAWL within which the site was located. The views of other parties, including those from the Mountaineering Council of Scotland and John Muir Trust, which had highlighted impact the impact on the NSA and SAWLs were acknowledged.
- 2.3 From the reports to the North Planning Applications Committee, supported by a preceding site visit to both locations, Members were made aware of : -
- the location of each application site, relatively close to but outwith the Coigach - Assynt National Scenic Area,

- The wild land interests within and around each the application site.

3. National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP)

3.1 **NPF3** recognises the role of the city regions; highlights the need for a sustainable economically active rural area and outlines the exceptional and internationally recognised environment of the coast and islands, and potential for renewables growth and benefits to rural communities. Of note to Highland are the following: -

- a successful, sustainable place: ensuring fair distribution of opportunities in cities, towns and rural areas;
- a low carbon place: including onshore and offshore low carbon energy generation;
- a natural resilient place; and,
- a connected place: access to high-speed fixed and mobile digital networks for the whole country.

3.2 With regard to the above two wind farm applications and the current request from the ECDU bullet points 2 and 3 are relevant. It is also notable the Scottish Government's continuing commitment to a number of key aims including: -

- reducing energy demand and transition to a renewables-based energy sector.
- benefits of renewables to rural communities.
- no wind farms are to be developed in National Parks or in National Scenic Areas.
- the National Renewables Infrastructure Plan including several valued sites in Highland.

3.3 NPF 3 now states that "Development that affects a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve should only be permitted where:

- the objectives of designation and the overall integrity of the area will not be compromised; or
- any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance."

3.4 The updated NPF3 was then followed through into policy guidance **SPP** on a range of subject policies. With particular regard to onshore wind energy this highlighted the need for Councils, within their Development Plans to develop Supplementary Guidance including Spatial Frameworks for Onshore Wind Energy. Such guidance has to embrace the new policy positions set out within NPF3 and SPP. For example, consideration is to be given to the areas identified as wild land as areas for significant protection. Further consideration

is to be made to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. Scottish Natural Heritage has yet to publish its descriptions of each Wild Land area that would allow a full and proper assessment of development proposals. Such information is unlikely to be made available from SNH for a number of months yet.

- 3.5 NPF3 and the updated SPP were considered by the Planning, Development and Infrastructure Committee at its meeting on 24 August 2014, which agreed for officers' to take account of this new national context in Development Plan formulation and Development Management. The publication of SPP together with NPF3 has immediate effect. It now influences planning strategy, policy and decisions on individual planning applications. The Council's Development Plan will now have to reflect the content of NPF3 and in particular SPP; and their content is a material consideration in Development Management. This will be pursued in the next version of the Highland-wide Local Development Plan and Supplementary Guidance.

4. Response to Energy Consent and Deployment Unit (ECDU)

- 4.1 It is not a straight forward task to respond to the ECDU at this point in time.
- 4.2 The ECDU has advised that it has no intention to seek or consider any further assessment that would constitute further or additional environmental information under regulation 13 or 14A of the Environmental Impact Assessment regulations. In short, it considers that there exists enough information for Scottish Ministers (and others) to come to an informed view on the issues affected by the new SPP. It seeks views from those who had submitted representations only on the interpretation of policy in relation to the development proposal.
- 4.3 The ECDU has highlighted only a limited number of key material considerations raised within these updated documents specifically National Scenic Areas and Wild Land. Members in the final "planning balance" may well have afforded different weight to these matters given the new provisions in NPF 3 and SPP. However there are other topics which the Council may have taken into account relative to for example the "renewable agenda", the "sustainable economic growth agenda", "low carbon agenda" or "peatlands".
- 4.4 With regard to National Scenic Areas it is clear that both sites fall outwith Coigach - Assynt NSA. In this regard there is no conflict with the Scottish Minister's statement that the Scottish Government "has taken steps to ensure no wind farm developments can go ahead inNational Scenic Areas." However it leaves the issue of impact on the NSA, which was discussed in the earlier assessment of each application.

- 4.5 With regard to wild land the Scottish Government has strengthened the protection of wild land with new maps and inclusion of wild land within other nationally important mapped environmental interests; highlighting the need for significant protection; and that further consideration will be required to demonstrate that any significant effect on the qualities of these areas can be substantially overcome by siting, design or other mitigation.
- 4.6 Indeed the new SPP makes clear at paragraph 200 that “Wild land character is displayed in some of Scotland’s remoter upland, mountain and coastal areas, which are very sensitive to any form of intrusive human activity and have little or no capacity to accept new development” and gives guidance to Development Plan Teams. The advice for Development Management is in Paragraph 215 - “In areas of wild land, development may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.”
- 4.7 The area of identified wild land Area 34, Reay – Cassley, totalling 55,997ha, is very similar to the Cassley SAWL. Whilst some local boundary changes have been made within the floor of Glen Cassley from the earlier highlighted SAWL, the wider area remains identified as wild land. It covers the site of both applications. The earlier assessment by the applicants for both applications in respect of wild land is considered relevant to a degree. These assessments also examined impact on other identified SAWLs, particularly to the north (Foinaven – Ben Hee) and north east (Ben Klibreck – Armine Forest).

5 Conclusions

- 5.1 The Council when reaching its decision on the Glencassley and Sallachy wind farm applications made its conclusion based on the final planning balance of the whole range of key determining issues. This took into account both the interests of Ben More Assynt NSA and wild land interests.
- 5.2 The processing of the Glencassley wind farm and Sallachy wind farm applications are both at the final stage – awaiting determination by Scottish Ministers. NPF3 and the latest SPP has confirmed the Scottish Government stance on many new policy matters including issues pertinent to the final determination of these two Section 36 wind farm applications.
- 5.3 The ECDU is content that it has sufficient information to come to an informed view on these applications and is not seeking additional information from the applicant, particularly under regulation 13 or 14A of the Environmental Impact Assessment regulations. The Council therefore has no further information from the applicant’s to assist any additional assessment.
- 5.4 Whilst the stance now being taken by the Scottish Government is much clearer on many subject matters there is further work required by both SNH (wild land descriptions) and local planning authorities (Spatial Frameworks – Onshore Wind Farms) which remains to be completed to assist with the determination of applications for development.

5.5 In as much as the ECDU has intimated that it has sufficient information for both applications on which to base a decision, it is suggested that the Council respect the considerable process already completed by both applications and invite Scottish Ministers to make its decision on these applications.

RECOMMENDATION – In the absence of: -

- an updated wild land assessment by each applicant in response to NPF3 and the latest SPP;
- descriptions of the special qualities of wild land areas from SNH; and
- an updated Highland-wide Local Development Plan - Supplementary Planning Guidance, including a Spatial Framework for Onshore Wind Energy;

there has been no significant change to the conditions surrounding the assessment of each wind farm application.

As such it is recommended that the Council advises the ECDU that it is currently unable to make further representations on the Section 36 Applications for wind farms at Glencassley Farm and Sallachy, and the Scottish Ministers should proceed to determination based on their updated policy position and any further the information available to them from the applicant, consultees and those making representations.

Designation: Head of Planning and Building Standards

Date: 10 September 2014

Author: Ken McCorquodale, Principal Planner, 01463 702256

Background Papers: - E case files

Appendix A.

North Planning Applications Committee

Date: Tuesday, 21 May 2013

Minutes: North Planning Applications Committee Minute - 13 and 21 May 2013

Committees

Minute of the site inspection meeting of the North Planning Applications Committee held on 13 May 2013 and the scheduled meeting held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on 21 May 2013 at 10.30 am.

Committee Members Present:

Site Inspection Meeting on 13 May:

Mr B Fernie, Mr M Finlayson, Mr C Fraser, Mrs A MacLean, Mrs I McCallum, Mrs M Paterson, Mrs A Sinclair and Ms M Smith.

Scheduled Meeting on 21 May:

Mrs I Campbell, Mr G Farlow (excluding items 5.1, 5.2, 6.1 and 6.3), Mr B Fernie, Mr C Fraser, Mr D MacKay (excluding Items 5.1, 5.2 and 6.5 to 7.2), Mr W MacKay (local member vote for Item 6.2) Mrs A MacLean (excluding Items 1 to 5.1), Mr Alex MacLeod (excluding Items 5.1, 5.2 and 6.5), Mrs I McCallum, Mr D Millar (excluding Item 6.2), Mr H Morrison (local member votes for Item 5.1 and 5.2); Mrs M Paterson, Mr I Renwick (excluding Item 6.1), Mrs A Sinclair and Ms M Smith.

Officials in attendance:

Site Inspection Meeting on 13 May:

Mr A Mackenzie, Legal Manager (Regulatory Services) and Clerk

Mr K McCorquodale, Principal Planner

Mrs A MacArthur, Administrative Assistant

Scheduled Meeting on 21 May:

Mr A Mackenzie, Legal Manager (Regulatory Services) and Clerk

Mr D Jones, Area Planning Manager

Mr D Mudie, Team Leader, Development Management

Mr M Harvey, Team Leader, Skye

Mr K McCorquodale, Principal Planner

Mr B Robertson, Principal Planner
Mr G Sharp, Planner
Mr C Kemp, Area Roads and Community Works Manager
Mr S Young, Principal Engineer, TEC
Mr P Alexander, Principal Technician, Planning
Mrs A MacArthur, Administrative Assistant
Mrs T Bangor-Jones, Administrative Assistant

Also in attendance:

Site Inspection Meeting on 13 May:

For the Applicant: F Pogorzelec (SSE), L Thomson, V MacIver (Platform PE)

Windkraft Nord KG: O Patent, M Cumming and S Keppie

Creich Community Council: J Gilmore

Objectors:

Scottish Natural Heritage: N Turner

Mountaineering Council for Scotland: R Payne

John Muir Trust: H McDade

I Kelly, Graham and Sibbald, on behalf of objectors.

Also in Attendance: Scottish Government: G Gallacher and D Flaherty

Business

Mrs Isobel McCallum in the Chair - The Chairman confirmed that the meeting would be filmed and broadcast over the Internet on the Highland Council website and would be archived and available for viewing for 12 months.

1. Apologies

Leisgeulan

Site Inspection on 13 May:

Apologies were intimated on behalf of Mrs I Campbell, Mr G Farlow, Mr D Mackay, Mr D Millar, Mr G Phillips, Mr I Renwick and Mrs F Robertson.

Scheduled Meeting on 21 May:

Apologies were intimated on behalf of Mr M Finlayson, Mr G Phillips and Mrs F Robertson.

Local member votes had been granted to Mr Hugh Morrison (Items 5.1 and 5.2) and Mr W Mackay (Item 6.2).

2. Declarations of Interest

Foillseachaidhean Com-pàirt

Item 5.1 and 5.2 – Mr G Farlow (Non-Financial)

Item 7.1 – Mr C Fraser (Non-Financial)

Item 5.1 and 5.2 – Mr A MacLeod (Non-Financial)

3. Confirmation of Minutes

Dearbhadh a' Gheàrr-chunntais

There had been submitted for confirmation as a correct record the minute of meeting of the Committee held on 16 April 2013 which was APPROVED.

4. Major Applications

Iarrtasan Mòra

There had been circulated Report No PLN-046-13 (103kb pdf) by the Head of Planning and Building Standards providing a summary of all cases within the "Major"

development category currently with the Planning and Development Service for determination.

The Committee NOTED the report.

5. Continued Items

Cuspairean a' Leantain

Mr G Farlow declared a non-financial interest in Item 5.1 as he had made representations in support of the officers and left the room for this item.

Mr A MacLeod declared a non-financial interest in Item 5.1 as he had spoken in support of this item and left the room for this item.

5.1 Applicant: SSE Generation Limited (12/02872/S36) (PLN-037-13 (1070kb pdf) | Cumulative Map - Glencassley (765kb pdf) | Sallachy and Glencassley Route Map (1264kb pdf))

Location: Land 2 km NE of Glencassley Estate, By Lairg, Sutherland (Ward 1)

Nature of Development: To construct and operate Glencassley Wind Farm – 26 No turbines (78 MW total Output) with 80 m (max) hub height and 126.5 m tip height complete with anemometer masts, access tracks, borrow pits, electricity sub-station, cabling, concrete batching plant, construction compound and welfare buildings

Recommendation: With the removal of three turbines, raise no objection.

Mrs I Campbell, Mr G Farlow, Mr D MacKay, Mr A MacLeod, Mr D Millar and Mr I Renwick did not take part in determination of this item as they had not attended the site inspection on 13 May 2013 and left the room.

There had been re-circulated Report No PLN/037/13 by the Head of Planning and Building Standards recommending that the Committee raise no objection to the application subject to the conditions detailed therein and the removal of three of the most prominent turbines: turbine No 1, No 2 and No 3.

The committee had held a site inspection on 13 May 2013 in relation to this item. The site inspection viewed the site from various viewpoints.

At each stop Mr K McCorquodale spoke to his Report and pointed out physical features relevant to the application and those representing the Applicant, members of the Community Council and Objectors were given the opportunity to point out physical features relevant to the application.

During the meeting on 21 May, Members expressed the following concerns:

- The development did encroach on SNH's Search Areas for Wild Land and the emerging Wild Land Core areas. The purity of the area was however not in the highest area for wildness as seen from SNH's 2012 consultation maps and it was a well established working estate with deer stalking, fishing and forestry;
- The objection from SNH regarding the adverse effects on a Search Area for Wild Land including cumulative impact with the Sallachy Wind Farm application. It was noted SNH considered the loss of wild land resource to be of national interest.

The Committee AGREED the recommendation to raise no objection to the application subject to the conditions detailed and the removal of three of the most prominent turbines: turbine No 1, No 2 and No 3.

Mr G Farlow declared a non-financial interest in Item 5.1 as he had made representations in support of the officers and left the room for this item.

Mr A MacLeod declared a non-financial interest in Item 5.1 as he had spoken in support of this item and left the room for this item.

5.2 Applicant: WKN Sallachy Limited (11/04718/S36) (PLN-045-13 Part 1 (1833kb pdf) | PLN-045-13 Part 2 (1629kb pdf))

Location: Sallachy Wind Farm, Sallachy and Duchally Estate, Lairg (Ward 1)

Nature of Development: Wind farm 66 MW / 22 Turbines with associated infrastructure

Recommendation: Raise no Objection.

Mrs I Campbell, Mr G Farlow, Mr D MacKay, Mr A MacLeod, Mr D Millar and Mr I Renwick did not take part in determination of this item as they had not attended the site inspection on the 13 May 2013 and left the room.

There had been circulated Report No PLN/045/13 by the Head of Planning and Building Standards recommending that the Committee raise no objection to the application subject to conditions to be circulated on the day of the meeting.

The committee had held a site inspection on 13 May 2013 in relation to this item. The site inspection viewed the site from various viewpoints and continued up into the proposed wind farm site.

At each stop Mr K McCorquodale spoke to his Report and pointed out physical features relevant to the application and those representing the Applicant, members of the Community Council and Objectors were given the opportunity to point out physical features relevant to the application.

At the meeting on 21 May, Mr K McCorquodale updated the Committee on the Report. The three concerns from SNH regarding peat slide and a breeding bird plan to protect the Merlin could be reinforced by condition. SNH also had concerns in relation to the impact on a National Scenic Area and Wild Land.

Mr K McCorquodale advised that there were no conditions to circulate as these had yet to be finalised but that they would be very similar in nature to the Glencassley application as considered under Item 5.1.

Members had the following concerns:

- The objection from SNH regarding breeding birds: conditions should be put in place to allay concerns;
- The proximity to the Assynt-Coigach National Scenic Area and on the Search Area for Wild Land.
- Visual impact and the effect on tourism: the northern row of turbines was very visible, although the application had support from the local communities;
- Given the number of issues members asked that if the Committee decided to make no objection that conditions come back to a future committee for approval;
- The contradictions with policy SPP 2010. Highland Wide Local Development Plan and the close proximity of those who reach the summit of Ben Mor Assynt. The Committee should support SNH and look to them to take the lead in a Public Local Inquiry.

Ms M Smith, seconded by Mr H Morrison moved that the Committee indicate that it does not wish to raise an objection subject to conditions to be agreed at the next Committee, as the Highland wide Local Development Plan Policy 67 criteria were on balance acceptable and the wind farm would benefit the economy, give habitat improvement and the development sat well with the Council's current Supplementary Guidance Onshore Wind Energy and Highland Renewable Energy Strategy generally.

Mrs I McCallum, seconded by Mrs A Sinclair moved as an amendment that the Committee raise an objection in support of and for the reasons in the objection from SNH.

On a vote being taken using the electronic voting system, votes were cast as follows:-

For the Motion: (5)

Mr B Fernie

Mr C Fraser

Mr H Morrison

Mrs A MacLean

Ms M Smith

For the Amendment: (3)

Mrs I McCallum

Mrs M Paterson

Mrs A Sinclair

The motion therefore became the finding of the meeting and the Committee AGREED to indicate that the Committee does not wish to raise an objection to the application. At the next Committee meeting draft planning conditions for the use of the Energy Consent Unit would be considered and agreed.

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE –
16 April 2013**

Agenda Item	
Report No	

**12/02872/S36 : SSE Generation Ltd
At Glencassley Estate, by Lairg, Sutherland.**

Report by Head of Planning and Building Standards

SUMMARY

Description: Wind Farm maximum capacity 78MW with 26 turbines.

Recommendation - With the removal of three turbines - Raise No Objection

Ward : 01 North, West and Central Sutherland

Development category : Section 36 Application

Pre-determination hearing: Not Required

Reason referred to Committee: More than 5 objections
Objection from Statutory Consultee - SNH.

1 PROPOSED DEVELOPMENT

1.1 The application is for a wind farm designed with an operational life of 25 years, with the potential to generate between 52 - 78 MW. It has been submitted to the Scottish Government as an application under Section 36 of the Electricity Act 1989. Should Ministers approve the development, it will carry deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997. The Council is a consultee on the proposed development. Should the Council object to the development, Scottish Ministers will be required to hold a Public Local Inquiry to consider the development before determining the application.

