

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE
4 AUGUST 2015**

Agenda Item	5.1
Report No	PLN/038/15

**14/00004/S36 : Creag Riabhach Wind Farm Ltd
Creag Riabhach, Altnaharra Estate, Altnaharra, by Lairg.**

SUMMARY

Description : Erection of a wind farm with the potential to generate 72.6MW.

Recommendation : Raise No Objection

Ward : 01 - North, West And Central Sutherland.

Development Category : Section 36 Development.

1. PROPOSED DEVELOPMENT

1.1 The application is for the development of Creag Riabhach Wind Farm. With 22 turbines (each 3.3MW) the proposed development has the potential to generate 72.6MW. It has been submitted to the Scottish Government under Section 36 of the Electricity Act 1989. Should Ministers approve the development, it will carry with it deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997. The Council is a consultee to this application.

1.2 The application includes the following elements:

- 22 wind turbines with a maximum tip height of up to 125m.
- 2 anemometer masts.
- Site access tracks
- Access point with the A836.
- A new bridge over the River Vagastie.
- Cable trenches.
- Crane hard standing pads and lay down areas
- Site construction compound for a temporary period;
- Substation.
- Control room.
- External compound approximately 90 metres by 75 metres;
- Borrow pit;

1.3 The turbines will have an operational life of 25 years after which time they are to be dismantled and the site restored. Although not part of the current application the proposed grid connection is expected to be formed by a 132kV overhead line connection from the proposed substation southwards to Lairg.

- 1.4 The turbine parts, categorised as abnormal loads, are expected to arrive from Invergordon to Lairg, via the Mound, then across the A836 Lairg to Tongue road, which will be upgraded in parts to accommodate the expected traffic impacts. The A836 will not be used across its whole length. Between Lairg and the Crask Inn a diversion will be used through the Forestry Commission's Dalchork Forest holdings, north of the Dalnessie Estate entrance in Strath Tirry. This diversion will be used by abnormal loads and all HGV deliveries to site.
- 1.5 As required by the Electricity Works Environmental Impact Assessment Scotland) Regulations 2008 the application is supported by an Environmental Statement (ES), based on a "Scoping Opinion" by the Energy Consent Unit. This includes a substantial package of photomontages. With the knowledge and expertise of statutory consultees, there is sufficient information available within the ES to allow consultees and the Council to make a judgement on the application.

2. SITE DESCRIPTION

- 2.1 The site lies south west of Altnaharra on the west side of the A836 road. The main site area is set 6.5km from Altnaharra, with the borrow pit closer to the village at 2.5km. Altnaharra consists of some 20 residential properties, a primary school, church, estate office, the farm and a seasonal hotel. The site falls within Altnaharra Estate which is currently engaged in deer farming, forestry, fishing, stalking and holiday cottage lets. A small part of the wind farm development would impact on a recent commercial plantation, one of several blocks of woodland adjacent to the road side south of Altnaharra. The site extends to 356ha, although the development footprint is significantly smaller.
- 2.2 The wind turbines would sit on a ridge line to the western side of Strath Vagastie. It would be associated with the high ground of Meall An Fhuarain (472m), Ben Harrald (400m) and Creag Riabhach (400m). Turbines are located south of these hilltops between 320 – 364m AOD. The site is contained by the water courses which run around the site from Meall An Fhuarain on the west, joining the Allt a Chraig to the south and then River Vagastie on the east. The site is contained within the landscape, enclosed by the presence of Ben Klibreck (962m) approximately 4km to the east and Ben Hee (873m) approximately 10km west.
- 2.3 The site itself is not subject to any environmental designations. Within the surrounding area, both immediate and wider, there are a variety of designations. Immediately west and south of the site is the "Cnoc an Alaskie" Site of Special Scientific Interest (SSSI). This forms part of the Caithness and Sutherland Peatlands - Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. Ben Klibreck SSSI lies to the immediate east of the River Vagastie. Other designations, ranging from local to international levels of protection, are contained in the wider area surrounding this site. In the main these form further parts of the above noted site known as the Caithness and Sutherland Peatlands.
- 2.4 Peat is present across the whole site and is characteristic of this area. Blanket bog and wet heath habitat are qualifying features of the adjacent Caithness and Sutherland Special Area of Conservation (SAC) and are listed under Annex I of

the Habitats Directive. The site is used by a number of protected species (otters) and birds (eagles, hen harrier, merlin, golden plover, divers, geese, etc.), all present in the wider area and including some associated with designated sites.

- 2.5 The site hosts a number of natural watercourse channels, all part of the River Vagastie catchment, which contributes to the River Naver. There is evidence of numerous artificial channels draining the site including Vagastie dam and the concrete catchment channels that redirect water to Loch Shin (Hydro). The watercourses in the area lie within catchments that are important for salmonids (salmon and trout), with the River Naver system recognised as a high quality fishery. Freshwater pearl mussels are qualifying features of the River Naver SAC.
- 2.6 To the north, north-west and west of the site there are three National Scenic Areas (NSAs) including Kyle of Tongue, North West Sutherland and Coigach and Assynt. These are set back from the site with the closest at a distance of 10km. There are two Special Landscape Areas (SLAs) located to the east including Ben Klibreck and Loch Choire SLA and Bens Griam and Loch Nan Clar SLA. The designations do not extend over the site area, with the Ben Klibreck and Loch Choire SLA boundary approximately 2 -3km to the east. Part of the site, together with extensive land to the west and east, has been recognised as “area of wild land” (AWL) by Scottish Government within Scottish Planning Policy.
- 2.7 There are 34 Scheduled Monuments and 5 Listed Buildings within the zone of theoretical visibility (ZTV). A number of Scheduled Monuments in the locality but the majority of these are located to the north east of the site, many of which are situated along the Loch Naver valley. These include Ben Klibreck, campsite and survey station, Meall nan Con; Dun Creagach Island, broch, Loch Naver; Grumbeg Township; Grummore, broch; Grummore, depopulated township, Loch Naver and Klibreck, chapel, cross-slab and settlement. Within 5km of the site centre there are two listed buildings, Crask Bridge and Vagastie Bridge, both category C.
- 2.8 When assessing an application for a wind farm, consideration is required of similar developments around the site. The list below presents the projects 35km around this development site that are Operational, Approved or have been Submitted but are not yet determined.

Built and / or Consented

Lairg
Achany
Rosehall
Gordonbush
Kilbraur – including Kilbraur Extension
Melness
Bettyhill
Strathy North.

Under consideration

Glencassley – (Council did not raise an objection – reassessed post 2014 SPP).

Sallachy – (Council did not raise an objection – reassessed post 2014 SPP).

Strathy South – (Council has raised an objection).

Braemore – (Council has raised an objection).

Strathy Wood – (under consideration).

3. PLANNING HISTORY

3.1 **17.12.2012** – EIA Scoping Opinion provided by ECDU for the erection of 38 wind turbines (Creag Riabhach Wind Farm).

10.09.2012 - Erection of 60m anemometer mast granted temporary planning permission (Ref 12/03115/FUL).

4. PUBLIC PARTICIPATION

4.1 The application was advertised twice under the EIA Electricity Act Regulations. The last deadline for representations to the Scottish Government was 03/06/2014.

4.2 Scottish Government ECDU has received 215 representations including 209 objections and 6 in support.

4.3 Highland Council has received 147 representations including 63 objections and 84 in support.

4.4 Material considerations raised in objection are summarised as follows:

- Conflict with Development Plan and Scottish Planning Policy.
- Not a good location / out of character.
- Impact on valued Munro's - Ben Klibreck / Ben Hope.
- Visual impact – of turbines, substation, access tracks, borrow pit, etc.
- Cumulative impact – Rosehall / Achany wind farms.
- Impact on wildlife / environment.
- Impact on designated sites for nature conservation.
- Impact on the landscape and valued scenery of an unspoilt area.
- Impact on wild land.
- Noise from the turbines would affect the peacefulness of the area.
- Would create a blot on the landscape / eyesore.
- Impact on peat / valued carbon sinks.
- Adverse effect on water quality / valued fishing interests.
- Adverse impact on the economy / tourism.
- Would affect sporting lets and accommodation lets on local estates.
- Area popular with walkers, hill climbers, cyclists and bird watchers.
- Would adversely affect existing tourist businesses in the area.
- Not required / inefficient / poor value for money.
- There are better alternative forms of renewable energy – tidal power.

- Projects do not create sustainable jobs and is not sustainable development.
- Adverse impact on local roads / road safety.

4.5 Material considerations raised in support are summarised as follows:

- Good location for wind energy.
- Good for the local economy.
- Clean energy.
- Beneficial for a small fragile rural community.
- Would help with the costs of living / energy in one of the coldest places in the UK.
- Development is unlikely to / will not deter hill walkers, climbers and sportsmen.
- Investment in this area is to be welcomed.
- Wind turbines are not objectional in their appearance. They present a powerful “positive” image.
- The impact on wildlife, birds and deer will not be significant.
- Development can benefit the local environment
- The development will not affect the beauty of the landscape.
- Will not spoil the scenery – there are miles and miles of landscape to enjoy.
- Wind farms can enhance the landscape.
- This site is well located, isolated.
- Project will bring valued infrastructural improvements to the area.
- The energy is needed and is not dependent upon fossil fuels.
- Good estate diversification / sustainable / reversible development.
- Will not affect tourism / existing local businesses.
- Projects like this are needed.
- Wind farms are the future.

