

THE HIGHLAND COUNCIL

**SOUTH PLANNING APPLICATIONS COMMITTEE
19 March 2015**

Agenda Item	3.1
Report No	PLS/014/15

**14/01731/FUL and 15/00010/NONIN: WPD BEINN MHOR LTD
LAND AT BEINN MHOR, GUI SACHAN, TOMICH**

Report by Head of Planning and Building Standards

SUMMARY

The Beinn Mhor Wind Farm planning application has been appealed on the grounds of non-determination and will be determined by a Reporter appointed by The Scottish Government. As part of this process the South Planning Applications Committee require to come to a view on the application to form the response to the Directorate for Planning and Environmental Appeals of The Highland Council. The DPEA reference number for the appeal is PPA-270-2120.

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: To respond to the Reporter in accordance with Section 2 of this report.

Wards: 13 - Aird and Loch Ness

Development category: Major

Pre-determination hearing: None

Reason referred to Committee: Major Development and to seek the South Planning Applications view on the application.

1.0 Background

1.1 The application subject to this appeal, was scheduled for determination by South Planning Applications Committee on 20 January 2015, following a site visit on 19 January 2015. The site visit was requested during a discussion on Major Developments at the South Planning Applications Committee on 18 November 2014. This site visit was however delayed due to adverse weather conditions. The site visit was re-arranged for 23 February 2015 and the application was scheduled for determination by South Planning Applications Committee on 24 February

2015. However, this site visit also had to be postponed due to adverse weather conditions.
- 1.2 The report prepared for South Planning Applications Committee on 24 February 2015 is attached as Appendix 1.
- 1.3 The appellant submitted its appeal to the Directorate for Planning and Environmental Appeals (DPEA) and notified the Planning Authority on 23 February 2015. Full documentation for the appeal was not received until 03 March 2015. The Highland Council has 21 days to respond to the appeal from receipt of the complete appeal, on 03 March 2015. The appellant's Statement of Appeal is attached as Appendix 2.
- 1.3 The South Planning Applications Committee was informed of the appeal at its meeting of 24 February 2015. The Committee made the decision to undertake a site visit to assist in coming to a view on proposal and respond to the appeal. For the avoidance of doubt, the Committee is not being asked to determine the planning application. This is a matter for the Reporter. However, the Committee's view on the proposal will form the basis of the response to the appeal and will inform the Reporter of the Planning Authority's position on matters important to the determination of the appeal.

2.0 RECOMMENDATION

- 2.1 It is recommended the committee provide a view on the appeal to the DPEA in line with the recommendation of the Report to South Planning Applications Committee of 24 February 2015 by the Head of Planning and Building Standards.

Designation: Head of Planning and Building Standards
Author: Simon Hindson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: See report to South Planning Applications Committee of 24 February 2015 by the Head of Planning and Building Standards

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
20 January 2015

Agenda Item	
Report No	PLS/002/15

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);
- Liatric 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 Beauly which is protected by the River Beauly 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 Beauly - 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
Stronelaig
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: 9th May 2014 in the Inverness Courier and Edinburgh Gazette.
Representation deadline: 21 February 2014
- 4.2 Supplementary Environmental Information advertised: 25th July 2014 in the Inverness Courier and Edinburgh Gazette.
Representation Deadline: 25th August 2014
- 4.3 Environmental Statement Addendum advertised: 19th September 2014 in the Inverness Courier and Edinburgh Gazette.
Representation Deadline: 20th 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 Beauly - 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 Corriemony, 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_{A90, 10-min})

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 _{A90} 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_{A90}, 10-min)

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 _{A90} 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.

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

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 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.

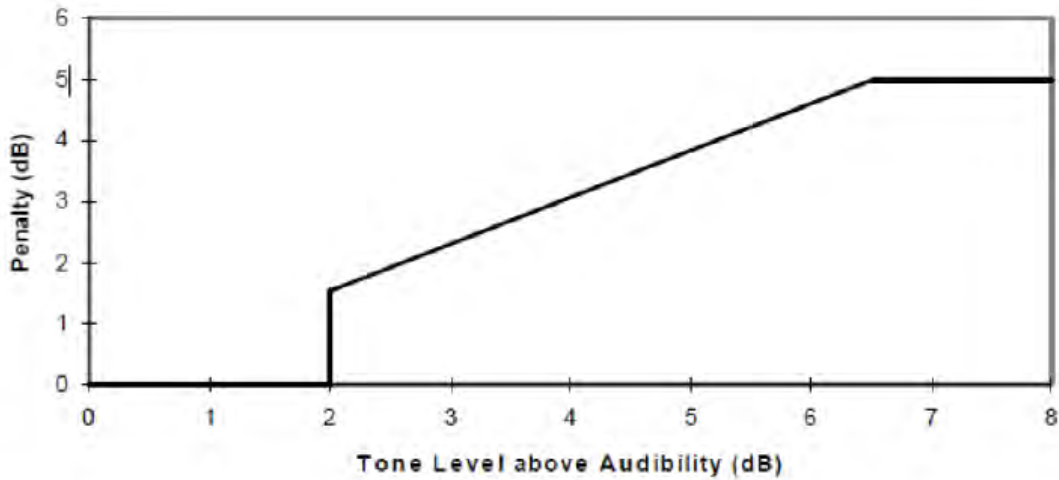
(b) For each 10 minute interval for which LA90, 10 minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that 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)

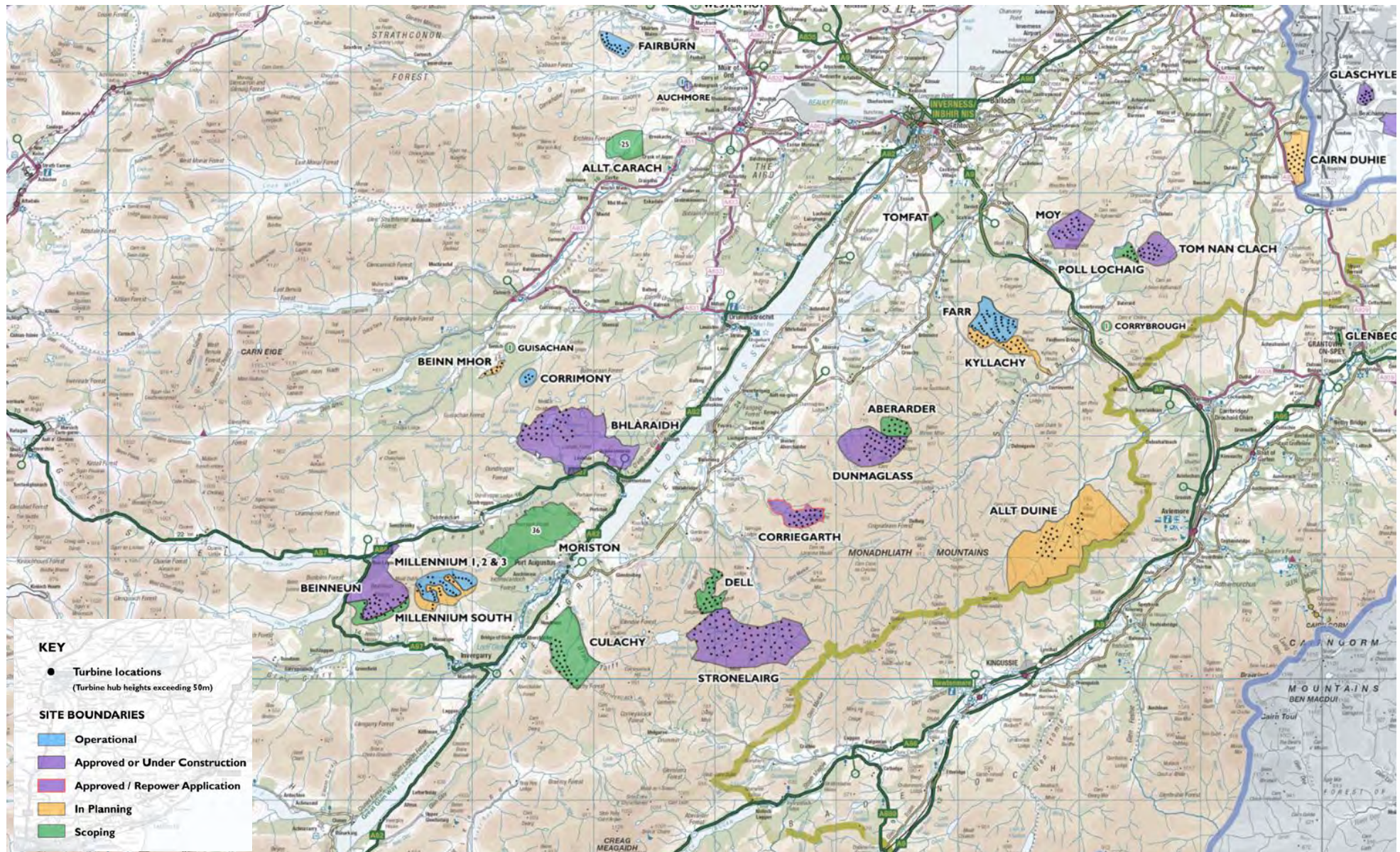
Plan 10 - Substation Floor / Elevation Plan (Drawing No. ECO_0015_D1 08)

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 23rd 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 Justice¹ 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 1992². 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.