1.2 The development includes the following main elements: -

- 26 wind turbines (each 2-3MW) 126.5m at max tip height;
- 26 external turbine transformers;
- 3 permanent max 80m height (fixed);
- 5 temporary (mobile) anemometer masts;
- 21 km of access tracks;
- Welfare building(s) and sub-station;
- Underground cables;

- A temporary concrete batching plant;
- A temporary construction compound; and
- Borrow pits (4 max).

- 1.3 The principal access to the site will be from the A839 (Lairg to Rosehall) road using the existing entry point to the Achany Wind Farm. From the access road through Achany and Rosehall Wind Farms a link will be established to service the proposed development on Glencassley Estate. A more direct access from the Glencassley road is also proposed for emergency use that will be used only during the operational stage and not during construction. Abnormal loads / turbine deliveries would be directed from Invergordon, via the A9 to north of Loch Fleet then west via the A839 via Rogart to Lairg and then to the Achany Wind Farm entrance.
- 1.4 The construction of the wind farm is anticipated to take 18 months. The operational lifespan of the development is 25 years after which time the turbines will be decommissioned, with above ground facilities being removed. Although not part of the current application the most likely connection to the grid network is with a link to the Shin Power Station. The ES anticipates that this connection, using two 33kv circuits, would be placed underground.
- 1.5 The development is supported by an Environmental Statement (ES) under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (as amended). In association with the knowledge and expertise of statutory consultees, along with additional information provided to individual agencies, the ES is sufficient to allow the Council and others to use the information as presented to make a judgement on the application.

2 SITE DESCRIPTION

- 2.1 The site is located on the east side of Glen Cassley, approximately 1 km to the northeast of the River Cassley and approximately 4 km to the south east of Loch Shin. Glencassley is a private estate focussed on salmon fishing, with some deer stalking. The nearest village is Rosehall which is located approximately 10 km south of the site centre. Lairg is located on the southern end of Loch Shin, approximately 15 km south east of the site. The site is located in a relatively remote area and therefore existing noise is predominantly natural with some intermittent traffic. The nearest residential properties are located in the glen to the west of the site, 2.7 km from the nearest turbine.
- 2.2 A network of watercourses is present on the site, with water draining in a west and south westerly direction into the River Cassley. The River Cassley runs approximately parallel to the south western site boundary. The river represents the lowest point within Glen Cassley, where the land increases steeply in elevation to the east and the west. Beinn Sgeireach 476 m Above Ordnance Datum (AOD) represents the highest point on site and there are several distinct summits within the site which are above 350 m AOD. The proposed turbines would be located on the south western slopes of the Beinn Sgreamhaion and Beinn Sgeireach. There are no private water supplies within the site; however the catchment zone for Glencassley Castle private water supply overlaps a small area of the site.

- 2.4 A number of ecological designations border the eastern site boundary. The designated sites have numerous designations covering the same area of land. These include: Grudie Peatlands Site of Specific Scientific Interest (SSSI); Caithness and Sutherland Peatlands Special Area of Conservation (SAC); Caithness and Sutherland Peatlands Special Protection Area (SPA); and Caithness and Sutherland Peatlands Ramsar site. Additional designated ecological sites within a 10 km radius of the proposed Glencassley wind farm are the River Oykel SAC, Strath an Loin SSSI, Ben More Assynt SSSI, Strath Duchally SSSI, Loch Awe and Loch Ailsh SSSI and Cnoc an Alaskie SSSI.
- 2.5 The site is not covered by any known international, national, regional or local landscape-related designations. Various designated areas including the Assynt-Coigach National Scenic Area (NSA) and Special Landscape Areas (SLA's) lie within the 35 km assessment area around the application site. The development is located within a Search Area for Wild Land (SAWL). Although not a statutory designation, SAWL identifies where most of the significant areas of wild land are most likely to be found¹.
- 2.6 There are no Scheduled Ancient Monuments within the site. However there is one SAM (Creich Broch) located approximately 3.5 km west of the site centre. There are several previously recorded Heritage Assets (post-medieval) within the site and a number of historical settlements within 1 km of the site.
- 2.7 When assessing a wind farm development 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.

2.8	<u>Operational</u>	<u>Approved</u>	<u>Submitted</u>
	Achany	Lochluichart I	Braemore
	Rosehall	Corriemoillie	Glenmorie
	Lairg	Lochluichart II	Dalnessie
	Kilbruar		Sallachy
	Kilbruar Extension		Coire nan Cloiche
	Gordonbush		
	Ben Tharsuinn		
	Ben nan Oighrean		
	Novar I		
	Novar II		
	Fairburn		

3 PLANNING HISTORY

- 3.1 **13 Feb 2012** – temporary meteorological mast granted planning permission (Ref 12/00061/FUL).
2 August 2010 - temporary meteorological mast granted planning permission (Ref

¹ SNH have recently (2012) published initial mapping of wildness qualities across Scotland, which confirms the previous allocation of Search Areas for Wild Land (SAWLs) within Scotland

10/02784/FUL).

2 August 2010 - temporary meteorological mast granted planning permission (Ref 10/02785/FUL).

2 August 2010 - temporary meteorological mast granted planning permission (Ref 10/02786/FUL).

4 PUBLIC PARTICIPATION

4.1 The proposal was advertised twice under the Electricity Act 1989 and the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000. The first advertisement, for each occasion, was on 20 July 2012 and 7 September 2012. Documents were made available locally on both occasions allowing 28 days for representations to be made.

4.2 The Scottish Government Energy Consent Unit has received 27 objections and 11 letters of support. The Council has received 13 objections and 1 in support.

4.3 Material considerations raised as objection are summarised as follows:

- Contrary to Development Plan / Planning Policy
- Visual Impact including Impact on Assynt –Coigach National Scenic Area
- Landscape Impact.
- Impact on Wild Land / SAWL
- Cumulative Impact.
- Impact on Heritage / Archaeological Interests
- Impact on Wildlife / birds of prey
- Visual Impact on Upland Mountains
- Impact on Munro's and Corbett's
- Impact on peat
- Noise Pollution.
- Impact on Tourism / Recreational Interests.
- Claimed project benefits are limited
- Disruption to local communities
- Health and Safety
- Alternative Energy Solutions

Material considerations raised in support are summarised as follows:

- Supportive of green energy.
- Good for the local economy – jobs and local businesses.
- Beneficial to this fragile area.
- Well designed.
- Development can improve access for walkers / riders.
- Will be helpful for turbine construction in Scotland.

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

Consultation Responses Through Planning and Development Service

- 5.1 Creich Community Council has not objected to this application.
- 5.2 Lairg Community Council has not objected to this application.
- 5.3 Ardgay and District Community Council has concerns over the cumulative impact of developments in the locality. This increases the visual impact which will be of concern to some residents and detrimental to the tourist industry. The A836 just south of Ardgay has restrictions. If approved access across the site for cyclists should be encouraged, as well as for walkers.
- 5.4 THC - Access Officer has no objection to this application. An access management plan is offered and should be secured as a planning condition.
- 5.5 THC - Historic Environment Team (HET) has no objection to this application. It is generally supportive of the ES and the mitigation offered. Planning conditions should be attached to any approval to secure mitigation and finalise the full requirements of pre-commencement survey work and condition surveys of Creich Broch.
- 5.6 THC - TECS (Environmental Health) has no objection to this application.
- 5.7 THC - TECS (Roads) has no objection to this application. Planning conditions requested for any approval addressing improvements and care of the local road network through construction together with close liaison with the local community to ensure construction traffic avoids key dates when the local network is busy eg Lairg Lambs Sales.

Consultation Responses Through Scottish Government

- 5.8 Transport Scotland – Trunk Roads Network has no objection to this application. It requests conditions to be attached to any consent to help maintain the safety of the trunk road network, when traffic works and particularly abnormal traffic movements take place.
- 5.9 Scottish Water has no objection to the application.
- 5.9 Historic Scotland has no objection to the application. It notes adverse impact upon the setting of the Creich Broch but not to the extent to warrant objection.
- 5.10 Scottish Natural Heritage (SNH) **objects** to this application which will cause significant adverse effects on a Search Area for Wild Land (SAWL) including cumulative impact with the Sallachy Wind Farm application. The loss of wild land resource is considered to be of national interest. Concerns are raised in respect of likely impact upon designated nature conservation sites in the locality but which it advises can be managed through planning conditions attached to any consent.

- 5.11 Royal Society for the Protection of Birds Scotland (RSPB) do not object to this proposal subject to the provision of an habitat management plan incorporating agreed mitigation in relation to golden eagles and golden plover.
- 5.12 Scottish Environmental Protection Agency (SEPA) has no objection to the application provided key issues are addresses within planning conditions attached to any grant of planning permission. These must secure a requirement for the approval of an updated Construction and Environmental Management Document (CEMD) incorporating a finalised Habitat Management Plan, a 50m buffer (Exclusion Zone) of development from watercourses and a Decommissioning and Restoration Plan.
- 5.13 Marine Scotland has no objection. A request is made for a planning condition to secure an appropriate fish and water quality monitoring programme This programme should also address the potential cumulative effects of the proposed Glencassley wind farm, other wind farms within the river catchment area (Achany, Rosehall, Sallachy and Braemore), existing forestry works and Loch Shin hydropower scheme in relation to hydrological / hydro-chemical and fisheries issues.
- 5.14 Highland and Islands Airport Limited (HIAL) has no objections to the application.
- 5.15 Defence Estates(MOD) has no objection but requests standard planning conditions requiring notification on development commencement and final design information.
- 5.16 National Air Traffic Systems (NATS) has no objections.
- 5.17 Mountaineering Council for Scotland **objects** to the proposed development because it would have an adverse visual impact on this remote upland mountain area.
- 5.18 John Muir Trust **objects** to this application on account of its affect on wild land and landscape in particular.
- 5.19 UHF Radio Scanning Telemetry has no objection to the application.
- 5.20 JRC (Radio and Planning Services for Utility Companies) has no objections to this application.
- 5.21 Halcrow (Peat Assessment) has no objection but has made a number of recommendations for conditions to be attached to any approval to assist with the final design.
- 5.22 Kyle of Sutherland District Salmon Fisheries Board has not objected to the development but has raised concern over sediment issues during and post construction.
- 5.23 Crown Estates has no objection.

6 DEVELOPMENT PLAN POLICIES

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 31 Developer Contributions
Policy 36 Wider Countryside
Policy 53 Minerals
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 and Article 10 Features
Policy 61 Landscape
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
Policy 78 Long Distance Routes

Sutherland Local Plan (as amended by the HwLDP)

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

Onshore Wind Energy Interim Supplementary Guidance

6.4 The application site lies within an Area of Search for onshore wind farm development. Policy 67 of the HwLDP therefore applies, with additional interpretation as provided on the eleven criteria set out within Policy 67 listed above.

7 OTHER MATERIAL POLICY CONSIDERATIONS

Scottish Planning Policy

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

- National Planning Framework (II) June 2009.
- Scottish Planning Policy (SPP) February 2010.
- 2020 Routemap for Renewable Energy (Update) Oct 2012.

7.2 SPP contains a number of subject specific policy statements, also supported by Planning Advice Notes (PANs) which give additional guidance on topics. A number of PAN's are web based documents which are regularly updated to ensure best practice advice can be shared. SPP policies of note to this development include: -

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

Highland Renewable Energy Strategy (HRES)

7.3 The Council has an approved Renewable Energy Strategy (HRES) which sets out its vision and policies on a whole raft of potential renewable energy technologies. Relevant policies to the current application include: -

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

8 PLANNING APPRAISAL

8.1 The Scottish Government will address its assessment of this Section 36 application under the Electricity Act 1989. Should Ministers approve the development, it would carry with it deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997. The Council in its assessment considers whether the application is in accordance with the Council's Development Plan and then considers all other material considerations.

8.2 The determining issues are:

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

Assessment

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

- a) Development Plan
- b) Highland Renewable Energy Strategy
- c) National Policy

- d) Roads, Traffic Impacts and Access
- e) Water & Drainage, including Peat.
- f) Natural Heritage
- g) Search Areas for Wild Land
- h) Design, Landscape and Visual Impact including Cumulative Impact
- i) Cultural Heritage
- j) Economic Impact including Tourism
- k) Aviation and Community Infrastructure
- l) Construction Impacts
- m) Other Material Considerations.

Development Plan

- 8.4 The application is located within an "Area of Search" within the above noted Interim Supplementary Guidance Onshore Wind Energy and needs to be determined principally within the terms of Policy 67 Renewable Energy of the Highland wide Local Development Plan (HwLDP). Other policies set out in the HwLDP as highlighted earlier in this report relates to the consideration of key factors many of which are noted within this principal policy on renewable energy. The Council's Interim Supplementary Guidance also expands on the key factors noted within Policy 67. Where relevant to this application all these matters are addressed within this assessment. This includes for example Policy 57 Natural, Built and Cultural Heritage which takes into account a range of interests and designations including Wild Land.
- 8.5 Under Policy 57 all development proposals require to be assessed taking into account the level of importance and type of heritage features, the form and the scale of the development, and any impact on the feature and its setting, in the context of the policy framework is detailed within Appendix 2 of the HwLDP. This Policy also highlights that it is the Council's intention to adopt the Supplementary Guidance on Wild Areas in due course when national policy on such areas has been suitably developed.
- 8.6 Policy 67 highlights that the Council will consider the contribution of the project towards renewable energy targets, positive and negative effects on the local and national economy and other material considerations including making effective use of 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 the 11 specified criteria (as listed). If the Council is satisfied on all these matters then the application will accord with the Development Plan.

Highland Renewable Energy Strategy (HRES)

- 8.7 Policy 67 of the Development Plan recognises the strategy developed by the Council on a range of Renewable Energy technologies. The additional benefits from such investment highlighted in HRES, as noted earlier for example 'Education and Training,' 'Community Benefit' and 'Local Content,' remain important considerations when assessing individual project proposals – see also later section

on economic impact. HRES has also highlighted energy targets that the Highlands might meet using the range of renewable energy technologies. The Scottish Government has targets (see below) but it is important to recognise that these targets are not a cap on development proposals that may emerge in an area.

National Policy

- 8.8 The Scottish Government has a very positive approach on 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 2011". There is a Scottish Government target of 100% of Scotland's electricity demand to be generated from renewable resources by 2020. The target is not a cap. There is expectation that the energy targets will be met from a mix of technologies. Representations that argue against investment in renewable energy can only be given limited weight given the very positive stance set by the Scottish Government.
- 8.9 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.
- 8.10 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. Development Plans are 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 Access

- 8.11 The proposed access route for this development, particularly during construction, will be via the operational Achany Wind Farm. It is also proposed to use the same route for abnormal vehicles transporting turbine parts from Invergordon, via the A9 Trunk Road and then the A839 via Rogart and Lairg. Notwithstanding that the proposed turbines for this development are larger than deployed at Achany (105m) and Rosehall (90m) no objections have been raised by either road authorities. Emergency Vehicles will also be able to access the development, via a secondary access track, from the local road within Glencassley during the operational phase of the development. The safeguards needed to protect the local road network and ensure necessary improvements can be secured through planning condition and if necessary legal agreement.

- 8.12 There is low recreational access use at the site of the development. From a wider perspective the development will be visible from regularly visited hill routes, particularly Ben More Assynt to the north west of the site. Wind farm tracks do offer increased access provision to otherwise quite remote area and with this in mind any access infrastructure such as gates / vehicle barriers should allow access for non-motorised public use. Site signage should take note of public access rights and any permanent site signage should by condition be approved by the planning authority.

Water & Drainage, including Peat

- 8.13 A small number of private water supplies are located within or adjacent to the site boundary but these are at least 1.5 km from any proposed wind farm infrastructure. Consultees have advised that that it is unlikely that the development will have an adverse impact on water supplies.
- 8.14 SEPA has welcomed the mitigation measures highlighted throughout the ES to safeguard the water environment from possible contamination. To ensure that the development does not significantly effect the water environment and protect downstream sensitivities including the River Cassley it requests that a condition is imposed requiring that a full site specific construction environmental management document (CEMD) is submitted for approval to the planning authority and other interested parties. The document should address, in a site specific manner, all pollution prevention and environmental management issues related to construction works, including, for example, those relating to peat stability, the borrow pits (including information on cross sections, elevation of the pit floor and confirmation of exact extraction volumes), peat management and reuse and all related environmental monitoring.
- 8.15 The development will result in a number of new watercourse crossings. SEPA is satisfied that the route taken and location of other infrastructure has had due regard for the water environment. It welcomes the inclusion of a 50m buffer between infrastructure and hydrological features as part of the design process, but requests this is back up through an appropriate planning condition. Further that it fully supports the offered mitigation that a 50m exclusion zone around watercourses be physically marked within an agreed distance from proposed development. The approved CEMD, required by condition, should detail the "agreed methods and plans" for any works within this exclusion zone.
- 8.16 Given the location of the development and the nature of the land use in the catchment there are no major concerns regarding flood risk. SEPA has noted that one exception to this is the requirement to construct new crossings as part of the access arrangements. Although the selection of crossing structures appears to be reasonable, it is not explicit in the information provided that they are all sized appropriately. It advises that all structures should be adequately sized to enable them to convey the 1 in 200 year design flow at each point without causing constriction of flow, which would ultimately result in the track being at risk of flooding.
- 8.17 Significant information on peat depth has been collected and SEPA considers that

the turbine layout proposed avoids the areas of deepest peat on the site. The access track does, however, cross areas of deeper peat. Micro-siting should be used to ensure the final location of the turbines and access track is on the shallowest peat possible. The information provided within the ES suggests that excavated peat could be successfully managed on the site. SEPA has asked that the finalised CEMD includes a detailed site-specific section on excavated materials which clearly identifies and quantifies all disturbed areas and uses in line with best practice. This should include a quantification of acrotelmic and catotelmic peat; identifying appropriate uses, if possible, for both. Similar issues are raised by Halcrow, adviser to the Scottish Government on peat issues, which has highlighted the need for planning conditions related to safeguards for working within peat.