5. CONSULTATIONS

Consultations undertaken by the Planning Authority

- 5.1 **Bettyhill, Strathnaver and Altnaharra Community Council** supports the application. It welcomes the investment, in an area which remains with a continuing trend of depopulation.
- 5.2 **Tongue Community Council** a neighbouring CC, has no objection to the application.
- 5.3 **Durness Community Council** a neighbouring CC, has no objection to the application.
- 5.4 **Kinlochbervie Community Council** a neighbouring CC, has no objection to the application.
- 5.5 **Access Officer** has no objection to the application.

- 5.6 **Historic Environment Team** has no objection to the application. With regard to the assessed impact of the scheduled campsite and survey station at Ben Klibreck the development is seen as dominant rather than unobtrusive.
- 5.7 **Transport Planning** has no objection to the application. Request is made for conditions to secure approval of a Construction Traffic Management Plan (CTMP) to satisfy the respective requirements of the police, the roads authorities and community representatives. This needs to include an appropriate wear and tear legal agreement including joint before and after road condition surveys (developer and Highland Council) and regular monitoring of traffic levels and road conditions during the construction phase of the development.
- 5.8 **Flood Team** has raised no objection to the application. Its preferred approach is to secure on site SUDs provision and to take account in any design of a 1:200 year flood event plus 20% for climate change.
- 5.9 **Environmental Health** has no objection to the application. A simplified condition is requested in respect of noise arising from this development, together with clarification of any financial interests in respect on one property.

Consultation undertaken by Energy Consent Unit

- 5.10 **Transport Scotland Trunk Road and Bus Operations Directorate (TSRBOD)** has no objection to the application. Request is made for conditions related to abnormal loads using the trunk road network to assist in maintaining the safety and free flow of traffic.
- 5.11 **Scottish Natural Heritage (SNH)** object to the application. It would significantly and adversely affect areas of wild land identified in this area and the distinctive character of the landscape and people's experience of it.
- 5.12 **Scottish Water** has no objection to the application.
- 5.13 **Scottish Environmental Protection Area (SEPA)** has no objection to the application. Conditions need to be attached to any consent including the requirement for a site specific Construction and Environmental Management Document (CEMD) and subsequently a Decommissioning and Restoration Environmental Management Plan.
- 5.14 **Marine Scotland (MS)** has no objection to the application. It raises concerns in respect of water quality, the impacts of felling, working in peat all in relation to minimising impacts on macro-invertebrate and fish, with a need for monitoring and effective response to manage any changes.
- 5.15 **Forestry Commission (FC)** has no objection to the application. This position is subject to conditions requiring provision of compensatory tree planting for an area of 1.03ha and the provision of a Forest Plan to manage forestry on site.
- 5.16 **Civil Aviation Authority (CAA)** has no objection to the application. A request is made for a condition to ensure the Defence Geographic Centre is informed of construction details for inclusion on aviation charts.

- 5.17 **Highland and Islands Airport Limited (HIAL)** has no objection to the application.
- 5.18 **Ministry of Defence (MOD)** has no objection to the application. A request is made for a condition to secure aviation warning lighting (infra-red acceptable) on each turbine and in addition 25 candela lighting on all of the cardinal wind turbines at the highest practicable point. It also requests consulted and notified of the progression of planning applications and submissions relating to this proposal to verify that it will not adversely affect defence interests.
- 5.19 **National Air Traffic Systems (NATS)** has no objection to the application. Request further consultation should there be any changes to this application.
- 5.20 **Radio Frequency Allocation and Network Protection** has no objection to this application.
- 5.21 **Visit-Scotland** has concerns over the potential negative impact this development would have on tourism whether visually, environmentally and economically should it be allowed to proceed. It also urges consideration relating to the impact any perceived proliferation of developments may have on the local tourism industry, and therefore the local economy.
- 5.22 **Scottish Wildlife Trust** object to the application. This position is adopted on account of likely effects the proposal would have on Blanket Bog, an internationally important Annex I Habitat under the Habitats Directive, but also because the proposal is contrary to The Scottish Government's second Report on Proposals and Policies (RPP2) for meeting its climate change targets.
- 5.23 **Royal Society for the Protection of Birds RSPB** do not object to the application. Request is made for particular conditions to secure outcomes from the proposed offsite Habitat Management Plan (HMP) and safeguard the interest of breeding birds during construction.
- 5.24 **Mountaineering Council of Scotland** object to the application. The proposed development would have severe landscape and visual impacts and would diminish the local tourist and recreation resource.
- 5.25 **John Muir Trust (JMT)** object to the application. It highlights key objections in respect of areas of wild land; visual; landscape and cumulative impacts; peatlands; and economic impact:
- 5.26 **The Crown Estate** has no objection to the application.
- 5.27 **CH2M HILL (formerly Halcrow Group Ltd)** has no objection to the application. The Peat Stability assessment within the ES is relatively robust. Conditions should require some additional peat probing to aid micro-siting.

6. DEVELOPMENT PLAN

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

Highland-Wide Local Development Plan 2012

- 6.2
- | | |
|-----------|--|
| Policy 28 | Sustainable Development |
| Policy 29 | Design, Quality and Place Making |
| Policy 31 | Developer Contributions |
| Policy 51 | Trees and Development |
| Policy 52 | Principle of Development in Woodland |
| Policy 55 | Peat and Soils |
| Policy 57 | Natural, Built and Cultural Heritage |
| Policy 58 | Protected Species |
| Policy 59 | Other Important Species |
| Policy 60 | Other Important Habitats |
| Policy 61 | Landscape |
| Policy 64 | Flood Risk |
| Policy 67 | Renewable Energy including significant effects on: - <ul style="list-style-type: none">○ 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 |

Sutherland Local Plan (as amended by the HwLDP)

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

Caithness and Sutherland Local Development Plan (Issues Paper)

6.4 No relevant policies.

7. OTHER MATERIAL CONSIDERATIONS

Scottish Government Planning Policy (SPP) and Guidance

7.1 The Scottish Government has recently consulted on an updated policy statement. It continued support for onshore wind. It lists likely considerations to be taken into account, which 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.

7.2 In addition to the above the Scottish Government sets out further advice on Renewable Energy in a number of documents and on web based information 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 (Updates July 2013)
- Wind Farm developments on Peat Lands (June 2011)

Onshore Wind Energy Interim Supplementary Guidance

7.3 The application site lies within an Area of Search. Policy 67 of the HwLDP therefore applies, with additional interpretation as provided within the guidance on the eleven criteria set out within Policy 67 listed above. However the guidance is in need of review following the publication of the updated SPP in June 2014. This is likely to affect the policies applied in this location on account of the identified areas of wild land – seen within SPP as a Stage2 Constraint.

Highland Renewable Energy Strategy (HRES) (May 2006)

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

Policy H1 Education and Training

Policy K1 Community Benefit
Policy N1 Local Content of Works

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Although this is not a planning application, as it carries with it the potential for deemed planning permission, the Council adopts this approach to its consideration of any Section 36 application.

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

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

Assessment

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

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

Development Plan

8.4 The Development Plan comprises the adopted Highland-wide Local Development Plan (HwLDP) and Sutherland Local Plan. There are no site specific policies affecting this application site within the Sutherland Local Plan. The principal HwLDP policy on which the application needs to be determined is Policy 67 - Renewable Energy. The other policies listed at 6.1 of this report are also relevant

and the application must be assessed against these also for example Policy 61 - Landscape. These matters all fall within the ambit of Policy 67 and are assessed in full within a number of material considerations examined within this report.

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

Interim Supplementary Guidance – Onshore Wind Energy

- 8.6 The Council has developed Interim Supplementary Guidance to assist with the consideration of onshore wind energy. This is being updated following the updating of SPP in June 2014. The site falls within an “Area of Search” for wind energy requiring the policy to be assessed, as noted above, within Policy 67 of the HwLDP. The Supplementary Guidance explains further the criteria set out in the Development Plan policy. If the Council is satisfied on these matters then the application will accord with its Interim Supplementary Guidance.

Highland Renewable Energy Strategy (HRES)

- 8.7 The Development Plan makes reference to HRES which was developed by the Council to address opportunities presented by a range of Renewable Energy technologies. In particular the document addresses additional benefits from such investment including for example ‘Education and Training,’ ‘Community Benefit’ and ‘Local Content’. These are important considerations when assessing individual project proposals including proposed packages of “planning gain” and “mitigation”. For the avoidance of any doubt only those parts of the Council’s HRES which are compliant with Scottish Government SPP remain in force.

Scottish Planning Policy

- 8.8 There is strong support for renewable energy development in national policy. The Scottish Government has a target of 50% of Scotland’s electricity demand generated from renewable resources by 2015 and 100% of demand by 2020. These targets are not a cap. As the technology is well developed it is expected that the majority of this energy demand could be met by on-shore wind farms.
- 8.9 The Council is responding positively to the Government’s renewable energy agenda and specifically to the current targets. The Scottish Government advised that operational onshore wind energy capacity at 30 June 2014 was 6,823MW; equating to ~40% of Scotland’s Gross electricity consumption. Highland onshore wind energy projects in operation as of April 2014 have a capacity to generate 1,632MW; approximately 25% of the national installed capacity. There is a further 1,030MW of consented on-shore wind and 2,500MW off-shore wind in Highland.

