

**THE HIGHLAND COUNCIL**

**SOUTH PLANNING APPLICATIONS COMMITTEE**  
**20 January 2015**

Agenda Item	<b>6.1</b>
Report No	<b>PLS/002/15</b>

**14/01731/FUL: WPD BEINN MHOR LTD**  
**LAND AT BEINN MHOR, GUI SACHAN, TOMICH**

**Report by Head of Planning and Building Standards**

**SUMMARY**

**Description:** The proposal is for the formation of an 18 MW wind farm, including erection of 6 wind turbines on 78.5m towers (height to tip 119.5m) (rotor diameter 82m), erection of control building/sub-station, erection of a meteorological mast, formation of hardstandings, access tracks and temporary assembly areas.

**Recommendation: GRANT PLANNING PERMISSION**

**Wards:** 13 - Aird and Loch Ness

**Development category:** Major

**Pre-determination hearing:** None

**Reason referred to Committee:** Major Development

**1.0 PROPOSED DEVELOPMENT**

1.1 The application is for the formation of Beinn Mhor wind farm and its associated infrastructure. This includes:

- Erection of 6 wind turbines on 78.5m towers, with a height to tip of 119.5m and rotor diameter of 82m;
- Temporary assembly areas;
- Formation of crane hard standings;
- Erection of a 70m meteorological mast;
- Construction of a control building and substation;
- Formation of a sustainable drainage system
- Formation of new and widening of existing access tracks;
- Formation of transfer area; and
- Formation of new site entrance.

1.2 The applicant has stated that the preferred route for abnormal loads to be delivered to site is from Invergordon Harbour via the B817 and Academy Road before utilising the A9 to the Longman Roundabout and then the A82 to

Drumnadrochit. From here abnormal loads will travel on the A831 towards Cannich and then utilise the C1110, U1423 and U1391 through Tomich to the site entrance. The wind farm will connect to the grid at Fasnakyle.

- 1.3 The applicant anticipates that the construction period for the Beinn Mhor wind farm will be 40 weeks. This period of time will include commencement on site through to site reinstatement but does not include grid components of the substation or the off-site grid connection works. The applicant advises that the project will utilise a Construction Environmental Management Plan (CEMP) throughout the construction and restoration of the site. This will include any additional requirements of The Highland Council (THC), Scottish Natural Heritage (SNH), Scottish Environment Protection Agency (SEPA), other relevant statutory bodies and other mitigation measures identified within the Environmental Statement. To address particular site constraints which may become apparent during construction the applicant is seeking a micrositing allowance of 50m.
- 1.4 The wind farm has an expected operational life of 25 years. Following this the applicant has advised that a decision will be made as to whether to refurbish, remove or replace the turbines. If the decision is made to decommission the wind farm, the applicant advises that all turbine components, substation and associated buildings will be removed. Upper sections of the foundations will be removed and backfilled with suitable material and restored. It is intended that the access tracks would be left in place.
- 1.5 In support of the application the following studies / assessments have been submitted:
  - Environmental Statement addressing Construction Environmental Management, Planning Policy, Landscape and Visual Impacts, Ecology, Ornithology, Cultural Heritage and Archaeology, Geology, Hydrology and Peat Slide Risk Assessments, Socio-Economics and Tourism, Traffic and Transport and, Noise and Vibration;
  - Planning Statement;
  - Design and Access Statement; and
  - Pre-Application Consultation Report.
- 1.6 Additional points of clarification on the following issues have been submitted during the processing of the application:
  - Forestry impacts;
  - Traffic Impacts;
- 1.7 The application was submitted as a 21MW scheme comprising of 7 No. horizontal axis wind turbines rated at up to 3MW each, on 78.5m towers, with a height to tip of 119.5m and rotor diameter of 82m. In September the applicant advised that it was reducing the scheme to 6 wind turbines rated at up to 3MW each, on 78.5m towers, with a height to tip of 119.5m and rotor diameter of 82m. In support of this an Environmental Statement Addendum, looking at the impacts of this change, was submitted and the application was re-advertised.

## 2.0 SITE DESCRIPTION

- 2.1 The wind farm site extends to approximately 104ha with the built development occupying an area of approximately 2.7ha. The turbines are to be set on an area of undulating ground around the hill known as Beinn Mhor (403m). The ground on which the turbines sit varies between 300m and 390m above ordnance datum (AOD).
- 2.2 The turbines are located approximately 1.9km from Tomich and 6km from Cannich. There are a number of smaller groups of houses in this area including those at Guisachan, Knockfin, Corriemony and Buntait. Generally, the immediate area to the south and east of the turbine envelope is sparsely populated.
- 2.3 The site does not sit within any sites designated for natural heritage but within a 25km radius study area of the site the following designated sites are present:

### Special Protection Areas

- Glen Affric - Strathconon (approximately 1.9km);
- West Inverness-shire Lochs (also Site of Special Scientific Interest) (approximately 11.6km);
- Loch Knockie and Nearby Lochs (approximately 17.5km);
- North Inverness Lochs (approximately 13.9km).

### Special Area of Conservation

- Strathglass Complex (approximately 1.6km);
- Ness Woods (approximately 16.1km);
- Urquhart Bay (also Site of Special Scientific Interest) (approximately 19.2m);
- River Moriston (approximately 10.3km).

### Site of Special Scientific Interest

- Balnagrantach (approximately 17.8km);
- Glenstrathfarrar (approximately 11.4km);
- Glen Tarff (approximately 18.8km);
- Levisie Wood (approximately 10.2km);
- Liatie Burn (approximately 8.8km);
- Easter Ness Forest (approximately 15.8km);
- Inverfarigaig (approximately 19.7km);
- Knockie Lochs (approximately 17.2km);
- Glen Affric (approximately 2.1km);
- Glen Doe Lochans (approximately 23.7km);
- Monar Forest (approximately 21.9km);
- Garry Falls (approximately 23.5km);
- Loch Bran (approximately 19.1km);
- Affric - Cannich Hills (approximately 10.7km);
- Gartally Limestone Quarries (approximately 16.8km).

## National Nature Reserve

- Glen Affric (approximately 1.8km).
- 2.4 In addition to the above designations, the Royal Society for the Protection of Birds' Corrimony Nature Reserve is located to the north east of the proposed development (approximately 2km).
- 2.5 No cultural heritage or archaeological designations are present within the site. Within a 10km study area of the site, as identified by the applicant there are: a number of Scheduled Monuments (including Corrieyairick Pass), Listed Buildings (including Fasnakyle Powerstation), and Tomich Conservation Area (approximately 1.9km).
- 2.6 A number of archaeological records exist within and in proximity of the site including a former sheiling hut, a crossed monument and two abandoned townships.
- 2.7 The site sits within the catchment of the Abhainn Deabhag. This river shares a confluence with the River Affric before joining the River Glass. This is a tributary of the River Beaully which is protected by the River Beaully River Basin Management Plan. Two watercourses drain the wind farm site and are tributaries of the Abhainn Deabhag. Specifically these are:
- Allt a Choire Bhuidhe; and
  - Allt Bail a Chladiach.
- 2.8 Within the site there are a number of Ground Water Dependant Terrestrial Ecosystems (GWDTEs) which are protected under the Water Framework Directive. The Phase 1 Habitat Survey which accompanies the application identifies that the application site includes wet dwarf shrub heath and blanket sphagnum bog as the most prominent GWDTEs on the site. The site sits on area of Upper Garry Psammite Formation bedrock with a mix of superficial deposits of till and glaciofluvial geology. Peat is present on the site however this is fairly limited. No turbines are proposed in areas of peat.
- 2.9 A variety of valued habitats are present across the application site. The ES reported signs of water voles within the survey area but also evidence of otter, pine martin, red squirrel, pine martin, badgers and bat species. Desk studies identified that there was potential for freshwater invertebrates to be present within the site and the surrounding area.
- 2.10 The turbine area is characterised as Rocky Moorland Plateau and Narrow Farmed Straths in the Inverness Landscape Character Assessment (LCA). The site is not located within any international or regional landscape designations. The site lies in proximity to the following landscape designations:

### National Scenic Areas

Glen Affric (approximately 3.5km);  
Glen Strathfarrar (approximately 9.1km); and  
Kintail (approximately 27km).

### Special Landscape Areas

Strathconon, Monar and Mullerdoch (approximately 2.9km);  
Loch Ness and Duntelchaig (approximately 11km);  
Moidart, Morar and Glen Sheil (approximately 17km); and  
Loch Lochy and Loch Oich (approximately 21km).

### Gardens and Designed Landscape

Beaufort castle (approximately 24km);  
Fairburn (approximately 26km);  
Aldourie Castle (approximately 23km);  
Dochfour; (approximately 25km)and  
Scatwell (approximately 28km).

- 2.11 The application is in proximity to the Central Highlands - Wild Land Area 24 (approximately 5.8km), Monadhliath - Wild Land Area 20 (approximately 27.5km), Kinlochourn - Glen Quoich and Knoydart - Morar - Wild Land Area 18 (approximately 26.2km) Wild Land Areas as identified on SNH's Wild Land Areas Map 2014.
- 2.12 The key recreational interests in this area are mountaineering, walking, cycling, and canoeing in the surrounding lochs. There are a number of low level walks on core paths and some which reach more elevated positions with views to the site including those utilising the Beaully - Denny tracks. The Glen Affric - Cannich Hills contain a number of Munros and Corbetts which are well walked throughout the year.
- 2.13 When assessing a wind farm proposal consideration of similar developments around the site is required in terms of cumulative impacts. The list below sets out the projects around this development site that are operational, approved or have been submitted but not yet determined. A plan highlighting these projects is included as Appendix 2.

### Built and / or Consented

Corriemony  
Bhlàriadh  
Stronelairg  
Corriegarth  
Dumnaglass  
Millennium (and Extensions)  
Beinneun (currently subject to application to vary Section 36 consent)

Under consideration

Dell  
Millennium South  
Beinneun Extension

**3.0 PLANNING HISTORY/BACKGROUND**

- 3.1 **15.04.2013** EIA Scoping Opinion sent to applicant (13/00653/SCOP)
- 3.2 **25.08.2013** Planning permission granted for erection of a temporary 80m meteorological mast. (13/02293/FUL)
- 3.2 **30.10.2013** Pre-application advice provided through the Council's Pre-Application Advice Service for Major Developments for a scheme of 7 Turbines at 123.7m to tip. (13/02913/PREAPP).
- 3.3 **15.01.2014** Proposal of Application Notice (PAN) submitted (14/00306/PAN)

**4.0 PUBLIC PARTICIPATION**

- 4.1 Advertised: 9<sup>th</sup> May 2014 in the Inverness Courier and Edinburgh Gazette.  
Representation deadline: 21 February 2014
- 4.2 Supplementary Environmental Information advertised: 25<sup>th</sup> July 2014 in the Inverness Courier and Edinburgh Gazette.  
Representation Deadline: 25<sup>th</sup> August 2014
- 4.3 Environmental Statement Addendum advertised: 19<sup>th</sup> September 2014 in the Inverness Courier and Edinburgh Gazette.  
Representation Deadline: 20<sup>th</sup> October 2014
- 4.4 Timeous representations against: 1252  
Comments: 8  
Representations in support: 181
- 4.3 Material issues raised in objection to the application:
- Landscape and visual Impact (including cumulative impacts)
  - Wild land
  - Impact on Glen Affric
  - Impact on built and cultural heritage;
  - Impact on ornithology;
  - Tourism impact;
  - Construction traffic impact;
  - Proximity to properties;
  - Impact on wildlife / ecology;

- Impact on dark skies;
- CO2 payback;
- Impact on sites designated for nature conservation;
- Impact on outdoor recreation;
- Noise Impacts;
- Impacts of Decommissioning;
- Access to the Site;
- No information on effectiveness of site for wind energy;
- Impact on natural drainage of the land;
- Impact on TV reception;
- Contrary to the development plan
- Impact on Peat / Blanket Bog;
- Impact on trees;
- Impact on film industry;
- Applicant has provided mis-leading / inaccurate information; and
- Council has not followed due procedure regarding Regulation 24.

4.3 Non-Material Issues raised in objection to the application:

- Impact on health;
- Economic viability of proposal; and
- Documents not branded by individual consultants but by applicant.

4.4 Material issues raised in support of the application:

- Need for renewable energy;
- Little / no affect on local business / tourism;
- Limited visual impact;
- Limited environmental impact;
- Limited impact on hill walkers;
- Limited designations in the area; and
- Wind farms are temporary structures.

4.5 A list of all those who made representation is provided in Appendix 1 of this report. All letters of representation can be viewed via the Council's e-planning portal <http://wam.highland.gov.uk>.

## 5.0 CONSULTATIONS

5.1 Strathglass Community Council object to the application. This objection followed a postal ballot of the Strathglass Community Council electorate where the following question was asked: Do you object to the Beinn Mhor Wind Farm development? 54.7% voted Yes and 45.3% voted No.

5.2 Glenurquhart Community Council object to the application. Concerns have been raised with regard to landscape and visual impact, proximity to Tomich, proximity to sites designated for natural heritage features, adverse impact of construction traffic; impact on wildlife and birds, impact on tourism and cumulative effect of wind farm development in the area.

- 5.3 Kilmorack Community Council object to the application on the grounds of landscape and visual impact on Glen Affric, impact on tourist experience, impact on Glen Affric - Strathconon SPA, and adverse impact of construction traffic on the A831 Beaully - Cannich Road.
- 5.4 Transport Planning has not objected to the application. It considers the development will have impact on local roads and advises that improvements may be required to cater for abnormal loads and construction traffic. The extent and detail of all road improvement works will require to be agreed with Transport Planning before work starts. All improvements to the public road shall be completed prior to wind farm construction, other than where agreed with Transport Planning. A Wear and Tear agreement under Section 96 of the Roads (Scotland) Act 1984 will be required.
- 5.5 Forestry Team has not objected to the application. The Forestry Officer does not consider the effect on the tree resource to be significant and it can be mitigated through compensatory planting. He has also commented on the tree protection proposals and has found these to be generally satisfactory. A final tree constraint, a final tree protection plan, resultant mitigation and compensatory planting is required.
- 5.6 Flood Team has not objected to the application.
- 5.7 Access Officer has not objected to the application. A condition is sought to secure access in and around the site during construction and during operation.
- 5.8 Historic Environment Team (HET) has not objected to the application. Concerns have been raised over the indirect impact that the development may have on the setting of the monument to Lady Tweedmouth. The HET seek a condition to secure the proposed mitigation set out in the Environmental Statement to address the potential direct impacts on unknown archaeology. A condition is also suggested to improve the maintenance, and interpretation of, the Tweedmouth Monument.
- 5.9 Community Services - Environmental Health has not objected to the application. Conditions are requested to secure noise levels and mitigation schemes for private water supplies before development starts.
- 5.10 CAA has not objected to the application. A condition is requested to require the applicant to inform the Defence Geographic Centre of locations, heights, lighting status of the turbines and metrological masts and construction timescales/methods.
- 5.11 National Air Traffic Control (NATS) has not objected to the application.
- 5.12 HIAL has not objected to the application. The development would not infringe the safeguarding surfaces for Inverness Airport.