Natural Heritage

- 8.18 The site of the application carries no specific designations, although it borders land and water resource that have multiple designations as identified in Para 2.4 above. On these matters the views of SNH are particularly important.
- 8.19 SNH advice in respect of the anticipated impacts on the Grudie Peatlands and the Strath an Loin Sites of Special Scientific Interest (SSSIs), also recognised as part of the Caithness & Sutherland Peatlands SAC and Ramsar site, is that there will be a likely significant effect on the SAC through potential impacts on important upland habitat and otter. However, provided the planning conditions requested by SNH are applied to any consent and that these are strictly adhered to then SNH has advised that there will not be an adverse effect on the integrity of this SAC site. The conditions would also avoid an adverse effect on the SSSIs and Ramsar site interests. The construction and operation (and decommissioning) of the wind farm will affect red deer movements and distribution within the wider area. This is likely to cause an influx of deer to the Grudie Peatlands and Strath an Loin sections of the SAC. This may have a significant effect on the qualifying interest (blanket bog) through increased trampling and grazing.
- 8.20 The River Oykel SAC runs to the west and south west of the proposed development site and is designated for Atlantic salmon and freshwater pearl mussel. Watercourses within the development site drain into the SAC. SNH notes that there is a likely significant effect on the SAC due to the potential increase risk of sediment and pollution (fuel spills) that could affect Atlantic salmon and freshwater pearl mussels in the River Oykel SAC. However, provided the requested planning conditions are applied and strictly adhered to, then SNH advises that there will not be an adverse effect on the integrity of the site.
- 8.21 The development site seen as important to golden eagles (sub adult) and a suite of upland waders of high conservation importance. SNH has considered the likely impacts, especially on the nearby SPA population of golden eagle and consider the likely impacts to be low. RSPB has highlighted the benefits of securing a habitat management plan by planning condition including the following main elements: - suitable alternative habitat should be secured for the life time of the wind farm; disturbance to nesting during the breeding season should be avoided; deer grallochs should be left outwith the wind farm development area; drain blocking to improve peatland / wetland habitat. SEPA has advised it is satisfied with the

assessment of wetlands, including groundwater dependant terrestrial ecosystems. SEPA fully supports the production of a draft Habitat Management Plan with the aim, in relation to its interests, to conserve, enhance and restore degraded priority habitat (especially blanket bog). The approval of the Habitat Management Plan, set as a condition, will allow confirmation on the exact areas of the estate where this is to be applied.

- 8.22 The ES has presented information on European Protected Species, Nationally Protected Species, Protected Birds, Habitat, including peat, and the water environment generally. SNH has advised in respect of a number of interests including Golden Plover, otter, bats and water vole. Subject to planning conditions requiring a Construction and Environmental Management Document (CEMD) in line with the Council guidance, no further concerns have been highlighted by SNH. This condition, for example, sets out a requirement for pre construction surveys for protected species and then to take the results into account when progressing key construction activities. Details on these matters would be set out within an approved CEMD.

Search Areas for Wild Land

- 8.23 The development sits within a Search Area for Wild Land (SAWL). This is a non statutory designation, but has reference within the Council's Development Plan and in Scottish Planning Policy. The Council has yet to draft its Supplementary Guidance on Wild Land as highlighted in the HwLDP. Advice from Scottish Government / SNH is awaited on this subject. Attributes of Wild Land include "a high degree of perceived naturalness in the setting, especially in its vegetation cover and wildlife, in the natural processes affecting the land; the lack of any modern artefacts or structures: little evidence of contemporary human uses of the land: landform which is rugged or otherwise physically challenging: remoteness and / or inaccessibility."
- 8.24 Seven of the current 26 SAWLs in Scotland are located in Sutherland, indicating the extent of this national resource in the locality. SNH has objected to this application advising that it considers that it raises natural heritage issues of national interest. SNH consider that that "the Glencassley wind farm will cause significant adverse effects on a Search Area for Wild Land (SAWL) resulting in the loss of a significant proportion of the SAWL and adversely affecting the experience of much of the remainder. It is not possible to significantly mitigate these impacts. When considered cumulatively with the proposed Sallachy wind farm, which is within the same SAWL, these concerns are exacerbated." SNH advise that "The proposed development site contributes to the overall integrity of the SAWL, forming part of an extensive block of wild land that extends to the north-west. The development would be visible across a large extent of the SAWL (as demonstrated by figure 7.10b of the ES), resulting in significant changes to experience and perceptions of wildness." The mapping of all land in Scotland for "wildness" confirms that the SAWL incorporates land which demonstrates the top classifications under this assessment. In addition SNH advises that south of the SAWL, either side of the minor Glen Cassley road possess "key wildness characteristics."

- 8.25 In relation to the impacts of Glencassley in combination with the existing Rosehall and Achany wind farms, SNH advise that "the presence of Rosehall and Achany introduces wind farms into the wider area. There is a separation of approximately 4.5 km between Glencassley and Achany/Rosehall turbines, at the closest point. Although some peripheral attrition of wild land characteristics of the SAWL has resulted from the Rosehall and Achany wind farms, these are located outwith the SAWL and have notably lower visibility across the SAWL. In contrast, Glencassley would introduce tall moving structures into an area of high wildness that is currently free from such development. The proximity of the proposed Glencassley development, combined with its larger extent of visibility, produces a much greater impact upon the SAWL than Rosehall and Achany. "
- 8.26 In addition to the cumulative impacts from the proposed Sallachy wind farm, SNH has highlighted further cumulative concerns that "wind farm development also raises significant issues relating to the more extensive wild land resource of the wider area, which includes a number of SAWLS. For example, issues of encroachment into an area currently free from wind farm development, and cumulative issues caused by Glencassley in combination with other proposed wind farms in the vicinity (such as the proposed Sallachy wind farm in the same SAWL, and the proposed Dalnessie and Creag Riabhach wind farms in two other SAWLS)." It points to Scottish Planning Policy Paragraph 128 noting that "The most sensitive landscapes may have little or no capacity to accept new development. Areas of wild land character in some of Scotland's remoter upland, mountain and coastal areas are very sensitive to any form of development".
- 8.27 The applicant has undertaken its assessment of the impact of the development upon this SAWL. It sub-divided the SAWL area into 7 parts for assessment purposes and within Figure 7.10b (appended to this report) highlights these sub areas. It also presented information on the level of wildness qualities of land, zones of theoretical visibility (ZTV) arising from the visual impact of the development, and also the visual impact of other wind farm projects particularly the operational Rosehall and Achany schemes. It has also used a horizontal angle ZTV assessment. This measures how much of the field of view from a particular viewpoint is occupied by the proposed Glencassley Wind Farm. It has also considered the impact upon the physical attributes and perceptual responses / criteria of the development on these sub areas and in combination with the assessment presented within the Sallachy Wind Farm ES and its impact on this resource.
- 8.28 The applicant's assessment concludes that there is significant impact on part of the SAWL. The significant impact would extend across an area up to 8.5 km to the west and 8km to the north of the wind farm. It is argued that this impact affects part of the SAWL, where the qualities of wildness are not of the highest levels. The better wild land in quality and quantity lies more to the west. The impact of the wind farm would in its opinion diminish the buffer between the development and the true areas of wild land which lie further to the west. This buffer area is a location where a degree of fragmentation of the wild land qualities has already occurred from developments such as Rosehall and Achany and potentially would worsen with the approval of other applications currently being processed, for example Sallachy.

8.29 The assessment by the applicant on the likely impact on the SAWL including on the physical and perceptual responses receptors might experience from the development is informative. It has been particularly useful for example in dividing up, for assessment purposes, what is an extensive search area. It is clear that the land across many parts of Sutherland has relatively high levels of wild qualities, that the identified SAWL contain land that has some of the highest wild land classifications. But not all parts of the SAWL are of the highest qualities. Development such as onshore wind energy projects too have particular impacts given turbine size, movements, potential noise, etc. that merit particular consideration, when compared to other potential land use opportunities.

8.30 Using the SNH wildness qualities map (used for the purposes of consultation during 2012 but not updated with recent developments) together with the ZTV's of individual wind farms does allow a judgement, albeit subjective, to be made taking into account distance to and from the development and the likely visual impact as illustrated from a number of viewpoints. The conclusions as presented by the applicant are generally accepted, in that the development will have a significant impact upon part of an identified SAWL but within a search area that does not always contain wild land of the highest quality. Of more significance is that some of the best areas of wild land lie further to the west, where the development has no impact and therefore the best quality wild land would not be affected. The potential additional cumulative impact of the development of Sallachy wind farm requires to be assessed in the determination of that application, rather than within the assessment of this application.

Design, Landscape and Visual Impact including Cumulative Impact

8.31 The development presents a design layout which forms two extended rows of turbines south east to north west, which snakes with the local topography on the north side of Glen Cassley and the long ridge line to the south of Loch Shin. The application seeks to present an arrangement of turbines that are constantly spaced along the broad open moorland within the estate. The applicant advises that this layout has been informed by: -

- technical advantages and constraints;
- landscape character guidance – development on moorland slopes;
- landscape designations – such as Ben More Assynt NSA,
- wildness characteristics; and
- visual receptors – residents, road users, settlements, hill walkers and tourists.

8.32 At a very detailed level the application presents external transformers for each turbine. This is not consistent with the planning advice to applicant's, with the use of internal transformers being promoted to reduce the visual clutter of infrastructure around turbine bases. It is particularly the case within simple elevated open moorland landscapes as found at Glen Cassley. The applicant's design favours external transformers based on health and safety issues. It is noteworthy that the Health and Safety Executive has not advised against internal transformers. The Council should request the deployment of internal transformers as a condition of any consent, which the applicant is content to commit.

- 8.33 The layout as submitted is best seen from Viewpoint 22 on the SE slope of Leathad Dail nan Cliabh. Key factors influencing the applicant in the final design iteration was to secure a reduction of the extent of the wind farm and avoidance of areas of high ground. Whilst a reduced turbine size, more consistent with Achany (105m), was considered by the applicant, its view was that the wider impact of a smaller turbine was little changed. Borrow pits and other associated infrastructure associated with this project including the welfare buildings and sub-station have been located to minimise impact on Assynt – Coigach National Scenic Area, as well as reduce landscape and visual impact.
- 8.34 In landscape terms the proposed design is seen to be consistent with design guidance provided by SNH for this Landscape Character type – Open Moorland. The scale and simple nature of the landscape does allow a development of this size to be absorbed. With regard to some of the designated landscapes in the surrounding area, SNH has advised that it does not consider that the impacts of Glencassley wind farm would affect the integrity of the Assynt – Coigach National Scenic Area (NSA). The likely impacts on other NSA within the wider assessment area and the Council's designated Special Landscape Areas at Ben Klibreck and Loch Choire, Fannichs, Beinn Dearg and Glen Calvie and Loch Fleet, Loch Brora and Glen Loth are considered limited on account of their distance (>18km) from the application site. The key landscape impact is in respect of wild land as highlighted earlier in this assessment.
- 8.35 The Zone of Theoretical Visibility (ZTV) has highlighted the extent of the likely visual impact of the development. Whilst the extent of the impact extends to almost all points of the compass within a 10km radius, its impact on communities including scattered communities, houses in the countryside and roadways across the locality is quite limited. No significant effects on settlements have been identified. At Rosehall for example (Invercassley Stores) at a distance of 7.6km to the nearest turbine eight turbines (turbine blades) can be seen, with only one hub visible. The applicant's assessment of impact (medium to low / not significant) is accepted.
- 8.36 The applicant was asked to present 23 viewpoints of the development to help understand the impact of the development on likely receptors on public roads, footpaths, areas of countryside generally and valued recreational walks and hilltops. This assessment has highlighted the following noteworthy impacts: -

Viewpoint 2 Dalnessie – Travellers on A836 particularly those journeying southwards will see 15 turbines in addition to those from existing wind farms at Rosehall and Achany. Applicant's assessment – medium impact.

Viewpoint 9 Achnairn – Caravan site, local residents 16 turbines visible, 4 to hub height, with other similar developments in the locality. Applicant assessment x impact. Applicant's assessment – significant impact.

View Point 14 A836 West Shinness - Travellers on A838 will see 11 turbines, 4 to hub height in addition to those from existing wind farms at Rosehall and Achany. Applicant assessment - significant impact.

Viewpoint 15 A836 Cnoc na Laoigh - Travellers on A838 will see 9 turbines none to hub height in addition to those from the existing wind farm at Achany. Applicant assessment – not significant impact.

Viewpoint 10 Ben More Assynt – Hill walkers will see the whole development, with the nearest turbine at a distance of 12.7km, together with more distant wind farms including Rosehall, Achany, Lairg and Kilbraur. Applicant assessment - significant impact.

- 8.37 The assessment of the viewpoints made by the applicant and presented within the ES is accepted. Members have already highlighted, when considering other on shore wind energy projects in the area, some concern over the visibility of turbines when travelling south from Altnaharra / Crask Inn on the A836 road. The applicant has been approached to reduce the three most visible turbines to receptors from the north as noted as significant at Viewpoints 9 and 14 – see above. The removal of these turbines would significantly reduce the impact of the development leaving a much less number of turbines at hub height and below being seen from the north, but also at a number of other locations including VP 16 Inveroykel and VP 6 Rosehall. The reduction of this impact is regarded as being significant.
- 8.38 The development cannot be considered in isolation as there is cumulative impact, including sequential impact in the wider landscape particularly from projects as listed within Para 2.8 above. Members have undertaken two site visits to potential wind farm sites, and surroundings, near Lairg including Glenmorie and Dalnessie and are generally familiar with this locality. The Achany and Rosehall wind farms are clearly visible to travellers, particularly those approaching Lairg from the Dornoch Firth area (Struie Viewpoint & Bonar Bridge) and from the north (Altnaharra Road). The Lairg wind farm is also visible to travellers from Rogart and residents within Lairg.
- 8.39 The applicant's assessment of cumulative impact has highlighted the key considerations from its analysis of similar developments across the wider study area up to 65 kilometres. It highlights that cumulative impact with sites beyond the 35km study area can be discounted due to the distance between the relevant sites, which thereby limits the cumulative effect. This stance is accepted. Of more relevance is the effect arising from the cumulative impact with the operation wind farms at Rosehall, Achany, Lairg, Kilbraur and Beinn Tharsuinn including Beinn nan Oighrean. Other projects in the area all remain to be fully determined, but those considered by the Council to-date have not been supported including Glenmorie, Dalnessie and Braemore. Other projects such as Sallachy (S36 application) and Coire nan Cloiche (Planning Application) remain to be determined.
- 8.40 Selected viewpoints as requested for inclusion within the ES has allowed the key cumulative impacts to be assessed, with regard to principal receptors including communities, local roads and local hill tops including those within SAWL. The following impacts from VP's are noteworthy, several of which has been highlighted earlier: -

VP 1 Crask Inn – The development to the south would be seen in part at a distance

of 20.3km in combination with Achany and Rosehall within an extensive landscape view with an open moorland skyline. Applicant's assessment – not significant.

VP 2 A836 Dalnessie – The development to the south would be seen at a distance of 11.9km in combination with Achany and Rosehall within an extensive landscape view with an open moorland skyline which incorporates Ben More Assynt to the west. Applicant's assessment – not significant. This assessment could change should further applications in the area be approved including for example Braemore and Sallachy.

VP 3 Saval – The development to the south west would be seen in parts at a distance of 13km, with Achany (7.3km) and Rosehall (13.2km) and theoretical visibility of Lairg (4.64km). Applicant's assessment – not significant, but this would change with the approval of all current applications in the locality.

VP 9 Achnairn – The development to the south would be seen in parts at a distance of 9.9km in combination with Achany (13.4km) and Lairg (18.84km)). Applicant's assessment – not significant, but this would change with the approval of other applications in the locality Braemore (10.9km) / Glenmorie (distant) but not Sallachy.

VP 10 Ben More Assynt – The development to the east would be seen in total at a distance of 12.7km in combination with Rosehall (22.6km), Achany (22.4km) Lairg (33km) and in the distance Kilbraur, Beinn Tharsuinn and Beinn nan Oighrean. Applicant's assessment – significant. This impact would increase with the approval of other current applications in the locality.

VP 14 A838 West Shinness – The development to the south would be seen in parts at a distance of 8.4km in combination with Achany (10.2km). Applicant's assessment – significant. This impact would increase with the approval of other current applications in the locality.

VP 15 A838 Cnoc an Laoigh – The development to the south would be seen at a distance of 8.3km in combination with Achany (13.9km) and theoretical visibility of Lairg (18.8km). Applicant's assessment – not significant. This would not change with the approval of other current applications in the locality.

VP 16 Inveroykel forest access – The development to the north west would be seen at a distance of 9.4km in combination with Achany (5km) and Rosehall (4km). Applicant's assessment – not significant. This would not change with the approval of other current applications in the locality.

VP 22 Leath Dail nan Claibh – The development to the north east would be seen in total at a distance of 3.9km in combination with Rosehall (13,3km). Applicant's assessment – significant. This impact would increase with the approval of other current applications in the locality.

8.41 The cumulative assessment also examines the extent of views from the local road network, which demonstrates as reflected above that stretches of the A838 and A836 would have visibility of the development in association with other operational

wind farms and potentially other applications in the locality. There are no significant effects on local settlements.

- 8.42 Drawing the overall cumulative impacts of the development with other operational wind farms and potential applications in the locality the general tenor of the applicant's assessment is accepted. This concludes that there are some significant impacts arising from the development for example the predicted impact from within Glen Cassley / SAWL, from Ben More Assynt and locations north of Loch Shin, but overall the significance of the impact with existing developments is limited. Should all projects currently within the application processes within the wider assessment areas around this application be approved the concern becomes more significant.