¹Commission 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

²Directive 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.

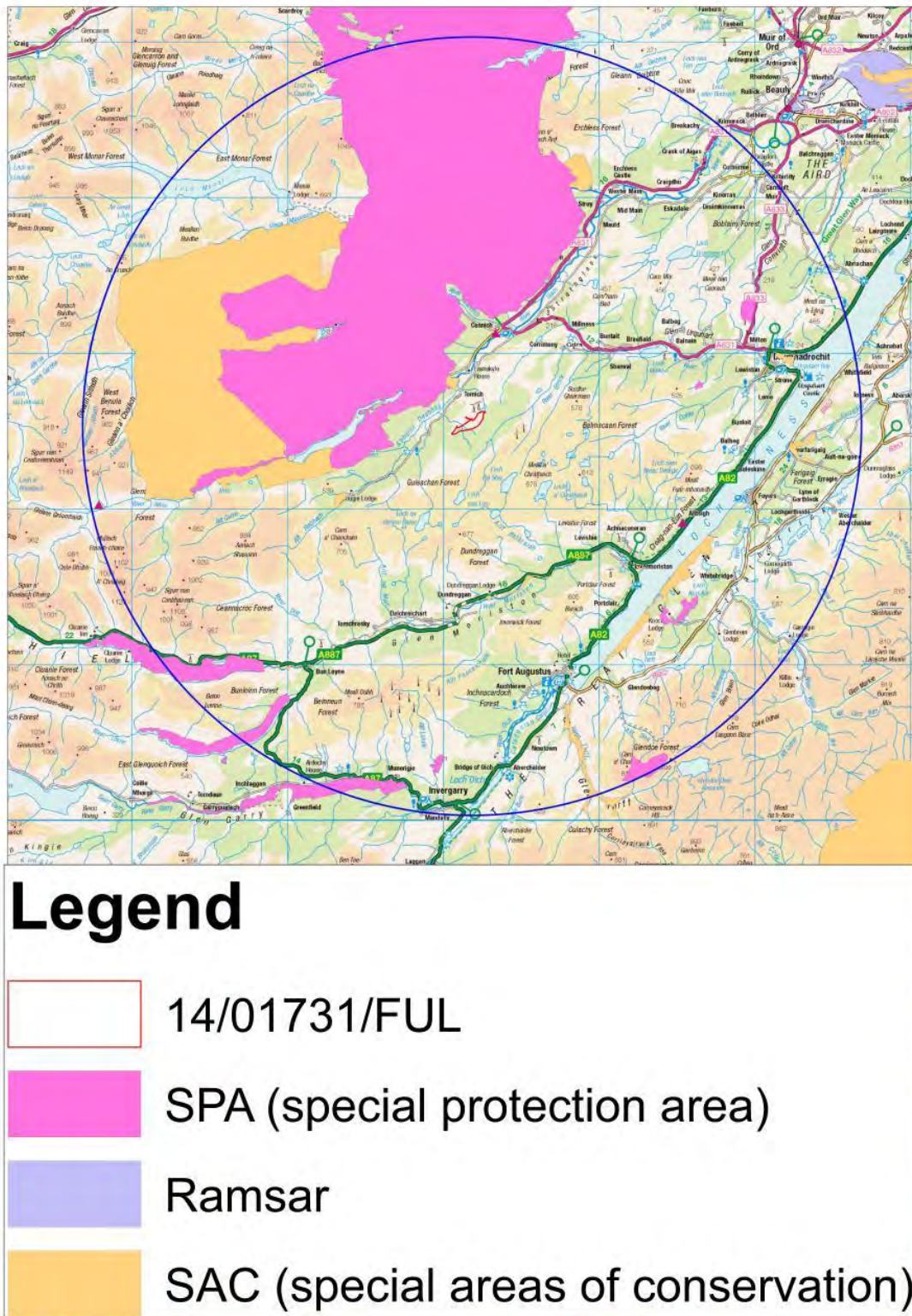


Figure 1 - Site Location and all European Designated Sites within 25 km of the site. 25 km buffer shown as blue line.

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

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

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
Special Protection Area	
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

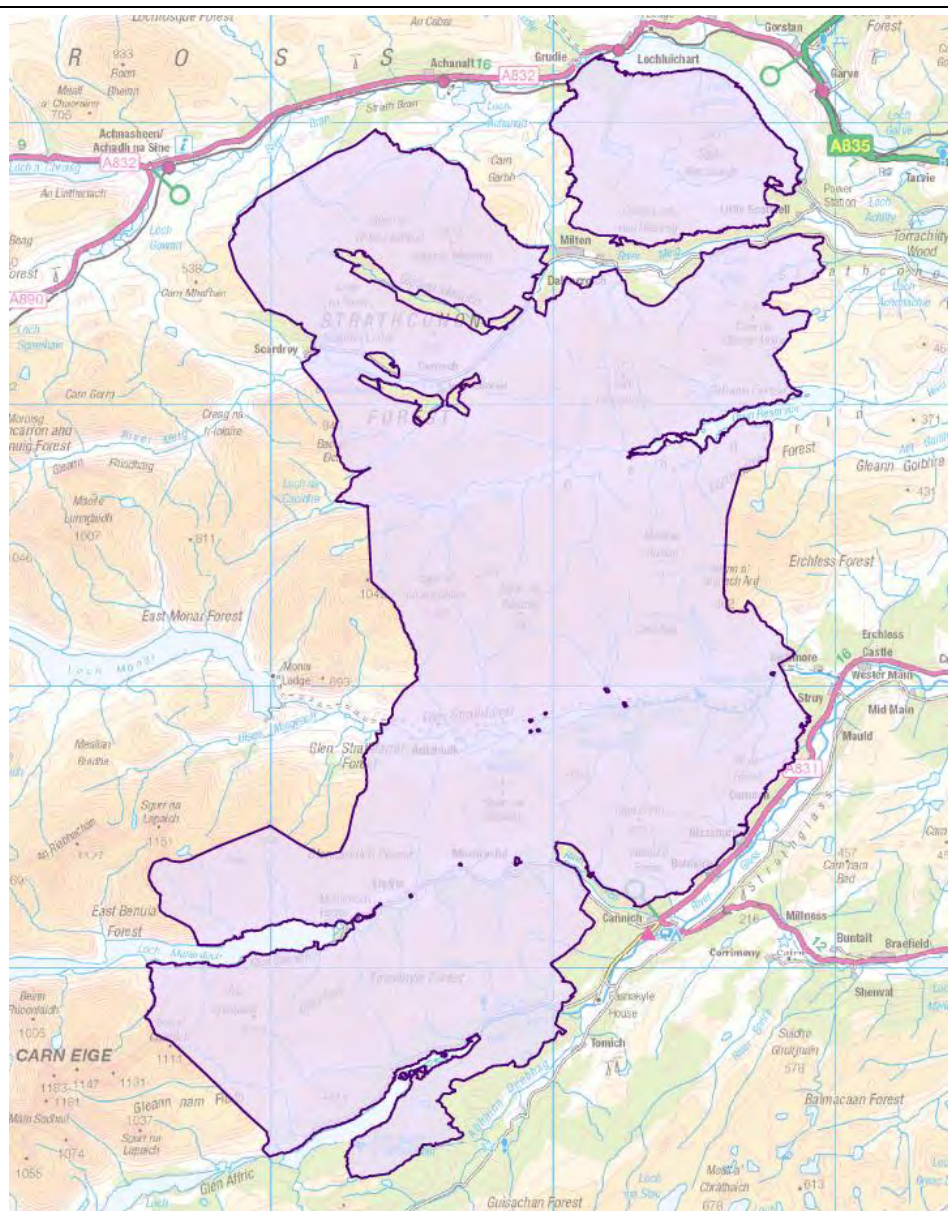
- 4.1 This part of this HRA record sets out the assessment of the project known as Beinn Mhor Wind Farm and identifies if the project is likely to have a significant effect on those Natura Sites identified as being potentially affected by the proposed development as shown in Table 2 in light of their 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"> • Population of the species as a viable component of the site • Distribution of the species within site • Distribution and extent of habitats supporting the species • Structure, function and supporting processes of habitats supporting the species • No significant disturbance of the species
Condition of the qualifying interests	Favourable Maintained
Factors currently influencing the site	<ul style="list-style-type: none"> • Recreational pressures from walkers / mountaineers utilising nature trails in and around Glen Affric and Strathconon; • Long term cumulative impact of wind energy developments;
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>Beinn Mhor Wind Farm (Planning Application 14/01731/FUL)</p>	<p>Potential Impact: potential of collisions risk between Golden Eagles and wind turbines during operation of the wind farm.</p> <p>Mitigation: 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>Residual Impact: No residual adverse effect on the integrity of the European site.</p>
<p>Beinn Mhor Wind Farm in combination with other Wind Energy Developments within 6km of the boundary of the Glen Affric to Strathconon SPA</p>	<p>Potential Impact: 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>Mitigation: 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>Residual Impact: 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 again 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

**Appeal under Section 47 of the Town and Country Planning (Scotland) Act
1997 (as amended)**

By

wpa Beinn Mhor Limited

In respect of

**The non-determination by The Highland Council of the Appellant's
application for planning permission for a development comprised of six
wind turbines, with blade tip heights of up to 119.5m, and associated
infrastructure at a site approximately 2km south east of Tomich in
Highland.**

Statement of Appeal

23 February 2015

Planning Application Reference: 14/01731/FUL

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1. Introduction

This is an appeal by wpc Beinn Mhor Limited (hereafter, “the Appellant”) under Section 47 of the Town and Country Planning (Scotland) Act 1997 (as amended) (the “1997 Act”) regarding the non-determination by The Highland Council (hereafter, “THC”) of an application (Ref: 14/01731/FUL) (“Planning Application”) by the Appellant to construct and operate a six turbine wind farm with an installed capacity of 18 Megawatt (MW) at a site on the eastern edge of Guisachan Forest, approximately 5.5 km south of Cannich and 2 km south-east of Tomich, Strathglass, in the Scottish Highlands (“Proposed Development”).