- 5.13 Scottish Environment Protection Agency (SEPA) has not objected to the application. Conditions are sought addressing the following issues: disturbance and re-use of excavated peat; pollution prevention and environmental management; borrow pits; decommissioning and site restoration; and design of water course crossings.
- 5.14 Scottish Natural Heritage (SNH) has not objected to the application. SNH has indicated the Council require to carry out an Appropriate Assessment prior to determination of the application. For the avoidance of doubt this is included as Appendix 3 to this report. SNH has stated that the application will not result in significant adverse effects on the special qualities or the integrity of the Glen Affric NSA either on its own or in combination with other development in the area. SNH has also stated that the application will not significantly compromise the objectives of the Glen Affric National Nature Reserve. SNH does not consider the proposal will have a significant effect on Wild Land Area 24 - Central Highlands.
- 5.15 Transport Scotland (Trunk Roads and Bus Operations) has not objected to the application. Conditions are sought to address delivery of abnormal loads and any accommodation measures and traffic control measures required.
- 5.16 Historic Scotland has not objected to the application. Historic Scotland is content that there is no visibility of the development from Urquhart Castle and is content with the assessment of the impact on the setting on the A-Listed Fasnakyle Power Station.
- 5.17 MOD has not objected to the application. Conditions are sought to secure omnidirectional red lighting or infrared aviation lighting and details related to times, construction methods and location of each turbine.

## **6.0 DEVELOPMENT PLAN POLICY**

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

### **Highland-wide Local Development Plan (April 2012)**

- 6.2
- |           |                                      |
|-----------|--------------------------------------|
| Policy 28 | Sustainable Development              |
| Policy 29 | Design, Quality and Place Making     |
| Policy 31 | Developer Contributions              |
| Policy 51 | Trees and Development                |
| Policy 55 | Peat and Soils                       |
| Policy 56 | Travel                               |
| Policy 57 | Natural, Built and Cultural Heritage |
| Policy 58 | Protected Species                    |
| Policy 59 | Other Important Species              |
| Policy 60 | Other Important Habitats             |
| Policy 61 | Landscape                            |
| Policy 63 | Water Environment                    |
| Policy 67 | Renewable Energy Developments        |
- Natural, Built and Cultural Heritage
  - Other Species and Habitat Interests

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

Policy 72      Pollution  
 Policy 77      Public Access

### **Inverness Local Plan (As Continued in Force 2012)**

- 6.3 The general policies and land allocations of the Local Plan pertinent to this application have been superseded by the policies of the Highland-wide Local Development Plan.

### **Proposed Inner Moray Firth Local Development Plan (November 2013)**

- 6.4 No policies or allocations relevant to the proposal are included in the Proposed Plan.

### **Supplementary Guidance**

- 6.5 The following Supplementary Guidance forms a statutory part of the development plan and is considered pertinent to the determination of this application.

- Flood Risk and Drainage Impact Assessment: Supplementary Guidance (January 2013)
- Highland Historic Environment Strategy: Supplementary Guidance (March 2013)
- Managing Waste in New Developments: Supplementary Guidance (March 2013)
- Sustainable Design Guide: Supplementary Guidance (January 2013)
- Trees, Woodlands and Development: Supplementary Guidance (January 2013)
- Highland Statutorily Protected Species: Supplementary Guidance (March 2014)

## **7.0 OTHER RELEVANT PLANNING POLICY**

### **Onshore Wind Energy: Interim Supplementary Guidance (March 2012)**

- 7.1 This document provides a spatial framework to guide the location of large wind farms, development guidelines for all locations and additional guidance on the policies and principles set out in Policy 67 – Renewable Energy Developments of the Highland-wide Local Development Plan. The proposed development is mainly within an area of potential constraint with a limited part of the site within an area of search.

## **Highland Renewable Energy Strategy (HRES) (May 2006)**

7.2 While superseded, in part, by the above Interim Supplementary Guidance, HRES is still relevant as a strategy document for renewable energy. Relevant policies to the current application, include:

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

## **Scottish Government Planning Policy and Guidance (June 2014)**

7.3 The Scottish Government has recently published its updated policy statement and advice, Scottish Planning Policy (SPP). It advances principal policies on Sustainability and Placemaking, and subject policies on A Successful, Sustainable Place; A Low Carbon Place; A Natural, Resilient Place; and A Connected Place. It also highlights that the Development Plan continues to be the starting point of decision making on planning applications. The content of the SPP is a material consideration that carries significant weight, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case.

7.4 The SPP sets out continued support for onshore wind in a similar manner to the previous SPP. It requires Planning Authorities to progress, as part of the Development Plan process, a spatial framework identifying areas that are most likely to be most appropriate for onshore wind farms as a guide for developers and communities. It also list likely considerations to be taken into account relative to the scale of the proposal and area characteristics, which in summary comprise the following: -

- Net economic impact;
- Contribution to renewable energy targets;
- Effect on greenhouse gas emissions;
- Cumulative impacts;
- Impacts on communities and individual dwellings;
- Landscape and visual impacts, including wild land;
- Natural heritage;
- Carbon rich soils;
- Public access;
- Historic environment;
- Tourism and recreation;
- Aviation and defence interests;
- Telecommunications
- Road traffic;
- Trunk roads;
- Hydrology and flood risk;
- Decommissioning;
- Energy storage;
- Planning obligations for site restoration.

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

- National Planning Framework for Scotland 3
- PAN 56 – Planning and Noise
- PAN 58 – Environmental Impact Assessment
- PAN 60 – Planning for Natural Heritage
- 2020 Routemap for Renewable Energy
- Onshore Wind Turbines
- Wind Farm developments on Peat Lands

## **8.0 PLANNING APPRAISAL**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

### Determining Issues

8.2 The determining issues are:

- do the proposals accord with the development plan?
- if they do accord, are there any compelling reasons for not approving them?
- if they do not accord, are there any compelling reasons for approving them?

### Planning Considerations

8.3 In order to address the determining issues, the Committee must consider

- a) Development Plan
- b) Interim Supplementary Guidance
- c) Highland Renewable Energy Strategy
- d) National Policy
- e) Roads and Transport
- f) Water, Flood Risk, Drainage and Peat
- g) Natural Heritage
- h) Built and Cultural Heritage
- i) Trees / Forestry
- i) Design, Landscape and Visual Impact (including Wild Land)
- j) Access and Recreation
- k) Economic Impact and Tourism
- l) Noise and Shadow Flicker
- m) Telecommunications
- n) Aviation
- o) Construction
- p) Other material considerations contained within representations.

### Development Plan

- 8.4 The Development Plan comprises the adopted Highland wide Local Development Plan (HwLDP) and the Inverness Local Plan (as continued in force). There are no site specific policies affecting this application site within the Inverness Local Plan (as continued in force). The principal HwLDP policy on which the application needs to be determined is Policy 67 - Renewable Energy. The other HwLDP policies listed at 6.2 of this report are also relevant and the application must be assessed against these.
- 8.5 Policy 67 sets out that renewable energy development should be well related to the source of the primary renewable resource needed for operation, the contribution of the proposed development in meeting renewable energy targets and positive / negative effects on the local and national economy as well as all other relevant policies of the development plan and other relevant guidance. In that context the Council will support proposals where it is satisfied they are located, sited and designed such as they will not be significantly detrimental overall individually or cumulatively with other developments having regard to 11 specified criteria (as listed in para 6.2). Such an approach is consistent with the concept of Sustainable Design (Policy 28) to achieve the right development in the right place; it is not to allow development at any cost. If the Council is satisfied that there will be no significant adverse impact then the application will accord with the Development Plan.

### Interim Supplementary Guidance

- 8.6 Following the publication of SPP in June 2014, the Onshore Wind Energy: Interim Supplementary Guidance (ISG) is to be reviewed as a matter of priority. That said, the ISG will continue to assist with the consideration of onshore wind energy applications meantime. The site principally falls within an "Area of Potential Constraint" for wind energy as much of the development's supporting infrastructure and Turbines 2, 4, and 6 are within 2km of Tomich's settlement development area. This requires the policy to be assessed, as noted above, within Policy 67 of the HwLDP. Turbines 1, 3, and 5 are located in an "Area of Search".
- 8.7 The Interim Supplementary Guidance also expands on the considerations / criteria set out in the Development Plan policy including Criterion 1 (Natural, Built and Cultural Heritage); 2 (Other species and Habitat Interests); 3 (Landscape and Visual Impact), and 11 (Traffic and Transport Interests). These are key issues to be examined in this assessment. If the Council is satisfied on these matters then the application will accord with its Interim Supplementary Guidance.

### Highland Renewable Energy Strategy (HRES)

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

## National Policy

- 8.9 As described earlier in this report, there is strong support for renewable energy development in national policy. However, it also recognises that this type of development needs to be guided to appropriate locations. There is a Scottish Government target of 50% of Scotland's electricity demand to be generated from renewable resources by 2015, and 100% of Scotland's electricity demand to be generated from renewable resources by 2020. The targets are not a cap. The Scottish Government has advised that operational onshore wind energy capacity delivered 39.8% of Scotland's Gross electricity consumption in 2012. In 2013, 11,340GWh of electricity generated was delivered from wind turbines. At the end of June 2014 Scotland had an installed renewable energy capacity of 6,823MW. Highland onshore wind energy projects in operation or approved as of April 2014 have a capacity to generate 1,632MW. A further 2,500MW has been approved offshore.
- 8.10 SPP highlights criteria for the assessment of applications. These are listed in para 7.4. These elements, as relevant to this application, are examined within this assessment. The SPP advises that Development Plans are expected to have a spatial framework for onshore wind farms drawn from the identification of areas where wind farms will not be acceptable; areas of significant protection; and areas with potential for wind farm development, subject to detailed assessment against identified policy criteria. The Council's spatial approach is currently as set out in its Interim Supplementary Guidance, noted above.

## Roads and Transportation

- 8.11 The development will bring an increase in traffic onto the road network, principally during construction. This will be largely limited to impacts on the local road network which is already used by forestry lorries on a regular basis. However there are anticipated to be some impacts on the trunk road network during delivery of abnormal loads towards the end of the construction period. It should be noted that these roads are already used on a regular basis by forestry lorries.
- 8.12 Options for the access to the site have been considered to avoid routing the construction traffic through Tomich. These have included accessing the site utilising the Beauly - Denny Tracks which run parallel to the public road at a higher elevation. These options considered an entrance into the site from either Kerrow or from Corrimony. The applicant has stated in its submission of supplementary environmental information (July and September 2014 submissions) that the route survey undertaken by the company of the preferred turbine manufacturer demonstrated that this route was not feasible without significant engineering works. The applicant states these works would adversely affect an area of ancient woodland of semi-natural origin.
- 8.13 The Transport chapter of the Environmental Statement presents the worst case scenario and sets out that material would be imported into the site for the turbine foundations and access tracks from Balblair Quarry, Beauly. An alternative which is being explored is utilising a former borrow pit of the Beauly-Denny overhead line project. This alternative would reduce traffic on the local road network,

however as yet this has not been formally secured and does not form part of this planning application. For the avoidance of doubt the application and the assessment thereof assumes that the imported material would be imported into the site from Balblair Quarry.

- 8.14 The access to the site is at a newly created access from the public road network south of Tomich. This new access would be reached by construction traffic and abnormal loads travelling from the A831. This site access is the most direct and, once operational, will be utilised for maintenance of the development. This road will require some mitigation to allow it to be used for abnormal loads and the increase in traffic. An indicative scheme of road mitigation has been submitted to the Council. This demonstrates where the road requires modification to accommodate the anticipated traffic. Further information regarding the areas of oversail of the road and over run adjacent to the road, based upon the candidate turbine, has also been provided. This information concentrates on the section of road from the cattle grid at the entrance to Tomich to the site access. It is considered that while the road is relatively straight mitigation works will be required on this stretch which may involve widening of the road and upgrade of some passing places. This is considered technically possible. A detailed survey of the road and the implementation of any required mitigation would be secured by condition.
- 8.15 Concerns have been raised regarding the change to the character of the road as a result of the level of mitigation proposed, in particular the effect on trees. Photographs have been submitted by those making representations which shows areas in which the road is narrow and there are limited opportunities for widening to the required 4m of road and 5.5m of clearance. Having said that, information has been submitted by the applicant to demonstrate that there is sufficient room for the vehicles required for the abnormal loads to travel along the road with limited areas of over-run and some larger areas of over-sail. In these areas there will need to be a higher level of mitigation, with vegetation clearance and application of root protection measures for the trees.
- 8.16 It should be noted that the mitigation proposed by the applicant is not finalised and can not be finalised until the final choice of turbine for the site is made and the manufactures requirements for delivery of components to the site are known. However, the movement of street furniture would be temporary and any improvement in terms of road widths and improvement to passing places would improve road safety.
- 8.17 The proposed mitigation is likely to have an impact on the trees along this route with pruning required to lift the canopy and through excavation / build up of banking and, in some locations, build up of the road surface to allow movement of abnormal loads along the route. The information also identifies the impact on trees and further mitigation which may be required. This can be secured by condition. The impact on trees is discussed further in paragraphs 8.35 - 8.37 of this report.
- 8.18 The applicant has stated that they will investigate the most suitable traffic management measures in liaison with their preferred contractor, the Council and Transport Scotland. Concerns have been expressed as there is only one road in and out of Tomich. During the delivery of abnormal loads the concern is that this

would mean the road would be blocked or partially blocked. It is considered that through the application of appropriate traffic management, combined with the proposed mitigation there should be limited disruption though the 40 week construction period.

- 8.19 The Trunk and Local Road Authorities have requested that conditions be applied to any permission which may be granted to ensure appropriate measures are in place to protect the road network during construction and operation of the proposed development. These include securing appropriate, details on delivery of abnormal loads, and design and construction of the new access, traffic control measures, construction stage traffic management plan and required mitigation to the local road network as set out above. Given the potential disruption to the road network during construction, there will be a need for a community liaison group to ensure the community are informed of any traffic issues prior to them coming into force. This can be secured by condition.