Cultural Heritage

- 8.43 There are 11 known cultural heritage assets within the site, none of which are designated, and direct impacts of at worst negligible significance are predicted on five of these, comprising three late post-medieval and modern boundaries. A 20th century stalker's track and a gravel pit are also identified. No mitigation is proposed although micro-siting may be required to ensure that impacts are avoided. The majority of known cultural remains within and in the vicinity of the site relate to post-medieval and modern agriculture and estate management. However, there are remains associated with early historic settlement within the Glencassley area, notably Creich broch and therefore there is a potential for hitherto unknown archaeological remains to be present within the site, sealed below the extensive, though shallow (generally <0.5 m deep) peat cover.
- 8.44 Historic Scotland has advised that the setting of the well preserved Creich broch can be characterised by the floor and slopes of the river valley in which it sits. It was deliberately sited in such a position to be visibly prominent throughout and have wide views out over the surrounding valley and route ways through it. The broch is currently the only known prehistoric feature in the glen and is not inter-visible with broch's in adjacent glens. The proposed turbines would be visible on the edge of the broch's setting and will not therefore interfere with appreciation of the immediate setting of the broch.
- 8.45 Historic Scotland do not consider the proposed development will adversely affect the way in which this monument is understood, appreciated and experienced to such an extent that issues of national significance are involved. Paragraph 12.121 within the ES proposes a programme of archaeological works (such as a conditions survey) as part compensation for the predicted adverse impact on the setting of Creich broch. Should proposals for these archaeological works be progressed, Historic Scotland should be contacted. The Council's Historic and Environment Unit have highlighted the need to apply planning conditions to secure the offered mitigation.

Economic Impact including Tourism

- 8.46 The applicant has highlighted that the proposed wind farm has the potential to generate employment and economic opportunities for Sutherland, the Highlands, and Scotland. Based on estimates of procurement and expenditure on goods and

services required for the proposed wind farm the ES suggests that between £29m and £45m of Gross Value Added (GVA) will be generated for the study area. The wind farm will also support between 137 and 398 'job years' of employment in the Highlands over the construction and operation stage, and 389-973 'job years' of employment in Scotland as a whole.

- 8.47 The applicant notes that the Highland economy is heavily dependent on tourism revenue and a large attraction of the area is the experience of the landscape, including recreational activities undertaken within the landscape. However, the assessment suggests that the effect of the proposed Glencassley wind farm on tourism and associated recreation activities will be of a minor significance. It highlights that the proposed wind farm will generate expenditure of up to £585,000 on accommodation and on food and drink to the benefit of many service based outlets in the locality. The ES is not so specific on potential adverse impacts noting potential attractions for walking (Munro's /Corbett's), cycling, fishing, riding, etc. as well as several visitor centres including Knockan Crag and Assynt Visitor Centre. Specific information on these matters is difficult to quantify including the potential of the area to offer scenic locations for UK Film. There is a backcloth of studies undertaken at the national level that suggest the presence of wind farms is not significant on visitor numbers / experiences.
- 8.48 The above assessment clearly conflicts with the views expressed on this application by the John Muir Trust and Mountaineering Council for Scotland (MCoS) who have raised concerns over this application individually and cumulatively with other wind farm developments in the area on wild land; Assynt-Coigach National Scenic Area; the Ben Klibreck and Loch Choire Special Landscape Area and Munro's and Corbett's in the surrounding countryside. Impacts from these matters have been considered earlier in this assessment.
- 8.49 The MCoS has advised that research by VisitScotland shows that there were 14.7 million external visitors to Scotland in 2010, spending £4.1 billion. The top reason cited for visiting Scotland was the scenery and landscape (58%). Some 40% of visitors went on longer walks of in excess of two miles. Mountaineers and hill walkers are often young people from the most affluent social groups – a valuable tourism market. Those visitors who enjoy scenery and landscape clearly make a significant contribution to the economy of the area, tourism spend which could be significantly affected by wind farm developments in what is currently largely unspoilt countryside. VisitScotland has also advised from survey work that respondents say that wind farms would not prevent them visiting the area.
- 8.50 The potential economic impact of the project both for and against are important considerations in the determination of this application, as is the need to recognise the economic fragility of this area generally, and the positive and negative impacts that may or may not benefit the area in the short, medium and longer term. In this regard the quantified impact as presented by the applicant presents a reasonable starting position, which then needs to be considered against more generalise and subjective views on likely impact raised by other parties.

Aviation and Community Infrastructure

- 8.51 There are no adverse impacts anticipated from the construction and operation of this proposal from aviation interests, radio and TV networks. To ensure air safety and amenity interests it is appropriate to ensure planning conditions are attached to require infra red aviation lighting only on turbines and to ensure information on construction is supplied to aviation interests in advance of development.

Construction Impacts

- 8.52 The construction of the wind farm is anticipated to take 18 months. This will commence with the construction of the access tracks using material drawn from three new borrow pits and the reopening of one borrow pits used for the Achany windfarm.
- 8.53 Given that this development commences from an existing wind farm access road, relatively remote from any existing occupied properties, concerns on construction impact such as noise / working hours are less significant. The key consideration will relate to traffic impact and the need to progress development within the requirements of an approved Construction and Environmental Management Document (CEMD) ensuring all relevant environmental safeguards are recognised and taken into account including for example the maintenance buffers around local water courses.
- 8.54 SEPA has requested that detailed information on the environmental management of the borrow pits, including the information set out in PAN 50 Controlling the environmental effects of surface mineral workings (Paragraph 53) and information on the reuse of excavated peat are included in the CEMD. It has also requested that a Decommissioning and Restoration Plan be submitted at least two years prior to the end of the design life of the development and be based on the best practice current at the time of submission. This is in addition to the temporary restoration of the borrow pit, during the operation of the wind farm.
- 8.55 Noise assessments have been presented and considered in respect of the potential impact on adjacent property and taking into account adjacent projects both operational and within the application process. Given the distance between wind farms operation and proposed, this wind farm proposal and existing habitable houses there are no significant concerns in respect of construction noise or operational noise. TECS Environmental has requested the appliance of a standard noise condition to assist future management of complaints, should these arise. Planning conditions controlling working hours should be applied to the site, particular addressing traffic movements in line with Council standard practices.

Other Material Considerations

- 8.56 Marine Scotland has highlighted the importance of the watercourses downstream of this development for fishing. An issue which is important to the estate. It also highlights the need to take into account a number of cumulative impacts arising from earlier wind farms developments, forestry plans and hydro interests. The Council will be mindful of what is reasonable to address in terms of potential effect

either through offered mitigation or through planning conditions has to be attributable, proportionate, reasonable, etc. As already mentioned earlier in this assessment any approval of this development requires conditions to ensure approval of a Construction and Environmental Management Document (CEMD) securing appropriate controls over the water environment and also Habitat Management. The combination of these requirements should secure the same ends as is being requested by Marine Scotland.

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

9 CONCLUSION

- 9.1 The assessment of this application has recognised that the proposed development would have significantly less visual impact with the removal of turbines T01, T02 and T03. The applicant has advised that it would be content to amend its scheme in this manner and thereby allow the Council to address the reduced scheme in its final consideration. For the avoidance of doubt should the application not be amended the recommendation of this report would be for the Council to raise an objection to the application for reasons founded on Policy 67 of the HwLDP and particularly the tests of landscape and visual impact as viewed from the north.
- 9.2 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. As with all applications the benefits of the proposal must be weighed against potential drawbacks and then considered in the round. This recognises of course that this application will be determined by Scottish Ministers, within the framework of the Electricity Act 1989. The site falls within the "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. The project has received a small number of supportive representations.
- 9.3 The application has also drawn a number of objections including some from consultees. It is the potential impact of the development on a Search Area for Wild Land which SNH highlights as an objection with national dimension. This objection is shared by the MCoS, the John Muir Trust and others. Of the current 26 SAWLs in Scotland, seven are located in Sutherland. In total they cover an extensive geographical area and many are facing development pressures, particularly from largescale onshore wind energy projects. So there are issues of specific impact on individual SAWLs, cumulative impact of renewable energy projects on specific SAWLs and cumulative impact on SAWLs generally. Both SPP and the Council's HwLDP recognise the importance that potentially needs to be given to safeguard such areas from development. A policy commitment on wild land remains to be made by Scottish Ministers / Scottish Natural Heritage following public consultation early in 2012.
- 9.4 The hesitancy in policy development on wild land leaves doubt over the weight that should be given to this subject particularly when seeking to conclude on the final balance of determining issues for this application. The ES in support of this

application has identified that it would impact on part of the SAWL that extends towards Ben More Assynt. This impact is principally on the east side of this SAWL, within an area already impacted by wind farm development (Rosehall / Achany / Lairg WF's) and where the qualities of wild land are variable but includes some of the highest quality land. Significant areas of the highest quality of wildness remain further to the west and are unaffected by the development. The proposal, particularly with the removal 3 turbines as noted above, has more limited impact on other SAWL towards Ben Hee, north of the application site, and around Ben Klibreck / Ben Armine to the north east. The assessment of impact as presented by the applicant is accepted.

- 9.5 With regard to other landscape designations it is noteworthy that SNH recognises that the impacts of Glencassley wind farm would not affect the integrity of the Assynt – Coigach National Scenic Area (NSA). This view, expressed by Scottish Natural Heritage, is shared. Furthermore that the likely impacts on other NSA within the wider assessment area and the Council's designated Special Landscape Areas at Ben Klibreck and Loch Choire, Fannichs, Beinn Dearg and Glen Calvie and Loch Fleet, Loch Brora and Glen Loth are considered to be limited.
- 9.6 The development overall is not seen as having significant visual impact on local communities / settlements, housing, local infrastructure and communications. The removal of three turbines (T01, T02 and T03) will reduce the visual impact of the development particularly on properties at Achnairn and on the A838 at Shinness. Whilst the tops of a small number of turbines (8) at a distance will be seen, the essence of the development is very much on the other side (south side) of the hill-line to the south.
- 9.7 The other principal objections to this application have arisen from those who value and or use the wider countryside for recreational users, particularly hill walkers and climbers of local Munro's in this locality, particularly Ben More Assynt. From the top of Ben More Assynt a whole number of panoramic views can be obtained including to the east. The development would impact on this eastern view, although the turbines are set in the landscape below the viewer with the nearest turbine at a distance of 12km, with a more extensive landscape view beyond.
- 9.8 This development would also very much add to number of wind farms that would be seen from this vantage point, and would present the nearest development to-date, although another wind farm application closer to this viewpoint on Sallachy and Duchally estate remains to be determined. The ES presents the argument that the viewpoint is of high sensitivity but the change that would arise from this development is medium to low and therefore not significant. This assessment is not contested.
- 9.9 No significant adverse impacts are expected from the application in terms of nature conservation interests. Impact on the nature conservation resource of the site including local ecology, ornithology, fauna, habitat, peat and water the development and operation of the proposal can be managed. Through the appliance of appropriate planning conditions to safeguard local interests the impact on the natural resources of the site and its wider surroundings, including several designated sites with multiple designations can be minimised so not to affect the

integrity of these designations.

9.10 Some weight has to be given in favour of the development with the potential to deliver over 50MW and thereby makes a useful contribution the Scottish Government's Renewable Energy targets. There is recognition over the benefits that a project as outlined in this application can bring to an area, particularly with a local economy which has a limited economic base. The development is expected to bring forward positive economic impact in terms of jobs and some longer term infrastructural improvements for example in the road network and land management including some positive habitat and deer management.

9.11 The determination of this application principally lies within the provisions of Policy 67 of the Highland Wide Local Development Plan. The requirement is to consider the likely impacts of the development on a number criteria and then consider if the development as presented is significantly detrimental overall individually or cumulatively with other developments. In respect of the eleven criteria set out in the policy the impact is deemed to be: -

No	Policy 67 Criteria	Significance
1	Natural, Built and Cultural Heritage	Acceptable
2	Other Species and Habitat Interests	Acceptable
3	Landscape and Visual Impact	Adverse impact
4	Amenity at Sensitive Locations	Adverse impact
5	Safety and Amenity of Individuals / Properties	Acceptable
6	Airport, Defence and Emergency Services	Acceptable
7	The Water Environment	Acceptable
8	Operational / Efficiency of Communications	Acceptable
9	The Quantity and Quality of Public Access	Acceptable
10	Tourism and Recreation Interests	Acceptable
11	Traffic and Transport Interests	Acceptable

9.12 There are adverse impacts to taken into account with the application, but the development is also considered to be acceptable on many of the specific criteria set out in the Development Plan. The impact of the project is also reversible in that permission is being sought for a period of 25 years after which time the infrastructure can be removed and the site largely restored. The application is one that can be seen as being located and sited such that it will not be significantly detrimental overall, either individually or cumulatively with other operational developments. The application is therefore one which is seen to accord with the policies of the Council's Development Plan. The application is therefore one which on balance should be supported.

10. RECOMMENDATION

10.1 Subject to the removal of Turbines No 1, No 2 and No 3 it is recommended that the Council **raise no objection** to the application with conditions being attached to any approval by Scottish Ministers. A list of draft conditions are presented below for consideration by the Energy Consent Unit.

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 from any of the approved wind turbines 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 2 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, reassessment to be made of the environmental impacts of the development and the success, or otherwise, of noise impact, species protection, habitat management and mitigation measures. The 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:
 - i. No later than 3 years prior to the decommissioning of the development, the draft DRP shall be reviewed by the Wind Farm Operator and a copy submitted to the Planning Authority for their written approval, in consultation with SNH and SEPA; and
 - ii. 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 access tracks, 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 detailed Decommissioning and Restoration Plan shall be implemented as approved.

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

- 3 No development shall commence until:
 - i. Full details of a bond or other financial provision to be put in place to cover all of the decommissioning and site restoration measures outlined in the Decommissioning and Restoration Plan approved under condition 2 of this permission have been submitted to, and approved in writing by,

the Planning Authority; and

- ii. Confirmation in writing by a suitably qualified independent professional that the amount of financial provision proposed under part (i) above is sufficient to meet the full estimated costs of all decommissioning, dismantling, removal, disposal, site restoration, remediation and incidental work, as well as associated professional costs, has been submitted to, and approved in writing by, the Planning Authority; and
- iii. Documentary evidence that the bond or other financial provision approved under parts (i) and (ii) above is in place has been submitted to, and confirmation in writing that the bond or other financial provision is satisfactory has been issued by, the Planning Authority.

Thereafter, the Wind Farm Operator shall:

- iv. Ensure that the bond or other financial provision is maintained throughout the duration of this permission; and
- i. Pay for the bond or other financial provision to be subject to a review five years after the commencement of development and every five years thereafter until such time as the wind farm is decommissioned and the site restored.

Each review shall be:

- a. conducted by a suitably qualified independent professional; and
- b. published within three months of each five year period ending, with a copy submitted upon its publication to both the landowner(s) and the Planning Authority; and
- c. approved in writing by the Planning Authority without amendment or, as the case may be, approved in writing by the Planning Authority following amendment to their reasonable satisfaction.

Where a review approved under part (c) above recommends that the amount of the bond or other financial provision should be altered (be that an increase or decrease) or the framework governing the bond or other financial provision requires to be amended, the Wind Farm Operator shall do so within one month of receiving that written approval, or another timescale as may be agreed in writing by the Planning Authority, and in accordance with the recommendations contained therein.

Reason: To ensure financial security for the cost of the restoration of the site to the satisfaction of the Planning Authority.

- 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 12

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 removed from site, in the interests of safety, amenity and environmental protection.

- 5 No development shall commence until full details of the proposed wind turbines (including make, model, design, power rating and sound power levels) have been submitted to, and approved in writing by, the Planning Authority. The approved turbines shall operate with internal transformers unless otherwise agreed in writing by the Planning Authority. Thereafter, development shall progress in accordance with these approved details and, 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.

- 6 All wind turbines shall be finished in a non-reflective pale grey semi-matt colour, unless otherwise approved in writing by the Planning Authority.

Reason: - To ensure that the turbines chosen are suitable in terms of visual impact considerations.

- 7 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, transformers, 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.

- 8 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) detail of an infra red aviation lighting schemes agreed with 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.

- 9 Turbines, access tracks, crane hard-standing areas and the temporary construction compound areas may be micro sited but shall not be micro sited more than 50 metres from the positions shown in the approved plans unless otherwise agreed in writing with the Planning in consultation with SEPA.

Reason: - To minimise the impact of the development in the landscape and allow areas of deep peat and wetlands to be avoided in the finished design.

- 10 No development shall commence until a scheme for the working of each borrow pit is submitted to and approved in writing by the Planning Authority, after consultation with SEPA. The scheme shall then be implemented as approved. The scheme shall make provision for:

- a. method of working;
- b. overburden (peat, soil and rock) handling;
- c. drainage including measures to prevent the drying out of surrounding peatland;
- d. a programme of implementation;
- e. re-instatement, restoration and aftercare of the borrow pits.

Reason: - To ensure a scheme is in place to control the use of borrow pits to minimise the level of visual intrusion and any adverse impacts as a result of the construction phase of the Development.

- 11 No development shall commence until final details of the external appearance, dimensions, and surface materials of the substation building, associated compounds and parking areas are submitted to and approved in writing by the Planning Authority. The substation building, associated compounds, fencing, external lighting and parking areas shall be implemented in accordance with the approved details.

Reason: To ensure the final design uses materials that are suitable in terms of visual impact considerations.

- 12 No development shall commence until a Construction Environmental Management Document (CEMD), in accordance with The Highland Council's Guidance Note on Construction Environmental Management Process for Large Scale Projects (August 2010) (as amended, revoked or re-enacted; with or without modification), has been submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA, SNH and TECS). The CEMD shall be submitted at least two months prior to the intended start date on site and shall include the following:

- i. An updated Schedule of Mitigation (SM) drawing together all approved mitigation proposed in support of the planning application and other agreed mitigation (including that required by agencies and relevant planning conditions attached to this permission);
- ii. Change control procedures to manage/action changes from the approved SM, CEMD and Construction Environmental Management Plans;
- iii. A Construction Environmental Management Plan(s) (CEMP), covering construction phase:
 - a. Habitat and Species Protection Plan including pre construction surveys for water vole and otter to be carried out within 500m of all wind farm infrastructure and the provision of advice for all construction staff working on-site;
 - b. Pollution Prevention and Control to prevent the release of sediment reaching the River Oykel SAC.
 - c. Dust Management;
 - d. Noise Mitigation;
 - e. Site Waste Management;
 - f. Surface and Ground Water Management Plan including: -
 - a. drainage and sediment management measures from all construction areas including access track improvements;
 - b. mechanisms to ensure that construction work which increases the risk of pollution incidents will not take place during periods of high flow or high rainfall.
 - c. Details of any dewatering from borrow pits or other excavations

- and how this will be mitigated;
- d. Details of any proposed on site concrete batching along with details of the associated water supply and pollution prevention measures;
 - g. Water Course Management Plan including measures to ensure no construction activities other than that those associated with watercourse crossings shall be undertaken within 50m of a watercourse.
 - h. Peat Management Plan embracing in full the provisions set out within the Halcrow Report on Peat Stability Assessment for Glencassley Wind Farm dated August 2012 provided to the Energy Consent Unit.
 - i. Emergency Response Plan;
- iv. Special plans, including post construction monitoring as presented with the Supporting Environmental Statement for: -
 - a. Peat Restoration.
 - b. Estate Liaison for positive Deer Management to minimise impact on the adjacent SAC – Caithness and Sutherland Peatlands.
 - v. Post-construction restoration and reinstatement of temporary working areas, compounds and borrow pits;
 - vi. Details for the appointment, at the developer's expense, of a suitably qualified Environmental Clerk of Works (ECoW), including roles and responsibilities and any specific accountabilities required by conditions attached to this permission;
 - vii. A statement of responsibility to 'stop the job/activity' if a breach or potential breach of mitigation or legislation occurs; and
 - viii. Methods for monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority and other relevant parties. This must include weather forecasting and actions to be taken in advance of adverse forecasts.