This document (hereafter, “the Statement of Appeal”) provides the Appellant’s statement in terms of Regulation 3(3)(d) of the Town and Country Planning (Appeals) (Scotland) Regulations 2013. The contents set out the details of the Appellant’s case for non-determination, the elements that the Appellant considers relevant to a decision on the appeal, and the manner in which the appeal should be determined.

The following annexes are to be read in connection with this Statement of Appeal:

- ▶ Annex A: Completed Planning Application Form
- ▶ Annex B: Design Drawings
- ▶ Annex C: Site Layout Plan and Site Location Plan
- ▶ Annex D: Notice of Application served to Owners and Agricultural Tenants
- ▶ Annex E: Beinn Mhor Wind Farm Environmental Statement (ES)
- ▶ Annex F: Beinn Mhor Wind Farm Non-Technical Summary (NTS)
- ▶ Annex G: Beinn Mhor Wind Farm Planning Statement
- ▶ Annex H: Beinn Mhor Design and Access Statement
- ▶ Annex I: Beinn Mhor Pre-Application Consultation Report
- ▶ Annex J: Beinn Mhor Wind Farm Supplementary Environmental Information (SEI)
- ▶ Annex K: Beinn Mhor Wind Farm ES Addendum
- ▶ Annex L: Beinn Mhor Supporting Tree Survey and Arboricultural Constraints Report
- ▶ Annex M: Beinn Mhor Planning Application Consultation Responses
- ▶ Annex N: Correspondence between the Appellant and THC
- ▶ Annex O: THC Planning Recommendation Committee Report

2. Grounds of Appeal

2.1 Grounds

This appeal is submitted on the grounds that THC failed to determine the planning application within the agreed determination period (see Section 3.4 for application procedural history). The latest agreed extended decision date of 24 November 2014 was not met and in total the application has received five consecutive delays to its determination.

The Appellant has engaged positively with THC throughout the application process and this is reflected in the positive recommendation of THC's January 2015 Committee Report and consultee responses (Annexes O and M respectively). It is the Appellant's contention that there are no outstanding technical issues or consultation responses that would merit further delays to determination of the planning application. It is the Appellant's considered view that the Proposed Development accords with the relevant provisions of the Development Plan and is also supported by other material considerations, a view supported by the recommendation of THC's January 2015 Committee Report. Consistent with the requirements of Section 25 of the 1997 Act, planning permission should therefore be granted.

3. Background to the Application

3.1 Site Location and Surroundings

The site is an irregular parcel of land with variable elevation and topography. The revised site for the 6-turbine layout occupies an area of approximately 87 ha, the highest point of which is at the peak of Beinn Mhor in the north-eastern section of the site at approximately 403 m Above Ordnance Datum (AOD). The site descends to approximately 300 m AOD at the western boundary. The site is not located on any landscape, ecological or cultural heritage designations. The site is located outside of any areas identified as requiring protection from large scale wind farms and instead is located partly within an area of search and an area of potential constraint as identified in THCs Interim Supplementary Guidance document, as referenced in paragraph 8.6 of THC's committee report (Annex O).

The site forms part of a private Scottish estate and is used primarily for farming and recreational uses. Surrounding land uses comprises areas of commercial forestry along with land used for grazing by sheep and cattle. Surrounding land is also used for recreation including walking, cycling, deer stalking, game shooting and fishing.

The existing 132 kV Beaully Denny overhead transmission line is currently being replaced with the 400 kV Beaully Denny overhead electricity transmission line. The transmission lines runs in a predominately south-west to north-east direction in the vicinity of the site; the new 400 kV line lies at a distance of approximately 250 m from the site at its closest point.

Two small watercourses flow across the site in a northerly direction, away from the forestry through the southern section of the site, before discharging into the Abhainn Deabhag watercourse located approximately 2 km north-west of the site. In addition, two surface water features are located within 1 km of the site. Loch na Beinne Moire and Loch a Ghreidlein lie approximately 50 m to the north and 100 m west of the site respectively.

There are a number of sites with landscape and ecological designations within 10 km of the site. Glen Affric National Scenic Area (NSA) is located approximately 3.5 km to the south-west and west of the site with the Glen Strathfarrar NSA approximately 8.8 km to the north. The nearest ecological designation is the Glen Affric to Strathconon Special Protection Area (SPA), designated for its breeding golden eagle population, which lies approximately 2 km to the north-west of the site at its closest point. The Strathglass Special Area of Conservation (SAC), Glen Affric Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) are also located approximately 2 km north-west of the site.

3.2 Development Description

The proposed Beinn Mhor wind farm includes the following associated infrastructure:

- ▶ Six, three bladed, horizontal axis wind turbines, each with a maximum blade tip height of up to 119.5 m (above ground level), rated at 3 MW each, and with a maximum hub height of 78.5 m;
- ▶ a temporary assembly area at each turbine;

- ▶ a hardstanding area at each turbine location for use by the cranes erecting each turbine;
- ▶ one permanent, freestanding meteorological mast up to 70 m in height;
- ▶ a substation area (including a control building, fenced compound and car park area) and network of buried electrical and control cables linking the control building and turbines;
- ▶ a network of new and upgraded existing on-site access tracks linking the turbines and the control building;
- ▶ associated sustainable drainage systems and one new watercourse crossing;
- ▶ formation of one new site access linking the U1423 (public road) to the on-site access tracks; and
- ▶ associated ancillary works and engineering operations.

3.3 Justification for the Development

The Appellant considers that the provisions of the Development Plan, consultation responses to the Planning Application, THC's Committee Report on the Planning Application and its associated environmental, local economic and community benefits lead strongly and clearly to the grant of planning permission for the Proposed Development.

The Development Plan supports the grant of planning permission for the Proposed Development. Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires determinations on planning applications to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Planning Statement submitted with the ES Annex G assesses the Proposed Development's compliance with the Highland-wide Local Development Plan and concludes that on balance, the Proposed Development accords with the relevant provisions of the Development Plan as a whole. Furthermore, that Statement also identified and discussed the weight to give to other material considerations and concluded that the identified plans, policies and documents provided more support in favour of the development proceeding.

The Planning Application for the Proposed Development has received no objections from statutory bodies consulted under Environmental Impact Assessment Regulations. Of particular note, Scottish Natural Heritage in its consultation response to the Planning Application (Annex M (a)) stated that it considers that this particular development can be accommodated.

The Proposed Development would annually supply up to 9,800 households with clean and sustainably produced electricity while reducing carbon dioxide (CO₂) emissions through the substitution of fossil fuels by roughly 451,000 tonnes over its 25-year operation lifetime. As a form of sustainable development the Proposed Development draws strong support from the national planning policy framework, Scottish Planning Policy as well as the Development Plan.

The Proposed Development could deliver contracts worth more than £2.3 million for the construction industry in the Highland area, while making a contribution to the community benefit fund of £5,000 per MW of installed capacity per year, equating to £90,000 per annum for the proposed 25-year life of the proposed development. The Appellant has entered into a partnership with a local community charity and offered the option to convert the £2,250,000 lifetime community benefits payments into a stake in the project. A community owned turbine would be provided by wpa on a 'turn-key' basis, which is considered to be consistent with the

Scottish Government's aspirations to achieve at least 500MW of renewable energy in community and local ownership by 2020. 'In addition, wpa have signed a Memorandum of Understanding with a local environmental charity, offering to contribute £20,000 per annum towards employment opportunities and/or individual habitat restoration projects for a 25 year period. Furthermore, as contracts have been signed to secure a grid connection which would allow the Proposed Development to export electricity to the grid as early as October 2016, these environmental, local economic and community benefits would start to be realised within a very short timeframe and make a valuable contribution to the achievement of the Scottish Government's target of generating the equivalent of 100% of electricity demand from renewable sources by 2020.

THC's Head of Planning and Building Standards Planning Committee Report (Annex O), concluded 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'* and recommended that conditional planning permission for the Proposed Development be granted. The Committee Report is consistent with the assessment of the Proposed Development by the Appellant in concluding 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. The agreement between the Appellant and the Head of Planning and Building Standards on the acceptability of the Proposed Development is considered to be a significant factor in support of this non-determination appeal.