#### Water, Flood Risk, Drainage and Peat

- 8.20 The Environmental Statement is clear that a Construction Environmental Management Document / Plan (CEMD) will be in place to ensure that potential sources of pollution on site can be effectively managed throughout construction and in turn during operation, albeit there will be fewer sources of pollution during operation.. The CEMD could be secured by planning condition which requires that statutory agencies are consulted and agree to the CEMD following appointment of the wind farm balance of plant contractor.
- 8.21 In order to protect the water environment a number of measures have been highlighted by the applicant for inclusion in the CEMD including the adoption of sustainable drainage principles, and measures to mitigate against the affects of potential chemical contamination, sediment release and changes in supplies to Ground Water Dependant Terrestrial Ecosystems. Further mitigation is proposed during the operational phase to manage these potential issues. SEPA support this approach.
- 8.22 Beaulieu and District Fisheries Board has submitted comments which indicate there is potential for glacial relic brown trout distributed throughout watercourses and lochs in the area. The tributaries which run through the site connect to the River Beaulieu which has a population of salmon. As this is the case they have requested monitoring of any residual effects of the development. This can be secured by condition.
- 8.23 The site is home to extensive Ground Water Dependent Terrestrial Ecosystems (GWDTEs). Within the turbine envelope there is a mosaic that contains springs and flushes which require to be taken into consideration. To avoid the most sensitive GWDTEs, areas of deep peat and other sensitive ecosystems, the applicant seeks up to 50m micro-siting distance. SEPA support this approach. While micrositing would play an important role in avoiding these sensitive features, it may also have a significant affect on how the scheme is read in the landscape. If this is to be secured by condition then it would be appropriate that due consideration is given to the potential landscape and visual impact of micrositing.



As such the condition should include provision for the submission of information supporting the micro-siting, including an assessment of landscape and visual impact.

- 8.24 Concerns have been raised over the impact of the proposed development on private water supplies. There are a number of measures proposed to protect the water environment and safeguard water quality during construction and operation of the wind farm, including emergency water management measures. To address these concerns, a condition can be applied to protect the private water supply from contamination and from physical damage during construction and for the duration of the operation of the wind farm.
- 8.25 Concerns have been raised regarding the potential increase in flood risk as a result of this development. The concerns focussed on increased surface water run off. Mitigation is proposed to manage surface water run off from the development. The application was accompanied by a Flood Risk Assessment. SEPA and the Council's Flood Team have raised no concerns with regard to flood risk based on this assessment. This development includes limited use of new tracks and hard standings, relying on the Beauly - Denny tracks for the main access. The turbines are also some distance from water courses. As such it is not anticipated that there will be a significant increase in surface water run off as a result of this development. However, as suggested by the applicant, surface water drainage will be an integral part of the scheme, the design of which should ensure that the flow of water into surrounding watercourses is no faster than at present. Should the application be granted planning permission, a condition shall seek details of the proposed Surface Water Drainage Systems for approval by the Council in consultation with SEPA.
- 8.26 Concerns have also been raised in relation to the cumulative impact of forest removal in relation to flooding. It is not disputed that tree removal can have an impact on flood risk however the trees referred to are not being removed as a result of this application. The proposed wind farm includes measures to slow the flow of water from hard standings and tracks, details of which can be secured by condition. Any forestry removal in this area will be required by Forestry Commission Scotland to adhere to their guidance in relation to the removal of trees and impacts on the water environment.

#### Natural Heritage

- 8.27 The development does not sit within any sites designated for ecological interests but is close to and has potential connectivity with a number of sites which are designated at national and international level. As a number of the potentially connected sites are designated at a European level, the proposal needs to be assessed against the 'Habitats Directive' which is translated into Scots law through the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). An Appropriate Assessment is contained in Appendix 3 of this Report. This considers the likely significant effect of the proposal on the Glen Affric to Strathconon Special Protection Area. The conclusion of this Appropriate Assessment, based upon SNH advice, is that the proposed development is not

likely to have a significant adverse affect on European designated sites given the limited number of flights recorded, negligible collision risk and limited loss of foraging area.

- 8.28 Effects were noted for red kites and golden eagles which were considered to be not significant due to the low magnitude of the impacts. Mitigation has however been proposed through the Environmental Statement to include conservation management, monitoring of populations and removal of carrion.
- 8.29 The impacts of the development on Osprey and Buzzards have been raised as concerns by those making representations. The Environmental Statement has not identified any significant effects on these birds and SNH has not raised any concerns.
- 8.30 Concerns have been raised over the methodology of the Ornithological Surveys and specifically that 2 years of monitoring had not been undertaken. Previous surveys were used and a year of survey work was undertaken. SNH confirmed that this approach was acceptable in November 2013 subject to clarification over the status of the nearest Golden Eagle territory. SNH have not raised an objection to the application.
- 8.31 The Environmental Statement considers potential impacts on a number of other designated sites in the wider area. SNH agree with the findings of this which does not anticipate significant effects on these sites due to the characteristics of the qualifying features.
- 8.32 Impacts have been identified for a number of other non-designated habitats and protected species. These are however largely confined to the construction period and are considered to be not significant by the applicant and SNH agrees. Mitigation has been proposed in the form of a Habitat Management Plan which can be secured by a condition.

#### Built and Cultural Heritage

- 8.33 The area in which the wind farm sits is rich in built and cultural heritage as demonstrated by Chapter 7 of the Environmental Statement, which identifies over 100 cultural heritage assets of varying degrees of interest and designations within the initial study area surrounding the application site. Beyond the application site there are a significant number of cultural heritage assets which are of international, national, regional and local importance where there may be indirect affects.
- 8.34 A significant feature within the site, albeit not designated in anyway, is the Tweedmouth Monument. The Environmental Statement recognises this to be of local significance but no effects on the monument are noted. The Historic Environment Team has suggested that the impact on this monument may be significant in nature based upon the methodology set out in the Environmental Statement and considered that mitigation in the form of a design change should be pursued. The monument had been erected in this position to be visually dominant in the landscape, however it is modest in size when compared with the

scale of the landscape. Looking towards the monument it will still be visible within the landscape from all views, albeit its setting will be affected by the siting of turbines, in particular Turbines 1 and 3 which are immediately to the north east and south west of the monument. Having said that, it is not considered that there would be a significantly adverse impact on the monument. While it is not possible to mitigate the effect on the setting, mitigation in the form of repairs to the monument and interpretation, telling the story of the monument and the connections to the area, can be provided and secured by condition.

- 8.35 Representations have raised concerns with regard to direct and indirect impacts on the Tomich Conservation Area and Listed Buildings in Tomich. The concerns centre on a change to the character of the area due to removal of street furniture, road based mitigation and impact on structures of buildings due to movement of heavy loads through the village. With regard to the removal of street furniture, this would be a temporary mitigation measure which would allow any abnormal loads to pass without causing damage to the street furniture such as the historic lighting columns. The change in character due to road mitigation measures is addressed in section 8.15 above. In relation to the impact on the structure of buildings in the village, this can be managed through effective traffic management in terms of frequency of loads, secured by condition.

#### Trees and Forestry

- 8.36 The six turbines are to be sited clear of any woodland. However, in order to access the site there is likely to be a requirement to lift the crown of the trees along the approach to the site and there may be a need to remove smaller vegetation and up to 6 mature trees. Compensatory planting is proposed. In addition the proposed mitigation required for the road may have an impact on trees. The applicant has stated a commitment to compensatory planting if it is required. Given that there will be tree loss, albeit limited, further information on the compensatory planting including levels of planting, species etc. can be secured by condition which will require the implementation of any such scheme.
- 8.37 There is concern from those making representations that the development will have an adverse effect on the trees both directly and indirectly through the delivery of the required road mitigation. In raising these concerns, a group of objectors had commissioned a Pre-Construction Tree Survey. This identified that there would be an effect on the trees along the access route to the site as a result of the delivery of abnormal loads. Representations also consider that any affect on trees may also have an affect on the character of the area, given the visual importance of these trees along the U1391.
- 8.38 The Council's Forestry Officer had initially raised concerns over the impact on trees along the route to the site. These concerns were supported by the tree survey commissioned by a group of objectors. However, on receipt of a detailed Tree Survey and Swept Path Analysis by the applicant, the impact on the trees has been made clearer. On the basis of the information now provided, the Forestry Officer is content that, subject to adequate mitigation being put in place, that the proposed development will not have an adverse impact on the trees along the route to the site. The mitigation will require to be informed by a further tree survey, tree constraints plan and this work shall be carried out by a suitably

qualified arboriculturalist once the final turbine and delivery methodology is known. Construction method statements in relation to trees will also be required. This further work and the required mitigation can be secured by condition.

#### Design, Landscape and Visual Impact (including Wild Land)

- 8.39 The development is viewed predominantly as an array of 6 turbines with some clustering of turbines at the core of the development. The applicant states that the design of the scheme was based on consideration of landscape and visual impacts and consideration of the technical and environmental constraints of the site. Viewpoints 4, 5, 9 and 10 best demonstrate the layout of the scheme and its setting.
- 8.40 The height of turbines is uniform across the site although the landscape in which they sit is not. However, the variance in topography is limited and the scheme produces a simple development from most angles. There are some more pronounced variations in views of the proposed development from the south west. In these views the development appears to rise and fall with the landscape but, given that in these views the development is only a small element of the angle of view, this is considered to be acceptable.
- 8.41 The development will not sit alone in the landscape. The Corriemony Wind Farm which is to the east and is operational and the consented Bhlàriadh Wind Farm is in middle to long distance views. In addition to the views of the proposed wind farm there will also be views of the Beaully-Denny Over Head Line (OHL). It is considered that the proposed wind farm will sit comfortably within the landscape between Corriemony and Bhlàriadh within a landscape where there is some capacity for wind turbines. This view is shared by SNH.
- 8.42 The Beaully-Denny OHL will be visible in many of the views of the development. It is considered that through careful siting and design of the turbines that the views towards the scheme, particularly from the north and west, will sit distinctly separate from the Beaully-Denny OHL. This ensures that the scheme will not create visual confusion in the landscape or significantly alter the perceptions of depth or scale of the landscape. However, given the proximity to the scheme of the OHL it is considered that micro-siting of turbines, while avoiding visual confusion, may be challenging. With that said, as set out in paragraph 8.23, the micrositing of turbines can be adequately managed by condition.
- 8.41 A total of 17 viewpoints across a study area of 35km have been assessed with regard to landscape and visual impact. These viewpoints are representative of a range of receptors including settlements, recreational users and access/road routes. The expected impact of the development as originally submitted can be seen with the ZTV to Blade Tip with Viewpoints (Figure 7.9) in the Environmental Statement. The impact of the revised development can be seen in the Figure 7.9a.
- 8.43 The Environmental Statement suggests the proposed development has the potential to significantly affect the Rocky Moorland Plateau and Narrow Farmed Straths landscape character type when viewed from Viewpoints 1 and 3. In all other areas the impact is considered to range from no impact to be of moderate significance.

- 8.44 The proposed development largely sits within the Rocky Moorland Plateau Landscape Character Type (LCT). It is accepted that there has been human modifications to the landscape and as such the landscape has been assessed as having a medium value. The ES recognises that because of the completion of the Corriemony Wind Farm and the consented Bhlàriadh that there is now a subset of this landscape character type known as Rocky Moorland Plateau with Wind Turbines LCT. The development of the Beinn Mhor Wind Farm would reinforce and extend this LCT.
- 8.45 The proposed turbines would become the principal determining element of the landscape within the immediate vicinity of the wind farm and, as stated by the Environmental Statement, for up to 700m around the site. The ES states that beyond this immediate area the key characteristics of the LCT as defined by the Inverness Landscape Character Assessment, would reassert themselves. This is not disputed.
- 8.46 The Narrow Farmed Straths LCT is an area subject to more limited direct change as a result of the development of access tracks and site access. There will however be indirect affects on the Landscape Character Type due to the intermittent visibility of the Beinn Mhor Wind Farm as one travels through this landscape. From this LCT there is also intermittent visibility of operational Millennium and Corriemony Wind Farms, the Beaully-Denny OHL, as well as the consented Bhlàriadh Wind Farm. The ES states, that this will be particularly noticeable at higher elevations where a new landscape sub-type of Narrow Farmed Straths with Wind Turbines will be established. Views from this LCT will however be interrupted due to the intervening landforms and deciduous woodland which does not form part of the managed forestry plantation.
- 8.47 The applicant's assessment draws sets out the positive case for how the proposal could be perceived within the landscape. It also recognises that in a localised area, a major landscape impact is anticipated with the introduction of the wind farm. The visibility of the wind farm in the landscape in close proximity is limited due to intervening landforms but becomes more visible at higher elevations. The extent of the visible impact of the development itself is demonstrated by the ZTV. This shows that the scheme will be visible in an almost 300° arc around the site within the 35km study area. The theoretical visibility is largely contained within a 10km radius of the site.
- 8.48 When viewing the development from the west and north west the scheme appears to take due cognisance of the existing landforms. SNH guidance on the siting and design of wind farms in the landscape has clearly been followed in terms of the scale and positioning of turbines in relation to the landscape elements. This is demonstrated by Viewpoints 9, 10 and 11.
- 8.49 As one looks at the proposed development from the south west the scheme appears to follow the landform. As such the scheme rises in the landscape with Turbine 5 forming a high point and Turbine 4 marking the low point. This is demonstrated by Viewpoint 3 (Hilton Lodge).