- 8.10 The provision of a further 72.6MW would be a useful contribution to the Scottish Government, UK and European energy targets. Having said that, the good progress to the energy targets and a general acceptance that Highland has substantial areas that may be capable of satisfactorily accommodating renewable developments without such significant effects, the Council can take a more selective approach to determining which wind farm developments should be supported, consistent with national and local policy. This is not treating targets as a cap or suggesting that targets cannot be exceeded; simply recognition of the balance that is called for in both national and local policy.
- 8.11 The Scottish Government's policy and advice, set out in its National Planning Framework 3 (NPF 3) and Scottish Planning Policy, which advances policies on Sustainability and Placemaking, and subject policies on a Successful, Sustainable Place; a Low Carbon Place; a Natural, Resilient Place; and a Connect Place. Policy and advice is very supportive of renewable energy development and highlights that planning authorities have a duty to contribute to sustainable development, through their development planning function. It continues to highlight that the Development Plan continues to be the starting point of decision making on planning applications.
- 8.12 The content of 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. There is no indication within SPP of a lessening of policies which are focused upon protecting the natural, built and cultural environment. Criteria for the assessment of applications are as listed earlier in this report. These topics, as relevant to this application, are examined within this assessment. Of particular relevance is the introduction of the Scottish Government's advice on "areas of wild land (AWL)" and "priority peatland habitats".

Roads, Traffic Impact and Public Access

- 8.12 The ES presents the route option for the delivery of abnormal loads to the site from Invergordon, which have in part been previously used for similar development. It is the use of the A836 from Lairg northwards which is untested. The application proposes to use the public road between Lairg and Dalnessie Estate, before diverting to utilise the forestry track network in Strath Tirry until just south of the Crask Inn. It will then use the A836 road for the final few miles. A final pre-commencement Traffic Impact Assessment for all traffic is to be provided with the prospect of mitigation. This would include road widening and strengthening; verge strengthening; provision of new and or improved passing places / access junctions.
- 8.13 Both roads authorities are content with the application, subject to conditions. The Council as the local roads authority anticipates significant improvement work being required on the network to make it suitable to cater for the anticipated construction traffic between the A836 / A838 junction and the site entrances, including the borrow pit entrance. In the event of any construction traffic using the A836 north of Altnaharra similar improvements may be necessary. For the avoidance of doubt the applicant has been advised that when forest roads become impassable during poor weather, heavy vehicles will not be permitted to use the A836 instead of the

proposed forest road diversion. Of particular note the Council will require a legal agreement addressing wear and tear issues with provision of a financial bond as well as a trial run for abnormal loads and pre and post construction video condition surveys.

- 8.14 There is no significant recreational access resource within the site area. The development is however on land where access rights can be taken. The site lies adjacent to a National Cycle Route and close to a well known hill top, Ben Klibreck. Should the development be consented an operational phase access management plan will be expected, to be approved by the planning authority before construction starts. This can be set as a condition. This will show the main access tracks to and within the development site and any access control infrastructure (gates, fences etc.) proposed. Measures to allow unhindered public access through any gates, if they are to be locked to prevent unauthorised vehicle access, can be detailed in this plan. Any permanent site signage should be approved by the planning authority and if directed towards the public taking access to the site, signage can be detailed in the above access management plan for approval.

Water, Drainage and Peat

- 8.15 There are no public or private water supply sources connected with the site. The key interest relates to water quality safeguards for the high quality fishing interests downstream River Naver, including pollution prevention measures. A weir on the Allt Bealach na Fhuarain restricts the movement of fish and also diverts flow into the River Tirry catchment. There are no areas identified as being at risk of flooding within or immediately downstream of the site.
- 8.16 The ES has highlighted a number of good practices to be deployed with the construction of the proposed wind farm. This includes for example the avoidance of areas of protection including a 50m buffer to all watercourses; the design of watercourse crossings, including the new River Vagastie bridge, with flood flow estimated for a 1 in 200 year return period; etc. The Council's Flood Team also require an additional 20% in any such designs to allow for climate change. That said final design details have not been submitted with the application. Therefore consultees have requested conditions to secure a development setback (50 buffer) from all watercourses and for water crossing design details to be submitted for approval prior to commencement of development.
- 8.17 The applicant has made a commitment to submitting a detailed finalised site specific Construction Environmental Management Document (CEMD) addressing outstanding issues prior to development commencing, in line with Council policy and practice. This can ensure water quality management in protection of fishing and other interests is implemented to meet concerns raised by Marine Scotland. This can involve water quality monitoring and response protocols to manage any changes to water quality arising from construction impacts, including any associated forestry works.
- 8.18 Peat is present across the whole site and is characteristic of this area. Peat depths are variable and peat recorded at depths of greater than 5m in places across the site. A peat stability assessment has highlighted potential areas of risk

design avoidance to minimise concern / risk. SEPA has highlighted that further micro-siting or “piling” of turbine bases is needed to reduce disturbance of deeper peat deposits. SEPA is generally satisfied with the revised Soil and Peat Management Plan. In particular the re-use of peat will need to be detailed within the final CEMD to ensure compliance with best practices and minimisation / re-use on site. It has welcomed the applicant’s offer of mitigation to address habitat restoration of 441ha of peat-land north of the site.

- 8.19 SEPA is able to advise Scottish Ministers that the project is acceptable in terms of carbon payback calculations and for these to be used by Scottish Ministers as a material consideration in their decision making on this project.

Natural Heritage

- 8.20 The applicant’s ES has presented information on the likely impact of the development upon local ecology and nature conservation interests, including the interests of designated sites in the wider area. This included assessment of valued habitat, ground water dependent terrestrial eco-systems (GWDTEs), protected mammals, freshwater pearl mussels and fish. The ES considers that there are no significant impacts arising from the development, given the design approach to avoid areas of interest such as deep peat and GWDTEs. Mitigation is offered involving off-site compensation aimed at enhancing 441ha of peatland habitats within the estate to the north of the application site boundary. These habitats have become de-graded as a result of human management, including extensive drainage of bogs. Deer management is also proposed to aid issues of displacement and carcass removal from the wind farm site to minimise attraction of birds.

- 8.21 A number of ornithological interests have been examined including surveys for raptors, migratory and protected birds. Surveys included flight activity surveys, breeding bird surveys, breeding raptor and owl surveys, breeding diver surveys, black grouse lek surveys and winter bird surveys. No black- or red-throated diver flights were recorded over the development, and the site does not lie along any likely commuting routes between potential breeding habitat and feeding areas. Therefore, no effect is predicted during operation on black- or red throated divers. Three black grouse lek sites were found all of which consisted of a single male each. A female black grouse was also observed at one lek site. Pink-footed geese, greylag geese, barnacle geese and whooper swans were all recorded in small numbers during flight activity surveys.

- 8.22 Mitigation is proposed within the project to include: -

- Appointment during construction of an Ecological Clerk of Works.
- Pre commencement protected species surveys.
- Further avoidance of blanket bog / wet heath through micro-siting.
- That construction and decommissioning does not take place within 750m of lek sites during dusk and dawn periods between March and May.

- Good construction practices e.g. excavations covered up overnight and or escape ramps for animals.
- Post construction bird monitoring.

8.23 SNH has accepted the findings presented within the ES and has not contested the conclusion reached. It has highlighted that under the Habitats Regulations an appropriate assessment is required in respect of the impacts upon the interests of the nearby SAC's and SPA's. Its advice on these matters is that the proposal is "unlikely to have a significant affect on these interests either directly or indirectly".

8.24 There are a number of locations on and adjacent to the development which contain habitats defined as groundwater dependent terrestrial ecosystems (GWDTEs). The ES advises that these areas are considered more likely to be dependent on waterlogged conditions arising primarily from surface water and rainwater fed systems. SEPA is content with regard to the mitigation offered to safeguard GWDTEs, for example through micro-siting.

Design

8.25 The ES advises the application is founded on the recognition of the site as a high moorland location with a Class 1 wind-rating. The design and layout of the site has then emerged from the consideration of turbine performance siting, ground conditions together with a number of environmental and economic constraints. It represents a contrast to the development of the community of Altnaharra, built in the lee of the prevailing wind, but offers benefit a community where some of the coldest winter temperatures are experienced in Scotland.

8.26 The application presents 22 turbines of maximum tip height of up 125 metres, set across a local convex ridge line of even topography, south west of Craig Riabhach in four rows running north / south. The proposed hub height is nominally at 75m. The linear nature of the turbines is best seen from Viewpoint 8 as viewed from the A836. The consistent pattern of turbines generally conforms to SNH's advice on Siting and Designing wind farms in the landscape. The Zone of Theoretical Visibility (ZTV) highlights the calculated visual impact of the development across the wider landscape (ES Fig 4.4). This suggests that beyond the 5km radius, the development is relatively contained to the west by Ben Hee and east by Ben Klibreck. The more extended visibility is as viewed on higher ground, particularly on the south side of Loch Shin, north of Lairg, north of Altnaharra and east of Strath Naver.