Thereafter, development shall be carried out in accordance with the approved Schedule of Mitigation, Construction Environmental Management Document and any Construction Environmental Management Plans approved thereunder.

Reason: - To control and reduce impact of construction activity on the local environment including potential pollution of air, land and water.

- 13 No development shall commence until a programme of work offered as mitigation within the Supporting Environmental Statement for the evaluation of Creich Broch including a timetable for investigation, all in accordance with the Highland Council Standards for Archaeological Work, shall be submitted to and agreed in writing by the Planning Authority in consultation with Historic Scotland. The proposals shall be implemented in accordance with the agreed timetable for investigation.

Reason: - In order to preserve the archaeological and historical interest of Creich Broch.

- 14 No development shall commence until a Traffic Management Plan has been submitted and approved by the Planning Authority in consultation with Transport Scotland Network Management and TEC Services. The Plan must describe all measures to manage traffic during the construction periods. The Plan must then be implemented as approved. This plan must ensure that the local road network, including access onto the public road, is upgraded to a suitable standard to the satisfaction of the Roads Authorities. This will require as a minimum the following measures to be addressed: -
- a. A route assessment report for abnormal loads including swept path analysis and details on the movement of any street furniture and any traffic management measures.
 - b. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland before delivery commences.
 - c. Visibility to the left for vehicles leaving the site will need to be improved to 160m visibility in both directions
 - d. An assessment of the capacity of the existing local road network to cater for predicted construction traffic volumes and measures to strengthen and improve the road to cater for this traffic. All identified road works are to be completed before any other works commence on site unless otherwise agreed with TEC Services.
 - e. An assessment of the capacity of existing bridges and other structures along the construction access route(s) to cater for all construction traffic.
 - f. A trial run to confirm the ability of the local road network to cater for turbine delivery. Three weeks notice of this trial run must be made to the Local Roads Authority who needs to be able to attend this trial run.
 - g. A concluded Wear and Tear agreement in accordance with Section 96 of the Roads (Scotland) Act 1984 under which the developer is responsible for the repair of any damage to the local road network that can reasonably be attributed to construction related traffic. As part of this agreement, pre-start and post construction road condition surveys will need to be carried out by the developer to the satisfaction of TEC Services.

Reason: - To protect the integrity of the local road network during the construction and when any abnormal loads are required to deliver to this development.

- 15 A community liaison group must be established by the developer, in collaboration with The Highland Council and local community councils, to allow advanced dialogue on the provision of all road mitigation measures and to keep under review the timing of the delivery of turbine components. This should also ensure local events, such as the Lairg Lamb Sales, appropriate measures to coordinate deliveries to ensure no conflict between construction traffic and the increased traffic generated by such events.

Reason: To assist with the provision of mitigation measures to minimise the

potential hazard to road users, including pedestrians and school pupils travelling to and from school on the road networks.

16 No development shall commence until an Access Management Plan for the construction and operational phases, must be submitted to, and approved in writing by the Planning Authority. The Plan shall then be implemented as approved. The Plan must address how the public access rights will be managed during the construction phase, and if temporary stopping up or diversion is required this should be detailed should be detailed in the Plan. Further that: -

- a. Any signs or information panel relating to public access shall be approved in writing by the planning authority prior to erection.
- b. Any access control on the site, when operational, should take into account the rights of responsible access exercisable by the public. As such field / vehicle gates should be left unlocked or side pedestrian gates should be installed to BS5709. That is 1.5m wide gate with access and egress to the gate to be the same standard as the track/route which it is placed.

Reason: - to maximise the opportunities for continued public access to the countryside during the construction and operation of this wind farm.

17 Construction work associated with the development and any construction works traffic movements to or from the site associated with the construction of the development shall be restricted to the following hours without the prior written approval of the Planning Authority:

April – September: weekdays 7.00 – 19.00 hrs & Saturdays only 7.00 – 14.00 hrs.
October – March: weekdays 7.30 – 17.00 hrs & Saturdays only 7.30 – 14.00 hrs.

There shall be no construction work or construction works traffic movements to or from the site on Sundays without the prior written approval of the Planning Authority.

Reason: - To ensure there is some respite from construction to those who use the surrounding countryside.

18 No development shall commence until a Noise Measurement and Mitigation Scheme has been submitted to, and approved in writing by, the Planning Authority. The scheme shall include:

1. A framework for the measurement and calculation of noise levels to be undertaken in accordance with “The Assessment & Rating of Noise from Wind Farms”, September 1996, ESTU report number ETSU-R-97 having regard to paragraphs 1-3 and 5-11 inclusive, of The Schedule, pages 95 to 97; and Supplementary Guidance Notes to the Planning Obligation, pages 99 to 109. Wind speeds shall be determined using the methods in “Prediction and Assessment of Wind Turbine Noise” (published in IOA Bulletin March/April 2009); and

2. Mitigation measures to be enacted, along with a timetable(s) for implementation, should noise emissions exceed the limits prescribed under this planning permission.

Reason: - To ensure that the impact of the built turbines does not exceed the predicted noise levels set out within the supporting Environmental Statement.

The Wind Farm Operator shall, beginning with the first day upon which the wind farm becomes operational, log wind speed and wind direction data continually and shall retain the data for a period of at least 12 months from the date that it was logged. The data shall include the average wind speed, measured in metres per second, over 10 minute measuring periods. These measuring periods shall be set to commence on the hour and at 10 minute consecutive increments thereafter. Measurements shall be calculated at 10m above ground level using the methods described in "Prediction and Assessment of Wind Turbine Noise" (published in IOA Bulletin March/April 2009). All wind speed data shall be made available to the Planning Authority on request in Microsoft Excel compatible electronic spreadsheet format.

At the request of the Planning Authority, the Wind Farm Operator shall assess, at its own expense and using a suitably qualified consultant(s) not involved in the original noise assessment, the level of noise emissions from the Wind Turbines. Assessment shall be carried out in accordance with the Noise Measurement and Mitigation Scheme approved under this planning permission and a report of assessment shall be submitted to the Planning Authority within two months of a request under this condition, unless an alternative timescale is otherwise agreed in writing by the Planning Authority.

If noise emissions are found to exceed limits prescribed under this planning permission, then the Wind Farm Operator shall implement mitigation measures in full accordance with the approved Noise Measurement and Mitigation Scheme, or alternative equal or better mitigation measures as may first be approved in writing by the Planning Authority, in order to reduce noise levels to comply with prescribed limits. The time period for implementing mitigation measures shall be as outlined in the approved Noise Measurement and Mitigation Scheme or as otherwise may be specified writing by the Planning Authority.

Reason: - to ensure the Planning authority can investigate and assess noise arising from the development and if necessary seek appropriate measures to ensure compliance with agreed noise limits.

INFORMATIVES

1. The following are statutory requirements of the Town and Country Planning (Scotland) Act 1997 (as amended). Failure to meet their respective terms represents a breach of planning law and may result in formal enforcement action.

- The developer must submit a Notice of Initiation of Development (NID) in accordance with Section 27A of the Town and Country

Planning (Scotland) Act 1997 (as amended) to the Planning Authority prior to work commencing on site. Furthermore, work must not commence until the notice has been acknowledged in writing by the Planning Authority.

- On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority.

2. Your attention is drawn to the conditions attached to this permission. 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 meet these conditions may invalidate your permission or result in formal enforcement action.
3. Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement of any works.
4. In line with the Council's Gaelic Language Plan and Policies, you are encouraged to consider the adoption of Gaelic or Gaelic-influenced names in this development. For further guidance, you may wish to contact the Council's Gaelic Development Manager (01463 724287) or Comunn na Gàidhlig (01463 234138).
5. Definition of Terms Used in this Decision Notice

"Wind Turbine Noise Level" means the rated noise level due to the combined effect of all the Wind Turbines, excluding existing background noise level but including any tonal penalty incurred under the methodology described in ETSU-R-97, pages 99 – 109.

"Wind Farm Operator" means the individual(s), organisation(s) or company(ies) responsible for the day-to-day operation of the windfarm, who may or may not also be the owner of the windfarm.

"Background Noise Level" means the ambient noise level already present within the environment (in the absence of noise generated by the development) as measured and correlated with Wind Speeds.

"Wind Speeds" means wind speeds measured or calculated at a height of 10 metres above ground level on the site at a specified Ordnance Survey grid reference agreed in writing by the Planning Authority

"Night hours" means 23:00 – 07:00 hours on all days.

“Noise-Sensitive Premises” means any building, structure or other development that, on the date of this planning permission, exists or is yet to exist but benefits from extant planning permission, the lawful use of which falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) or is as a flat or static residential caravan. Where such documents exist, this definition also includes any other premises defined as being noise-sensitive within any Environment Statement or other assessment or survey submitted in support of the planning application. For the purposes of this definition, ‘premises’ includes any relevant curtilage.WF24C. The Wind Turbine Noise Level, including the application of any tonal penalty specified in ETSU-R-97 at pages 99-109, shall not exceed 35 dB LA90,10min at any Noise-Sensitive Premises.. This condition shall only apply at wind speeds up to 10m/s measured or calculated using the methods described in “Prediction and Assessment of Wind Turbine Noise” (published in IOA Bulletin March/April 2009).

Signature:

Designation: Head of Planning and Building Standards

Author: Ken McCorquodale (Principal Planner)

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

Appendix – A

LIST OF REPRESENTATIONS FOR To construct and operate Glencassley Wind Farm – 26 No. turbines (78 MW total Output) with 80m (max) hub height and 126.5m tip height complete with anemometer masts, access tracks, borrow pits, electricity sub-station, cabling, concrete batching plant, construction compound and welfare buildings AT LAND 2KM NE OF GLENCASSLEY CASTLE, ROSEHALL (REF12/02872/S36)

OBJECTORS

1. Marion Turner, Oldtown, Ardgay, IV24 3DH, ,
2. Mr Peter Moore, 4 Hallow Park, Golspie, Sutherland, KW10 6RQ,
3. Lady Jean Gilmour, Invernauld, Rosehall, Lairg, Sutherland, IV27 4EU,
4. Mrs Annette Parrott MBE, The Crofthouse, West Shinness, By Lairg, IV27 4DW,
5. Mr Alex Horne, Address Incomplete
6. Mr John A Smith, Burnside Cottage, West Shinness, By Lairg, IV27 4DW,
7. Graham & Sibbald, Ian Kelly,
8. Mrs. M. Johnstone., Withheld., Not applicable., IV27.,
9. Mrs Anne Bell, 9, West Shinness, Lairg, IV27 4DW,
10. Mr C E Gilmour, Shenaval, Altass, Lairg, Sutherland , IV27 4EU,
11. James Hilder Address Incomplete
12. Miss A.P Gould, The Old Store, Altass, Rosehall, Lairg, IV27 4EU, ,
13. G Bailey, Badaguish, Altass, Rosehall, Lairg, IV27 4EU, ,

SUPPORTERS

1. Mr David Turney, 23 Swordale Crescent, Bonar Bridge, Ardgay, IV24 3EH

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE
21 May 2013**

Agenda Item	
Report No	

**11/04718/S36 : WKN Sallachy Ltd
Sallachy Wind Farm, Sallachy and Duchally Estate, Lairg.**

Report by Head of Planning and Building Standards

SUMMARY

Description: - Wind Farm 66MW / 22 turbines with associated infrastructure.

Recommendation: - Raise No Objection

Ward: - 1 North West and Central Sutherland

Development category: - Major development

Pre-determination hearing: - not required.

Reason referred to Committee: - More than 5 objections
Objection from Statutory Consultee - SNH.

1 PROPOSED DEVELOPMENT

1.1 The application is for a wind farm on Sallachy and Duchally estates comprising 22 wind turbines (each 3MW max output) offering a potential generating capacity of 66MW. It has been submitted to the Scottish Government as an application under Section 36 of the Electricity Act 1989. Should Ministers approve the development, it will carry deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997. The Council is a consultee on the proposed development. Should the Council object to the development, Scottish Ministers will be required to hold a Public Local Inquiry to consider the development before determining the application.

1.2 The application comprises: -

- 22 turbines maximum tip height 125m with internal transformers.
- 12 km of new access tracks (4m wide).
- 6 km of improved roadway (widened to 4m).
- Borrow pit - delivering 20,000m² of rock.
- Control and Maintenance Building / Substation.
- Temporary Site Compound.

- 1.3 The scheme has two elements; an extended row of 11 turbines on its north side overlooking Loch Shin and a further eleven turbines in three rows overlooking Glencassley. The turbine rows all run east of Maovally hilltop in an alignment north west to south east running parallel with the main ridge line through the site. The design has sought to take account of the surrounding landscape and existing land uses including substantive hydro-generation.
- 1.4 The operational lifespan of the development is 25 years after which time the turbines will be decommissioned, with above ground facilities being removed and the site restored. Construction of the project is expected to take 12 months, with the bulk of construction taking place in 2015. The potential economic impact of the proposed development during the construction phase could contribute around £13 million to the Highland economy and support 17 full time equivalent jobs. During its 25-year life it could contribute £43 million to the Highland economy and support 16 full time equivalent jobs.
- 1.5 The development is supported by an Environmental Statement (ES) under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (as amended). The ES, with some subsequent clarification through written dialogue with statutory consultees, is of a standard that has allowed the Council and other consultees to use the information and make a judgement on the application. The Council's assessment also draws upon the ES submitted in support of the Glencassley Wind Farm, which was submitted after the current application and therefore considers the issue of cumulative impact of applications within the wider area.
- 1.6 Whilst not part of this application the wind farm is expected to connect with the substation at Corriekinloch via underground cables (8.4km) adjacent to the existing private track. This was in preference to upgrading the existing overhead line that runs through the area with a larger double circuit line. The project has a grid connection date of 2016.

2. SITE DESCRIPTION

- 2.1 The site is set between Sallachy Estate and Duchally Estate on either side of a ridge line that runs from Maovally hilltop in the north to Cnoc Glas na Crionaiche hill top in the south. Sallachy Estate covers the area from the ridge line down to Loch Shin, and Duchally Estate the slope to the other side of the ridgeline down to the River Cassley. The land cover across the application site is a mixture of heather and moorland grasses. The land on which the wind farm is to be located is mainly used for deer stalking.
- 2.2 The site gently slopes from a central plateau towards the north eastern boundary set on the south western slopes above Loch Shin (90m AOD) and towards the south western boundary which partly defined by the River Cassley (110m AOD). The turbines are set out between the 400m and 460m contours. Maovally, which rises to a height of 511m AOD, is located in close proximity to the north western boundary. At the south eastern boundary the summits of Cnoc Glas na Crionaiche (456m AOD) and Cnoc a Bhaid Bhàin (367m AOD) are located. Several minor water systems drain across the north eastern sector of the site into Loch Shin.

Other minor water courses drain across the south western sector of the site towards the River Cassley. Surface water from the water shed is harnessed in part for hydro power, three private water abstractions and watercourses with valued fishing interests.

- 2.3 Duchally Lodge, the principal estate house, is situated close to the south western boundary of the site. It lies over 1km from the nearest turbine. The nearest property outwith control of the applicant is at Carrachan on the north side of Loch Shin, close to the Overscaig Hotel on the A838 road, at over 2.4km from the nearest turbine. Within 5 km of the application site there are a number of single houses, crofts and farmhouses. The nearest settlement is Lairg, approximately 18.5 km to the south east.
- 2.4 On the western boundary of the development area runs a private road that crosses the two estates and connects with the A838 public road. The road is owned by Scottish and Southern Energy which operates two hydropower stations that are located on the River Cassley and at north end of Loch Shin. These hydropower stations are connected by an underground tunnel. Associated hydro infrastructure including the road, a ventilation shaft and a power line are prominent features on the site. The substation for the hydro-scheme is located to the north west near to the A838 road. A telecommunication mast is positioned eastern slopes of Maovally Hill on the north side of the private road.
- 2.5 Construction traffic will principally arrive from the south from Lairg and beyond, with turbine parts arriving from Invergordon via the A9 Trunk Road to the Mound, then Rogart and Lairg via the A839, prior to taking access onto the A836 Lairg - Tongue Road and then the A868. With the exception of the road north of Lairg these roads have already been used, following upgrading, for the delivery of wind turbines to local sites at Achany and Rosehall.
- 2.6 The site is not covered by any nature conservation designation. It does however lie adjacent to peatland with multiple designations including the Strath an Loin SSSI, Caithness and Sutherland Peatlands SAC, Caithness and Sutherland Peatlands SPA and Caithness and Sutherland Peatlands Ramsar site. Within 10km radius the following sites are also designated including Ben More Assynt SSSI, Grudie Peatlands SSSI, River Oykel SAC, Strath Duchally SSSI and Cnoc and Alaskie SSSI. The site is also use by a number of animals and birds which are protected. It also contains valued habitat – blanket bog.
- 2.7 The turbine area is not covered by any international, regional or local landscape designations. The eastern boundary of Assynt-Coigach National Scenic Area (NSA) lies 2.5km to the west of the proposal. The NSA is valued as an extensive area of coastline, lochs, mountain and moorland features. Further afield there are other landscape designations including Ben Klibreck and Loch Choire Special Landscape Area (SLA), Dornoch Firth NSA, Kyle of Tongue NSA, Ben Griam and Loch nan Clar SLA, Flow Country and Berriedale Coast SLA and Loch Fleet, Loch Brora and Glen Loth SLA. The site does however fall within a Search Area for Wild Land (SAWL).
- 2.8 When assessing a wind farm development consideration of similar projects around

the site is required. The list below presents the key projects around this development site (65km radius) that are Operational, Approved or have been Submitted but are not yet determined. Annexed to this report is a plan that helps locate these projects along with the site of the current application, including additional projects that have been Scoped as part of on-going Environmental Impact Assessments.