- 8.50 The development is located approximately 3.5km to the east of the Glen Affric National Scenic Area (NSA). While the ES recognises there will be an impact on the Special Qualities of the NSA it is considered that these would be minimal as in most cases the turbines would be seen as minor elements in the landscape. The views of the turbines from this location would be largely limited to higher elevations. SNH agree that there would be no significant affects either alone or in combination with other wind farm developments. SNH do however suggest that further wind farm development or and extension to the scheme as described in the ES may affect the special qualities of the NSA.
- 8.51 The development is also located in proximity of the Glen Strathfarrar and Kintail NSAs. Given the dispersed patterns and limited views from these NSAs and the fact there will be no physical disturbance, the ES considers that there would be limited / no effects on these NSAs. This is accepted. However, SNH have suggested that that further extensions of turbines in this area, beyond this development, may affect the special qualities of the NSA and the setting of the scenic mountain landscapes that are at the core of the identity of the Highlands of Scotland.
- 8.52 The proposed site is bounded by to the north west by the Strathconon, Monar and Mullerdoch SLA (3.2km). While there is dispersed theoretical visibility of the wind farm from this SLA, it is largely limited to the higher slopes with some theoretical visibility from lower levels around the River Affric. Considering the proposal against the special qualities of “Grand Mountain Ridges, Long Glens and Wide Strath” and “Wildness and Remoteness”, the ES states that the special qualities or integrity of the SLA would not be materially effected. This is not disputed.
- 8.53 The ES has not considered the proposal against the Sensitivities to Change of the Strathconon, Monar and Mullerdoch SLA, as set out in the SLA Citations published by The Highland Council. The sensitivities most relevant to the determination of this application relate to the impact of large scale development outwith the SLA on the wildness qualities and sense of remoteness. While it has not been assessed in the ES, based upon the methodology set out in the ES and the assessed impact of the development on the Special Qualities of the SLA, it is not considered that the proposal would have a significant impact.
- 8.54 The site is also bounded to the east by the Loch Ness and Duntelchaig SLA (approximately 12km), to the south west by the Moidart, Morar and Glen Sheil SLA (approximately 18km) and to the south by the Loch Lochy and Loch Oich SLA (approximately 22km). Given the limited visibility of the proposal from these SLAs and the distances from the proposed development, it is not anticipated that there would be significant affects on the special qualities of these SLAs.
- 8.55 In June 2014 SNH published the Wild Land Map 2014 in support of the policy statements in Scottish Planning Policy 2014. These post-date the submission of the application and the response on the application from SNH. The 2014 Wild Land Map shows 4 areas of Wild Land extending towards but not including the site. The closest is the Central Highlands Wild Land Area. The assessment of impact on wild land undertaken by the applicant was based on the SNH Composite Wild Land Map 2013, as was the response from SNH, but included assessment of the Search Area for Wild Land from 2013. As the publication of

SPP and the Wild Land Areas Map promoted a modified approach to Wild Land Areas, the applicant provided additional information Wild Land and SNH provided a further response in September 2014.

- 8.56 In its response to the application SNH consider that wildness can be experienced within the Balmacaan Forest immediately to the south of the development but the sense of wildness varies greatly further west beyond the Beauly - Denny OHL. SNH consider that Viewpoint 5 is representative of an area of high wildness. SNH has advised that as the development is closely aligned to the existing infrastructure in the area and does not encroach into the remoter landscapes in the west and that the proposed development would not result in significant adverse impacts on the wildness outwith the NSA. The view of SNH is accepted.
- 8.57 The visualisations presented within the Environmental Statement are generally of a high standard and accord with the Council's Visualisation Standards for Wind Farm Developments. The effects on visual amenity relate to changes to available views rather than perceived changes to whole areas of a distinctive landscape character. The ES provides an assessment of the most relevant views in this case. Views are likely to be most significant for two particular groups; those passing the site by road, and those experiencing the surrounding hills mountains and glens. Following the reduction of the scheme only visualisations for the key viewpoints of VP1, VP4, VP5, VP9, VP10 and VP11 were requested by the planning authority.
- 8.58 Clearly the development has significant impact on close by receptors. This is demonstrated by VP1 - Knockfin (1.997km), VP3 - Hilton Lodge (2.410km), VP4 - Road to Glen Affric (3.791km) and VP5 - Carn nan Earb (5.474km). The viewpoints as shown generally represent the worst case scenario. From these viewpoints the wind farm will be viewed with other human interventions in the landscape, including pylons, commercial forestry and existing wind energy developments. These are viewpoints, where the reduction in the proposed development, has been of significant benefit to producing a more contained development in the landscape.
- 8.59 One other viewpoint is within close proximity, VP2 - Tomich Village. VP2 clearly demonstrates a lack of visibility from this area, the wireframes supporting the visualisations also demonstrate that if intervening vegetation is removed then the topography would largely screen the development with 5 of the 6 turbines visible. This would be limited to blade tips for 4 turbines and the hub will be visible of 1 turbine (Turbine 1). Given the level of screening provided by the topography, the assessment presented in the ES is accepted.
- 8.60 Representations have raised concerns regarding the proximity of turbines to the village of Tomich and related this to the 2km separation distance between settlement development areas and wind farm developments. This separation distance, as set out in SPP and The Highland Council's Onshore Wind Energy Interim Supplementary Guidance, is however considered to be for spatial framework purposes only. There is no specific guidance set out in the Development Plan or SPP related to a separation distance for visual impact purposes as this is a subjective assessment.

- 8.61 From viewpoints in more elevated positions in the middle distance the impact of this development on hill walkers and mountaineers will be evident. From these positions the wind farm reflects the scale of the landscape and demonstrates that the development will occupy only a limited field of view. However, in these views it is also clear that the development will be viewed in combination with other wind farm developments including Corriemony and Bhlàriadh. This can be demonstrated by the visualisations for VP9 - Beinn a' Mheadhoin (9.119km), VP10 - Summit Sgor na Diollaid (11.160km) and VP11 - Toll Creagach. At these distances it is not anticipated that the visual impacts will be significant.
- 8.62 Glen Affric is a popular area for hill walking and mountaineering due to the relatively high concentration of Munros and Corbetts. The Mountaineering Council of Scotland has objected to the development due to the visual impact, cumulative visual impact, options for decommissioning of tracks and impact on tourism. It is agreed that the proposed development will have a visual impact, however the location of the development is not considered to have a direct effect on the mountain landscape which Glen Affric is famed for. There will be an indirect effect looking out from the hills and mountains of Glen Affric, however this must be considered in relation to the already consented and operational wind farms within the landscape. The issues raised by the Mountaineering Council of Scotland relating to decommissioning of tracks and impact on tourism are considered elsewhere in this report (paragraphs 8.70 - 8.74).
- 8.63 It is considered that not all walkers and visitors to the area will use mountain paths with many choosing to use lower level routes. This includes a number of core paths and the recently established Affric-Kintail Way, however both of these do have some longer sections at higher elevations. The ES considers the impact that this development may have on these recreational users in terms of landscape and visual impact. In most cases, the ES states the impact will be negligible to minor. It does however set out that the effects on walkers could be either beneficial or adverse depending on how the wind farm is perceived by individuals. Issues related to recreational access generally are considered in sections 8.66 - 8.68 of this report.
- 8.64 The panoramic stitched montage of VP5 and VP10 clearly demonstrate the proximity and relationship between the proposed scheme and those other schemes at Corriemony and Bhlàriadh. These visualisations show that, while there is a relationship between the schemes, each scheme is very much self contained and respond to their own respective landscape settings.
- 8.65 It is recognised that there would be significantly more visibility of the scheme, and in particular, the road network if trees in the area were removed. However, many of the roadside trees do not form part of a rotational felling programme and are unlikely to be removed. It is however recognised that the applicant has no control over these trees. The wider commercial forestry in the area does provide significant screening from some views particularly those of recreational users. Representations have suggested that a large area of forestry which currently screens or part-screens the proposed wind farm, is subject to felling in 2015-16 as



a result of Needle Blight in the area. While this may be the case, for this, and most wind energy developments, commercial forestry is not considered as suitable mitigation.

- 8.66 There is limited visibility of the scheme from the road network due to the intervening landforms and roadside tree cover. As one travels through the area at a low level along the road network one is either driving in or out as there are no through routes in close proximity to the development from which the proposals will be visible for prolonged periods. In the middle distance there will be views of the scheme from the A831 - Cannich and Drumnadrochit section between Millness and Corriemoney, however these will be limited due to topography and vegetation as well. There is some visibility of the scheme when travelling from Cannich towards Glen Affric. This is demonstrated by Viewpoint 4 - Badger Falls, where the turbines can be seen. However, along both of these routes, the scheme will be in peripheral vision. There are no points on this route where the road will directly face the scheme when it is not fully or partially screened by roadside trees or topography. The turbines will be more towards the centre of view when travelling south on the A831 from Beauly to Cannich, between Erchless and Carnoch. However they will be at a distance of approximately 15km and will not be the dominant feature in the landscape.

#### Access and recreation

- 8.67 The proposed development lies in an area which is rich in recreational assets but is particularly important in terms of mountaineering and walking. An Access Management Plan has been submitted. This requires some minor modifications to provide additional information on access baseline and further information on mitigation and management of access. A final Access Recreational Management Plan can be secured by condition.
- 8.68 Concerns have been raised by those making representations on potential ice throw from turbines which may reach some of the paths in the area. While of concern, this issue comes down to exercising responsible access to the outdoors. Signs on the approaching accesses to the site could warn of such hazards and advise people not to use routes or advise alternative routes in adverse weather conditions. This is a common practice across existing wind farms in Highland. Details of wording on the signage can be secured through the access management plan.
- 8.69 While mountaineering and walking are the main recreational pursuits, there are other interests in the area that could be affected. These include fishing, kayaking/canoeing and pony trekking. The effects on the majority of these recreational activities are anticipated to be limited due to the limited visibility of the proposal from the areas in which these activities are undertaken. There are however some areas where recreational fishing is undertaken where the scheme would be highly visible. This includes Loch a' Ghreidlein, immediately to the west of Turbine 1.

### Economic impact and tourism

- 8.70 The proposed development anticipates a construction phase of 40 weeks, 25 years of operation prior to several months of decommissioning. Such a project can offer significant investment / opportunities to the local, Highland, and Scottish economy including businesses ranging across construction, haulage, electrical and service sectors. There is also likely to be some adverse effects caused by construction disruption (traffic). Representations have raised the economic impact that turbines may have on tourism. These adverse impacts are most likely to be within the service sector particularly during the construction phase when turbine parts are being delivered to site and modifications are being made to some roads to enable delivery.
- 8.71 Representations have also highlighted potential adverse impacts on walking, mountaineering and other recreational activities including fishing and horse riding. These concerns have been raised in relation to the disturbance to the natural and wild qualities of the area in relation to wind farm development.
- 8.72 In examining the local economy the Environmental Statement identifies a number of tourist assets that would be affected to varying degrees by the proposed development. This includes walking routes, however turbines can be viewed both positively and negatively, but is unlikely to include other tourist assets such as Urquhart Castle where there is no visibility. Representations have suggested that people visit the area due to the connection with Winston Churchill's family and the connection with the breeding of Golden Retrievers. While this is not disputed, it is not considered that these connections will be affected by the development of a wind farm.
- 8.73 The impact on tourists visiting the area is seen as being negligible, although concerns have been raised over the landscape and visual impact of the proposals particularly from recreational users (including tourists) of the mountains in the area. It is considered unlikely that this would put hill users off climbing the mountains of this area but it may discourage repeat visits.

### Noise and shadow flicker

- 8.74 The applicant has submitted a noise assessment as part of the Environmental Statement. The assessment indicates that predicted noise levels will comply with the simplified 35db LA90 level at noise sensitive properties that are concentrated to the north-west of the turbine envelope. These properties are all individual private houses and are not within settlements; one of which has a financial involvement in the wind farm. A condition has been proposed by Environmental Health to limit noise at these noise sensitive receptors with a higher level being acceptable at two properties (Coire Mor and Kirkfield) as the background levels were higher at the time of the assessment due to higher levels of running water than there may be at other times of the year.
- 8.75 Given the position of the turbines and their lack of proximity to residential properties it is not anticipated that shadow flicker would be an issue.

### Telecommunications

- 8.76 No concerns have been raised in relation to potential interference with radio / television networks in the locality from key consultees. Notwithstanding this, the Council has a standard practice of requiring developers to address adverse impacts that may emerge during construction and over the initial year of operation when problems may be detected. This can be secured by condition and a financial bond. This should sufficiently address any future concerns should they emerge with the project construction and over the initial year of operation when problems may be experienced.

### Aviation interests

- 8.77 The application has raised no concerns with regard to aviation interests in relation to the Civil Aviation Authority, Highlands and Islands Airports Limited, Ministry of Defence or National Air Traffic Control. Should the application be granted, a condition can be applied to secure suitable mitigation in terms of aviation lighting and notification to the appropriate bodies of the final turbine positions.

### Construction

- 8.78 The construction phase of the development is anticipated to last 40 weeks. Further works may be required for any interim site restoration, in addition to decommissioning and site restoration at the end of the operational period of the wind farm. The key impacts for local residents through construction will be the additional traffic movements of the work force and deliveries including abnormal loads associated with turbine deliveries. The ES states that by using best practice construction management, the anticipated impacts on local communities and residential properties in the proximity of the development / road access routes will be minimised. Specific impacts of the development in terms of construction traffic has been considered in section 8.11 - 8.18 of this report.
- 8.79 The application does not include provision for any borrow pits. The Environmental Statement makes it clear that basic construction material will be brought to the site for areas outwith the site boundary. For the avoidance of doubt, for the purposes of this application it has been assumed that the material will be delivered from the Balblair Quarry, however alternatives are being considered by the applicant. Should the application be approved a condition can be attached to make it clear no borrow pits are permitted as part of the permission.
- 8.80 Should the development be granted a condition can require a Construction and Environmental Management Document (CEMD) to be submitted and approved. This will ensure that all the proposed construction works are assessed prior to commencement of construction with the preferred contractor to minimise harm to the environment, hydrology, ecology and local communities / properties. In addition to such a condition the Council will require the applicant to enter into legal agreements and provide financial bonds with regard to its use of the local road network (Wear and Tear Agreement) and a final site restoration (Restoration Bond). In this manner the site can be best protected from the impacts of

construction and for disturbed ground to be effectively restored post construction and operational phases. This would include the restoration of any access tracks and other associated infrastructure.

- 8.81 Developers have to comply with reasonable operational practices with regard to construction noise so as not to cause nuisance, which is then tackled via the Council's Environmental Health services under Section 60 of the Control of Pollution Act 1974 which can set restrictions in terms of hours of operation, plant and equipment used and noise levels etc. Should the application be granted an informative should be set out to invite the developer discuss the construction noise with relevant Council officers.
- 8.82 In taking forward the development, the developer has committed to the use of Community Liaison Group to ensure the community and other stakeholders are kept up to date and consulted before and during the construction period. This can be secured by condition.

#### Other material considerations within representations

- 8.83 Concerns have been raised that the scheme will not pay back carbon used in its construction within the lifetime of the development. A Carbon Balance Assessment has not been submitted and is not required given the size of the scheme. However, experience from elsewhere suggests that a wind farm development will pay back carbon used in construction within the first 5-10 years of its operation.
- 8.84 Concerns were raised over the quality of the information submitted. The information submitted by the applicant was of a standard which was sufficient to make a determination on the application. Any requests for information or clarification of issues requested by the Planning Authority have been provided to a sufficient standard.
- 8.85 The lack of compliance with the request for information from the applicant under Regulation 24 of the Town and Country Planning (Development Management Procedures) Regulations 2013 has been raised in representations. It is up to the Planning Authority to determine whether sufficient information has been submitted to enable it to determine the application. In this instance it was considered sufficient information, following the Regulation 24 letter sent in July 2014, had been submitted to allow the application to be determined. As a result of further information presented to the Planning Authority by those making representations on the application, further information was requested from the applicant under Regulation 24. The information provided was considered sufficient to determine the application.
- 8.86 The impact of the development on dark skies in the area has been raised. For operational safety of aviation omni-directional lighting has been requested by the MOD. It is suggested that this could be either red or infra-red; the Council's preference is infra-red lighting. It is not considered that this level of lighting would have a significant effect on dark skies in the area.