Landscape

8.27 The application is located on both "Sweeping Moorland" and "Moorland of Slopes and Hills" as defined by the Caithness and Sutherland Landscape Character Assessment of Character types. Within its publication "The Landscapes of Scotland" SNH has identified the Sutherland area as having "*extensive open peatlands and hills that give this area a sense of immense space and remoteness. A sparse network of mainly single-track roads offers panoramic views as they cross the peatlands. Some extensive forestry plantations and hydro-electric reservoirs, dams and power lines tend to be very prominent in this landscape.*"

The ES advises the wind turbines would have more visual influence than such features in the landscape.

- 8.28 The site is not located within any national, regional or local landscape designation. That said the Scottish Government has identified areas of wild land (AWL), which extend into a north western portion of the application site, including land accommodating 4 turbines. In addition to the site's setting on the eastern boundary of the Foinaven – Ben Hee AWL, the western boundary of the Ben Klibreck AWL lies just to the east of the A836 road. To the further north is the Ben Hope and Ben Loyal AWL and to the south of Loch Shin the Reay to Cassley AWL.
- 8.29 In the wider area there are a number of landscape designations ranging from National Scenic Areas (NSA) to more local / regional Special Landscape Areas (SLAs) as recognised in paragraph 2.6. It also includes a number of valued recreational resources including transport routes (National Cycling Route), hills recognises as Munro's and Corbett's and local settlements, all of which have recognisable populations / visual receptors that view / value the landscape from key locations.
- 8.30 In terms of cumulative impact on the landscape, a range of similar applications are being processed in the wider area. These projects are all set apart from this development by more than 10km, with all operational wind farms being 20 – 30km away (Achany / Rosehall / Lairg). Accordingly the project is likely to add a new distinctive feature to the landscape, rather than extend the cluster of an existing project. There will be a compounding effect (sequential viewing of turbines) for those travelling through the area however this is all within what is regarded as an "extensive landscape".
- 8.31 The ES highlights that the convex character of slopes and hills limits the wider extent of the development impact from Strath Vagastie and the A836 road. It is for this reason that the ES considers there is no significant impact on the National Scenic Areas in the surrounding area. For example, the ES has considered the special qualities of the Kyle and Tongue NSA "being generally focused on the coastline to the north, with the mountains of Ben Hope, Ben Loyal and Ben Klibreck forming a backdrop, which would remain unaffected by the wind farm development". SNH has not raised any objection with regard to any designated NSA's in the wider area. It does advise that this proposal will significantly detract from the regional distinctive character of the landscape and people's experience of it at VP 6 Ben Klibreck, VP 7 Ben Hee, VP12 Ben More Assynt and those travelling along the A836.
- 8.32 In closer proximity to the site is the Council's designated Special Landscape Area (SLA) of Ben Klibreck and Loch Choire, an extensive area which also contains Ben Armine, east of Ben Klibreck. The ES has considered the sensitivity of the designation to be high, however the magnitude of impact from the development to be low, concluding the significance of the impact to be "Moderate to Low" and therefore not significant. Nor does the ES considered there to be significant

cumulative impact arising from this and other such projects operational or approved within and around this SLA. This view is supported by SNH given the withdrawal of the Dalnessie wind farm project some years back.

- 8.33 The SLA citations produced by the Council highlight four special qualities including: -
- Distinctive Mountains, including Ben Klibreck a popular relatively accessible Munro and Ben Armine one of Scotland's most remote summits.
 - Secluded Glen with networks of Tracks (wildness areas / non vehicular tracks).
 - Extensive Views from Peaks and Summits – particularly to the northern coastline and neighbouring peaks including Ben Hope and Ben Loyal.
 - Historic Landscape - with isolated remains on the southern shore of Loch Choire, east of Ben Klibreck and south of Loch Naver.
- 8.34 Furthermore, the citations state the “area is noted as being very sensitive to: -
- development that could interrupt the relationship between open moorland and isolated mountains;
 - having secluded and wildness qualities in the central glens;
 - structures that contrast with the open character and undifferentiated pattern of vegetation, creating prominent lines,
 - the soil ground is sensitive to construction operations”.
- 8.35 The development is outwith the Council's SLA designation. Nevertheless the size and scale of the development is one that will have impact on some of the special qualities of this landscape designation for example west side of Ben Klibreck and its connection with open moorland to the west towards Ben Hee. There are large parts of the SLA which will remain unaffected by the development e.g. Loch Choire / Ben Armine and key views between Ben Klibreck, the coastline, Ben Loyal and Ben Hope will remain unaffected given the size, scale distance and general grandeur of the landscape. The wind turbines are set apart / away from the Lone Mountain Landscape Character Area of Ben Klibreck, which will remain a distinctive and dominant mountain feature in the view of all receptors.
- 8.36 A key consideration in the determination of the application is the Scottish Government SPP statement on areas of wild land (AWL). AWL's have been identified around the application site, arising from the earlier debate on Search Areas for Wild Land (SAWL) and Core Areas of Wild Land (CAWL). As this application was lodged prior to the SPP announcement in June 2014 consultee and representations responses refer SAWL areas. The application site now lies outwith but immediately west of Area 35 Ben Klibreck – Armine Forest but partly within Area 37 Foinaven – Ben Hee. The HwLDP highlights the Council's support for this emerging policy, anticipating policy development by Scottish Government and SNH. SPP advises that these areas are sensitive to any form of intrusive human activity and have little or no capacity to accept new development. This is distinct from the blanket ban of wind farms within National Parks and NSA's.

- 8.37 SNH has objected to the application found on its wild land interests. It considers that the development would significantly and adversely affect the wild land character of Ben Klibreck SAWL and Ben Hee SAWL. Its assessment is that the proposal will affect an extensive area of wild land to such a degree as to adversely affect the national interest of the wild land character of this area (Ben Hee SAWL). The proposal would also have a cumulative adverse effect on Ben Klibreck SAWL. SNH is currently developing descriptions for each newly recognised area of wild land. The position adopted by SNH is reflected in the objections from the John Muir Trust, Scottish Council for Mountaineering and many other representations against this application.
- 8.38 The applicant has advised that a relatively small part of the proposed development (4 of the 22 turbines) and wider site (53ha) now lies within an AWL, which itself extends over many thousands of hectares (56,907ha). The adjacent Ben Klibreck AWL extends to 53,023ha. Furthermore it notes SPP policy on AWL does not rule out such development, although it notes – *“Developers should seek to minimise adverse impacts through careful planning and design, considering the services that the natural environment is providing and maximising the potential for enhancement.”*
- 8.39 For this application the applicant advises that the visual effect on the AWL has been reduced by a combination of siting, design and other mitigation as SPP requires. This includes “the visual and topographic containment, the sloping landform, recognising the impact of the visual influence of man-made elements (forestry, roads, housing, etc.) along Strath Vagastie in close proximity to the site, the location of the site on the very edge of the AWL so leaving large areas of the AWL and adjacent AWL and more distant AWL unaffected”. It also highlights the significant package of peatland habitat mitigation that is proposed. The applicant advises all these considerations “count in favour of the proposed development in this specific instance”.
- 8.40 In coming to a view on this issue it has been useful to relate the applicant’s ZTV mapping of the project, together with the combined ZTV mapping of similar developments in the wider area with the SNH’s Mapping of Scotland’s Wildness 2014. This latter map highlights the classification of land within gradations relative to its wildness qualities. What is clear is that the A836 road, from where most receptors will view AWL, presents a boundary for the demarcation of AWL. Furthermore that commercial forestry developed adjacent to this road has impacted on the wildness qualities of the land in proximity of this road. The proposed wind farm will sit for the most part outwith an identified AWL. It will have visual association with the road and woodlands in Strath Vagastie, but that apart will very much present its own impact upon AWL by virtual of its vertical scale and movement. The extent of its impact on AWL as shown through the ZTV map diminishes with distance and for the most part does not impact on the large pockets of land of the highest wildness value with the AWL in which it sits and other neighbouring AWL.

8.41 The cumulative ZTV maps presented with the ES highlight joint impact derived from this application and other such developments. The extent of visual impact can be examined upon each AWL and qualities of wildness map. Taking these factors into account can assist in considering the degree of impact: -

- **AWL Foinaven – Ben Hee.** High ground such as the summit of Ben Hee will have sight of many wind farms but it is the visibility from the existing Lairg, Achany and Rosehall wind farms in the main, with potential further impact from any approval of Glencassley and Sallachy projects that will affect this AWL. There is considerable overlap of impact at the south east end (Strathy Tirry), with substantial areas of the highest quality wild land un-affected west of Ben Hee.
- **AWL Ben Klibreck – Armine Forest.** High ground on Ben Klibreck will have sight of many wind farms however it's the impact from the existing wind farms of Gordonbush, Kilbraur, Lairg, Rosehall, Achany and potential further impact from any approval of Braemore, Glencassley and Sallachy projects that will affect this AWL the most. However, because of Ben Klibreck, this project has little impact on the more extensive area of the highest quality wild land contained within the AWL. The impact on the west side of Ben Klibreck / Strath Vagastie portion of the AWL particularly arises from this project, although portions of this area are also impacted from the more distant wind farms to the north including Strathy North potentially Strathy South / Strathy Wood and from the south potentially Sallachy.
- **AWL Reay – Cassley.** Highpoints of this AWL, such as on Ben More Assynt have impact from many wind farms that lie further to the east, south east and north east. However it's the impact from the existing wind farms of Lairg, Rosehall, Achany and potential further impact from any approval of Glencassley and Sallachy projects that will affect this AWL the most. Extensive areas with the highest quality of wildness by Beinn Leoid will remain unaffected. Achany and Rosehall lie in close proximity to the eastern border of this AWL.
- **AWL Ben Hope – Ben Loyal.** The principal hilltops of this AWL are impacted by wind farms to the north east and south, however its is the impact of Melness, Bettyhill and Strathy North and potential further impact from any approval of Strathy South, Braemore, Glencassley and Sallachy projects that will affect this AWL the most. The impact that is likely to arise is not one of overlapping impact, given that this project lies to the south, but the impact is lessened on account of distance (separation) and topography.