<u>Operational</u>	<u>Approved</u>	<u>Submitted</u>
Achany	Lochluichart I	Glenmorrie
Rosehall	Corriemoillie	Dalnessie
Lairg	Lochluichart II	Braemore
Kilbruar	Coire na Cloiche	Glencassley
Kilbruar Extension		
Gordonbush		
Ben Tharsuinn		
Ben nan Oighrean		

3. PLANNING HISTORY

- 3.1 **13 February 2012** - Temporary Siting of meteorological mast granted planning permission – 22 October 2009 (12/00016/FUL).
18 February 2013 - Dalnessie Wind farm – THC has raised an objection (12/00890/S36).
22 March 2013 - Braemore Wind Farm – THC has raised an objection (10/05102/S36).
13 December 2006 – Invercassley Wind Farm 25 Turbines on Beinn Rosail refused (11/04718/S36).

4. PUBLIC PARTICIPATION

- 4.1 The proposal was first advertised on 20 December 2011 and again on 16 March 2012 and 8 January 2013 under the Electricity Act 1989 and the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000. The ES documents and supplementary information was made available locally in Lairg, Bonar Bridge and Golspie allowing 28 days for representations.
- 4.2 The Council has received 270 letters / emails of representation consisting of 228 objections and 39 letters of support. The Energy Consent Unit has logged 221 objectors and 74 supporters.
- 4.3 A number of responses have highlighted their submission was made following an appeal to members by the Mountaineering Council of Scotland which has objected to this application. This included for example a response from Ochils Mountaineering Club representing its 140 members.

4.4 Material considerations raised within the objection are summarised as follows: -

- Conflict with National Planning Framework.
- Conflict with Planning Policy - national and local
- Contrary to the Highland wide Local Development Plan / Supplementary Guidance Onshore Wind Energy
- Visual Impact.
- Scotland's landscape needs protection.
- Impact on landscape character.
- Impact on national scenic area – including Ben More Assynt.
- Impact on special landscape areas.
- Impact on wild land.
- Impact on designated sites
- Impact on Caithness and Sutherland SPA – Peatland / Habitat
- Risk of peat slide / damage to peat resource.
- Impact on wildlife / protected birds.
- Cumulative impact of wind farms in this location.
- Natural beauty of area would be harmed.
- Impact on the “emptiness” of Sutherland.
- Impact on / visibility from several iconic mountains / Munro's.
- Too many of Scotland's Munro's have been affected by turbines.
- Impact on tourism / local economy.
- Impact on areas valued for recreation hillwalking, cycling and angling.
- The development would be out of scale to its surroundings.
- Noise and light pollution.
- Construction impact on water quality.
- Traffic impact.
- Archaeology.
- Economic viability.
- Need for generation is not substantiated.
- Concerns over quality of ES / landscape assessment under estimates impact.

4.5 Considerations raised by supporters are summarised as follows: -

- Good project – well away from Lairg the nearest settlement.
- Good use of natural resources.
- Clean source of energy.
- Area has hydro power and associated infrastructure.
- Helps with climate change.
- Unlikely to affect wildlife.
- No affect on forestry.
- No /limited visual impact.
- No effect on archaeology.
- Good for the economy / jobs.
- This will help sustain estate jobs.
- This is a fragile area in need of meaningful jobs / investment.

- 4.6 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

Consultations Undertaken by the Planning and Development Service

- 5.1 Creich Community Council has not objected to this application.
- 5.2 Lairg Community Council has not objected to the application.
- 5.3 Ardgay and District Community Council highlight concerns in respect of cumulative impact on residents and tourists as well as the introduction of aviation lighting.
- 5.4 TECS – Environmental Health has no objections. Prior to installation the applicant must provide details from the manufacturer as to the warranted sound power level and confirmation as to the absence of any tonal noise. It is requested that the standard simplified condition on noise be included in any consent.
- 5.5 TECS – Roads has no objection. There will however be significant improvement work required on the local road network to make it suitable for the anticipated construction traffic, particularly on the A838 public road between Dalchork and the site entrance.
- 5.6 Planning and Development Service - Historic Environment Team has no objections. It agrees the limited impact as presented within the ES. There is no requirement for any further mitigation.
- 5.7 Planning and Development Service – Access Officer has no objection to the application. There will be a requirement to maintain public access rights across this area during the construction and operation of this development.

Consultation Responses Undertaken by Scottish Government

- 5.8 Transport Scotland Network Management has no objection to the development in terms of impact on the trunk road network. With regard to the movement of abnormal loads the developer must ensure that the anticipated vehicles can be accommodated on the network and that any mitigation or traffic management is agreed.
- 5.9 Historic Scotland has no objection to the application. It recognises limited historic interests close to or within a wider area (10km) which would be affected by the development.
- 5.10 Scottish Natural Heritage (SNH) **objects** to the application. The proposal is considered to have an adverse effect on the special qualities of the Assynt – Coigach National Scenic Area and on a Search Area for Wild Land (SAWL). It considers that this raises natural heritage issues of national interest. There are

also a number of other concerns but it is anticipated that these can be managed through appropriate planning conditions particularly embracing a site specific Construction and Environmental Management Document (CEMD) safeguarding the interests of Atlantic salmon and freshwater pearl mussels within the River Oykel SAC and with regard to a number of bird species, bats, water vole, badgers that use the site together with otter management and deer management initiatives. It however currently maintains an objection to the application based on the potential risk to the River Oykel SAC from peat slide.

- 5.11 Scottish Environmental Protection Agency (SEPA) has no objection to the application subject to planning conditions being attached to any consent. Conditions must secure appropriately designed new water crossings and culverts, the requirement for a site specific construction and environmental management document (CEMD), deployment of an Ecological Clerk of Works (ECoW), limitations on micro-siting, Peat Management Plan and Habitat Management Plan including impact on peat-lands and groundwater dependent terrestrial ecosystems, decommission and site restoration. It considers that there is now sufficient confidence in the carbon payback figure for it to be used by Scottish Ministers as a material consideration in their decision making.
- 5.12 Scottish Water has no objection to the application.
- 5.13 National Air Traffic Systems (NATS) has no objections to the application.
- 5.14 Highlands and Islands Airport Ltd (HIAL) has no objections to this development but it would support the case for hub height aviation lighting.
- 5.15 Ministry Of Defence (MOD) has no objections to this application. The MOD has requested that the turbines must not be located any lower to the valley floor, which is used for low flying purposes. This is in addition to its standard conditions addressing the requirement for aviation lighting on turbines, notification on construction commencement and notification on final design / as built turbine locations.
- 5.16 British Telecom has not objected to the application which should not cause problems with its current and planned radio networks.
- 5.17 Joint Radio Company has no objection to the application. It has requested planning conditions to restrict the movement of 5 turbines - T12, T16, T17, T19 and T21 where any micro-siting allowance being limited to 10m.
- 5.18 Airwave Solutions have concerns over the location of turbine 19.
- 5.19 Marine Scotland (Freshwater Lab) has no objections. It raises a number of concerns arising from construction with peat and in close proximity of water courses. It has requested to be consulted over the final site specific CEMP to ensure impacts on downstream fishing interests are protected.
- 5.20 Visit Scotland has concerns over the proliferation of wind farms that may negatively affect tourism in the local area whether visually, environmentally and or

economically. It urges that the impact across the whole of central Sutherland is taken into account when considering new developments in the area.

- 5.21 Halcrow Group Ltd has no objection. The ES provides a sufficiently robust assessment of the peatland slide risk at the proposed Sallachy Wind Farm development site. A number of recommendations are offered for further consideration, which should be dealt with as conditions to consent in the iterative detailed design process.
- 5.22 Mountaineering Council for Scotland **objects** to the application based on impacts on the landscape and visual amenity. It suggests that it will not be possible to mitigate the effects of this development to the many hill / mountain - walkers / climbers who enjoy this area for its special qualities. The site lies in a SNH search area for wildness. It will be visible from many of the most iconic mountains of the North West Highlands. There are four other wind farms within 25km which together with this proposal will generate significant cumulative effects.
- 5.23 John Muir Trust **objects** to the application highlighting that the suitability of the site for development has not been adequately proven, with landscape and visual impacts being unwarranted and having significant levels of intrusion occurring in surrounding areas. The proposal is in a large area depicted on Scottish Natural Heritage's 2012 Wildness map as a core area that has a high wildness value and also near several "Search Areas for Wild Land".
- 5.24 Scotways The national catalogue of Rights of Way shows that right of way HS27 runs close to the south-western boundary of the proposed wind farm site. Turbines should be set back from this route.

6 DEVELOPMENT PLAN POLICY

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

Highland-wide Local Development Plan 2012 (HwLDP)

- 6.2 Policy 28 Sustainable Development
Policy 31 Developer Contributions
Policy 26 Wider Countryside
Policy 53 Minerals
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 and Article 10 Features
Policy 61 Landscape
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

Policy 78 Long Distance Routes

Sutherland Local Plan (as amended by the HwLDP)

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

Onshore Wind Energy Interim Supplementary Guidance

- 6.4 The application site lies within an Area of Search. Policy 67 of the HwLDP therefore applies, with additional interpretation as provided on the eleven criteria set out within Policy 67 listed above.

7 OTHER MATERIAL POLICY CONSIDERATIONS

Scottish Planning Policy

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

- National Planning Framework (II) June 2009.
- Scottish Planning Policy (SPP) February 2010.
- 2020 Routemap for Renewable Energy July 2011.

- 7.2 SPP contains a number of subject specific policy statements, also supported by Planning Advice Notes (PANs) which give additional guidance on topics. A number of PAN's are web based documents which are regularly updated to ensure best practice advice can be shared. SPP policies of note to this development include: -

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

Highland Renewable Energy Strategy (HRES)

- 7.3 The Council has an approved Renewable Energy Strategy (HRES) which sets out its vision and policies on a whole raft of potential renewable energy technologies. Relevant policies to the current application include: -

- Policy H1 Education and Training
- Policy K1 Community Benefit

- Policy N1 Local Content of Works

8 PLANNING APPRAISAL

8.1 The Scottish Government will address its assessment of this Section 36 application under the Electricity Act 1989. Should Ministers approve the development, it would carry with it deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997. The Council in its assessment considers whether the application is in accordance with the Council's Development Plan and then considered all other material considerations.

8.2 The determining issues are:

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

Assessment

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

- Development Plan
- Highland Renewable Energy Strategy
- National Policy
- Roads, Traffic Impacts and Access
- Water & Drainage, including Flooding
- Peat.
- Natural Heritage
- Design, Landscape and Visual Impact including Cumulative Impact
- Wild Land
- Recreation
- Economic Impact and Tourism
- Cultural Heritage
- Noise
- Construction Impacts
- Aviation and Community Infrastructure
- Other Material Considerations.

Development Plan

8.4 The application is located within an "Area of Search" within the above noted Interim Supplementary Guidance Onshore Wind Energy and thereby needs to be determined principally within the terms of Policy 67 Renewable Energy of the Highland wide Local Development Plan (HwLDP). Other policies set out in the HwLDP as highlighted earlier in this report relates to the consideration of key factors many of which are noted within this principal policy on renewable energy. The Council's Interim Supplementary Guidance also expands on the key factors noted within Policy 67. Where relevant to this application all these matters are

addressed within this assessment. This includes for example Policy 57 Natural, Built and Cultural Heritage which takes into account a range of interests and designations including Wild Land.

- 8.5 Under Policy 57 all development proposals require to be assessed taking into account the level of importance and type of heritage features, the form and the scale of the development, and any impact on the feature and its setting, in the context of the policy framework is detailed within Appendix 2 of the HwLDP. This Policy also highlights that it is the Council's intention to adopt the Supplementary Guidance on Wild Areas in due course when national policy on such areas has been suitably developed.
- 8.6 Policy 67 highlights that the Council will consider the contribution of the project towards renewable energy targets, positive and negative effects on the local and national economy and other material considerations including making effective use of 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 the 11 specified criteria (as listed). If the Council is satisfied on all these matters then the application will accord with the Development Plan.

Highland Renewable Energy Strategy (HRES)

- 8.7 Policy 67 of the Development Plan also recognises the strategy developed by the Council on a range of Renewable Energy technologies. The additional benefits from such investment also as highlighted in the HRES as noted earlier for example 'Education and Training,' 'Community Benefit' and 'Local Content' also remain as important considerations when assessing individual project proposals – see also later section on economic impact. HRES has also highlighted energy targets that the Highlands might meet using the range of renewable energy technologies. The Scottish Government has targets (see below) but it is important to recognise that these targets are not a cap on development proposals that may emerge in an area.

National Policy

- 8.8 The Scottish Government has a very positive approach on 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 2011". There is a Scottish Government target of 100% of Scotland's electricity demand to be generated from renewable resources by 2020. The target is not a cap. There is expectation that the energy targets will be met from a mix of technologies. Representations that argue against investment in renewable energy can only be given limited weight given the very positive stance set by the Scottish Government.
- 8.9 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.

- 8.10 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. Development Plans are 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 this Council is as set out in our Interim Supplementary Guidance.

Roads, Traffic Impact and Public Access

- 8.11 The site generally has good access from an existing private road developed in association with hydro power operations in the area. This road takes access from the A838 Lairg to Laxford Bridge road, which is principally as a single track road, with stretches of twin track. TEC Services anticipate that significant improvement work will be required on the local road network to make it suitable to cater for the anticipated construction traffic, particularly on the A838 public road between Dalchork and the site entrance. This is likely to include verge widening and strengthening, carriageway widening and strengthening, and provision of passing places. The extent and detail of all road improvement and strengthening works need to be agreed with TEC Services and completed prior to windfarm construction commencing, other than where agreed with TEC Services.
- 8.12 An assessment of the capacity of existing bridges and other structures along the construction access route(s) to cater for all construction traffic will be required. Particular attention will be required to the bridges on the A838 and A836 public roads north and west of Lairg which have not previously been used by windfarm traffic, and which have very low normal traffic flows. This work shall be completed prior to windfarm construction commencing, other than where agreed with TEC Services.
- 8.13 A Wear and Tear agreement in accordance with Section 96 of the Roads (Scotland) Act 1984 will be required under which the developer is responsible for the repair of any damage to the Council's road network that can reasonably be attributed to construction related traffic. The Trunk Roads Authority will also require prior notification of the delivery of abnormal loads to the site to ensure vehicles can be accommodated on the network and any specific mitigation or traffic management measures agreed.
- 8.14 The internal private access road to the site becomes impassable during poor winter weather. The expected Traffic Management Plan prior to the commencement of development shall describe how this situation will be managed during construction and operational phases. For the avoidance of doubt, use of the public roads to Duchally Lodge and Sallachy by any type of vehicle will not be permitted in these

situations unless significant improvements are made to these local roads. SSE has highlighted concerns over access restriction during planned improvements works to its access road. This would be a matter for interested parties to address which might be expected to follow the Council's own procedures and practices when conducting improvements to local roads.

- 8.15 There is low recreational access use at the site of the development. From a wider perspective the development will be visible from regularly visited hill routes, particularly Ben More Assynt to the west of the site. That said any access infrastructure such as gates / vehicle barriers should allow access for non-motorised public use. Site signage should take note of public access rights and any permanent site signage should by condition be approved by the planning authority.

Water & Drainage Including Flooding

- 8.16 The development falls within two water catchment areas both of which are heavily modified for hydro-electric power. The north-eastern side of the site drains into Loch Shin through 16 identifiable watercourses. The south-western side of the site drains into the River Cassley via 17 small watercourses including Allt Maovally, Allt a Chnoic Ghlais and Duchally Burn. The latter involves collection of the headwater of the River Cassley via a series of intakes and diverted by two aqueducts where it is used to drive two small turbines in a small power station built into Duchally Weir on the River Cassley. Water from the Duchally header pond provides compensation water down the River Cassley, whilst the remainder is diverted via a 4 km (2.5 mile) long tunnel beneath Maovally to the 10 MW Cassley Power Station on the southern shore of Loch Shin. Agreement needs to be secured over any works that might affect the integrity of the below ground tunnel / pipeline.
- 8.17 The surface water is of good quality supporting high quality fishing interests downstream and other nature conservation interests; including freshwater pearl mussels. Duchally Lodge has a private water supply drawn from land adjacent to the north western site boundary, on which there are no significant concerns. The area is recognised as having high rainfall levels which must be taken into account when undertaking significant construction works as proposed within this application. The applicant's ES has highlighted its clear intention to adopt Sustainable Urban Drainage (SUDs) practices on site to help manage hydrological impact / pollution risk from the construction / development.
- 8.18 SEPA has advised that it has no objection to the proposed watercourse crossings in terms of flood risk provided a planning condition is applied requiring that any new watercourses be in the form of bridges or bottomless culverts and that any modifications to existing crossings are designed to maintain the same or greater channel capacity. Existing culverts should be opened whenever possible. Further that if new culverts are unavoidable, they should be designed to maintain or improve existing flow conditions and aquatic life. New water crossings must as appropriate be designed to cater for a 1 in 200 year design flow, plus 20% for climate change, at each point without causing constriction of flow which would ultimately result in access tracks being at risk of flooding.