- 8.87 Concerns have been raised in relation to the impact of this development on the film industry. It is considered that the site is already in a position where it is affected by the view of turbines in the landscape and as such it is not considered that this development, which is modest in scale, will have a significant effect on the film industry.
- 8.88 In support of the application, representations have raised the need for energy security. Wind energy, and other renewable energy schemes, provide an alternative source of energy. The proposed scheme will provide up to 18 MW of energy.
- 8.89 In line with The Highland Council policy and practice, community benefit considerations are undertaken as a separate exercise and generally parallel to the planning process.
- 8.90 There are no other relevant material factors highlighted within representations for consideration of this application.

#### Non-Material Issues raised within representations

- 8.91 Representations have been made regarding impacts on human health and the economic viability of the scheme. These issues continue to be debated at a national level and are beyond the scope of this assessment.

## **9.0 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. Highland has been successful in accepting many renewable energy projects in recent years and many more applications are in the planning process. This project will make a modest but nonetheless important contribution to targets by producing up to 18 MW.
- 9.2 The application has a measure of public support (181 responses), but has attracted a large number of objections from the public (1252 responses) and from three community councils. It is important to consider the benefits of the proposal and the potential drawbacks and when assessing it against the policies of the Development Plan.
- 9.3 The application has not raised fundamental objections from those statutory agencies involved with local infrastructural networks (road, air, telecommunications, etc.) and environmental resources (water, soils, peat, etc.). Parties have recognised the potential mitigation forwarded by the applicant. Most have requested planning conditions to safeguard local assets such as local and trunk roads. The adoption of good construction practices through a CEMD can help minimise risk to local resources particularly ecological, ornithological and habitat resources.

- 9.4 The impact on the road network is likely to be for the construction period only, with some of the mitigation measures likely to be required as permanent features. Other mitigation will be temporary and the road restored to its previous state post construction. The mitigation required to access to the site is intrinsically linked to a potential impact on trees. Through detailed surveys of the tree resource and the road network and the agreement of appropriate levels of mitigation before development starts it is anticipated that the development can be delivered.
- 9.5 Concerns have been raised by objectors to the application and the Council's Historic Environment Team with regard to the impact on the Tweedmouth Monument. While of historic value, the wind farm is not going to have a direct adverse impact on this undesignated monument. The impact on its setting will be indirect. With turbines around the monument, its prominence in the landscape will be reduced. However given the size of the monument in relation to the landscape, it was never a defining feature of the landscape despite the elevated position of it. Mitigation in the form of interpretation within Tomich and close to the Monument would give the local community and visitors to the area a greater understanding of the history of the monument.
- 9.6 Introducing any development of this scale into the landscape will have an impact, however, it is considered that the proposed development fits within the available landscape capacity of the area. This view is supported by SNH. The reduction in the size of the scheme has resulted in a development that is more acceptable in terms of its landscape and visual impact.
- 9.7 There are some significant adverse impacts to be 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 either the infrastructure must be removed and the site restored to open moorland or a further application must be submitted for determination. The application can be seen as being located and sited so as to avoid a significantly detrimental affect overall, either individually or cumulatively with other operational onshore wind farms. The application, when read alongside the schedule of mitigation proposed by the applicant and the further mitigation suggested by consultees that can be secured by conditions, is one which is seen to accord with the policies of the Council's Development Plan.
- 9.8 All relevant matters have been taken into account when appraising this application. It is considered that overall the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## **10.0 RECOMMENDATION**

It is recommended the application be granted planning permission subject to the conclusion of a legal agreement to secure: site decommissioning / restoration, roads bond, a wear and tear agreement, provision of a planning monitoring officer and a telecommunications (TV and Radio) bond; and the following conditions and reasons highlighted below.

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 3 of this permission. Written confirmation of the First Export Date shall be submitted in writing to the Planning Authority within one month of the First Export Date.

**Reason:** - Wind turbines have a projected lifespan of 25 years, after which their condition is likely to be such that they require to be replaced, both in terms of technical and environmental considerations. This limited consent period also enables a review and, if required, 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, relevant 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 should the wind farm become largely redundant; in the interests of safety, amenity and environmental protection.

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

**Reason:** - To ensure the necessary finances are secured to guarantee site restoration.

4. The Wind Farm Operator shall, at all times after the First Export Date, record information regarding the monthly supply of electricity to the national grid from each turbine within the development and retain the information for a period of at least 24 months. The information shall be made available to the Planning Authority within one month of any request by them. In the event that:
  - I. any wind turbine installed and commissioned fails to supply electricity on a commercial basis to the grid for a continuous period of 6 months, then the wind turbine in question shall be deemed to have ceased to be required. Under such circumstances, the wind turbine, along with any ancillary equipment, fixtures and fittings not required in connection with retained turbines, shall, within 3 months of the end of the said continuous 6 month period, be dismantled and removed from the site and the surrounding land fully reinstated in accordance with this condition; or
  - II. the wind farm fails to supply electricity on a commercial basis to the grid from 50% or more of the wind turbines installed and commissioned and for a continuous period of 12 months, then the Wind Farm Operator must notify the Planning Authority in writing immediately. Thereafter, the Planning Authority may direct in writing that the wind farm shall be decommissioned and the application site reinstated in accordance with this condition. For the avoidance of doubt, in making a direction under this condition, the Planning Authority shall have due regard to the circumstances surrounding the failure to generate and shall only do so following discussion with the Wind Farm Operator and such other parties as they consider appropriate.

All decommissioning and reinstatement work required by this condition shall be carried out in accordance with the approved detailed Decommissioning and Reinstatement Plan, or, should the detailed Decommissioning and Reinstatement Plan not have been approved at that stage, other decommissioning and reinstatement measures, based upon the principles of the approved draft DRP, as may be specified in writing by the Planning Authority.

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

5. No development shall commence until written confirmation has been issued by the Planning Authority that a legal agreement has been reached between the Planning Authority and the developer for the provision of a Planning Monitoring Officer (PMO), to be employed by the Planning Authority, to monitor compliance with the conditions attached to this planning permission. The agreement shall include provision for the employment of the PMO to be fully funded by the developer for a period beginning six months after the granting of this permission and extending until at least six months after the development is fully completed; provision may also be included for the developer to fund all or part of the PMO post until the expiration of the planning permission and restoration of the site. The role of the PMO, amongst other things, shall include the monitoring of, and



enforcement of compliance with, all conditions, agreements and obligations related to this permission (or any superseding or related permissions) and shall include the provision of a quarterly compliance report to the Planning Authority.

**Reason:** To help, given the scale and complexity of the development, ensure compliance with the conditions of this permission.

6. No development shall commence until full details of the proposed wind turbines have been submitted to, and approved in writing by, the Planning Authority. These details shall include:
  - I. The make, model, design, power rating and sound power levels of the turbines to be used; and
  - II. The external colour and/or finish of the turbines to be used (incl. towers, nacelles and blades) which should be non-reflective pale grey semi-matt.

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

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

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

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

8. No development shall commence until full details of the final location, layout, external appearance, dimensions and surface materials of all control buildings, substations, welfare facilities, compounds and parking areas, as well as any fencing, walls, paths and any other ancillary elements of the development, have been submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA and SNH, as necessary). Thereafter, development shall progress in accordance with these approved details. For the avoidance of doubt the deployment of peat bunds for screening of buildings / equipment is not permitted.

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

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

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

10. No development shall commence until 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:

- I. the date of commencement of the Development;
- II. the exact position of the wind turbine towers in latitude and longitude;
- III. a description of all structures over 300 feet high;
- IV. the maximum extension height of all construction equipment;
- V. the height above ground level of the tallest structure; and
- VI. detail of an infra red aviation lighting scheme as agreed with aviation interests and the Planning Authority to include: -
  - I. turbines at the cardinal points should be fitted with 25 candela omnidirectional red lighting and infra red lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.
  - II. remaining perimeter turbines should be fitted with infra red lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.

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

11. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Planning Authority in consultation with the relevant Roads Authority(s). The CTMP, which shall be implemented as approved, must include:

- i. A description of all measures to be implemented by the developer in order to manage traffic during the construction phase (incl. routing strategies), with any additional or temporary signage and traffic control undertaken by a recognised SQ traffic management consultant;

- ii. The identification and delivery of all upgrades to the public road network to ensure that it is to a standard capable of accommodating construction-related traffic (including the formation or improvement of any junctions leading from the site to the public road) to the satisfaction of The Highland Council and, where appropriate, Transport Scotland, including;
  - a. A route assessment report for abnormal loads and construction traffic, including swept path analysis and details of the movement of any street furniture, any traffic management measures and any upgrades and mitigations measures as necessary;
  - b. An assessment of the capacity of existing bridges and other structures along the construction access routes to cater for all construction traffic, with upgrades and mitigation measures proposed and implemented as necessary;
  - c. A videoed 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 must be in attendance;
- iii. Drainage and wheel washing measures to ensure water and debris are prevented from discharging from the site onto the public road;
- iv. A risk assessment for the transportation of abnormal loads to site during daylight hours and hours of darkness;
- v. A contingency plan prepared by the abnormal load haulier. The plan shall be adopted only after consultation and agreement with the Police and the respective roads authorities. It shall include measures to deal with any haulage incidents that may result in public roads becoming temporarily closed or restricted.
- vi. A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period.
- vii. A detailed protocol for the delivery of abnormal loads/vehicles, prepared in consultation and agreement with interested parties. The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of abnormal load movements in the local media. Temporary signage, in the form of demountable signs or similar approved, shall be established, when required, to alert road users and local residents of expected abnormal load movements. All such movements on Council maintained roads shall take place outwith peak times on the network, including school travel times, and shall avoid local community events.
- viii. A detailed delivery programme for abnormal load movements, which shall be made available to Highland Council and community representatives.

- ix. Details of any upgrading works required at the junction of the site access and the public road. Such works may include suitable drainage measures, improved geometry and construction, measures to protect the public road and the provision and maintenance of appropriate visibility splays.
- x. Details of appropriate traffic management which shall be established and maintained at the site access for the duration of the construction period. Full details shall be submitted for the prior approval of Highland Council, as roads authority.
- xi. A concluded 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 public road network that can reasonably be attributed to construction related traffic. As part of this agreement, pre-start and post-construction road condition surveys must be carried out by the developer, to the satisfaction of the Roads Authority(s).
- xii. Measures to ensure that construction traffic adheres to agreed routes.
- xiii. Appropriate reinstatement works shall be carried out, as required by Highland Council, at the end of the turbine delivery and erection period.

**Reason:** - To maintain safety for road traffic and the traffic moving to and from the development, and to ensure that the transportation of abnormal loads will not have any detrimental effect on the road network.

12. During the delivery period of the wind turbine construction materials 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 Quality Assured traffic management consultant, to be approved by Transport Scotland / The Highland Council before delivery commences.

**Reason:** - To minimise interference with the safety and free flow of traffic on the road network.

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

**Reason:** To ensure that all construction traffic will not have any detrimental effect on the road and structures to be used within the construction of the development.

14. No development shall commence until a community liaison group is established by the developer, in collaboration with The Highland Council and local Community Councils. The group shall act as a vehicle for the community to be kept informed

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

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

15. No development shall commence until a detailed Outdoor Access Plan of public access across the site (as existing, during construction and following completion) has been submitted to, and approved in writing by, the Planning Authority. The plan shall include details showing:
- i. All existing access points, paths, core paths, tracks, rights of way and other routes (whether on land or inland water), and any areas currently outwith or excluded from statutory access rights under Part One of the Land Reform (Scotland) Act 2003, within and adjacent to the application site;
  - ii. Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or effect on curtilage related to proposed buildings or structures;
  - iii. All proposed paths, tracks and other routes for use by walkers, riders, cyclists, canoeists, all-abilities users, etc. and any other relevant outdoor access enhancement (including construction specifications, signage, information leaflets, proposals for on-going maintenance etc.);
  - iv. Any diversion of paths, tracks or other routes (whether on land or inland water), temporary or permanent, proposed as part of the development (including details of mitigation measures, diversion works, duration and signage).

The approved Outdoor Access Plan, and any associated works, shall be implemented in full prior to the first occupation of the development or as otherwise may be agreed within the approved plan.

**Reason:** In order to safeguard public access during the construction phase of the development.

16. 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 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. Construction Environmental Management Plans (CEMPs) for the construction phase, covering:
  - a. Habitat and Species Protection;
  - b. Pollution Prevention and Control;
  - c. Dust Management;
  - d. Noise and Vibration Mitigation;
  - e. Site Waste Management, including measures to address spoil heap storage and the re-use and removal of spoil;
  - f. Surface and Ground Water Management;
    - i. Drainage and sediment management measures from all construction areas including access track improvements; and
    - ii. Mechanisms to ensure that construction will not take place during periods of high flow or high rainfall
  - g. Water Course Management;
    - i. Detailed designs of all new and / or improved water course crossings
    - ii. Development buffers from watercourses
  - h. Peat Management Plan – to include details of all peat stripping, excavation, storage and reuse of material in accordance with best practice advice published by SEPA and SNH. This should for example highlight how sensitive peat areas are to be marked out on-site to prevent any vehicle causing inadvertent damage.
  - i. Management of Geo-technical Risks including provision of a completed Peat Landslide Risk Assessment;
  - j. Water Quality Monitoring Plan, including information on monitoring programmes pre, during and post construction in relation to water quality chemistry, visual observations, surveys of aquatic macro-invertebrates assemblages, fish and habitat surveys, sampling and analysis and the actions which will be taken if monitoring indicates a deterioration in water quality which may affect aquatic life;
  - k. Public and Private Water Supply Protection Measures;
    - l. Construction Noise Mitigation Plans
  - m. Emergency Response Plans;
  - n. Habitat Management Plan to highlight positive enhancement of priority habitat and peatland including the effective monitoring and reporting post construction. This plan should address construction displacement, the potential for the wind farm to create new sources of food, the impacts this may have and how this will be monitored

- and managed over time. It should also take into account the potentially competing objectives of any other objectives for the site (e.g. habitat restoration), and seek the optimum outcome for both; and
- o. Other relevant environmental management as may be relevant to the development.
- iv. Special Study Area plans for:
- a. Groundwater-dependant Terrestrial Ecosystems;
  - b. Species habitat identified within the Environmental Statement and/or raised by consultees. This should be informed by pre-commencement surveys and set out buffer areas to prevent encroachment on protected species and valued habitats; and
  - c. Any other specific issue identified within the Environmental Statement, Schedule of Mitigation and/or conditions attached to this permission;
- v. Post-construction restoration and reinstatement of temporary working areas, compounds and borrow pits;
- vi. Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities which shall include but not necessarily be limited to:
- a. Providing training to the developer and contractors on their responsibilities to ensure that work is carried out in strict accordance with environmental protection requirements;
  - b. Monitoring compliance with all environmental and nature conservation mitigation works and working practices approved under this consent;
  - c. Advising the developer on adequate protection for environmental and nature conservation interests within, and adjacent to, the application site;
  - d. Directing the placement of the development (including any micro-siting, as permitted by the terms of this consent) and the avoidance of sensitive features; and
  - e. The power to call a halt to development on site where environmental considerations warrant such action.
- 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, Community Liaison Group (as required under Condition 14 of this Planning Permission), and other relevant parties.