Visual Impact

8.42 18 viewpoints have been used for the visual assessment, representing impacts from the surrounding area including Altnaharra, from the A836 and numerous surrounding hill-tops. These represents views that would be experienced by residents, road users including cyclists and hill walkers, including potential cumulative impact with surrounding wind farm developments.

- 8.43 The ES notes the development will have little or no visual impact on any settlement. It will have very limited impact on individual properties given the sparse nature of the surrounding area. However, two properties / clusters merit particular consideration.
- Vagastie Cottage located within Strath Vagastie is 0.65km from the nearest turbine. Visual impact of the development on the property will be significant given the proximity of the development and orientation of the cottage. In terms of its overall residential amenity it is likely to be impacted by turbine noise marginally at certain wind speeds / directions and by shadow flicker. However the property is owned by the estate advancing this application and is occupied by a former employee. Consideration can therefore be given to the deployment of slightly less stringent standards allowed by regulations on noise for example, although the interests of potential occupants have to be protected.
 - The Crask Inn on the A836, 2km south of the development, together with the cottage opposite. Whilst the properties face south, rear windows will look northwards to the development. The view is screened at the Inn by outbuildings, and for both properties by intervening topography and existing commercial woodland. Impact is not considered to be significantly detrimental to either property.
- 8.44 To the north, on the B873 Strathnaver road is the Grummore caravan site, located 10.5km from the nearest turbine. The site has open views across Loch Naver and Ben Klibreck. 10 turbines to hub height and the blade tips of 8 other turbines would be visible to the west but the impact as viewed from this location, with its wide panorama, is not considered to be significantly detrimental to users of this caravan site.
- 8.45 The development lies close to the A836 road which is also a National Cycle Route 1. The impact of the development will be significant, particularly to those travelling through Strath Vagastie. The ES considers that the impact is relatively short lived with visibility of the development being curtailed by the local topography / woodland. Visibility is similarly limited from others routes in the area which are more distant from the development. The visual impact of the development from the road can be assessed using Viewpoints 1 Choc Vagastie, 4 Loch Staing, 8 The Crask and 17 South of Crask Inn. The ES clearly highlights that at Viewpoint 8 the visual impact is major and significant, given the nearest turbine is set 0.6km away and all turbines being visible. The ES considers that the significant impact of the development is diminished to the north by VP 1 and to the south by VP 17. Whilst the significance of the impact at VP 1 and 17 is a subjective judgement, the diminishing effect of the impact of the development is evident.
- 8.46 The development lies close to and in proximity of a number of popular mountains recognised as Munros (>3,000ft) and Corbetts (>2,500ft). Key mountains due to proximity to the development, hill walking routes and popularity with hill walkers include Ben Klibreck, Ben Hee, Ben Hope, Ben More Assynt, Ben Leoid and Ben Loyal. A number of viewpoints have been used to assist with the assessment of

visual impact / cumulative impact from key hills including VP 6 Ben Klibreck, VP 7 Ben Hee, VP 10 Ben Hope, VP 12 Ben More Assynt, VP 13 Beinn Sgeireach, VP 15 Beinn Leoid and VP 16 Ben Loyal. Only the impact from viewpoints 6 Ben Klibreck (a Munro) and VP 7 Ben Hee (a Corbett) are assessed to be major and significant. The ES advises that these views would only be experienced by relatively small numbers of physically able climbers and walkers and that on much of the lower ground impact of the development is much more limited. The ES considers the visual impact not to be significant at VP 18 on the access track to Loch Choire, near the Crask Inn.

- 8.47 In cumulative terms the development would be visible in combination or in successive views with the operational wind farms at Lairg, Achany and Rosehall, together with those in planning including Braemore, Glencassley, Sallachy and Strathy South. The ES concludes that certain visual receptors and viewpoints located between the development and wind farms 'in planning' including Braemore, Glencassley and Sallachy would likely result in significant cumulative effects. This would for example include views from VP 6 Ben Klibreck and VP 7 Ben Hee. The ES highlights however that the cumulative effects are not considered to be significant within many lower lying areas as experienced by most receptors due to the screening provided by the local topography. Commercial forestry at the road side also helps reduce wider visibility, however woodlands are felled from time to time and therefore cannot always be relied upon as screening.

Cultural Heritage

- 8.48 The development site is seen to be clear of archaeology or areas of archaeological potential. Direct effects from construction are not expected to occur. However there are two features close by, and the applicant has advised care will need to be taken to protect these through micro-siting of access and cabling routes. These can be covered by planning conditions and good construction management. The two features include Shielings at Allt a' Chraisg (a non-statutory site) which lie about 350m south of Turbine 1, and Vagastie Bridge (Listed C) located close to the proposed site entrance. The ES further advises the development effects on the visual setting of surrounding archaeological sites have all been assessed as small or negligible.
- 8.49 Historic Scotland has expressed some concern over the campsite and survey station at the summit of Ben Klibreck, which was an important early 19th century Ordnance Survey triangulation station. Although its location on the summit of Meall nan Con (the highest summit of the Ben Klibreck ridge), is clearly key to understanding its setting, the applicant does not consider that the turbines within views from the site will significantly damage the understanding or appreciation of the monument. The Council's Historic Team would argue that the development should be regarded as 'dominant' within the assessment of impact on the camp site archaeology. This then would mean that the 'Magnitude of Impact' on this site is at least 'Medium', rather than the 'Negligible' as concluded by the ES. That said the level of impact is not such to necessitate an objection to this application.

Economic Impact, Recreation and Tourism

- 8.50 The project has highlighted the potential investment / employment benefits that the development will bring to the area, both short term during construction and then longer term. Total capital investment from the project is given as £93.8m, with expected potential for £20.7m benefits to Highland. Annual maintenance costs would amount to some £3.8m which would result in a small number of jobs locally. Such investment is seen as important to an area which is regarded as fragile, given the aging and declining population of the area, where young people continue to leave.
- 8.51 The current economic base of the area is founded upon agriculture, forestry and fishing, accommodation and food services. The latter relies upon visitors to the area either passing through or using the assets of the area including stalking and fishing on local estates, holiday accommodation, cyclists and other users of the A836 route and climbers to local mountains including Ben Klibreck. Investment in a renewable energy project (wind) is seen not only add to the established hydro projects in the area, but helps to diversify the estate business.
- 8.52 The ES has highlighted the interests of visitors using the area, from those driving / cycling through the area or using local accommodation / food services. It concludes that the development of the wind farm will not deter visitors to the area. It suggests that it will not affect users of the national cycle route, nor walkers and climbers in the area. To assist with quantifying users of the area the ES notes that one key start point for climbers of Ben Klibreck is the car park on the local estate at the Vagastie Bridge. Counts by the estate suggest 700-800 people a year climb the Ben from this point. Comments within community council representations that those who come to the area to climb Ben Klibreck make an in and out visit with scant consequential economic impact.
- 8.53 Numerous representations objecting to the application highlight the importance of the sparse rural hinterland of Sutherland. It presents, in addition to the mountain and moorland landscape with valued ecology, wide areas of countryside with high levels of rugged outlook where high levels of tranquillity can be enjoyed. These values have been recognised in part by the Scottish Government through its recent announcement on areas of wild land. Strong objections have been made on this project for such reasons including from national conservation / recreationally minded bodies - the John Muir Trust and the Scottish Council for Mountaineering.

Aviation and Telecommunication Interests

- 8.54 Turbines have the potential to interfere with electromagnetic signals due to their size and operation. The ES has identified key aviation interests including HIAL and the MOD. Neither party have objected to the application but requests are made for planning conditions to be attached to any approved scheme addressing the provision of construction details to assist mapping of key elements and the provision of aviation lighting. In this regard both infra-red and 25 candela lighting on some turbines.

- 8.55 Consultations have also been undertaken by the applicant to identify radio communication corridors used by telecommunication bodies / utility companies. This has identified two corridors, south east of the turbines, with the need for the project design to avoid such interests. No objections have been raised on these matters from the consultations with relevant bodies collated by the Energy Development and Consent Unit.