3.4 History of the Application

The design of the proposed Beinn Mhor wind farm was developed taking account of the various technical and environmental constraints identified during the EIA and consultation process. The following dates highlight the key milestones of the proposal in the planning system:

- ▶ 15 April 2013 – EIA Scoping Opinion issued to the Appellant by THC (Ref: 13/00653/SCOP)
- ▶ 25 August 2013 – Permission granted for the erection of a temporary 80m meteorological mast (Ref: 13/02293/FUL)
- ▶ 30 October 2013 – Pre-application comments provided to the Appellant by THC's Pre-Application Advice Service for Major Developments (Ref: 13/02913/PREAPP)
- ▶ 13 January 2014 – Proposal of Application Notice (PAN) submitted by the Appellant (Ref: 14/00306/PAN)
- ▶ 23 October 2013 – Public Exhibition at Craigmorie Centre, Glen Urquhart High School, Drumnadrochit
- ▶ 24 October 2013 - Public Exhibition at Cannich Hall, Cannich
- ▶ 12 March 2014 – Public Exhibition at Cannich Hall, Cannich
- ▶ 1 May 2014 – Application for the proposed Beinn Mhor Wind Farm validated by THC (Ref: 14/01732/FUL)
- ▶ 1 May 2014 – Processing Agreement for Decision Date of 27 October 2014

.....

¹ Scotland's Third National Planning Framework, Scottish Government, June 2014

- ▶ 24 June 2014 – THC Request for Additional Information
- ▶ 25 July 2014 – Supplementary Environmental Information provided by the Appellant (Annex J)
- ▶ 2 September 2014 – Confirmation by Appellant of Removal of T7 (Annex N)
- ▶ 8 September 2014 – Meeting with THC Planning Officer, THC Transport Officer, THC Forestry Officer and the Appellant
- ▶ 9 September 2014 - Processing Agreement for Decision Date of 24 November 2014
- ▶ 19 September 2014 – Environmental Statement Addendum submitted by the Appellant in response to meeting on 8 September 2014 (Annex K)
- ▶ 27 October 2014 – Site Visit by THC Planning Officer and Member of South Planning Applications Committee ("SPAC")
- ▶ 30 October 2014 – Meeting with THC Planning Officer and Appellant
- ▶ 4 November 2014 – THC Request for Arboricultural Supporting Information
- ▶ 18 November 2014 – Meeting of SPAC
- ▶ 24 November 2014 – Determination deadline for THC for Beinn Mhor proposal as per processing agreement
- ▶ 25 November 2014 – Submission of supporting Tree Survey and Arboricultural Constraints Report by the Appellant (Annex L)
- ▶ 13 January 2015 – Publication of Committee Report by THC Head of Planning and Building Standards (Annex O)
- ▶ 19 January 2015 – SPAC Site Visit to Proposed Development (Cancelled due to adverse weather conditions)
- ▶ 20 January 2015 – Meeting of SPAC (meeting took place but proposed development was not considered due to cancellation of site visit beforehand)
- ▶ 23 February 2015 - SPAC Site Visit to Proposed Development (Cancelled)
- ▶ 23 February 2015 – Submission of Non-Determination Appeal

3.5 Procedural History

The Planning Application submitted 1 May 2014 was for a development comprising seven turbines with a total generating capacity of up to 21MW. A Processing Agreement was signed by the Appellant and THC on 1 May 2014 providing a decision date of 27 October 2014.

A request for additional information relating to Transport, Access and Forestry was made by THC on 24 June 2014 under Regulation 24 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 (Annex M). The information was provided (Annex J) and advertised as Supplementary Environmental Information (SEI) on 25 July 2014 and no objection responses were received by Transport, Access and Forestry Officers.

Concerns were raised by THC Planning Officer relating to the visual impact on Viewpoint 1 Knockfin of Turbine 7 in a response issued 2 July 2014 (Annex N (a)). THC's Landscape Officer was not consulted by the Planning Officer on the application, the reason provided by THC for this was insufficient time due to workload (Annex N (b)). The response on landscape and visual impact of the Proposed Development issued by SNH for the seven turbine scheme stated that *'The linear*

alignment of the proposal generally follows linear features in the landscape including the north-east to south-west landform of Strathglass and Glen Affric and the associated woodland either side of it. In addition the scale of the proposal is generally in keeping with the scale of other landscape elements such as the large woodland blocks and Corrimony wind farm' (Annex M (a)). Owing to this positive landscape response from a statutory consultee on landscape grounds, the loss of a turbine and its generating capacity was not initially considered justifiable by the Appellant (Annex N (c)). However, as a result of on-going discussions with THC Planning Officer who reiterated concerns regarding the impact on Viewpoint 1, a decision was taken by the Appellant on 2 September 2014 to reduce the scheme by the removal of Turbine 7 from the Proposed Development (Annex N (d)).

A meeting was held with THC's Planning Officer, Forestry Officer and Transport Officer 8 September 2014 to discuss information requirements for the reduced scheme and renewed concerns raised by the Forestry Officer in a third response issued 13 August 2014 (Annex N (e)). At that meeting it was agreed by the Forestry Officer and the Appellant that a Tree Protection and Constraints Plan could be provided by a professional arboriculturalist as a condition attached to planning permission (Annex N (f)). The extent of information to be produced in the requested ES Addendum was agreed and it was confirmed to the Appellant that the planning application would be determined at the meeting of the SPAC on 18 November 2014. A revised Processing Agreement was issued and signed 9 September 2014 with a decision date of 24 November 2014 (Annex N (g)).

An ES Addendum for the six turbine scheme was submitted on 19 September 2014 and the planning application was readvertised. Selected revised visualisations were issued on request by SNH on 3 October 2014 (Annex K).

On 27 October 2014 a site visit was undertaken by one member of the SPAC and THC Planning Officer (Annex N (h)). It is unclear to the Appellant whether this site visit was advertised or known to other committee members. On 30 October 2014 a meeting was held with the Appellant and THC Planning Officer to discuss draft conditions to be attached to planning permission if granted by SPAC at 18 November 2014 committee meeting.

On 4 November THC issued a request to the Appellant for an arboricultural implications assessment produced by a professional arboriculturalist and comprising; tree constraints plans; tree protection plans; and an arboricultural method statement. In the Appellant's view this information was not required for the determination of the application. Notwithstanding this position, a response was issued by the Appellant on 11 November 2014 (Annex N (i)) confirming that the requested survey work would be undertaken but expressing concern as to the reasonableness of the request given earlier discussions and agreement on these issues. Concerns arose as a result of this being the third occasion on which THC Forestry Officer had changed his response to the Planning Application either in writing or at the meeting held 8 September 2014. Concern was also expressed relating to the timing of the request, issued two weeks prior to the agreed meeting date for SPAC to determine the Planning Application; and the short timeframe provided to produce the information which the Appellant had already confirmed they would be happy to provide through condition on any planning permission.

The supporting information was provided 25 November 2014 (Annex L) and no objection responses were received from THC Forestry Officer and Transport Officer via correspondence dated 3 December 2014 (Annex N (j)).

At the 18 November 2014 committee meeting under the Major Applications item, a site visit to the Proposed Development was formally requested by the committee member who had undertaken the site visit with THC Planning Officer on 27 October 2014. It was verbally advised

to the Appellant by THC Planning Officer that the Planning Application could be heard by the SPAC at the meeting of 23 December 2014. It was later confirmed by THC that the application could not be added to the agenda for that meeting and the application would instead be determined at the meeting of 20 January 2015. The site visit was scheduled for the day prior to determination on 19 January 2015.

On 16 January 2015 THC issued a notification that the site visit by SPAC scheduled for 19 January 2015 and subsequent determination by SPAC were cancelled due to adverse weather conditions. Three potential alternative dates for the site visit of 9, 16 and 23 February 2015 were advised. On 21 January 2015 THC confirmed that the rescheduled site visit would be 23 February 2015. A letter was issued by the Appellant expressing disappointment that an earlier site visit was not prioritised and notifying THC of the Appellant’s intention to appeal against non-determination should the 23 February 2015 site visit be postponed (Annex N (k)).

On 23 February 2015 the rescheduled site visit by SPAC was cancelled due to adverse weather considerations and the Appellant submitted an appeal against non-determination of the Planning Application.

3.6 Consultation Responses

► Table 3.1 Summary of Key Consultation Responses to Planning Application

Consultee	Consultee Response
Scottish Natural Heritage	No objection to the application. Glen Affric to Strathconon SPA will not be adversely affected. No significant adverse effects on Glen Affric National Scenic Area NSA. Will not significantly compromise the objective of the Glen Affric NNR.
Scottish Environmental Protection Agency	No objection to the application. Conditions sought relevant to peat management, construction, borrow pits, decommission and flood risk.
Historic Scotland	No objection to the application.
Strathglass Community Council	Objection following postal ballot of Community Council electorate where the question asked was: Do you object to the Beinn Mhor Wind Farm development? 54.7% voted Yes and 45.3% voted No.
Glenurquhart Community Council	No objection to the application. ²
Kilmorack Community Council	Objection on grounds of landscape and visual impact on Glen Affric and tourism.
THC – Forestry	No objection to the application. A final tree constraint and protection plan is necessary along with mitigation and compensatory planting.
THC – Historic Environment	No objection to the application. Condition sought to improve

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² Following the publication of the January THC Committee Report, Glen Urquhart Community Council submitted a updated consultation wherein they object to the application.