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

17. The rating level of noise immissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in or derived from Tables 1 and 2 attached to these conditions and:
- (A) Prior to the First Export Date, the wind farm operator shall submit to the Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Planning Authority.
  - (B) Within 21 days from receipt of a written request of the Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ an independent consultant approved by the Planning Authority to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Planning Authority shall set out at least the date, time and location to which the complaint relates. Within 14 days of receipt of a written request from the Planning Authority made under this paragraph (B), the wind farm operator shall provide the information relevant to the complaint logged in accordance with paragraph (H) to the Planning Authority in the format set out in Guidance Note 1(e).
  - (C) Where there is more than one property at a location specified in Tables 1 and 2 attached to this condition, the noise limits set for that location shall apply to all dwellings at that location. Where a dwelling to which a complaint is related is not identified by name or location in the Tables attached to these conditions, the wind farm operator shall submit to the Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The submission of the proposed noise limits to the Planning Authority shall include a written justification of the choice of the representative background noise environment provided by the independent consultant. The rating level of noise immissions resulting from the combined effects of the wind turbines when



determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Planning Authority for the complainant's dwelling.

- (D) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limits set out in the Tables attached to these conditions or approved by the Planning Authority pursuant to paragraph (C) of this condition shall be undertaken at the measurement location approved in writing by the Planning Authority.
- (E) Prior to the submission of the independent consultant's assessment of the rating level of noise immissions pursuant to paragraph (F) of this condition, the wind farm operator shall submit to the Planning Authority for written approval a proposed assessment protocol setting out the following:
  - (i) The range of meteorological and operational conditions (the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions.
  - (ii) A reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component.

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

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

Guidance Note 1(a) and certificates of calibration shall be submitted to the Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

- (G) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (F) above unless the time limit for the submission of the further assessment has been extended in writing by the Planning Authority.
- (H) The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Planning Authority on its request, within 14 days of receipt in writing of such a request.

**Note:** For the purposes of this condition, a "dwelling" is a building within Use Class 9 of the Use Classes Order which lawfully exists or had planning permission at the date of this consent.

**Table 1: Between 07:00 and 23:00 hours (Noise Level in dB L<sub>A90, 10-min</sub>)**

Location	Wind Speed at Ten Metres Height, m/s, within the site averaged over 10-minute periods								
	4	5	6	7	8	9	10	11	12
	L <sub>A90</sub> Decibel Levels								
*The Fank	45	45	45	45	45	45	45	45	45
Coire Mor	40	40	40	40	40	40	40	40	40
Kirkfield	40	40	40	40	40	40	40	40	40
Any other property	35	35	35	35	35	35	35	35	35

\* The Fank is a financially involved property.

**Table 2: Between 23:00 and 07:00 hours (Noise Level in dB L<sub>A90, 10-min</sub>)**

Location	Wind Speed at Ten Metres Height, m/s, within the site averaged over 10-minute periods								
	4	5	6	7	8	9	10	11	12
	L <sub>A90</sub> Decibel Levels								
*The Fank	45	45	45	45	45	45	45	45	45
Coire Mor	40	40	40	40	40	40	40	40	40
Kirkfield	40	40	40	40	40	40	40	40	40
Any other property	35	35	35	35	35	35	35	35	35

\* The Fank is a financially involved property.

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

Location	Easting	Northing
The Fank	231364	826951
Coire Mor	231044	827086
Kirkfield	231276	827154

Note to Tables 1 & 2: The geographical coordinate references set out in these tables are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies. The wind speed standardised to 10 metres height within the site refers to wind speed at 10 metres height derived in accordance with the method given in the attached Guidance Notes.

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

**Reason:** To ensure that, following a complaint, noise levels can be measured to assess whether or not the predicted noise levels set out within the supporting noise assessment have been breached, and where excessive noise is recorded, suitable mitigation are undertaken.

18. Prior to the commencement of development, a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification, shall be submitted to and agreed in writing by the Planning Authority. The agreed proposals shall be implemented in accordance with the agreed timetable for investigation.

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

19. No development, site excavation or groundwork shall commence until an

Arboricultural Impact Assessment, a tree constraints and protection plan and an Arboricultural Method Statement has been prepared, submitted and agreed by the Planning Authority. The agreed plan and method statement and any require mitigation shall be implemented ensuring all retained trees have been protected against construction damage using protective barriers (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction, or any superseding guidance prevailing at that time) and detailing the extent of the cellular confinement system. These barriers and root protection measures shall remain in place throughout the construction period and must not be moved or removed during the construction period without the prior written approval of the Planning Authority.

**Reason:** In order to identify tree constraints and in order to ensure the long term management of the trees and woodland.

20. With effect from the date of this permission, no trees are to be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the planning authority.

**Reason:** To ensure the protection of retained trees during construction and thereafter.

21. No development shall commence until a Tree Planting Plan and Maintenance Programme for the trees along the roadside between the property known as Gate Lodge (grid ref. - X:230284, Y: 826856) and the access to Tomich Holidays (grid ref: X: 230040, Y: 826148), has been submitted to and approved by the planning authority. The Tree Planting Plan shall be implemented in full during the first planting season following commencement of development or as otherwise agreed in writing by the planning authority.

**Reason:** To ensure the continuation of the avenue of trees and mitigate the impact of the development.

22. No development, site excavation or groundwork shall commence until a suitably qualified Arboricultural Consultant has been appointed by the developer. Their appointment and remit shall first be approved in writing by the Planning Authority. For the avoidance of doubt, the Arboricultural Consultant shall be appointed prior to the commencement of the development and as a minimum retained until the completion of the development and their remit shall, in addition to any functions approved in writing by the Planning Authority, include:

- i. Ensuring that the documentation and mitigation submitted under Condition 19 is prepared and implemented to the agreed standard; and
- ii. The preparation of Certificates of Compliance for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate. Prior to development, site excavation or groundwork commencing, details of each stage of work (including a general description of the type and extent of work to be carried out within

that stage) shall be submitted to, and approved in writing by the Planning Authority.

**Reason:** In order to secure the long term management of the trees and/or woodland.

23. For the avoidance of doubt, no borrowpits shall be constructed as part of this planning permission.

**Reason:** To ensure that, if development(s) of borrowpits are required to support this development that they are properly assessed through the submission of a planning application.

24. Where ground conditions specifically require it, wind turbines, masts, areas of hardstanding and tracks may be micro-sited within the application site boundary. However, unless otherwise approved in writing by the Planning Authority (in consultation with SEPA and SNH), micro-siting is subject to the following restrictions:

a.

- i. No wind turbine foundation shall be positioned higher, when measured in metres Above Ordnance Datum (Newlyn), than the position shown on the original approved plans;
- ii. No wind turbine, mast, hardstanding or track shall be moved:
  - a. More than 25m from the position shown on the original approved plans;
  - b. So as to be located within 250m (for turbine/mast foundations) or 150m (for hardstanding, tracks or trenches) of Groundwater-dependent Terrestrial Ecosystems;
  - c. To a position within 50m of any watercourse or, where it outlines a lesser distance, to a position within a watercourse buffer zone identified within the approved Environmental Statement and/or plans;
  - d. To a position within an area identified within the approved Environmental Statement and/or plans as having a gradient constraint, being deep peat (that is peat with a depth of 1.5m or greater) or having a peat landslide hazard risk of significant or greater;
- iii. No wind turbine, mast, hardstanding or track shall be moved where a change to its position, location or route has been proscribed under a condition of this permission.

All micro-siting permissible under this condition without requiring the approval of the Planning Authority must be approved by the development's Environmental Clerk of Works (ECoW). A written record must be kept of any such ECoW approval and shall be maintained for a period extending to no less than four years following the First Export Date.

Any micrositing beyond 25m will require the specific written approval of the Planning Authority. In making such a request for micrositing beyond the 25m permissible under this condition, the developer must submit the following supporting information:

- b.
  - i. A plan showing the location of the micro-sited turbine(s) relative to the originally approved location;
  - ii. Detailed reasoning for the micro-siting of the turbine(s);
  - iii. An assessment of the visual impact of the micrositing; and
  - iv. Compliance with conditions set out under a.ii.b - a.ii.d of this condition.

Within one month of the wind farm being commissioned, the developer must submit an updated site plan to the Planning Authority showing the final position of all wind turbines, masts, areas of hardstanding, tracks and associated infrastructure within the site. The plan should also highlight areas where micro-siting has taken place and, for each instance, be accompanied by copies of the ECoW or Planning Authority's approval, as applicable.

**Reason:** To enable appropriate micro-siting within the site to enable the developer to respond to site-specific ground conditions, while enabling the planning authority to retain effective control over any changes to layout that may have ramifications for the environment and/or landscape and visual impact.

- 25. No development shall commence until a TV and radio reception mitigation plan has been submitted to, and approved in writing by, the Planning Authority. The developer shall be required to put in place a financial guarantee with The Highland Council to ensure that the plan can be implemented if so required. The plan shall provide for a baseline TV reception survey to be carried out prior to the commencement of turbine installation, the results of which shall be submitted to the Planning Authority. Within 12 months of the Final Commissioning of the development, any claim by any individual person regarding TV picture loss or interference at their house, business premises or other building, shall be investigated by a qualified engineer appointed by the developer and the results shall be submitted to the Planning Authority. Should any impairment to the TV signal be attributable to the development, the developer shall remedy such impairment so that the standard of reception at the affected property is equivalent to the baseline TV reception. To support the

**Reason:** To ensure local TV and Radio Services are sustained during the construction and operation of this development.

- 26. All wires and cables between the wind turbines, control buildings, sub-stations and welfare buildings shall be located underground within the verge of the access tracks or within 3m of the access tracks, unless otherwise agreed in writing by the Planning Authority. Thereafter, and within three months of the completion of cable laying, the ground shall be reinstated to a condition comparable with that of the adjoining land, to the satisfaction of the Planning Authority.

**Reason:** To ensure that the construction of the wind farm is carried out appropriately and does not have an adverse effect on the environment.

27. No development shall commence until a scheme of interpretation associated with the Tweedmouth Monument, sited on Beinn Mhor, is submitted to and agreed in writing by the Planning Authority. The approved scheme of interpretation shall be implemented prior to the first electricity being exported from the Wind Farm.

**Reason:** In order to mitigate the effects on the setting of the Tweedmouth Monument as a result of the development.

## **TIME LIMITS**

### **TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION**

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

The development to which this planning permission relates must commence within 5 YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

## **FOOTNOTE TO APPLICANT**

### **Initiation and Completion Notices**

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

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

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

### **Accordance with Approved Plans & Conditions**

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

and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action.

### **Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

### **Scottish Water**

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

### **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Trunk Roads Authority and/or the Roads Authority prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Trunk Road Authority and / or Roads Authority officer at the earliest possible opportunity.

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

Further information on the Council's roads standards can be found at:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

### **Mud & Debris on Road**

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

### **Damage to the Public Road**

Please note that the Council, under Section 96 of the Roads (Scotland) Act 1984, reserves the right to recover all costs for repairing any damage to the public road (and/or pavement) which can be attributed to construction works for this development.



### **Protected Species - Halting of Work**

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from:

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

### **Protected Species - Ground Nesting Birds:**

Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April - July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest. For information please see:

[www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp](http://www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp)

### **Construction Hours and Noise-Generating Activities**

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended). Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action. If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact [env.health@highland.gov.uk](mailto:env.health@highland.gov.uk) for more information.

## Guidance Notes for Wind Farm Noise Conditions

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

### Guidance Note 1

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

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

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

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

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

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

### **Guidance Note 2**

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

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

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

### **Guidance Note 3**

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

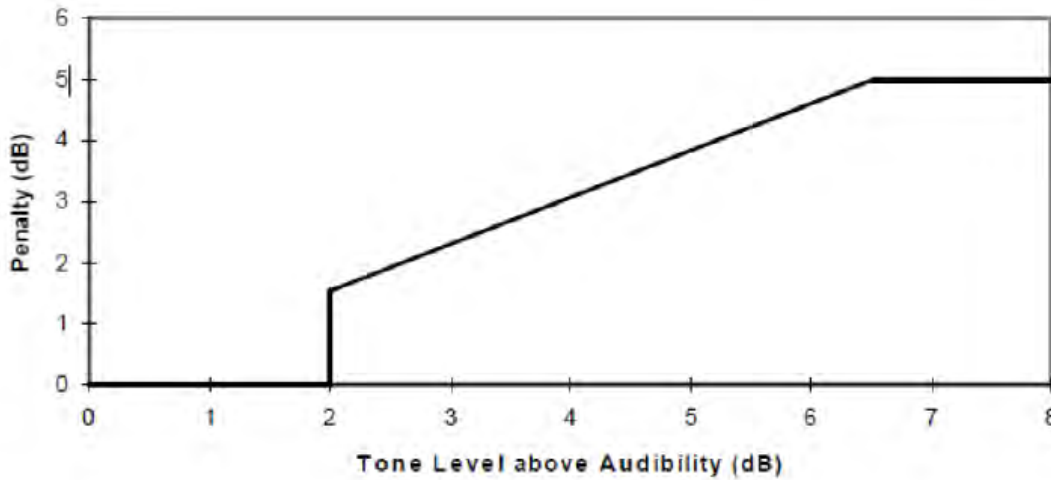
(b) For each 10 minute interval for which LA90, 10 minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that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

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

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

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

integer wind speed for which there is an assessment of overall levels in Guidance Note 2.  
 (f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



**Guidance Note 4**

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

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

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

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

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

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

$$L_1 = 10\log [10^{L_2/10} - 10^{L_3/10}]$$

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

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

Signature: Malcolm MacLeod

Designation: Head of Planning and Building Standards

Author: Simon Hindson

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

Relevant Plans:

Plan 1 – Site Location Plan (Drawing No. SOO5\_ENV\_ECO\_0022\_D4)

Plan 2 – Site Layout Plan (Drawing No. SOO5\_ENV\_ECO\_0023\_D4)