Noise and Shadow Flicker

- 8.56 The noise assessment identifies only two residential properties which may be affected by noise from this development; Crask Inn to the south and Vagastie immediately to the east of the site. The predicted maximum level at Crask Inn is 30.2dB LA90 which is well below the simplified ETSU standard of 35dB LA90. The predicted maximum noise level at Vagastie is 43.1dB LA90. The assessment acknowledges that the ownership of this property is linked with the project, with the occupant being a former estate worker. The ES assumes the noise limit at this property can be relaxed to 45dB LA90 as suggested by ETSU-R-97.
- 8.57 The EHO is content not to object to the application subject to the planning assessment of the financial involvement claim. If the application was to receive consent, it is recommended a standard noise condition be attached applying the 45dB limit to Vagastie and a limit of 33dB at Crask Inn. The basis of this is that there is only 2dB headroom between the predicted level and consented level at Vagastie. Using this as the controlling property the noise at Crask Inn could only exceed predicted levels by 2dB giving a limit of 33.2dB LA90.
- 8.58 Vagastie Cottage is owned by the estate, with a strong investment commitment to the wind farm project. The cottage is occupied on a peppercorn rental basis with a number benefits being provided by the Estate to the current tenant, including fuel as the property is off grid. An assessment of shadow-flicker has also indicated that this same property could be affected by shadow flicker, being located some 650m from the nearest turbine. The applicant has offered mitigation to ensure the turbine automatically shut down when shadow flicker might occur. No other turbines lie within proximity of the development raise additional shadow flicker concern.

Construction Impacts

- 8.59 To best manage the likely impacts of the development the Council, together with SNH, SEPA and other bodies such as the local Fisheries Board expect a developer to adopted a Construction and Environmental Management Document (CEMD) approach to all construction activity to minimise adverse impact upon the local environment / ecology / hydrology, etc. This Plan helps set out in full the offered mitigation as presented with the submitted ES and as requested or agreed through the assessment of an application. This would include engagement of an Ecological Clerk of Works to assist with all environmental management mitigation.
- 8.60 The applicant has highlighted its commitment to a CEMD approach, with some draft construction methods statements being tabled. The CEMD approach would apply to all construction activity and site restoration works, both short term and at

the project end (de-commissioning). It also needs final input from the appointed civil engineers. This is expected to include plans required in respect of the proposed borrow pit, peat management, habitat management, drainage provisions and woodland management as requested by statutory agencies for approval prior to implementation. With regard to the latter issue, the development should not significantly impact on woodland, although turbine 13 is located within a woodland enclosure, although trees are principally on the lower ground. Any loss of trees will require a degree of compensatory planting. It will be important for the Council to secure a final site restoration bond by condition and a legal agreement.

- 8.61 For major development projects such as presented within this application, the Council, through planning conditions, would seek the appointment by the company of an independent and suitably qualified consultant to assist the Council in the monitoring of compliance with conditions attached to any deemed planning permission.

Other Material Considerations within representations

- 8.62 No objections have been raised on matters pertaining to TV and Radio communications from consultees. A wayleave across the site, through Strath Vagastie, has been recognised in full with design setback. The applicant has also offered a mitigation package to resolve impact that may be experienced by local residents in closest proximity to the development.
- 8.63 In line with Council policy and practice, community benefit considerations are undertaken as a separate exercise and generally in parallel to the planning process. That said the application offers a package of planning gain mitigation that would assist with investment in the local road network.
- 8.64 There are no other relevant material factors highlighted within representations for consideration of this application by the committee.

9. CONCLUSION

- 9.1 The Scottish Government gives considerable commitment to renewable energy and encourages planning authorities to support the development of wind farms where they can operate successfully and where concerns can be satisfactorily addressed. However, as with all applications, the benefits of the proposal must be weighed against potential drawbacks and then considered in the round, taking account of the relevant policies of the Development Plan. This will include any offered mitigation measures to address particular environmental and construction impacts.
- 9.2 Many consultees are content with the project subject to planning conditions being put in place to secure the protection of key environmental safeguards. In this manner for example construction environmental management, micro-siting allowance to avoid deep peat and development buffers from local watercourses can be secured. Four Community Councils have intimated their support for the

project and 84 supportive letters have been received by the Council, with 6 letters of support to the Scottish Government's Energy Consents and Development Unit (ECDU).

- 9.3 The majority of the site falls within an "Area of Search" within the Council's Interim Supplementary Guidance for onshore wind farm development; the default position set out in the guidance once national constraints are identified. The project has the potential to provide a further 72.6MW generation of renewable energy towards Scottish Government targets. Key mitigation also offered within the application includes substantial habitat improvement of local peatlands (441ha) and improvements to the local road network north of Lairg. SEPA is content over the carbon payback calculations made for the project. Indeed the scale of the offered peatland enhancement would offset the objection from the Scottish Wildlife Trust concerns on loss of valued blanket bog and climate change targets.
- 9.4 However, a number of drawbacks have been highlighted with the project. These have been set out within public representations including 215 to the ECDU and 147 to the Council. Objections have been raised by other consultees including Scottish Natural Heritage, Scottish Wildlife Trust, John Muir Trust and the Scottish Council for Mountaineering. The objections relate to the impact of the development on the landscape, including the Council's Special Landscape Area, the announced "areas of wild land" (AWL) and Ben Klibreck a valued Munro. The site now sits within part of an AWL identified by Scottish Government, which will affect its status as an "Area of Search" in the above noted Supplementary Guidance, now under review.
- 9.5 The development would clearly impact on those who climb and walk in the area, particularly those who go to the top of Ben Klibreck from Strath Vagastie. Climbers of the many hilltops in Sutherland are experiencing an increasing cumulative effect of onshore wind energy projects, and this project would add a further singular development in their views as opposed to extending an existing onshore wind energy development. There is no current evidence to suggest that the development would adversely impact on climbing or walking activity, only representations that suggest the experience of walking / climbing in such a sparse, undeveloped area would be further diminished. The John Muir Trust and Visit Scotland have highlighted concerns over the perceived proliferation of wind farms on tourism, but such negative effect remains to be fully validated.
- 9.6 With regard to the principal landscape designations in the area surrounding the wind farm, there is no objection to the effect on National Scenic Areas. It sits outwith, but close to the Council's Ben Klibreck and Loch Choire Special Landscape Area. There is adverse impact on the SLA, but this is localised and limited. Many of the key features of the SLA are maintained including the large central area between Ben Klibreck / Loch Choire Ben Armine. Many receptors, particularly those using local roads through the Altnaharra area, will be impacted, and to a significant degree by the development within Strath Vagastie but that the impact is short lived. Road travellers including many tourists and cyclists will retain within their journey's many uninterrupted panoramic views across the extensive peatlands open moorland and hills of Sutherland a feature of the landscape of the area.

- 9.7 The key factor to the determination of this application is the objection raised by SNH in respect of wild land interests and the identified Areas of Wild Land (AWL). This “interest” is different to the status and policy as applied by SPP to National Parks and National Scenic Areas where wind farms are not acceptable. Rather the capacity for development within these AWL’s is seen to be limited. SNH have objected to a number of wind farm developments that fall within AWL’s in this locality. In this regard it is noteworthy that a number of nearby wind farm projects including Glencassley and Sallachy are relevant but remain yet to be determined by Scottish Ministers. These projects will also impact on areas of wild land within Sutherland, including both the Foinaven – Ben Hee AWL and the Ben Klibreck – Armine Forest AWL thereby reducing their capacity for accommodating development. The Council has raised no objection to these applications, a position maintained, following re-assessment of each project post publication of the SPP and identification of AWL.
- 9.8 However the impact of this project relative to the size of each AWL and the identified areas of highest quality of wildness within each AWL is partial and localised as shown by the ZTV. The development sits on the edge of one AWL and adjacent to another AWL, where there are a number of modern man-made features including public road, houses, forestry, overhead lines, etc. that reduce each area’s wildness in Strath Vagastie. That said, 22 rotating turbines will have significantly more impact than the existing man-made features in this Sutherland landscape. The design fit of the scheme and offered peatland restoration offers mitigation, all as encouraged by SPP.
- 9.9 The assessment of visual impact on key receptors in the area is informative, recognising that in terms of impact on local residents, only one house, owned by the estate in which the application sits, is significantly affected. This property is affected by visual impact, potentially noise and shadow flicker, the latter two which can be mitigated by switching off turbines a key times. Impact on the nearby community of Altnaharra is limited given the way that most properties site in the lee of Creag Riabhach. The remaining viewpoints confirm the key impacts are to road users and walkers in the wider countryside / landscape, as highlighted above.
- 9.10 Returning to the policy tests set out in Policy 67 of the HwLDP, the development will present a significant new feature in the Sutherland landscape north and west of Lairg, with impact upon recently identified “areas of wild land” and within the immediate vicinity of Strath Vagastie. However this impact is not seen to be significantly adverse overall with regard to the eleven criteria set out in the Policy 67, including related subject specific policies as set out in the Development Plan. This conclusion takes into account that the site predominantly is outwith identified areas of wild land, that its impact is relatively localised and on land which does not present the highest qualities of wildness. In reaching this view consideration has been given to the benefits of the project including the contribution to renewable energy targets, localise road improvements and peatland restoration. Although not material there is potential for community benefit. On balance the application can be considered to comply overall with the Development Plan.

10. RECOMMENDATION

- 10.1 It is recommended the Council raise no objection to the application. The following suggested conditions and reasons, consistent with Council practice, would be highlighted in the response to Scottish Government. A fee structure will be highlighted for the Council's involvement in the discharging of conditions.

CONDITIONS

1. This planning permission shall expire after a period of 30 years from the date of final commissioning of the development ("commissioning"). Upon the expiration of a period of 25 years from commissioning, 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 commissioning.