Consultee	Consultee Response
Team	maintenance and interpretation of Tweedmouth Monument.
THC – Environmental Health Officer	No objection to the application. Conditions sought to secure noise levels.
THC – Flood	No objection to the application.
THC – Access	No objection to the application. Condition sought to secure access in and around the site.
Transport Scotland	No objection to the application.
THC - Transport	No objection to the application. Extent and detail of all road improvement works to be agreed with Transport Planning before work starts.
National Air Traffic Control (NATS)	No objection to the application.
Ministry of Defense (MOD)	No objection to the application. Condition sought to secure red or infrared lighting.
Highland and Islands Airport Limited (HIAL)	No objection to the application.
Civil Aviation Authority (CAA)	No objection to the application.

3.7 About the Appellant

The Appellant was registered as a company in Scotland in 2013 with the aim to plan, construct and operate a wind farm at the proposed site.

The Appellant’s agent, wpd Scotland Ltd, is part of the wpd Group founded in 1996. The wpd Group plan, construct and operate wind power projects in 18 countries and has to date completed projects with an installed capacity of more than 3 Gigawatts or the equivalent of 1,700 wind turbines and is currently pursuing a project pipeline of 6,700 MW onshore and 6,400 MW offshore.

wpd Scotland’s team is based in Edinburgh and together with wpd’s wider resources brings a wealth of experience to the Proposed Development in terms of design, financing, construction and operation of a major wind farm.

4. Planning Policy

The Planning Statement lodged as part of the Planning Application (Annex G) concluded that on balance the Proposed Development complies with the relevant provisions of the Development Plan as a whole and is further supported by material considerations. There have been no changes in the interim period to the Development Plan that require consideration as part of this appeal, and the Development Plan appraisal set out in the Planning Statement remains relevant for this purposes of this appeal. Both the planning statement and THC Planning Committee Report identified Policy 67 'Renewable Energy' of the Local Development Plan as the primary policy against which the proposed development should be assessed. Following detailed assessments, both documents concluding that on balance the Proposed Development is consistent with this principal policy and other related planning policies.

The Appellant therefore submits that there is agreement with the Head of Planning on those planning policies relevant to determination of the planning applications and, importantly, the extent to which the Proposed Development is consistent with the aims and objectives of these policies.

Since submission of the Planning Application in May 2014, the Scottish Government has introduced a replacement for the Scottish Planning Policy (SPP) and a new National Planning Framework 3 (NPF3) in June 2014. The draft versions of these documents were considered in the Planning Statement but the salient points of each of the approved documents merits discussion in this statement, as follows.

National Planning Framework 3

Under the heading 'A low carbon place', NPF3 seeks to ensure that *'we seize opportunities arising from our ambition to be a world leader in low carbon energy generation, both onshore and offshore'*. The continued development of appropriately sited and well designed wind farms, such as that proposed, is consistent with the wider aims and aspiration of this element of NPF3.

Paragraph 3.1 of NPF3 states that planning has a key role to play in delivering on the commitments set out in Low Carbon Scotland, which includes full decarbonisation of electricity supply by 2030. Paragraph 3.2 of NPF3 acknowledges that at present the energy sector accounts for a significant share of our greenhouse gas emissions, while paragraph 3.4 states that Scotland has a significant wind resource, both onshore and offshore, and electricity generation from wind continues to rise. Paragraph 3.6 states that the renewable energy industry currently employs around 11,000 people in Scotland, a figure that is expected to grow significantly over the coming years. Of particular note is the comment in paragraph 3.9, which confirms the Scottish Government's intention *'to continue to capitalise on our wind resource'*.

Paragraph 3.15 of NPF3 sets a target of 500MW of community and locally owned renewable projects by 2020, as part of the transition to a low carbon economy. The Proposed Development could make a contribution towards achievement of these targets through the Appellants offer of a community owned turbine.

Paragraph 3.23 of NPF3 identifies the continued importance of onshore wind to the future of Scotland's energy mix, which states that *'onshore wind will continue to make a significant contribution to diversification of energy supplies'*. The Proposed Development will help achieve these aims and provide greater security over the future of energy supplies.

In the narrative on ‘Scotland Tomorrow’ under the natural, resilient place heading, NPF3 states that the pressing issue of climate change means that action on the environment must continue to evolve, strengthening longer-term resilience (para.4.7).

Scottish Planning Policy

Paragraph 2 of SPP states that planning should take a ‘*positive approach*’ to enabling high-quality development delivering long-term benefits for the public while protecting and enhancing natural and cultural resources.

SPP and NPF3 share a single vision for the planning system in Scotland, which is defined in paragraph 11 of SPP as:-

‘We live in a Scotland with a growing, low-carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which respects the quality of environment, place and life which makes our country so special. It is growth which increases solidarity – reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world’.

The emphasis upon a low-carbon economy and reducing emissions in the vision are considered particularly pertinent to and supportive of the principle of proposals such as the Proposed Development.

SPP identifies four outcomes, which the Scottish Government considers will support the vision for the planning system in Scotland. Outcome 2, ‘A low carbon place’, - considers that reducing our carbon emissions and adapting to climate change are two key components of this outcome. Paragraph 19 states that planning can support the ‘*transformational change required to meet emission reduction targets and influence climate change*’.

The first policy principle of SPP ‘*introduces a presumption in favour of development that contributes to sustainable development*’. The Proposed Development can contribute towards sustainable development through the generation of energy from renewable resources, help reduce greenhouse gas emissions, make a contribution to the low carbon economy with associated employment generation and potentially make a contribution towards the Scottish Government’s stated aim of increasing community ownership of renewables.

The commentary under the second outcome, ‘A low carbon economy’, is also relevant to the Proposed Development. Paragraph 152 of SPP reiterates that NPF3 is absolutely clear on the point that planning ‘must’ facilitate the transition to a low carbon economy. A key related component of the Scottish Government’s spatial strategy is to facilitate the development of generation technologies that will help to reduce greenhouse gas emissions from the energy sector and paragraph 152 reiterates that Scotland has significant onshore renewable energy resources.

Paragraph 153 confirms the vital role that an efficient supply of low carbon electricity from renewable energy sources can play in reducing greenhouse gas emissions. Paragraph 153 continues and states “*Renewable energy also presents a significant opportunity for associated development, investment and growth of the supply chain, particularly for ports and harbours identified in the National Renewables Infrastructure Plan. Communities can also gain new opportunities from increased local ownership.*”

A key addition to SPP brought about by the June 2014 document is the introduction of a Spatial Framework, in Table 1, to help planning authorities prepare development plans and identify those areas that are likely to be most appropriate for onshore wind farms. While the spatial framework is primarily for use as a development planning tool, it is also considered useful in a development management context allowing planning authorities, developers, local communities and other stakeholders an opportunity to consider the location of a development site, relative to the contents of SPP. The Spatial Framework in SPP identifies three groups for onshore wind farms, as follows:-

- Group 1: Areas where wind farms will not be acceptable – National Parks and National Scenic Areas;
- Group 2: Areas of significant protection – national and international designations (e.g. World Heritage Sites, Natura 200 and Ramsar Sites etc), other nationally important mapped environmental interests (e.g. areas of wild land and deep peat) and community separation for consideration of visual impact (an area not exceeding 2km around towns, cities and villages is specified in SPP as a maximum separation distance taking account of local factors); and
- Group 3: Areas with potential for wind farm development – land outside groups 1 and 2 is likely to be acceptable for wind farms, subject to detailed consideration against identified policy criteria.

The application site is located outside any of the areas identified by SPP as comprising Groups 1 and 2. In particular, it is noted that the application site is not covered by any statutory national or international designations nor is it within an area of mapped wild land. It is noted that some turbines are within 2km of the settlement of Tomich but the THC Planning Officer Report correctly states in paragraph 8.60 that this is a suggested guidance separation distance for spatial planning purposes and the location of wind turbines within 2km of a settlement boundary does not render a proposal incompatible with this element of SPP. It is also noted that SPP defines this as a maximum separation distance.

Taking all relevant factors into account it is considered that the application site therefore falls within a Group 3 location *'where wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria'*.

In the commentary on 'Development Management', SPP states that decisions on planning applications should take account of potential effects on landscapes and the natural and water environment while developers should seek to minimise adverse effects through careful planning and design. The Appellant has modified the Proposed Development in direct response to comments received from the Planning Officer and the January 2015 Committee Report considers all relevant issues before concluding that the proposed development is consistent with the Development Plan. This approach to careful design and layout of the revised proposal is entirely consistent with SPP.

The Planning Statement which was submitted with the Planning Application in April 2014 and which outlines the relationship of the Proposed Development to individual Development Plan policies continues to present a relevant assessment of the Proposed Development against those policies. The conclusion drawn in the Planning Statement regarding the suitability of the site for a wind farm by virtue of its partial location in an area of search; its sensitive design; its compliance with the Development Plan; and its potential for environmental, local economic and

long lasting and tangible community benefits in line with Scottish Government aspirations remains unchanged.

In summary the Appellant concurs with the conclusion of the Committee Report (Annex O) in its conclusion that the Proposed Development *“accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations”*.