- 8.19 To assist with the management of construction works SEPA has requested in line with Council policy that a condition be applied within any approval requiring a site specific Construction Environmental Management Document (CEMD). The CEMD should include mitigation agreed with SNH regarding River Oykel SAC, pollution prevention measures associated with any borrow pits and details as to how Turbines 2 and 7 will be constructed so as to minimise impacts upon Groundwater Dependant Terrestrial Ecosystems. Conditions have also been requested by SEPA, now common practice, to ensure the engagement of an Environmental Clerk of Works to assist implement the requirements of the approved CEMD; that limits are placed on micro-siting of development elements +/- 50 m to avoid sensitive receptors; requirements for decommissioning and site restoration; as well as habitat management incorporating peat restoration – see later.
- 8.20 Marine Scotland has concerns regarding the development and potential impact on water quality. The key interests to safeguard relate to fishing interests downstream as well as protected species. It accepts that such matters can be addressed using planning conditions and the adoption of good working practices to ensure the risk of pollution arising from construction activities is minimised, for example through the maintenance of a development buffer / set back from all watercourses.

Peat

- 8.21 The development site comprises saturated peat of varying thickness generally between 0.5m and 0.2m although areas of deeper peat deposits prevail on the gentler slopes and the ridgeline. An assessment of the site for peat slide has been undertaken and the design layout has managed to locate most turbines within areas of low peat slide risk, with 5 turbines within a medium risk category, thus avoiding areas of much higher risk. Access tracks passing through areas of medium risk or areas of deeper peat are to be further assessed to determine what micro-siting can be undertaken to further reduce impact on peat deposits. Significant re-use of excavated peat for habitat restoration is to be undertaken. Water table depths prior to and post construction are expected to be included in the Habitat Management Plan to ensure on site peat and habitat is effectively managed.
- 8.22 Following consideration of the ES additional information on peat storage areas, including volumes and type of peat storage, construction of storage areas and periods of storage, etc. was provided. SEPA has welcomed this information including a Peat Management Plan. This has indicated all phases of peat storage during construction. SEPA has requested planning conditions are attached to any consent to ensure the submission of a detailed CEMD and that within any finalised Peat Management Plan all peat storage areas are micro sited away from existing watercourses and a minimum 50m buffer from any watercourse from a peat storage area is maintained undisturbed. Halcrow, the Government's advisors, has confirmed that it is generally content with the assessment of peat-slide risk within the ES and has offered suggestions for conditions to be attached to any approval to allow further assessment at the detailed design stage.
- 8.23 SNH has highlighted concerns over the potential development within areas of medium risk for peat slide. The applicant's assessment it highlights medium risk

areas are located across the slope above the River Oykel SAC, crossing several watercourses which drain into the SAC. In places, the 'medium risk zone' is less than 1km from the SAC and is never more than 1.5km distant." SNH has raised an objection founded on this risk with respect to the River Oykel SAC. SNH has highlighted that "further investigation and mitigation measures should be provided to reduce the level of risk to the qualifying interests of this SAC." It advises that such information "needs to be presented before the application is determined. See paragraph 8.27 below.

- 8.24 SEPA has provided an audit of the carbon balance assessment. In summary it considers that there can be sufficient confidence in the carbon payback figure for it to be used by Scottish Ministers as a material consideration in their decision making. The ES has advised that "As wind farm electricity generation is inherently CO2 free, compared to fossil fuel power stations, it has been estimated that there will be savings of 0.43 tonnes of CO2/MWh from grid average power generation. Therefore for the proposed Sallachy Wind Farm, a CO2 payback period of approximately 1.3 years has been estimated (with a minimum CO2 payback period of 0.5 years, and a maximum CO2 payback period of 2.4 years)."

Natural Heritage

- 8.25 The applicant's ES has presented information on potential ecological impacts arising from the development addressing designated sites nearby, birds, mammals, reptiles and fish, terrestrial and freshwater invertebrates. Key considerations identified potential impacts on: - protected species and habitat within the site including water vole, otter and blanket bog; indirect impacts on the adjacent habitat and associated interests with the Strath an Loin peatland SSSI, SAC, SPA and Ramsar; the Atlantic Salmon and Freshwater Pearl mussels associated with the adjacent River Oykel SAC; ornithological interests including waders, breeding dunlin, golden plover and greenshank, raptors particularly merlin and non-breeding golden eagles, the effects on wider countryside birds, as well as those potentially from the adjacent Caithness and Sutherland Peatlands Special Protection Area. No significant impacts were identified within the ES.
- 8.26 SNH is generally content that impacts on the above nature conservations interests, especially those affecting adjacent designated sites, can be managed through planning conditions, especially through the adoption of a Construction and Environmental Management Document (CEMD) approach at the construction stage. This would for example include the development of a Deer Management Plan and Habitat Restoration Plan to mitigate adverse impact of deer being displaced to land within the designated Strath an Loin peatland. SNH has also requested conditions requiring pre-construction survey for breeding birds, water vole, bats badger and otter to be carried out the year preceding construction. SNH has accepted that the assessed impact on golden eagle would not adversely affect the integrity of the Caithness and Sutherland Peatland SPA.
- 8.27 One exception to the above is that SNH has raised an objection to the application in part on the basis of its potential adverse impact on the qualifying interests of the River Oykel SAC, specifically Atlantic Salmon and Freshwater Pearl Mussel interests. SNH has not been assured over the potential risk from peat-slide in and

around construction works for turbines 4, 10, 13, 14, 18 and the connecting access tracks. This position has been maintained notwithstanding information as currently provided by the applicant on peat-slide risk or the opinion of Halcrow. Resolution of this matter is perhaps best left to the Energy Consent Unit / Scottish Ministers in the face of conflicting views between two government advisors. The Council's experience in these matters would suggest that with careful construction practice the risk of impact on the interests of the SAC can be minimised. Whilst not trying to diminish the importance of this matter, there was a positive outcome to a similar conflict of views with a Section 36 application west of Dunbeath after some debate.

Design, Landscape and Visual Impact

Design

8.28 The applicant advises that the design of the development is founded upon the good wind resource in this location, available infrastructure including the existing grid network / hydro generation, the access road and remoteness from housing and settlements. The design also seeks to take account of particular sensitivities of the area including ecological concerns, peat, landscape and visual impacts. The following main design elements have been advanced: -

- Limited visibility of development from the Coigach –Assynt NSA
- Contain development to the east of hill top Maovally
- Limit the view of the site to those who climb Ben More Assynt to its peak, as opposed to the routes up.
- An evenly spaced turbine development - with no trailing turbines.
- Contain views of the development from public roads.
- Ensure development does not greatly extend visibility of wind turbines into areas currently with no views.
- Locate turbines on areas of less than 1.5m deep peat
- Avoid telecommunication transmissions.

8.29 The submitted design has been presented with a supporting Zone of Theoretical Visibility (ZTV) map highlighting the extent of the visible impact of the development. This has helped demonstrate the likely visible impact of the development, the key receptors as well as the cumulative impact with other wind farms in the locality. The ZTV map will be circulated with this report. The turbines to blade tip (125m) would be consistent with the Glencassley application (126m), but larger than Rosehall (90m) Achany (100m) and Lairg (99m).

Landscape

8.30 The site falls within a Landscape Character Type – Moorland Slope and Hills, which is a principal landscape character type in this locality. Other principal landscape character types in the immediate locality include Rugged Mountain Massif including for example at Ben More Assynt amongst other landscape types including sweeping moorland, strath (Glen Cassley), inland loch (Loch Shin), Lone Mountains (Ben Klibreck). The application has been assessed against these and many other landscape character types that have been identified across central Sutherland, with which Members will be familiar.

8.31 The applicant's ES recognises that the development will impact on several of these landscape character types, but the impact lessens with distance. Of note the ES highlights that the development would have significant impact on the following landscape types: -

Moorland Slopes and Hills	- up to 5km
Sweeping Moorland	- up to 5km
Strath	- up to 5km
Lone Mountain	- up to 10km
Mountain Massif	- up to 10km

8.32 Whilst the applicant's assessment is generally acknowledged as fair it has not recognised the impact that would also be experienced from Loch Shin, an inland loch. The impact on this landscape character type, inland loch, is likely to be significant up to a distance from the development of 5km. Regard then has to be given to the cumulative impact of wind farm developments as highlighted within paragraph 2.8 on these landscape types. It is clear that the impact arising from the development will very much overlap with the impact from Achany, Rosehall, Lairg and potentially Glencassley, given that all projects fall generally within the same locality / landscape. The clustering of such development in this general location does help contain impact across the wider landscape resource of Sutherland which demonstrates a large range of landscape character types.

8.33 Perhaps of more significance is the impact of the development on particular designated landscapes within the locality. In this regard SNH has founded one of its principal objections to the application. SNH has advised that *"the proposal will result in significant adverse impacts on two of the ten special qualities of the Assynt - Coigach NSA, to the extent that there will be an adverse effect on the integrity of the NSA. Currently this area is free from wind farms..... It considers that the impacts identified could not be mitigated. The proposal therefore fails the first part of the SPP paragraph 137 policy tests (i.e. it will not adversely affect the integrity of the area or the qualities for which it has been designated)."*

8.34 The Assynt-Coigach NSA lies 2.5km to the west of the proposal and is an extensive area of coastline, mountain and moorland of great variety which is reflected in the ten very different special qualities. The zone of theoretical visibility (ZTV) illustrates that the Sallachy proposal will be visible at the eastern edge of the NSA, represented by Viewpoint (VP) 1 (Ben More Assynt) and VP 6 (Quinag). SNH has advised that the two Special Qualities be adversely affected by this proposal are: -

- A landscape of vast open space and exposure - The juxtaposition of cnocan, sweeping moorland and pockets of pasture emphasises the extreme openness of Assynt-Coigach.
- Significant tracts of wild land – The absence of modern artefacts, or overt human activity, over much of the landscape emphasises the feelings of openness, remoteness and wildness.

8.35 SNH has in particular highlighted that *"The panoramic view that is obtained from*

the summit of Ben More Assynt encapsulates the complexities of this quality. It is illustrated well in viewpoint 1 where the views change from that of the surrounding high mountain peaks to the more open moorland landscapes of the wind farm site and on to Loch Shin and beyond will be significantly adversely affected. The turbines and tracks will be highly visible on the opposite side of the glen from the moorland to the flanks of the eastern slopes of Ben More Assynt and up to the summit. The turbines will become the new focus of views detracting from wider more distant views.” It notes “The next closest wind farm to the summit of Ben More Assynt is the Achany wind farm 22.4km to the east, whose greater distance and siting means it is of considerably less prominence and impact in views.”

- 8.36 What is clear is that the current application falls within a Search Area for Wild Land (SAWL) see later – but outwith the Assynt-Coigach NSA, albeit that the scale of the development is such that it will be seen from within the NSA, and especially from the eastern side and top of Ben More Assynt. Looking at the description of this NSA, this advises that *“the area contains seven well known mountains: Ben More Coigach, Stac Pollaidh, Cul Beag, Cul Mor, Suilven, Canisp and Quinag”*. It advises that *“To the east Ben More Assynt, lying east of the Moine Thrust, has a different character deriving from its different geological history. Its vaster bulk and wild, rugged grandeur form the backdrop to the drama of the peaks of Assynt and Coigach, mirrored as they are in tranquil weather in the lochs as Assynt, Veyatie, Sionascaig and Lurgainn.”* It nevertheless can be considered as one of the lone mountains within the NSA.
- 8.37 Given that Ben More Assynt provides as eastern backdrop to the NSA, and that this development lies east of Ben More Assynt, it would seem that the impact of the development on the special qualities of the NSA is limited from west of Ben More Assynt. SNH's assessment makes reference to views from the summit of Ben More Assynt to Loch Shin and beyond - which lie outwith the NSA. It is perhaps the landscape between Coigach and Assynt which is more relevant to the NSA. This experience will not be affected by the development if viewed from the summit of Ben More Assynt. With regard to VP 6 (Quinag), the development would be seen, partially, from a distance of 19 km, in a direction that would not be particularly significant to the enjoyment of the qualities of the NSA which it is argued lie to the south of this mountain top. There are no significant impacts arising from the development on other NSAs within the 35km study area surrounding this application site including North West Sutherland NSA, Kyle of Tongue NSA and the Dornoch Firth NSA.
- 8.38 In addition to the NSAs, the study area for this application site includes a small number of Special Landscape Areas (SLA) designated by the Council. The of the development will principally have impact on one of these designations; namely Ben Klibreck and Loch Choire SLA which lies at its closest point 12km to the north east of the site. At this distance the applicant has assessed that the impact would not be significant. It is true that the impact of the development does reduce with distance the four special qualities of this SLA are unlikely to be impacted by the development. These include: -
- Distinctive Mountains, including Ben Klibreck a popular relatively accessible Munro and Ben Armine one of Scotland's most remote summits.

- Secluded Glen with networks of Tracks (wildness areas / non vehicular tracks).
- Extensive Views from Peaks and Summits – particularly to the northern coastline and neighbouring peaks including Ben Hope and Ben Loyal.
- Historic Landscape - with isolated remains on the southern shore of Loch Choire, east of Ben Klibreck and south of Loch Naver.

8.39 In cumulative terms the development of both the Glencassley and Sallachy wind farms would add to the impacts on these landscape designations, but not in a significant manner to affect the special qualities of these designations. The impact of existing wind farms such as Achany, Rosehall, Lairg and Kilbruar have already been absorbed and the addition of these two wind farms is from a landscape perspective not such a significant impact and is therefore acceptable.

Visual Impact

8.40 Turning to the visual impact of the development the applicant has presented 18 viewpoints to help assess the impact on key receptors as identified from the ZTV including local properties / settlements, roads / paths, key viewpoints and local hill/mountain tops. This exercise has demonstrated that the development will have very limited impact on existing settlements in the locality and only one or two individual properties will be impacted to a significant degree. This includes, as shown from Viewpoint 2, property near Carrachan including the Overscaig Hotel on the A838, above the north side of Loch Shin. These properties will be at a distance of 2.6km to the nearest turbine and will be able to see 15 turbines, principally those immediately above the south side of Loch Shin.

8.41 From local roads, the development will principally be seen from travellers coming and going on the A836 Lairg – Tongue Road and the A838 Lairg to Laxford Bridge road. The former also serves as part of the National Cycling Route 1. Along these routes the development as viewed on the A838 from VP 2 Carrachan, VP 16 Loch a Ghriama and VP 17 Cnoc an Laoigh and on the A836 at VP12 Crask Inn will be significant. Members will have an opportunity to assess this impact on the agreed site visit to take place on 13 May 2013. There will also be cumulative impact along these routes arising from other operational wind farms and proposed projects. There is considered to be significant effect within 5km – 10km of the current project including significant cumulative effects in association with other similar developments. However journeys along these routes, it is suggested by the applicant, will have a low cumulative, successional impact, that is experience only intermittently on account of local topography, forestry plantings etc.

8.42 Further impact will be experienced of the development from several much valued local mountains (Munros) within the study area around the development site. It is the significant impact as seen from Ben More Assynt that has particularly given rise to objections from the Mountaineering Council of Scotland and many individual representations received on this application. Whilst these representations have also identified concerns from a range of mountain tops including Quinag, Ben Hee, Ben Klibreck, Ben Armine and more distant mountains including Ben Hope and Ben Loyal. The applicant's assessment has suggested that these more distant mountain tops are not significantly impacted by the development on account of the distance. The assessment by the applicant is not contested. The principal

consideration in terms of impact on local mountains therefore is the acceptability of the development with regard to impact as experienced from Ben More Assynt. This also has to have regard for the cumulative impact of this development, with several other operational wind farms (Achany, Rosehall, Lairg and Kilbraur and applications such as Invercassley, Braemore and Dalnessie.

Wild Land

- 8.43 The development sits within a Search Area for Wild Land (SAWL). This is a non statutory designation, but has reference within Scottish Planning Policy and the Council's Development Plan. The Council has yet to draft its Supplementary Guidance on Wild Land as highlighted in the HwLDP. Advice from Scottish Government / SNH is awaited to assist this task. Attributes of Wild Land include "a high degree of perceived naturalness in the setting, especially in its vegetation cover and wildlife, in the natural processes affecting the land; the lack of any modern artefacts or structures: little evidence of contemporary human uses of the land: landform which is rugged or otherwise physically challenging: remoteness and / or inaccessibility."
- 8.44 Seven of the current 26 SAWLs in Scotland are located in Sutherland, indicating the extent of this national resource in the locality. SNH has objected to this application advising that it raises natural heritage issues of national interest. This issue has also been present in many of the representations against this application including from the John Muir Trust and Mountaineering Council for Scotland. SNH's assessment of the impact on wild land identifies that this development will result in significant adverse impacts on the qualities of wildness within the SAWL. The mapping of all land in Scotland for "wildness" confirms that the SAWL incorporates land which demonstrates the top classifications under this assessment.
- 8.45 The applicant has undertaken an assessment of the likely impact of the development on wild land within the study areas around the application site. In all six SAWLs have been assessed. The assessment concluded that *"the proposed wind farm corresponds to the quality of the Assynt SAWL, where the most significant affected parts of the SAWL is also the most compromised and lowest qualities in terms of wildness attributes. The highest quality wildness attributes are found in the northern part of the SAWL and this would be unaffected by the proposed wind farm."*
- 8.46 SNH has advised that the applicant has "undertaken an assessment of impacts on wild land, following the guidance (Assessing the Impacts on Wild Land Interim Guidance Note February 2007, SNH) in a clear and methodical way. In order to confirm the degree of impact assessed within the ES, SNH has undertaken a parallel assessment in the field.
- 8.47 SNH's assessment considered that the proposal *"will have a significant and adverse impact on the physical attributes that contribute to the southern area of wild land character, and thus the perceptual responses evoked by these physical attributes. The reduction of these attributes diminishes the experience of wildness over a large and diverse area. The conclusion of its wild land assessment is that*

the south Ben More Assynt area would be significantly adversely impacted by this proposal to such an extent that it would no longer be considered wild land.” SNH’s assessment draws out three main conclusions: -

1. Within Glencassley (the southern entrance to the SAWL) - Turbines will be seen as the focus of views due to the lack of other significant developments.
 2. On the Moorland slopes of Loch Shin – Turbines and tracks will dominate the experience of this landscape impacting on almost all attributes of wildness.
 3. On the eastern slopes of Ben More Assynt – Due to aspect and focus of views out to the east the turbines will detract from the current expanse of open ground.
- 8.48 Using the SNH wildness qualities map (used for the purposes of consultation during 2012 but not updated with recent developments) together with the ZTV’s of individual wind farms does allow a judgement, albeit subjective, to be made of likely impact on the highest qualities of wild land within the SAWL. This can take into account distance to and from the development and the likely visual impact as illustrated from a number of viewpoints. A judgement then needs to be made on the acceptability of the impact of the development taking into account that significant areas of the SAWL to the west of Ben More Assynt will not be affected by the development.