Plan 3 - Turbine Elevation Plan (Drawing No. ECO\_0015\_D1 01)

Plan 4 - Turbine Foundation Plan (Drawing No. ECO\_0015\_D1 02)

Plan 5 - Crane Hardstanding Plan (Drawing No. ECO\_0015\_D1 03)

Plan 6 - Watercourse Crossing Plan (Drawing No. ECO\_0015\_D1 04)

Plan 7 - Meteorological Mast Plan (Drawing No. ECO\_0015\_D1 05)

Plan 8 - Access Road Design Plan (Drawing No. ECO\_0015\_D1 06)

Plan 9 - Access Road Layout Plan (Drawing No. ECO\_0015\_D1 07)

Plan 10 - Substation Floor / Elevation Plan (Drawing No. ECO\_0015\_D1 08)

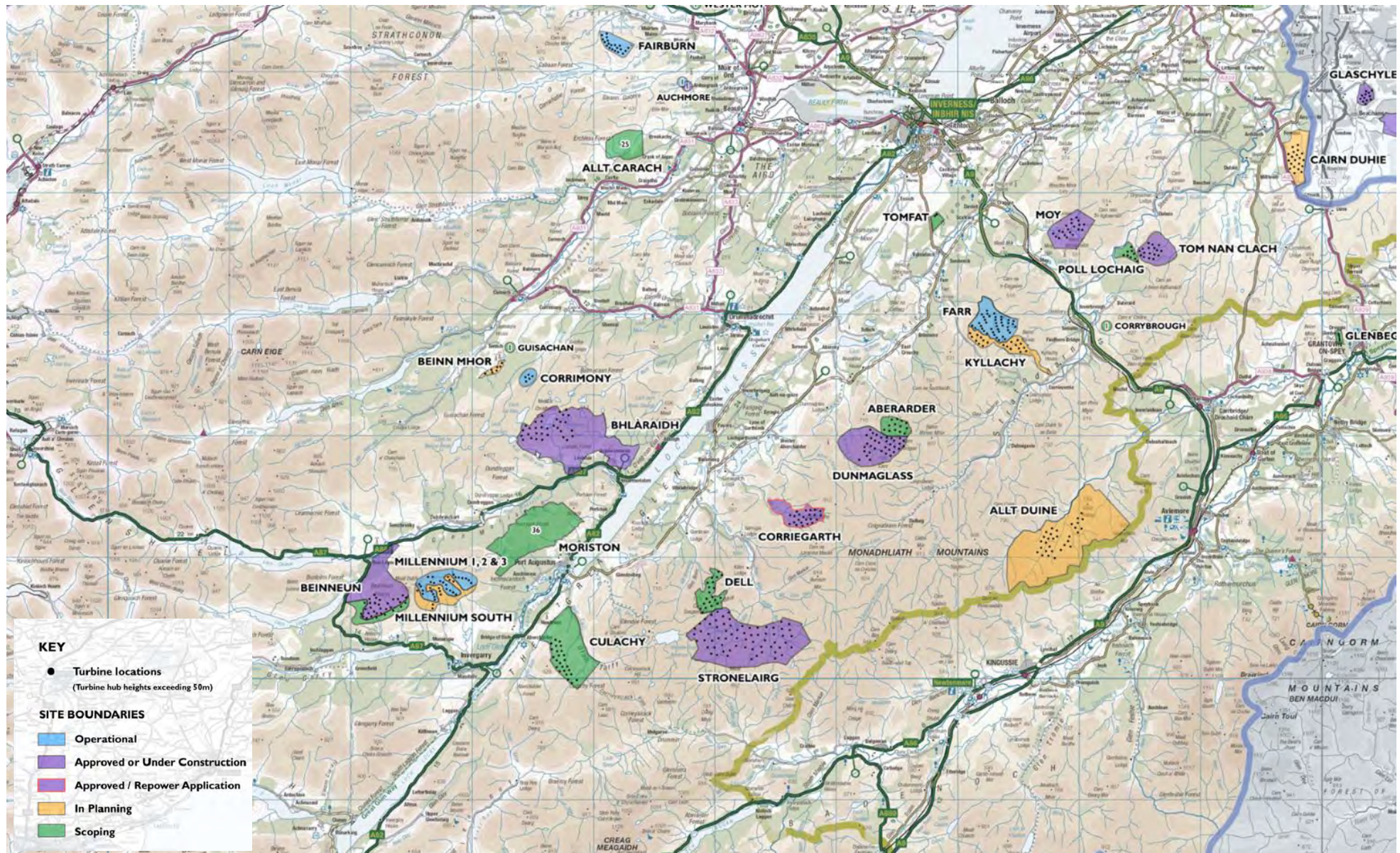
Plan 11 - Drainage Plan (Drawing No. ECO\_0015\_D1 09)



## Appendix 2

## Wind Energy Developments within proximity of the proposed development

Source: The Highland Council Wind Farm Activity Map - Wind Farm Developments, Applications and Proposals - Status at 23<sup>rd</sup> June 2014





## **Appendix 3 – Habitats Regulations Appraisal**

### **FORMATION OF A 18 MW WIND FARM, INCLUDING ERECTION OF 6 WIND TURBINES ON 78.5M TOWERS (HEIGHT TO TIP 119.5M) (ROTOR DIAMETER 82M), ERECTION OF CONTROL BUILDING/SUB-STATION, ERECTION OF A METEOROLOGICAL MAST, FORMATION OF HARDSTANDINGS, ACCESS TRACKS AND TEMPORARY ASSEMBLY AREAS AT GUISACHAN, TOMICH, CANNICH 14/01731/FUL**

This Habitats Regulations Appraisal has been prepared under the requirements of the EU Habitats Directive and has applied the requirements set out by Scottish Government Policy in the Conservation (Natural Habitats, &c.) Regulations 1994 as amended.

It is the Highland Council's responsibility to consider whether the proposal submitted under planning application reference 14/01731/FUL is likely to have any significant effect on Special Protection Areas (including potential SPAs), Special Areas of Conservation (including possible and candidate SACs) and Ramsar sites, having regard to the qualifying interests and conservation objectives of those sites.

Where a likely significant effect has been identified, either individually or in combination with other developments, appropriate assessment has to be undertaken and mitigation measures provided to reduce the likely significant effect and avoid adversely affecting the integrity of the designated site. Any mitigation identified must be secured by planning condition if the planning application is granted planning permission.

During the preparation of this Habitats Regulations Appraisal the consideration of relevant representations on the planning application has been undertaken by The Highland Council. The advice from Scottish Natural Heritage (SNH) and Scottish Environment Protection Agency (SEPA), as provided in their consultation responses, has helped identify and address any potential effects. In addition, data provided by SNH has been referred to in order to identify the need for and inform the definition of mitigation measures. Mitigation measures and relevant changes have been developed in conjunction with SNH or SEPA where appropriate.

In October 2005 the European Court of Justice<sup>1</sup> ruled that all land use plans in the United Kingdom likely to have a significant effect on European sites (Natura sites), either Special Protection Areas (including proposed SPAs) or Special Areas of Conservation (including possible and candidate SACs), can only be approved after an appropriate assessment of the policies and proposals has been undertaken under the provision of Article 6(3) of the Habitats Directive 1992<sup>2</sup>. The Directive states that 'any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to an appropriate assessment of its implications for the site in view of the site's conservation objectives'. The directive goes on to say that the plan shall only be agreed if there is no adverse effect on the integrity of any European site after mitigation is considered.

Scottish Ministers have extended the requirement for appropriate assessment to Ramsar sites, listed under the International Convention on the Conservation of Wetlands of International Importance, and proposed SPAs and candidate SACs, before they are fully classified. Hereafter in this appraisal, the term 'Natura site' should be taken as not only referring to SPAs and SACs but also to proposed SPAs, candidate SACs and Ramsar sites.

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<sup>1</sup>Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland, Case C. 6/04 in the second chamber of the European Court of Justice, judgment 20th October 2005

<sup>2</sup>Directive 92/43/EEC on the conservation of natural habitats and wild fauna and flora.

The purpose of this Habitats Regulations Appraisal (HRA) record is to consider whether the elements of Planning Application 14/01731/FUL are likely to have a significant effect on any Natura site, either individually or in combination with other plans or projects. For those elements that would have a likely significant effect, an appropriate assessment would need to be carried out to ascertain whether the proposed development would not adversely affect the integrity of these sites. Where it is not possible to ascertain that no adverse effects will occur, the planning application should be refused as contrary to Policy 57 of the Highland-wide Local Development Plan.

The HRA record includes mitigation identified as necessary to include in any planning conditions which may be applied to the proposal if the Council are minded to grant planning permission. The assessment concludes that with appropriate safeguarding and mitigation secured through condition, the development proposed by planning application 14/01731/FUL will not have a likely significant effect on any Natura site and therefore will not adversely affect the integrity of any Natura site. The record concludes with the identification of any elements of the application that would have no likely significant effect.

This HRA Record will be placed on the planning application case file and form part of any report of handling for the application.

### **Description of Development**

The development as submitted for determination by The Highland Council known as Beinn Mhor Wind Farm (Planning Application Ref: 14/01731/FUL) comprises:

- Erection of 6 wind turbines on 78.5m towers, with a height to tip 119.5m, and rotor diameter of 82m;
- Erection of control building/sub-station;
- Erection of a meteorological mast;
- Formation of hardstandings;
- Formation of a new access to the public road
- Formation of access tracks; and
- Formation of temporary assembly areas.

Full details of the application can be viewed online at:

<http://wam.highland.gov.uk> type the planning application reference number into the search box.



## Background Information about European Sites

The area covered by the planning application 14/01731/FUL is shown in Figure 1. Table 1 identifies all of these sites and sets out their qualifying features.

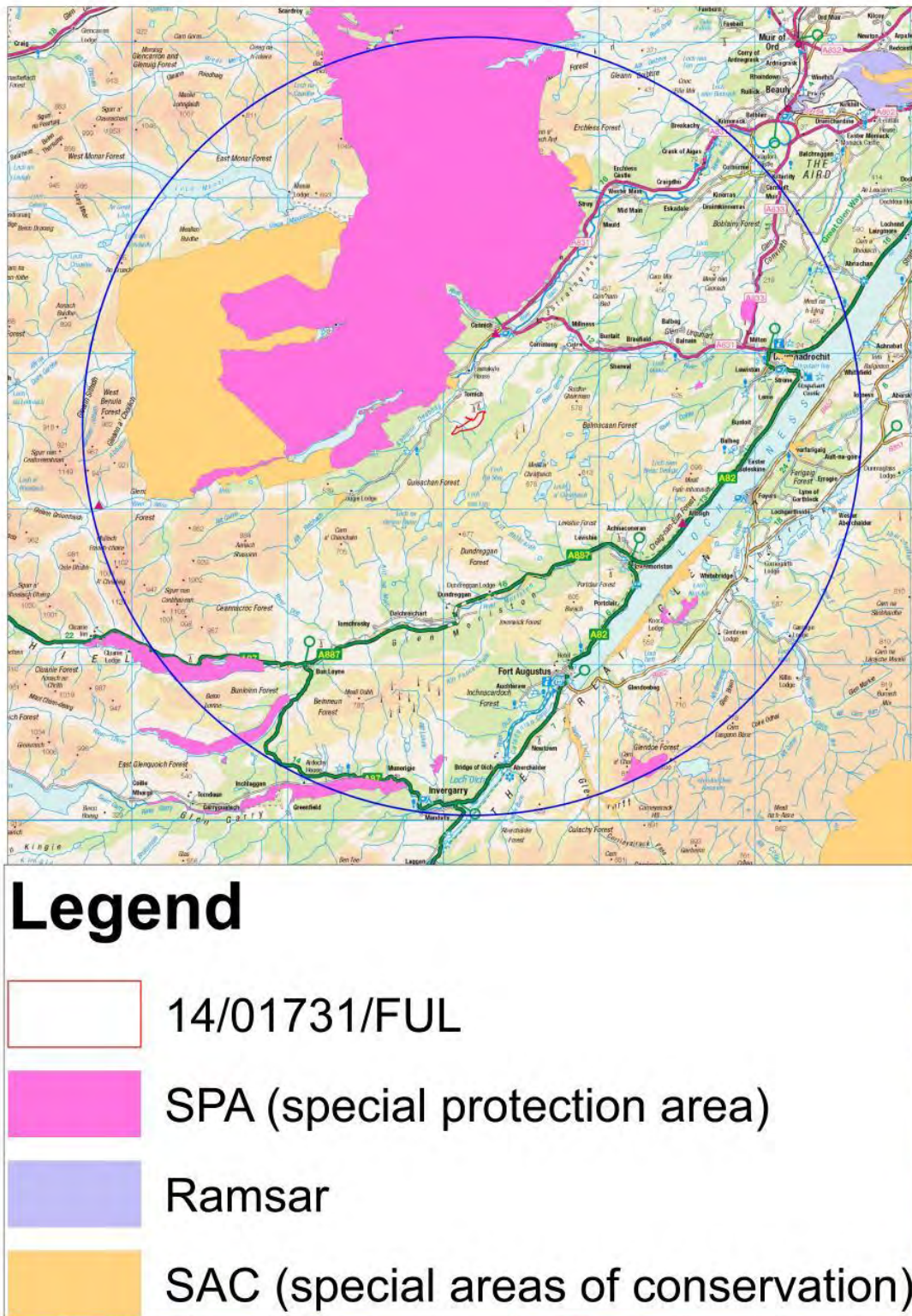


Figure 1 - Site Location and all European Designated Sites within 25 km of the site. 25 km buffer shown as blue line.