5. Potential Environmental Effects

Key issues raised through the consultation process, investigated as part of the EIA and addressed in the ES are as follows:

- ▶ Landscape and Visual effects;
- ▶ Ecology effects;
- ▶ Ornithology effects;
- ▶ Cultural Heritage and Archaeology effects;
- ▶ Geology, Hydrology, Hydrogeology and Peat Slide Risk;
- ▶ Socioeconomics, Recreation and Tourism effects;
- ▶ Traffic and Transport effects;
- ▶ Noise effects; and
- ▶ Cumulative effects

A summary of the salient points relevant to each of the listed subject matters is presented in the following paragraphs.

5.1 Landscape and Visual Impact Assessment

Background

The site is located approximately 2 km south-east of the nearest settlement of Tomich, Strathglass and approximately 5.5 km south of Cannich. The Landscape and Visual Impact Assessment has assessed the potential effects of the Proposed Development on landscape and views within a 35 km radius of the site, as agreed with SNH and THC. The assessment has been informed by a combination of desk-based analysis, field survey and viewpoint analysis.

There are three NSAs, four Special Landscape Areas (SLA), Core Areas of Wild Land and Gardens and Designed Landscapes (GDL) within 35 km of the site.

Impacts on views from 17 locations (Annex E) from a range of distances, between 1.9 km and 18.6 km from the nearest turbine have been considered. The viewpoints were selected (and agreed with THC and SNH) to be representative of a range of types of open and clear views, including views experienced by: local residents and workers; motorists and other road users; hill-walkers and recreational users of footpaths; and visitors to local nature reserves or cultural heritage assets.

Consultation

Scottish Natural Heritage has raised no objection to the application on landscape and visual grounds in their response to the ES (Annex M (a)). SNH have noted that the application will not result in significant adverse effects on the Glen Affric National Scenic Area (NSA), the Glen Affric

National Nature Reserve (NNR), nor any designated areas of Wild Land.

The Planning Officer in correspondence following the submission of the ES raised concern relating to the visual impact on one viewpoint (VP1) of Turbine (Annex N (a)). While the Appellant initially did not consider a reduction in the number of turbines to be necessary, particularly in light of SNH's consultation response, after further discussion with the Planning Officer, the Appellant took the decision to remove Turbine 7 from the Proposed Development. Visualisations for the reduced scheme were submitted along with an ES Addendum (Annex K).

SNH raised no objection to the reduced scheme in their re-consultation response to the ES Addendum and visualisations (Annex M (a)). SNH noted that the extent of visibility of the turbine array from VP1 has been reduced and the remaining turbines form a more evenly spaced group. SNH also noted a theoretic reduction in visibility of the turbines from VP2 but added that due to screening provided by existing vegetation, the reduction would not be appreciated unless the trees were removed.

Conclusions

There are no significant effects predicted on any area designated as national or regionally important landscapes.

It is considered that the impacts arising from the addition of Proposed Development to the baseline of operational and consented schemes would result in no significant effects in relation to the Glen Affric NSA, Glen Strathfarrar NSA or Strathconon, Monar & Mullardoch SLA. Furthermore, impacts would not be sufficient to result in a reduction of the overall wild land quality of the Central Highlands Search Areas for Wild Land (SAWL) and extended Core Areas of Wild Land.

In terms of settlements, significant visual effects would be limited to views from properties at the south-western edge of Tomich and Knockfin. Although there would be significant effects in relation to localised sections of the minor road to Glen Affric and minor road to Cougie Lodge from Tomich, the surrounding woodland and the intervening landform would predominantly screen views of the turbines and associated infrastructure across the vast majority of these routes. Views from other A roads and minor roads would be subject to screening by the undulating topography and intervening tree cover.

Significant visual effects would typically be limited to locations within approximately 4 km of the Proposed Development in relation to recreational receptors. There would also be the potential for significant effect out to approximately 6 km with respect to recreational receptors (walkers) on hill summits and high ground to north-west and south-west. There would be significant effects in the views experienced by users of localised sections of nearby Core Paths, although the majority of the Core Path network in the local area would not experience significant effects.

When considering the effects of the Proposed Development cumulatively with other proposed wind farms, it is assessed that the introduction of the Proposed Development would not result in any significant cumulative effects. Visibility of cumulative schemes would be very limited due to their distance from the site and the limiting effects on visibility of intervening landform and tree cover.

It should be noted that most on-shore wind farm developments lead to significant landscape and visual effects of some degree and that significant effects are not necessarily unacceptable. The changes arising from a proposed development may stimulate positive or negative responses

depending on individual perceptions regarding the merits of wind energy development.

THC's Committee Report on the Proposed Development (Annex O) supports the conclusion that the Proposed Development fits within the available landscape capacity of the area. It concludes that the reduction in size of the scheme has resulted in a development that is more acceptable in terms of its landscape and visual impact and the Appellant concurs with the findings of the committee report that the proposed development would not give rise to any unacceptable significant landscape and visual impacts.

5.2 Ecology

Background

The baseline ecological conditions were identified from a desk-based study of historical data sources and in targeted field surveys. There are no areas designated as important for habitats within the site. The nearest designated areas are: Strathglass Complex Special Area of Conservation (SAC) and Glen Affric Sites of Special Scientific Interest (SSSI); Glen Affric to Strathconon Special Protection Area (SPA); Affric-Cannich Hills SSSI; and Liatric Burn SSSI. All are over 2 km from the nearest turbine. Glen Affric National Nature Reserve is located 1.29 km south-west of the site. Corrimony RSPB reserve local wildlife site (LWS) is located 0.68 km north-east of the site.

Field surveys to identify habitats and vegetation types found that habitats on site are dominated by typical upland habitats including heath grassland and mire. Some small and limited areas of arable land, agriculturally improved grasslands, semi-improved neutral grassland and bracken were also identified. Small areas of habitats were identified across the site as being dependent on groundwater; however a detailed assessment of these habitats suggests the overall impact would be Minor Adverse which would not be significant in EIA terms. Mitigation is proposed to prevent any unnecessary damage or disturbance to sensitive habitats. No further ecologically significant impacts on habitats are predicted. Field surveys for important and protected mammals and aquatic invertebrates were also carried out. The surveys identified:

- ▶ Evidence of otters using the watercourses in and around the site for feeding and commuting;
- ▶ Low to Excellent suitability habitat for red squirrel (mainly in the forest areas outwith the Site Boundary);
- ▶ Evidence that pine martens are resident on and around the site, including two potential denning sites;
- ▶ Evidence of badger activity and badger sets;
- ▶ Evidence of bats using the wind farm site for occasional foraging and commuting;
- ▶ A number of trees with potential for roosting bats along the proposed access route; and
- ▶ Unpolluted watercourses.

THC's Forestry Officer initially raised concerns over the potential impact during construction on trees along the avenue leading to the site entrance (Annex N). Following the submission of a Tree Survey and Arboricultural Constraints Report (Annex N) THC Forestry Officer confirmed the

Proposed Development will not have an adverse impact on the trees along the route to the site.

Consultation

Scottish Natural Heritage had no objection (Annex M (a)) and advised THC to carry out its own assessment of the potential impact of ecological receptors near the development and within designated Natura sites. THC's Habitat Resource Assessment found that the development would have "no effects, or effects are too general, either with or without mitigation".

THC's Forestry Team has not objected to the application. Compensatory planting and a tree protection plan produced by the Appellant have been welcomed (Annex M (b)).

Conclusions

Considering the good practice construction methods proposed, including measures for preventing pollution to watercourses and mitigation in the form of an ecological clerk of works to supervise construction activities, no ecologically significant effects on any species would occur.

There is potential for Minor Adverse impacts on otters, red squirrels and bats, none of which are considered to be significant in EIA terms.

The Appellant is content with the conditions relating to tree survey work proposed in THC's Committee Report.

5.3 Ornithology

Background

A desk-based study of historical data sources and targeted field surveys took place across the site plus a buffer area around the site which varied according to species. Field surveys included breeding bird surveys, common bird census, species specific surveys and vantage point watches (surveys designed to quantify the level of flight activity and distribution over a particular survey area).

Consultation

Scottish Natural Heritage had no objection on ornithological matters and advised THC to carry out its own assessment of the potential impact of ecological receptors near the development and within designated sites. THC's Habitat Resource Assessment found that the development would have "no effects, or effects are too general, either with or without mitigation" (Annex M (a)).

Conclusions

Potential impacts on the Glen Affric SSSI, Glen Affric to Strathconon SPA and West Inverness-shire Lochs SPA and SSSI were considered; however assessment suggests there would be no significant effects on any designated sites. The desktop study identified a number of historic Black Grouse lek sites as well as evidence of Hen Harrier breeding within the study area, while none were recorded in the breeding bird surveys in 2013. Although there is potential for lek sites close to the existing access tracks to be disturbed by construction activity, it is considered that these birds would not be displaced as they are choosing to lek in areas where infrastructure already exists. No evidence of breeding was recorded for the red-throated diver or the black-throated diver. Field surveys indicated that the nearest known golden eagle territory to the site

appears to hold three traditional nest locations and although the territory was occupied, breeding was not confirmed at any of the traditional nest sites. Vantage point watches were carried out between April 2013 and March 2014. The vantage point watches were to identify bird flights that have the potential to be at risk of collision with the proposed wind turbines during operation. Limited flight activity by golden eagle, osprey, merlin, peregrine, snipe and greenshank were recorded. No black grouse flights were recorded during flight activity surveys, and so it can be assumed there will be no risk to collision.