Recreation / Hill Walking

- 8.49 It is clear from the preceding material considerations and from representations that this area of Sutherland is attractive to hill walkers and mountaineers. Whilst reference has been made to a range of hill tops to the north and west it is the potential impact of the development on Ben More Assynt that is the principal consideration. As noted earlier the applicant has sought to design the development to ensure least impact on walkers / climbers approaching this mountain top but it recognised that no further mitigation could be deployed, other than good design, to those who would view the development from the top. Climbers to this mountain top would have a 360° outlook and would have much to view. The development would be very much set within the landscape of the eastern views from this hill top.
- 8.50 SNH has highlighted the experience of those who would climb the popular western ascent route of the Munro of Ben More Assynt. It comments that – *“This route will be out of sight of the proposal for its entirety until the summit is reached where the entire Sallachy wind farm less than 6km to the east will be highly visible. The visual impact this will have on the recreational users will be significant, as the proposal will be seen as the most obvious form of human development within the full 360 degree panorama from the summit, where other human influences such as forestry and roads are visually less prominent. The next closest wind farm to the summit of Ben More Assynt is the Achany wind farm 22.4km to the east, whose greater distance and siting means it is of considerably less prominence and impact in views.”* Members will also wish to consider the potential impact of Glencassley Wind Farm which is set between the existing Achany / Rosehall wind farm and the

Sallachy application.

- 8.51 There is a need to consider the potential impact of Glencassley Wind Farm which is set between the existing Achany / Rosehall wind farm and the Sallachy application. The nearest turbine from Ben More Assynt from the Glencassley scheme would be 12.7km. Within more distant views the development of the Lairg Wind Farm and Kilbraur would be seen, and potentially other developments if subsequently approved and developed.

Economic Impact and Tourism

- 8.52 The applicant has highlighted the benefits of this investment project as noted in paragraph 1.4. The supporting ES has also examined the current drivers of the local economy to assist determine the consequences (benefits and dis-benefits) of this project being developed both at the construction stage and operational stage. The development site is set within a small rural local economy which is heavily reliant on rural businesses. The primary industries including forestry, estate management incorporating fishing, stalking and property lets, which are not anticipated to be affected by this development project. There is a long history of hydro generation in the area and the locality is proving attractive to other renewable energy projects – principally onshore wind.
- 8.53 It is the area's tourist economy that is highlighted in most representations to be of concern, including within the response from Visit Scotland. The VisitScotland Visitor Experience Survey (2008) highlighted the key factors influencing visitors when choosing Scotland as a holiday location. This included "scenery and the natural environment are not only highly rated, but the most important factors for visitors when choosing Scotland as a holiday location, with 90% of visitors citing scenery as either 'very important' or 'important' to their choice of Scotland as a holiday destination". Key issues for consideration with this development are the likely effects on local holiday accommodation, walkers and those journeying through the area on the main tourist routes.
- 8.54 In terms of visitor accommodation and visitor facilities these are principally located within coastal communities to the west or east coast and are unlikely to be affected by the development. There is clear impact on the Overscaig Hotel, but not to the extent that would make any stay at the hotel unacceptable or unpleasant. The caravan camping to the south at Achnairn and facilities in and around Lairg are unlikely to be affected by the development. The Falls of Shin Visitor centre, 10 miles to the south of the development, and one of the main attractions in the locality will not be impacted.
- 8.55 The principal impact on hill-walkers will be to those who climb to the top of Ben More Assynt. This has been highlighted earlier in this assessment. In the wider area the applicant has presented its case in respect of the potential impact of existing rights of way, local walks and other climbs used by the community and visitors across this area. These will largely be unaffected by the development. There are clearly a number of Corbetts and Munros which lie within the Coigach Assynt NSA and further to the north including Ben Hee and Ben Klibreck. Visitors are not anticipated to be significantly affected by the development from these hill

tops. The applicant's conclusions are not contested.

- 8.56 Many visitors pass through the area by cars, motor bikes and cycles on the principal roads. It is the A836 Lairg northwards to Tongue that is most valued as a tourist route, but equally the A838 Lairg to Laxford Bridge is an experience for travellers to enjoy Highland scenery. As can be seen from the applicant's viewpoints 2, 7 and 16 travellers on the A838 road would have the wind farm in view, but the experience is relatively short lived in the journey time between principal communities. The view from the A836 as illustrated from VP 12 north of the Crask Inn is one where the wind farm is seen in the foreground of Ben More Assynt, albeit at a distance of 10km. As travellers travel southwards from this location they would also be impacted by existing developments Achany and Rosehall and potentially Glencassley, although as they approach Lairg, the turbines are increasingly lost from sight as the road descends to Loch Shin.

Cultural Heritage

- 8.57 The applicant's ES has identified the cultural resources within the 35km study around the development site. There are no known heritage sites within the development site. Both Historic Scotland and the Council's own Historic Environment Team has acknowledged the very limited historic interests within the development site and its immediate surroundings and do not object to the development.

Noise

- 8.58 The applicant's assessment of operational noise has used a candidate Siemens 101 3.0 turbine with a "maximum" sound power level of 108dB. The report also assumes that the turbines are free from tonal noise. The calculations indicate that cumulative levels at all properties will meet the Council's 35dB L90 simplified standard although with no margin for error at Duchally Lodge. The assessment highlights that these premises are "within the control of the applicant."

Construction Impacts

- 8.59 The construction of the development is expected to take 12 months involving at the first stage the improvement and provision of road access, including the opening and working of the borrow pit. This would be followed by the construction of the turbine bases prior to erection of turbines / Maintenance Building substation. The latter process will involve the delivery of abnormal loads / turbine parts to site from Invergordon. Such deliveries are expected to be preceded by community consultation to ensure that any traffic restrictions are planned to take account of local events and avoid periods when school transport is in operation, where relevant.
- 8.60 The development site is relatively remote from occupied properties, with the nearest neighbours being at VP 2 by Carrachan and the Overscaig Hotel, some 2.6km away from the nearest turbine. There are no particular concerns over potential impact on these properties but good construction practices will be highlighted to the developer in respect of working hours, night time lighting and

minimise the use of tonal reversing alarms. These are details which are expected to be presented within a Construction and Environmental Management Document the approval of which must be set as a requirement of any consent. There must also be a condition requiring a Decommissioning and Restoration Plan to be submitted and approved prior to the end of the design life of the development based on the best practice current at the time of submission. This is in addition to the temporary restoration of the borrow pit, during the operation phase of the wind farm.

- 8.61 SSE has highlighted its resource interests in this site to the applicant including the access road to its hydro-schemes and the underground tunnel / pipeline linking the River Cassley in-take link with to Loch Shin, etc. It remains a matter for final negotiation between the applicant and SSE to ensure that the construction activities do not impact on these assets and the general management and maintenance of all hydro facilities. Prior to any determination of this application Scottish Ministers will want to be satisfied that the design as presented will remain un-affected by any safeguards arising from current SSE assets, such as the tunnel the route of which remains to be confirmed by either party. The wind farm design has already taken account of the radio communication links that are currently used by SSE in this locality.

Aviation and Community Infrastructure

- 8.62 There are no adverse impacts anticipated from the construction and operation of this proposal from aviation interests, other radio and TV networks. To ensure air safety and amenity interests it is appropriate to ensure planning conditions are attached to require infra red aviation lighting only on turbines and to ensure information on construction is supplied to aviation interests in advance of development.

Other Material Considerations

- 8.63 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. As with all applications the benefits of the proposal must be weighed against potential drawbacks and then considered in the round. This recognises of course that this application will be determined by Scottish Ministers, within the framework of the Electricity Act 1989.
- 9.2 The design iterations developed in consultation with the community has resulted in a relatively simple layout on open moorland, which to some viewers will be both acceptable and of interest. The design is deliberately set on both on the southern shores of Loch Shin and the north slopes of Glen Cassley. Whilst visible, particularly within a 5 -10 km distance, it is set apart from the main local settlement

Lairg and falls outwith any specific landscape or natural heritage designation. Subject to a final understanding of the hydro-pipeline beneath this development and of peat slide there would seem to be no technical issues which suggest the development could not be successfully engineered, subject to standard conditions.

- 9.3 The project has received a number of supportive representations. The site falls within the “Area of Search” within the Council’s Supplementary Guidance for onshore wind farms, the default position set out in the guidance once national and local constraints are identified as required by Scottish Planning Policy. Some weight also has to be given in favour of the development with the potential to deliver over 66MW and thereby making a useful contribution to the Scottish Government’s Renewable Energy targets. The development is expected to bring forward positive economic impact in terms of jobs and some longer term infrastructural improvements for example in the local road network and land management including some positive habitat and deer management. The impact of the project is also reversible in that permission is being sought for a period of 25 years after which time the infrastructure can be removed and the site largely restored.
- 9.4 However the application has drawn a large number of objections including some from statutory consultees. SNH has raised three objections in particular highlighting the significant and adverse impacts on the Coigach – Assynt NSA, the Search Area for Wild Land (SAWL) within which the site is located and the risk from peat-slide to the qualifying interests of River Oykel SAC – Atlantic Salmon and Freshwater Pearl Mussels. These include the principal issues reflected within the objections from the John Muir Trust and many other individual representations. The Mountaineering Council for Scotland has similarly highlighted its concerns on these three matters noting the particular interests of walkers, climbers and visitors generally who value the iconic mountains in this locality, the wildness and general quality of scenery of Sutherland.
- 9.5 With regard to the objections founded on the Coigach and Assynt NSA it is important to recognise that the site of the application lies outwith this designation and its visual impact on the NSA is limited by virtue of the containment provided by Ben More Assynt. The principal features of this NSA it is argued lie to the west of this hill top and are very much appreciated by those who drive through the NSA using the A835, A837 and A894 roads, use the coastline, live within the communities contained by the NSA boundaries, etc. The comments expressed by SNH regarding the views from the summit of Ben More Assynt in an eastward direction to “*the open moorland landscapes of the wind farm site and on Loch Shin and beyond*” would seem to be subsequently adding to the original premise of the NSA designation which was focused on the area more to the west of this hill top. The eastern boundary of the NSA is so unnaturally drawn in straight lines that it makes interpretation of the designation in this area difficult. Given all these factors it is felt that the adverse impact on the NSA needs to be recognised but not necessarily given significant weight.
- 9.6 It is clear from SNH, the Mountaineering Council of Scotland and many others that the wind farm would be seen from the summit of Ben More Assynt, but not on its popular western approach. Visibility of the wind farm is not sufficient reason to

suggest that the application be refused, even if there is a relatively short distance between the site and the mountain summit. A simple well designed development, which sits with the local terrain, is something which can be considered acceptable. It is the vastness of the landscape with many features of interest including lochs, moorland and mountains that help accommodate renewable energy projects. Ultimately this is a matter of judgement to the decision maker. This area has already accommodated hydro electricity and wind farm development. The addition of both Sallachy Wind Farm and potentially Glencassley Wind farm would provide a cluster of turbines within Glen Cassley. This would not be significantly adverse to the landscape in this locality as experienced both local hill tops and local route-ways.

- 9.7 The objection founded on the impact on the SAWL is also a significant concern. Sutherland has substantial areas of land highlighted as a SAWL, much of which is already safeguarded under other policy initiatives. The applicant and SNH have undertaken useful assessment of the impact on the SAWL within which the development is located. Significant areas of some of the highest quality wild land will remain unaffected by the development to the west of Ben More Assynt, but the SAWL south and west of this mountain would be affected by the development.
- 9.8 Both SPP and the Council's HwLDP recognise the importance that needs to be given to safeguarding areas of wild land from development, particularly land that possesses the highest qualities of wildness. The very recent consultation by the Scottish Government on its National Planning Framework 3 Main Issues Report and draft Scottish Planning Policy (30 April 2013) continues the debate. However it in the final planning balance given that land within the SAWL east of Ben More Assynt has: -
- already been impacted by existing hydro generation, public and private roads, electricity lines and telecommunication masts;
 - is of lesser wildness quality than substantive areas west of Ben More Assynt;
 - been impact by onshore wind farms from the south but outwith the SAWL; and
 - the potential to offer further renewable energy for example the Glencassley wind farm application;
 - a final policy position has not been adopted.
- 9.9 It is anticipated that SNH's objection in respect of the peat slide risk will be overcome with further dialogue advancing appropriate engineering solutions and design management to minimise the risk. Both SEPA and Halcrow are confident that the risk is manageable. It is not suggested that the Council should give weight to this objection, notwithstanding that it is a legitimate concern.
- 9.10 The Council's response to the application should be considered principally within the policies of the Highland-wide Local Development Plan and other material considerations. Policy 67 of the Highland Wide Local Development Plan requires consideration of likely impacts of the development on a number criteria and then consider if the development as presented is significantly detrimental overall individually or cumulatively with other developments. In respect of the eleven criteria set out in the policy the impact is deemed to be: -

No	Policy 67 Criteria	Significance
1	Natural, Built and Cultural Heritage	Acceptable
2	Other Species and Habitat Interests	Acceptable
3	Landscape and Visual Impact	Adverse impact
4	Amenity at Sensitive Locations	Adverse impact
5	Safety and Amenity of Individuals / Properties	Acceptable
6	Airport, Defence and Emergency Services	Acceptable
7	The Water Environment	Acceptable
8	Operational / Efficiency of Communications	Acceptable
9	The Quantity and Quality of Public Access	Acceptable
10	Tourism and Recreation Interests	Acceptable
11	Traffic and Transport Interests	Acceptable

9.11 The development is considered to be acceptable on many of the specific criteria set out in the Development Plan. On the two criteria where there is adverse impact the extent of the impacted as noted above is not seen as so significant to merit particular weight in the final planning balance. Therefore the application is one that can be seen as a development which can be located and sited such that it will not be significantly detrimental overall, either individually or cumulatively with other operational developments. The application is therefore one which is seen to accord with the policies of the Council's Development Plan. The application is therefore one which on balance should be supported.

10. RECOMMENDATION

10.1 It is recommended that the Council raise no objection to the application with conditions being attached to any approval by Scottish Ministers. A list of draft conditions will be presented to the North Planning Committee on 21 May 2013 for consideration by the Energy Consent Unit.

Signature:

Designation: Head of Planning and Building Standards

Author: Ken McCorquodale Principal Planner (01463 702256)

Background Papers: Documents referred to in report and in case file 11/04718/S36

LIST OF REPRESENTATIONS ON APPLICATION 11/04718/S36

TO CONSTRUCT AND OPERATE A 22 TURBINE WIND FARM AT LAND NORTH OF DUCHALLY LODGE, SALLACHY AND DUCHALLY ESTATES, LAIRG

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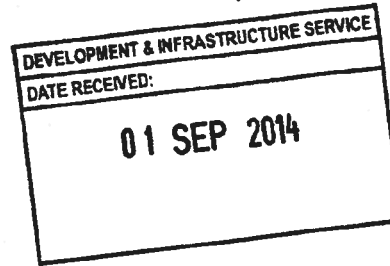
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In 2014 Scotland Welcomes the World



12/02872/536

Dear Sir/Madam

Glencassley Wind Farm - Opportunity to make further representations following publication of new Scottish Planning Policy

The new Scottish Planning Policy (SPP) was published on 23 June 2014 replacing the previous SPP published in February 2010. The new SPP can be found at <http://scotland.gov.uk/Topics/Built-Environment/planning/Policy>. SPP is an important document to be considered by Scottish Ministers before coming to a decision on this application. As a party who previously made representations in relation to the application under Section 36 of the Electricity Act 1989 for Glencassley Wind Farm the Scottish Government would like to give you the opportunity to make further representations in the relation to the new policy framework set out in the new SPP.

The Scottish Government are interested in views you may have on how the development proposal relates to the new SPP, in particular views you may have on how the development proposal relates to policies contained in the new SPP regarding wild land and National Scenic Areas.

Please send your comments by **26 September 2014** to representations@scotland.gsi.gov.uk or by post to Energy Consents and Deployment, The Scottish Government, Atlantic Quay, 150 Broomielaw, Glasgow, G2 8LU.

Yours sincerely



Magnus Hughson
Energy Consents and Deployment

Energy and
Climate Change
Directorate
Electricity Division

αβχδεφγηι

T: 0300-244 1252

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29 August 2014

In 2014 Scotland Welcomes the World



11/04718/536

Dear Sir/Madam

Sallachy Wind Farm - Opportunity to make further representations following publication of new Scottish Planning Policy

The new Scottish Planning Policy (SPP) was published on 23 June 2014 replacing the previous SPP published in February 2010. The new SPP can be found at <http://scotland.gov.uk/Topics/Built-Environment/planning/Policy>. SPP is an important document to be considered by Scottish Ministers before coming to a decision on this application. As a party who previously made representations in relation to the application under Section 36 of the Electricity Act 1989 for Sallachy Wind Farm the Scottish Government would like to give you the opportunity to make further representations in the relation to the new policy framework set out in the new SPP.

The Scottish Government are interested in views you may have on how the development proposal relates to the new SPP, in particular views you may have on how the development proposal relates to policies contained in the new SPP regarding wild land and National Scenic Areas.

Please send your comments by **29 September 2014** to representations@scotland.gsi.gov.uk or by post to Energy Consents and Deployment, The Scottish Government, Atlantic Quay, 150 Broomielaw, Glasgow, G2 8LU.

Yours sincerely

Magnus Hughson
Energy Consents and Deployment