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

2. For the avoidance of doubt the development shall be constructed and operated in accordance with the provisions of the application, the submitted plans, and the Environmental Statement. This permission shall be for a maximum of 22 turbines to be sited as shown on the site layout Figure 2.10 and 2.12 as contained within Volume 3 of the submitted Environmental Statement. For the avoidance of doubt the turbines, access tracks and crane hard-standing areas may be micro sited but no more than 50 metres from the positions shown in the approved plans unless otherwise agreed in writing with the Planning Authority in consultation with SEPA and SNH. Micro-siting will also be constrained to ensure 50m buffers are retained from all watercourses as defined / highlighted within Figure 2.10 of the supporting Environmental Statement.

Reason: In order to clarify the terms of permission.

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

new (as opposed to existing at the time of the grant of planning permission) access tracks required for the development, the treatment of disturbed ground surfaces, management and timing of the works, environmental management provisions and a traffic management plan to address any traffic impact issues during the decommissioning period. The Decommissioning and Restoration Plan shall be implemented as approved.

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

4. No development shall commence until:

- (i) Full details of a bond or other financial provision to be put in place to cover all of the decommissioning and site restoration measures outlined in the Decommissioning and Restoration Plan approved under Condition 3 of this permission have been submitted to, and approved in writing by, the Planning Authority; and
- (ii) Confirmation in writing by a suitably qualified independent professional that the amount of financial provision proposed under part (i) above is sufficient to meet the full estimated costs of all decommissioning, dismantling, removal, disposal, site restoration, remediation and incidental work, as well as associated professional costs, has been submitted to, and approved in writing by, the Planning Authority; and
- (iii) Documentary evidence that the bond or other financial provision approved under parts (i) and (ii) above is in place has been submitted to, and confirmation in writing that the bond or other financial provision is satisfactory has been issued by, the Planning Authority.

Thereafter, the Wind Farm Operator shall:

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

Each review shall be:

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

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

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

5. The Wind Farm Operator shall, at all times after commissioning, record information regarding the monthly supply of electricity to the national grid from each turbine within the development and retain the information for a period of at least 12 months. The information shall be made available to the Planning Authority within one month of any request by them. In the event that:
 - (i) any wind turbine installed and commissioned fails to supply electricity on a commercial basis to the grid for a continuous period of 6 months, then unless otherwise agreed, 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 (DRP), or, should the detailed DRP 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 wind turbine is removed from site, in the interests of safety, amenity and environmental protection.

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:

1. The make, model, design, power rating and sound power levels of the turbines to be used; and
2. 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.

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

7. For the avoidance of any doubt all wind turbine transformers shall be located within the tower of the wind turbine to which they relate.

Reason: To reduce any ancillary elements to the development in terms of its visual and landscape impact.

8. 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 substation buildings / enclosures 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.

9. No development shall commence until full details of the location, layout, external appearance, dimensions and surface materials of all control and/or substation buildings, welfare facilities, compounds and parking areas, as well as any fencing, walls, paths and any other ancillary elements of the development, have been submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA and SNH, as necessary). Thereafter, development shall progress in accordance with these approved details. For the avoidance of doubt, details relating to the control, substation buildings shall include additional architectural design, LVIA and other relevant assessment work, carried out by suitably qualified and experienced people, to ensure that they are sensitively scaled, sited and designed.

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

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:

- a. The date of commencement of the development;
- b. The exact position of the wind turbine towers in latitude and longitude;
- c. A description of all structures over 300 feet high;
- d. The maximum extension height of all construction equipment;
- e. The height above ground level of the tallest structure; and
- f. Finalised details of an aviation lighting scheme, unless otherwise required, as agreed with the MOD, HIAL and other aviation interests and the Planning Authority. This is expected to provide for all turbines being 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; and 25 Candela red lighting on all of the cardinal wind turbines 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: -

- (i) the proposed route for any abnormal loads on the trunk road network is approved by the trunk roads authority and / or its Operating Company prior to the event. Any accommodation measures required including the temporary removal of street furniture, junction widening, traffic management etc. must similarly be approved.
- (ii) Where the local road network is to be used a finalised Traffic Management Plan has been submitted with appropriate mitigation for the approval of the Local Roads Authority. This will include the prior provision of a wear and tear agreement including the posting of a financial bond for all delivery periods during construction, significant repairs and decommissioning. All works on the public road will require approval through a Road Construction Consent (RCC), together with any necessary structural approvals.
- (iii) Forestry Diversion Route plan has been approved by the Local Roads Authority to ensure all HGV and Adnormal Loads at all times utilised the diversion route through Dalchork Forest.

Reason : To maintain the safety and free flow of traffic on the road networks as a result of the traffic moving to and from the development.

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 QA traffic management consultant, to be approved by Transport Scotland before delivery commences.

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

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

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

14. No development shall be commenced until a Outdoor Access Plan is submitted to and approved in writing by the Planning Authority. The purpose of the Outdoor Access Plan shall be to plan site tracks and paths to enhance public outdoor access. The Outdoor Access Plan shall be implemented as approved.

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

15. 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 (NOT ATTACHED), 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.

16. No development shall commence until a final Construction Environmental Management Document is submitted to and agreed in writing by the Planning Authority in consultation with SNH, SEPA and Council Flood Team. The document, principally formed using site specific plans rather than written documentation, shall include provision for :

- An updated Schedule of Mitigation (SM).
- Processes to control / action changes from the agreed Schedule of Mitigation.

- The following site specific Construction and Environmental Management Plan (CEMP):
 - i. Peat / Soil 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. Highlights finalise turbine siting which demonstrates avoidance of deepest peat in line with advice provide from SEPA in their consultation response letter dated 5 February 2014 to the ECDU.
 - ii. Water Quality Management Plan - highlighting drainage provisions including monitoring / maintenance regimes, water crossings designed to 1 in 200 year event plus 20% for climate change, surface water drainage management (SUDs) and development buffers (50m minimum) from existing watercourses as identified within Fig 2.10 of the supporting Environmental Statement. This should include details of proposed mitigation where the proposed water buffer is breached and protect areas with Ground Water Dependent Terrestrial Eco-systems GWDTE's.
 - iii. Design details of the proposed new River Vagastie Bridge which must not impede the estimated 1 in 200 year flood event, plus 20% for climate change.
 - iv. Pollution Prevention Plan.
 - v. Site Waste Management Plan.
 - vi. Provision of wheel washing facilities.
 - vii. Construction Noise Mitigation Plan.
 - viii. Species Protection Plan advancing pre construction survey for legally protected species is carried out at an appropriate time of year for the species, at a maximum of 8 months preceding commencement of construction, and that a watching brief is then implemented by the Ecological Clerk of Works (ECOW) during construction. The species that should be surveyed for include, but are not limited to, breeding birds, otter and water vole. The area that is surveyed should include all areas directly affected by construction plus an appropriate buffer to identify any species within disturbance distance of construction activity and to allow for any micro-siting needs.
 - ix. Details of the proposed Peatland Habitat Restoration Plan including the total area (441ha) to be managed, the measures to be undertaken, timing of works and its ongoing monitoring through the operational lifetime of the wind farm.
 - x. Details of the Deer Management Plan measures to be undertaken, timing of works and its ongoing monitoring and management through the operational lifetime of the wind farm.
 - xi. A Forest Plan for on site woodland management during the life of the wind farm including provision of compensatory tree planting.
- Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities which shall include but not necessarily be limited to:

- i. Providing training to the developer and contractors on their responsibilities to ensure that work is carried out in strict accordance with environmental protection requirements;
 - ii. Monitoring compliance with all environmental and mitigation works and working practices approved under this consent;
 - iii. Advising the developer on adequate protection for environmental and nature conservation interests within, and adjacent to, the application site;
 - iv. Directing the placement of the development (including any micro-siting, as permitted by the terms of this consent) and the avoidance of sensitive features; and
 - v. The power to call a halt to development on site where environmental considerations warrant such action.
- Details of any other methods of monitoring, auditing, reporting and communication of environmental management on site and with the client, Planning Authority and other relevant parties.
 - Statement of any additional persons responsible for 'stopping the job / activity' if in potential breach of a mitigation or legislation occurs.

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

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

- 17.No development shall commence until the Planning Authority has approved the terms of appointment by the company of an independent and suitably qualified consultant to assist the Council in the monitoring of compliance with conditions attached to this deemed planning permission during the period from commencement of development to the date of final commissioning.

Reason: To enable the development to be suitably monitored during the construction phase to ensure compliance with the consent issued.

- 18.Prior to the commencement of any development a scheme of mitigation for shadow flicker has been submitted to and approved in writing by the planning authority. The scheme shall include mitigation measures to reduce the impact of shadow flicker on Vagastie Cottage based on a detailed assessment of the impact of the final siting of turbines The approved scheme shall be implemented as agreed.

Reason: To protect the occupier of Vagastie Cottage from the effects of shadow flicker.

19. 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								
Vagastie	45	45	45	45	45	45	45	45	45
Crask Inn	33	33	33	33	33	33	33	33	33

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								
Vagastie	45	45	45	45	45	45	45	45	45
Crask Inn	33	33	33	33	33	33	33	33	33

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

Location	Easting	Northing
Vagastie	253,728	928,220
Crask Inn	252,416	924,723

Note to Tables 1 and 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.