**Table 1: European Designated Sites within 25km of the site**

Site name	Qualifying Features
<b>Special Protection Area</b>	
Glen Affric - Strathconon	<ul style="list-style-type: none"> <li>• Golden eagle (<i>Aquila chrysaetos</i>), breeding</li> </ul>
West Inverness-shire Lochs	<ul style="list-style-type: none"> <li>• Black-throated diver (<i>Gavia arctica</i>), breeding</li> <li>• Common scoter (<i>Melanitta nigra</i>), breeding</li> </ul>
Loch Knockie and Nearby Lochs	<ul style="list-style-type: none"> <li>• Slavonian grebe (<i>Podiceps auritus</i>), breeding</li> </ul>
North Inverness Lochs	<ul style="list-style-type: none"> <li>• Slavonian grebe (<i>Podiceps auritus</i>), breeding</li> </ul>
<b>Special Area of Conservation</b>	
Strathglass Complex	<ul style="list-style-type: none"> <li>• Blanket bog</li> <li>• Bog woodland</li> <li>• Caledonian forest</li> <li>• Dry heaths</li> <li>• Wet heathland with cross-leaved heath</li> <li>• Plants in crevices on base-rich rocks</li> <li>• Plants in crevices on acid rocks</li> <li>• Acidic scree</li> <li>• Tall herb communities</li> <li>• Otter (<i>Lutra lutra</i>)</li> </ul>
Ness Woods	<ul style="list-style-type: none"> <li>• Mixed woodland on base-rich soils associated with rocky slopes</li> <li>• Western acidic oak woodland</li> <li>• Otter (<i>Lutra lutra</i>)</li> </ul>
Urquhart Bay	<ul style="list-style-type: none"> <li>• Alder woodland on floodplains</li> </ul>
River Moriston	<ul style="list-style-type: none"> <li>• Atlantic Salmon (<i>Salmo salar</i>)</li> <li>• Freshwater pearl mussel (<i>Margaritifera margaritifera</i>)</li> </ul>

For a complete list of Natura sites located within the wider area, please see SNH's 'Sitelink' web application and interactive map:

<http://gateway.snh.gov.uk/sitelink/index.jsp>

<http://www.snh.org.uk/snhi/>

### 3 Methodology for Assessment

Highland Council followed guidance from SNH and SEPA in their responses to the planning application in order to carry out this appraisal, gaining the background information regarding qualifying interests and conservation objectives of Natura sites required to conduct an effective appropriate assessment. SNH and SEPA guidance has also been followed with regard to the mitigation measures for any potential adverse effects on site integrity to ensure that the mitigation measures provided are tailored to the conservation objectives and qualifying interests.

All Natura sites potentially affected by the development proposed by Planning Application 14/01731/FUL have been identified and mapped. The mapping is included as Figure 1. The development proposed by the application has been screened for affects on designated sites both individually and cumulatively to determine the possible effects that may arise due to the developments construction and operation. Where the development is identified as having no effect or are unlikely to have a significant effect, these have been detailed and reasons for this have been given. If this is the case the site will be screen out of the assessment.. Where it is anticipated that there may be a likely significant effect on a European Designated site then the site will be identified as requiring an appropriate assessment.

Likely significant effect is defined as any effect that may reasonably be predicted as a consequence of a proposed development that may undermine the conservation objectives of the features for which the site was designated.

Paragraph 207 of the Scottish Planning Policy notes that Ramsar sites are also Natura sites and are therefore protected under the relevant legislation. Ramsar interests have thus been considered alongside their equivalent SPA for the purposes of this assessment and also documented together within this report. As a result, the Ramsar interests should be adequately protected by consideration of the effects on their 'partner' SPA site.

The following sites have been screened out of the assessment as there is a lack of connectivity due to remoteness and / or different water catchments:

- Loch Knockie and Nearby Lochs Special Protection Area;
- North Inverness Lochs Special Protection Area;
- West Inverness-shire Lochs Special Protection Area;
- Strathglass Complex Special Area of Conservation;
- Ness Woods Special Area of Conservation;
- Urquhart Bay Woods Special Area of Conservation; and
- River Moriston Special Area of Conservation.

The following table summarises the sites which have been screened out of the assessment and why elements of the plan screened in this Habitats Regulations Appraisal and the outcome (see key below for colour coding):

**Table 2. Screening of European Designated Sites for likely significant effects in relation to Planning Application 14/01731/FUL**

Site name	Screened in / out
<b>Special Protection Area</b>	
Glen Affric - Strathconon	Screened in - Golden Eagles are a qualifying features of this SPA and have been recorded within the wind farm site. These golden eagles are probably from within a territory within the SPA which is less than 3km away.

Site name	Screened in / out
West Inverness-shire Lochs	Screened out - SNH have advised that given the designation is more than 20 km away from the proposed development, there is no connectivity to this designated site in relation to the qualifying features.
Loch Knockie and Nearby Lochs	Screened out - The site is over 16 km from the from the proposed development, there is no connectivity to this designated site in relation to the qualifying features.
North Inverness Lochs	Screened out - The site is over 17 km from the from the proposed development, there is no connectivity to this designated site in relation to the qualifying features.
Special Area of Conservation	
Strathglass Complex	Screened out - The qualifying features of this site have no connectivity to the proposed development.
Ness Woods	Screened out - The qualifying features of this site have no connectivity to the proposed development.
Urquhart Bay	Screened out - The qualifying features of this site have little or no connectivity to the proposed development given the distance from the designated site.
River Moriston	Screened out - The qualifying features of this site have little or no connectivity to the proposed development given the distance from the designated site.

**Key:**

Colour	Reason for Screening Out
	No likely significant effect as no effects, or effects are too general, either with or without mitigation
	Likely Significant effects or site requires further consideration given presence of designated features

#### 4. Appropriate Assessment

- 4.1 This part of this HRA record sets out the assessment of the project known as Beinn Mhor Wind Farm and identifies if the project is likely to have a significant effect on those Natura Sites identified as being potentially affected by the proposed development as shown in Table 2 in light of their conservation objectives, including consideration of mitigation measures, if required.

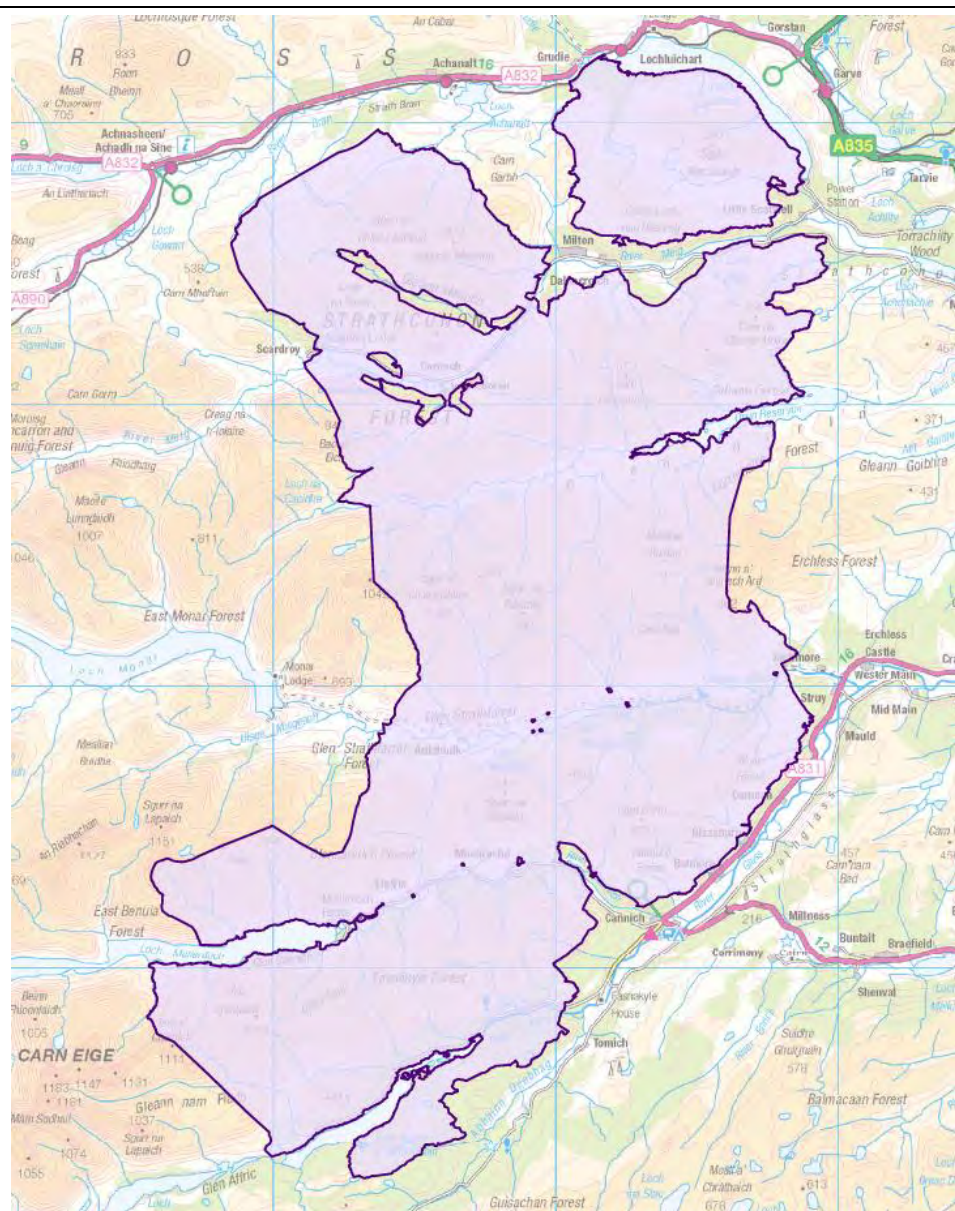
#### Special Protection Area

Site Name	Glen Affric to Strathconon SPA
Designation	SPA
Date of Designation	28 October 2010
Qualifying Interests	Golden eagle ( <i>Aquila chrysaetos</i> ), breeding
Conservation Objectives	To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and

	<p>To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> <li>• Population of the species as a viable component of the site</li> <li>• Distribution of the species within site</li> <li>• Distribution and extent of habitats supporting the species</li> <li>• Structure, function and supporting processes of habitats supporting the species</li> <li>• No significant disturbance of the species</li> </ul>
Condition of the qualifying interests	Favourable Maintained
Factors currently influencing the site	<ul style="list-style-type: none"> <li>• Recreational pressures from walkers / mountaineers utilising nature trails in and around Glen Affric and Strathconon;</li> <li>• Long term cumulative impact of wind energy developments;</li> </ul>
Vulnerabilities to change through the potential effects of the project	Increased risk of collision between golden eagles and wind turbines



Extent of  
Natura Site



Project	Impacts and Mitigation
<p><b>Beinn Mhor Wind Farm (Planning Application 14/01731/FUL)</b></p>	<p><b>Potential Impact:</b> potential of collisions risk between Golden Eagles and wind turbines during operation of the wind farm.</p> <p><b>Mitigation:</b> No mitigation required.</p> <p>The number of flights which would cause a collision risk were too few to run the collision risk model therefore SNH concluded that the risk of eagles colliding with the turbines over the lifetime of the wind farm is very small.</p> <p>There were only two Golden Eagle flights recorded in the vantage point surveys. These flights did not last a sufficient time within the wind farm site to allow calculation of an accurate collision risk for Golden Eagle. SNH consider that the low level of flight activity within the development area to be so low that a collision risk would be negligible and not have an affect on the integrity of the SPA in isolation.</p>

	<p>The modelling shows that there would be a very small percentage of the nearest Golden Eagle territory would be affected by the proposal. The loss of foraging is therefore very small and will not have an impact on the nearest breeding pair.</p> <p>Based on the above advice from SNH, the Beinn Mhor Wind Farm proposal has no measurable impact on the breeding Golden Eagles in the SPA.</p> <p><b>Residual Impact:</b> No residual adverse effect on the integrity of the European site.</p>
<p><b>Beinn Mhor Wind Farm in combination with other Wind Energy Developments within 6km of the boundary of the Glen Affric to Strathconon SPA</b></p>	<p><b>Potential Impact:</b> potential of collisions risk between Golden Eagles and wind turbines during operation of the Corriemoillie, Loch Luichart (and extension), Corriemony, Fairburn and Carn Gorm wind farms.</p> <p><b>Mitigation:</b> No mitigation required.</p> <p>The site is only designated only for breeding golden eagles who are very territorial (the designation does not cover juveniles or other non-breeding eagles who tend to wander a lot more). When designating this SPA the site boundary was drawn around the core area of known eagle territories.</p> <p>Golden Eagles mainly forage within 6km of their territory centre (exceptionally this may go up to 9km). As such only wind farms within 6km of the SPA boundary have been considered for this cumulative assessment, any development over 6km from this SPA boundary won't have any impact on the site. The only wind farms within 6km of the SPA boundary are Corriemoillie, Loch Luichart (plus Extension), Corrimony and Fairburn and Carn Gorm require to be considered.</p> <p>A population viability analysis undertaken for the Carn Gorm wind farm demonstrated that when added together the predicted collision risks of all the wind farms within 6km of the SPA, would be at a level where the population of eagles would continue in accordance with a standard population trajectory. As such these application would not lead lead to an adverse impact on the site integrity.</p> <p>The assessment for the Beinn Mhor wind farm must be added to the cumulative collision risk for all other schemes in the area. The impact of Beinn Mhor is so small it is not measurable. When this risk that is so small its not measurable is added, it can be concluded there will also be no adverse impact on the integrity of the Glen Affric to Strathconon SPA either alone or in combination.</p> <p>In assessing the impact of further developments on the integrity of the SPA, it is important to identify when the population trajectory levels out and/or goes into decline. At that point SNH have advised, there is likely to be an impact on site integrity.</p> <p><b>Residual Impact:</b> No residual adverse effect on the integrity of the European site.</p>

## 5. Conclusion

- 5.1 All European Designated sites potentially affected by the development proposed by Planning Application 14/01731/FUL, known as Beinn Mhor Wind Farm, have been identified and mapped, and the project has been screened individually to determine the likelihood of significant effects on these Natura sites that may arise due to their implementation.
- 5.2 European Designated Sites which have been identified as not being effected by the proposed development, or where any effect is too general to assess, has been listed and detailed in Section 3, Table 2, including reasons for the decision to screen them out.
- 5.3 European Designated Sites which are remaining screened in after the initial review as having the potential to be subject to likely significant effect as a result of this development were carried forward to the Appropriate Assessment.
- 5.4 Having reviewed other similar projects within the vicinity, there were no projects likely to have a significant effect on European Designated Sites in combination with the development proposed by Planning Application 14/01731/FUL.
- 5.5 As a result the Highland Council concludes that, the development as proposed by Planning Application 14/01731/FUL, known as Beinn Mhor Wind Farm, will have no likely significant effects on European Designated Sites, either individually or in combination with other plans and projects and therefore will not adversely affect the integrity of Natura sites either individually or in combination with other plans and projects.
- 5.6 The following table summarises the assessment of the development as assessed through this Habitats Regulations Appraisal and the outcome (see key below for colour coding):

Name of Project	Application considered against the following European Designated Sites	Outcome of HRA
Development Proposed by Planning Application 14/01731/FUL, Beinn Mhor Wind Farm	Glen Affric - Strathconon SPA	
	West Inverness-shire Lochs SPA	
	Loch Knockie and Nearby Lochs SPA	
	North Inverness Lochs SPA	
	Strathglass Complex SAC	
	Ness Woods SAC	
	Urquhart Bay SAC	
	River Moriston SAC	

### Key:

Colour	Outcome of HRA
	No effects, or effects are too general, either with or without mitigation
	Minor residual effects, either with or without mitigation