With mitigation in place, negligible impacts are anticipated on ornithological interests during the construction phase, providing that further pre-construction surveys for breeding birds would be undertaken to prevent any potential disturbance to breeding birds. Furthermore, during the operational phase it is considered unlikely that any birds will be lost to the regional population and therefore effects due to collision are not considered to be significant.

An Appropriate Assessment has been undertaken in line with the Habitats Directive due to the proximity of the Proposed Development to designated conservation areas. This is appended to THC's Committee Report (Annex O) and concludes in line with SNH advice that the Proposed Development is not likely to have a significant adverse effect on European designated sites.

5.4 Cultural Heritage and Archaeology

Background

A desk-based assessment was undertaken to collect information on known cultural heritage features both within the site, and within a wider study area out to 10 km from the site. A field survey was also carried out to assess the condition of known features and to identify any further features not detected through the desk-based assessment.

Consultation

Historic Scotland has not objected to the application. They have concluded that there is no visibility of the development from Urquhart Castle and that the assessment of the impact on the A-listed Fasnakyle Power Station is acceptable (Annex M (c)).

THC's Historic Environment Team have not objected to the application. Concerns were raised about the indirect impact to the setting of the monument to Lady Tweedmouth and THC's HET have suggested a condition to improve the maintenance and interpretation of the monument (Annex M (d)).

Conclusions

There are no Scheduled Monuments or Listed Buildings within the site, though eight undesignated features of historic environment interest (all of medieval date) were identified within the site. No direct effects on cultural heritage assets have been predicted; however due to the proximity of a former township to the proposed access tracks, a program of archaeological mitigation is proposed to avoid or offset the potential loss of archaeological resource as a result of the construction works.

Operational effects of no more than Minor significance have been predicted for historic environment assets where there would be theoretical visibility of the turbines within 10 km from the site.

In relation to the Lady Tweedmouth Monument, THC's Committee Report does not consider that

there would be a significantly adverse impact on the monument and that mitigation by repair and interpretation can be provided by condition. The Appellant is content with this condition.

5.5 Geology, Hydrology, Hydrogeology and Peat Slide Risk Assessment

Background

A desk-based assessment and site visits were undertaken to establish the local topography and hydrological regime as well as to verify data provided by geology, soil and hydrogeology maps. Field surveys also included hand augering of the site.

Consultation

The **Scottish Environmental Protection Agency (SEPA)** have not objected to the application. SEPA have sought conditions to address issues surrounding disturbance and re-use of excavated peat, pollution prevention and environmental management, decommissioning and site restoration, and design of water course crossings (Annex M (e)).

THC's Environmental Health Officer (EHO) has not objected to the application on private water supply concerns. Conditions have been recommended for securing mitigation schemes for private supplies (Annex M (f)).

THC's Flood Team has no objection to the application (Annex M (g)).

Conclusions

There are two burns which flow across the site, Allt a Choire Bhuidhe and Allt Bail a Chladaich. With the implementation of standard good practice mitigation during construction and good practice design of drainage measures and watercourse crossings, no significant impacts are predicted on these watercourses.

The baseline studies included peat probe samples, which confirmed that deep peat is only found in some local pockets around the site. The Proposed Development has been designed to avoid these areas wherever possible. Given the small areas of peat affected by the Proposed Development, no significant impacts on peat stability or peatland hydrology are anticipated.

Assuming that the proposed mitigation measures are adopted and that best practice is followed, the residual effects of the Proposed Development on the geological, hydrological and hydrogeological environments are assessed as Minor to Negligible and therefore are not considered significant.

The main source of potential flooding at the site is considered to be from Allt an Fhasaich Mhor; however the Proposed Development would not increase flood risk upstream or downstream of the site.

The Appellant is content with the conditions relating to water, flood risk, drainage and peat proposed in the Committee Report.

5.6 Socio-Economics, Recreation and Tourism

Background

The socio-economics assessment considered the potential for employment benefits associated

with the Proposed Development, along with the potential impacts on wider businesses in the area, tourism and use of the local area for recreation.

Consultation

THC's Access Officer has not objected to the application. A condition has been sought to secure access in and around the site during construction and operation (Annex M (h))

Conclusion

Overall it is estimated that the construction phase (approximately 9 months) would support approximately 19 temporary full time equivalent jobs, with a large proportion of these construction jobs being sourced locally. This number of jobs is considered to have a Minor Beneficial effect on the local labour market. During the operational phase the project would support the equivalent of between two and three full time positions for the lifetime of the project (25 years).

In addition, the Proposed Development could also deliver contracts worth more than £2.3 million for the construction industry in the Highland area, while making a contribution to the community benefit fund of £5,000 per MW of installed capacity per year, equating to £90,000 per annum for the proposed 25-year life of the proposed development or a stake in the project in the form of a community owned turbine.

Research undertaken on behalf of the Scottish Government³ provides the most relevant indicator of the potential impact of onshore wind farms on tourism in Scotland. Results of the study indicated that 75% of tourists considered wind farms to have a beneficial or neutral effect on the landscape, whereas 25% felt wind farms had a negative impact on landscape.

No significant effects are predicted on wider business interests related to tourism or recreation, a view that is supported by the assessment presented in THC committee report. While the Proposed Development would bring benefits in the form of employment opportunities and increased spend in the local economy, these positive effects are not considered significant.

The Appellant has signed a Memorandum of Understanding (MoU) with local community charity Soirbheas which provides the opportunity for Soirbheas to investigate 'enhanced community benefits' from the proposed Beinn Mhor wind farm through, for example, ownership of a 'virtual turbine'. Should the charity choose not to take up this option, the Appellant has committed to paying a voluntary £5,000 per MW of installed capacity, per annum, for the operational period of the Proposed Development (to be distributed by Soirbheas within the local community). This contribution would be in line with THC guidance on community benefit. Over the lifetime of the Proposed Development, this would amount to a total of £2.25 million.

It should be noted that Soirbheas' role is solely to secure and distribute community benefit funds from the Proposed Development. The Appellant has agreed in the MoU that Soirbheas does not represent the community with regards to the planning application for Beinn Mhor wind farm and will be a neutral party in this regard.

A further agreement has been signed with a local conservation charity which would provide the charity with funding for the operational period of the Proposed Development of £20,000 per

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³ Riddlington et al, Glasgow Caledonian University (2008). The economic impact of wind farms on Scottish tourism.

annum. The funds would be used to support either an employment position with the charity or for individual conservation projects.

5.7 Traffic and Transport

Background

This assessment considered the potential effects of increased traffic on the surrounding road network as a result of the construction and operation of the Proposed Development. The roads identified as forming the likely route to site by abnormal loads and construction traffic are the A831 / C1110 and U1423.

Consultation

Transport Scotland has no objection to the application. Conditions are sought for abnormal load deliveries and traffic control measures (Annex M (i))

THC's Transport Planning has no objection to the application (Annex M (j)). An Indicative Construction Traffic Method Statement was provided as part of a submission of Supplementary Environmental Information (Annex J).

Conclusions

The traffic impacts associated with a wind energy development are generally short term only and are limited to the temporary construction and decommissioning phases. The assessment indicates that there are no likely significant effects on the road network, with capacity studies indicating that there is significant spare capacity on the local road network; accordingly no link capacity issues associated with the construction traffic would be anticipated.

With mitigation measures in place the residual effect on pedestrian amenity is likely to be of Minor significance as any impacts will only occur during the short time period when aggregate and concrete is delivered to site.

Some minor off-site road improvements would be required to accommodate the traffic associated with the Proposed Development. Improvements would be likely to comprise minor modifications to widen junctions and roundabouts, minor tree/vegetation trimming or removal, re-profiling of embankments and temporary removal or relocation of street furniture. The improvements would be agreed with the roads authority in advance of any works commencing.

A number of control measures have been proposed to further reduce the potential adverse effects of the construction traffic and include the development of a Traffic Management plan to be developed to the satisfaction of the local roads authority, which would outline proposed access routes, traffic management measures, details of advance warning for abnormal loads and abnormal load management.

THC's Committee Report notes that a Construction and Environmental Management Document (CEMD) will require to be submitted and approved. The Appellant has committed to this along with the establishment of a Community Liaison Group comprised of members of three Community Councils, THC Roads department and police. A full structural assessment and trial run of route with manufacturer and haulier will be undertaken prior to the production of the CEMD and Construction Traffic Management Plan.

5.8 Noise

Background

Monitoring equipment was placed at two locations near to the site to measure background noise levels over a wide range of wind speeds. The monitoring locations were considered to be representative of the nearest noise sensitive dwellings around the site and were agreed with The Highland Council prior to monitoring taking place. These baseline measurements were used to undertake the construction and operational noise assessment associated with the proposed development.

Consultation

THC's Environmental Health Officer (EHO) has not objected to the application on noise grounds. Conditions have been recommended for securing noise levels during the construction and operational phases of the development (Annex M (f)).

Conclusions

Through the assessment, it has been demonstrated that the Proposed Development would operate within the limits set out in the government endorsed industry guidance (ETSU R-97). As a result, no significant impacts are expected at nearby noise sensitive locations during the operation of the Proposed Development.

During construction, good practice site management measures would be employed to control noise, including the use of working hours restrictions.

THC's Committee Report proposes relevant noise related planning conditions that are acceptable to the Appellant.

5.9 Shadow Flicker

Background

Under certain conditions, it is possible for turbines to cast shadows over neighbouring properties where the sun passes behind a rotating wind turbine. This only occurs under very specific weather conditions, time of day and time of year. Where the shadow falls upon properties within 10 rotor diameters, a flicker effect can occur through window openings.

Consultation

THC's Environmental Health Officer (EHO) has not objected to the application on shadow flicker grounds (Annex M (f)).

Conclusions

Given the context of the site, with no residential receptors being located within 10 rotor diameters, or indeed within 1 km of the proposed wind turbines, it is considered unlikely that there would be any potential for shadow flicker to occur at any of the residential properties surrounding the site. Accordingly the Proposed Development is not considered to have potential to give rise to significant effects in relation to shadow flicker.

THC's Committee Report supports the conclusion of the ES that it is not anticipated that shadow flicker will be an issue due to the absence of any properties within 10 times rotor diameters of the turbine locations.

5.10 Air Quality & Light

Background

The main activities associated with the Proposed Development with the potential to result in adverse air quality effects would be limited to construction works. These works would be localised, short term, intermittent and controllable through the application of good construction practice, including a Traffic Management Plan and Construction Environmental Management Plan. Furthermore, fixed and mobile plant would be limited in size and number, and operate for short periods.

Lighting impacts would be most likely to occur during the construction phase when temporary construction compounds and plant would be located on-site. However, a Construction Environmental Management Plan would be prepared and implemented, secured by means of an appropriately worded planning condition. The aim of the Plan is to provide working methods that would aid in avoiding, minimising and controlling potential significant adverse effects on the environment associated with the Proposed Development.

Consultation

THC's Environmental Health Officer (EHO) has not objected to the application on air quality and lighting grounds (Annex M (f)).

Conclusions

The contributions of exhaust emissions from construction vehicles are likely to be low, and orders of magnitude below current Air Quality Objectives. Accordingly the Proposed Developments not considered to have potential to give rise to significant effects in relation to air quality.

The Proposed Development is not considered likely to give rise to significant lighting effects.

5.11 Aviation and Telecommunication

Background

Wind turbines, as with any large structure, have the potential to interfere with electromagnetic signals. This can affect television reception, radio communication networks, radar and other systems associated with aviation and national defence. Wind turbines can also pose an obstacle hazard to low flying aircraft.

Consultation

The **National Air Traffic Control (NATS)** have not objected to the application (Annex M (k)).

The **Ministry of Defense (MOD)** has not objected to the application. The MOD has sought a condition for the installation of appropriate lighting on each turbine (Annex M (l)).

Highland and Islands Airports Limited (HIAL) have not objected to the application (Annex M (m)).

The **Civil Aviation Authority (CAA)** has not objected to the application (Annex M (n)).

Conclusions

Based on consultation, there is unlikely to be significant effects on aviation and

telecommunication and as such these potential impacts were not considered within the EIA. THC's Committee Report reflects this position.

5.12 Summary of Mitigation

Schedule of Mitigation Measures

Mitigation measures are proposed in each of the technical chapters of the ES and SEI to avoid, reduce, or offset residual environmental effects. The effects and mitigation measures have been summarised into a 'Schedule of Mitigation Measures' which is presented in Table 12.1 of the ES. This schedule will be utilised by the Appellant throughout development of the detailed design, and the appointed contractors will be required to allow for, and ultimately implement, each of the measures in this schedule as a minimum.

Environmental effects and associated mitigation measures are presented in the order in which they appear within the ES and SEI:

- ▶ Landscape and Visual Amenity;
- ▶ Ecology;
- ▶ Ornithology;
- ▶ Cultural Heritage and Archaeology;
- ▶ Geology, Hydrology, Hydrogeology and Peat Slide Risk Assessment;
- ▶ Socio-Economics, Recreation and Tourism;
- ▶ Traffic and Transport; and
- ▶ Noise and Vibration.

The majority of the pre-construction and construction phase mitigation would be delivered through a Construction Environmental Management Plan (CEMP). The outline content of the CEMP is described in Chapter 5 of the ES. Further detail on specific mitigation measures to be included in the CEMP is contained in each of the technical chapters.

Proposed Conditions

The Committee Report published a list of conditions to be attached to Planning Permission if granted. The Appellant has considered these and are happy to accept such conditions on any consent.

6. Construction Methods and Programme

The envisaged sequence of events for the construction programme would be:

1. Works/improvements to the public roads
2. Construction of the site entrance
3. Construction of the site access tracks, assembly areas, crane hardstandings and excavate the foundations
4. Construct the wind turbine foundations
5. Construct the substation area (including control building, fenced compound and car parking area) for the grid connection
6. Excavate the trenches and lay the electrical and control cables
7. Delivery and erection of the wind turbines
8. Commission the wind turbines and site equipment
9. Carry out land reinstatement, reinstate assembly areas and clear site

The Proposed Development would be constructed by experienced construction contractors with a proven track record working on similar projects in accordance with UK and international standards in respect of quality, health, safety and environmental management.

The Appellant is committed to using local contractors and resources wherever possible during construction and the operation of the Proposed Development in order to maximise the benefits for the local economy.

Construction of the Proposed Development would follow a Construction Environmental Management Plan with the aim of minimising the potential effects identified in the ES on the environment.

The estimated duration of the construction period for the Proposed Development is approximately nine months.

6.1 Construction Traffic

Construction traffic would consist of staff transport movements in cars and light goods vehicles, heavy goods vehicles (HGV's) and abnormal load deliveries.

HGV movements would be required to move plant and materials to and from the site. During the construction phase, the majority of construction traffic would approach the site from the north due to the proximity of the A82 and A831 providing access to the wider strategic road network.

The delivery of abnormal loads (i.e. those used for delivery of the turbine components) would be agreed in advance with the relevant authorities and notices would be placed in local communities detailing predicted times of deliveries.

6.2 Decommissioning

The Proposed Development is designed for an operational life of 25 years. Thereafter, or at the expiry of the planning permission, whichever is sooner, the turbines would be decommissioned and removed from the site. Alternatively, an application to replace the turbines or extend the operational life of the existing turbines may be submitted for consideration.

A decommissioning bond would be set aside by the Appellant in accordance with the conditions proposed by The Highland Council.

Decommissioning would involve:

- ▶ dismantling and removing the turbines;
- ▶ breaking out the exposed upstand section of the turbine foundation to a depth at 1 m below the ground level and re-instating with topsoil where appropriate;
- ▶ restoration of all hardstanding areas adjacent to turbines;
- ▶ removing access tracks (or leaving them in place, whichever is more appropriate for the landowner, or as specified in the conditions attached to any consent). If removed they would be re-instated with top soil and re-vegetated;
- ▶ disconnecting turbine interconnecting cables (left in place); and
- ▶ removing the substation, control building, control and electrical equipment and any protective fencing before the land would be re-instated.

7. Overall Conclusions

7.1 Assessment of Committee Report

The Appellant agrees with the assessment of the Planning Application set out in THC's Committee Report (Annex O) in its conclusion that the Proposed Development "*accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations*". The Appellant has also considered the conditions proposed by THC's Committee Report and is happy to accept the attachment of these to the grant of planning permission.

7.2 Conclusion

Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires determinations on planning applications to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Planning Statement submitted with the Planning Application and ES considered that the Proposed Development was, on balance, in accordance with the relevant provisions of the Development Plan. That considered view has been substantiated by the January 2015 Report to Planning Committee by the Head of Planning. There is therefore agreement between the Appellant and the Head of Planning on this key determining issue.

In further support of the Proposed Development it is noted that the June 2014 updates to SPP and NPF3 continue to advocate strong in-principle support for renewable energy developments across Scotland, including onshore wind. The Scottish Government is committed to increasing the proportion of electricity generated from renewable sources to meet the target of generating the equivalent of 100% of electricity demand from renewable sources by 2020.

SPP continues to advocate that an area's full potential for electricity and heat from renewable sources is achieved, having due regard to environmental, community and cumulative impact considerations. The application site is located outside of any landscape, ecological or cultural heritage designations and the absence of any objections to the Proposed Development from key consultees such as SNH, SEPA, Historic Scotland etc is reflective of the suitability of this site for an appropriately sited wind energy development.

In addition to the renewable energy benefits that would arise from the Proposed Development, there are significant socio-economic benefits that would accrue to the local community and wider Highland economy during the construction and operational phases, including the potential for a community owned turbine.

While it is acknowledged that the Proposed Development will give rise to some environmental impacts these can be mitigated through adherence to planning conditions. On balance, therefore, it remains the Appellant's considered opinion that the Proposed Development is in accordance with the Development Plan and it is respectfully requested that this appeal is upheld and planning permission granted.

7.3 Method of Determination

The Appellant considers that the appropriate method of determination for this appeal would be written submissions and a site visit. However, the Appellant reserves the right to revisit this assessment following receipt of comments from THC and any objectors to the appeal.