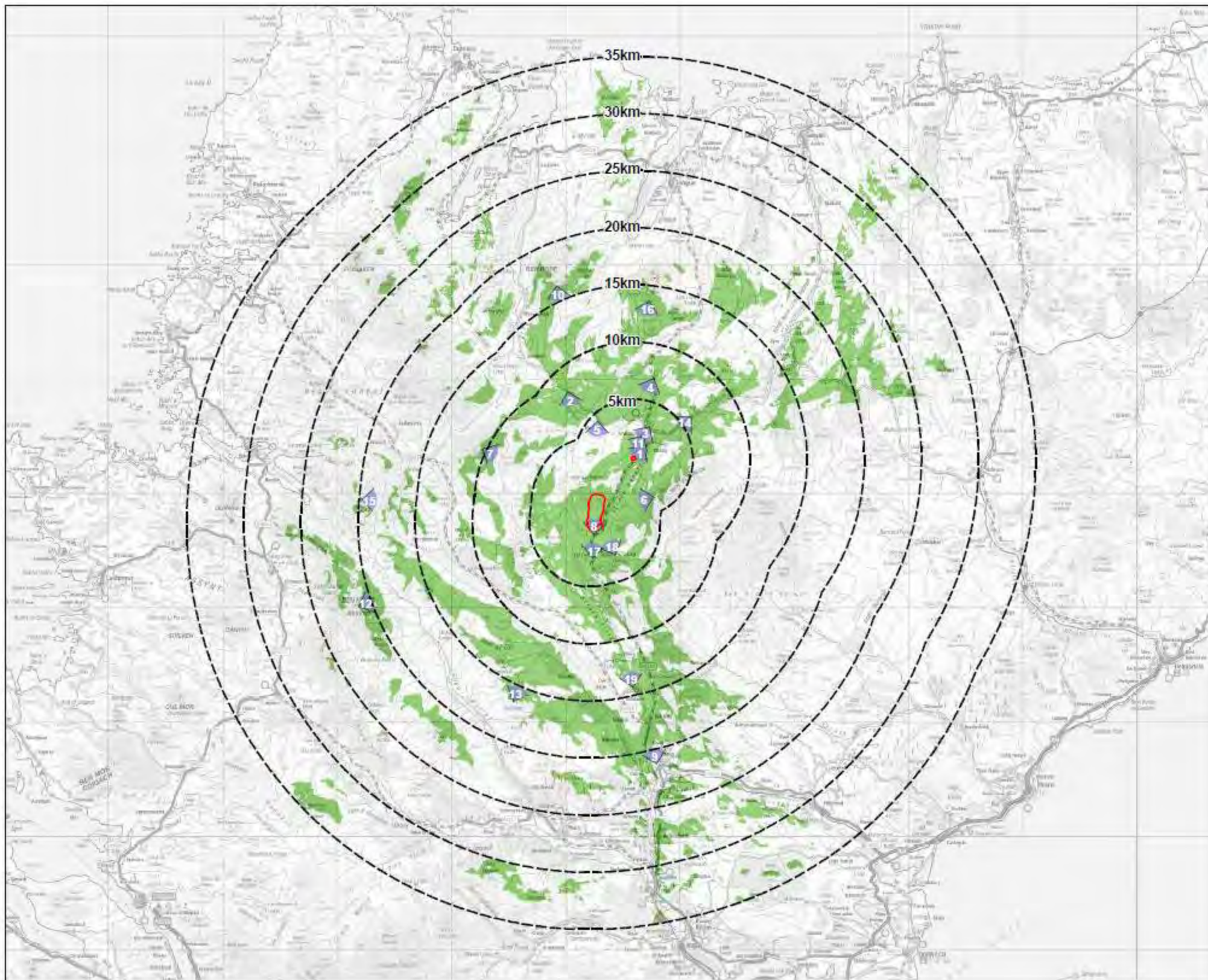
Note to Table 3: The geographical coordinate references are provided for the purposes of identifying the general location of dwellings to which a given set of noise limits applies.

Signature: Malcolm MacLeod

Designation: Head of Planning and Building Standards

Author: Ken McCorquodale (01463) 702256

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



- KEY**
-  Wind Farm Site Boundary
 -  Borrow Pit Site Boundary
 -  Viewpoint Location
 -  Zone of Theoretical Visibility (Tip height - 125m)

ZTV Production Information -
 - DTM data used in calculations is OS Terrain 50m
 - Calculations based on a bare earth survey
 - Viewer height set at 1.5m
 - Calculations include earth curvature and light refraction


N.B. This Zone of Theoretical Visibility (ZTV) image illustrates the theoretical extent of where any part of the development will be visible from, assuming 100% visibility.

It is generated using terrain data only and does not account for any screening that vegetation or the built environment may provide.

The ZTV does not take account of the loss of visibility that occurs with increased distance from the turbines, weather or climatic conditions such as cloud cover, mist or haze that is prevalent within north Scotland.

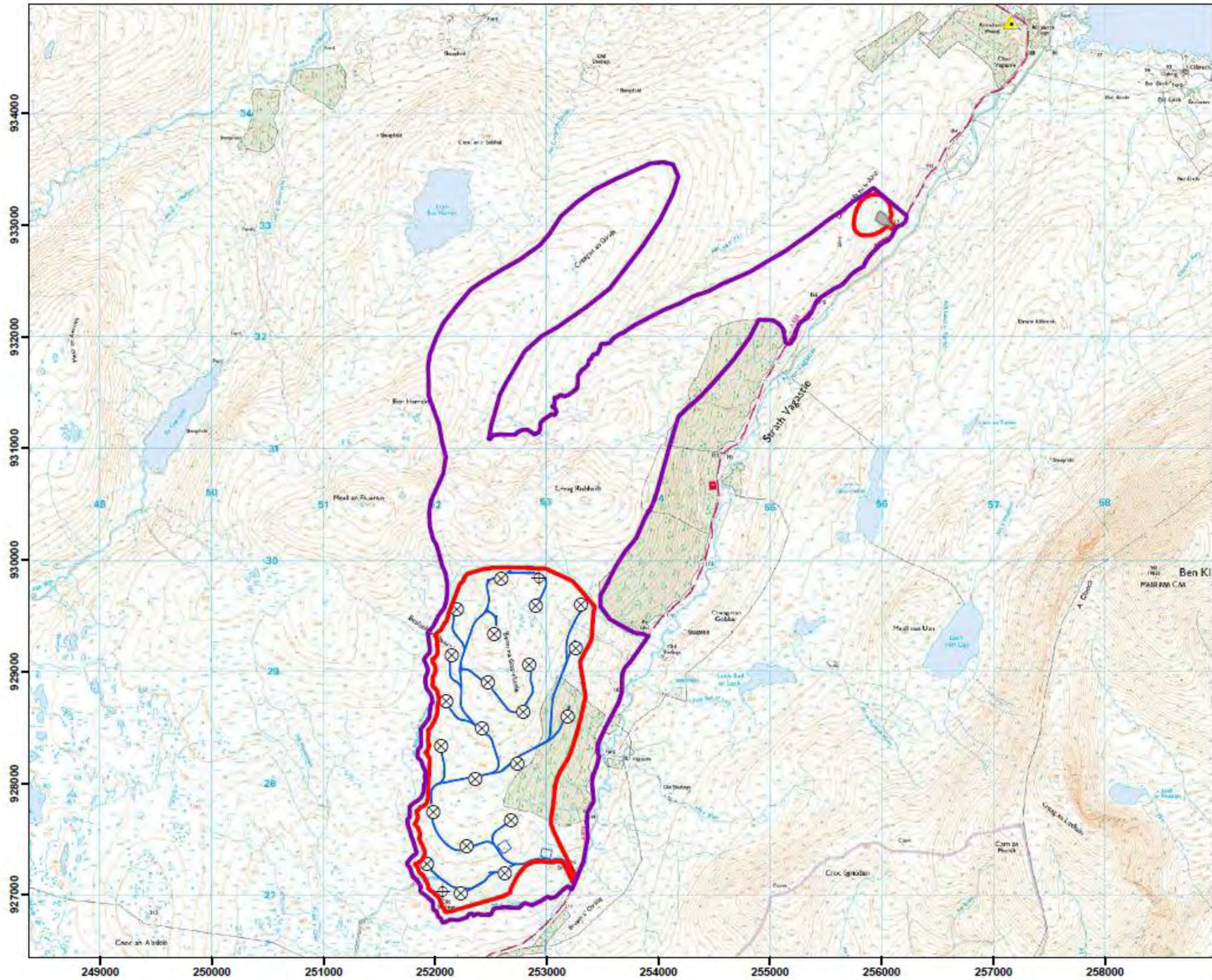
The ZTV does not differentiate between full and partial visibility (turbine, hub or tip). For example, only a small proportion of the turbines may be visible at a particular location, however, the location would remain within the ZTV coverage.








It is, as such, 'a worst case' ZTV and the actual extents of visibility are likely to be less than shown.

**CREAG RIABHACH
WIND FARM** 

4.4
 Zone of Theoretical Visibility
 for a 125m Tip Height with Viewpoint Locations

1:350,000 @ A3
 C.0436_31-D
**FIGURE
TITLE
SCALE
DWG. NO.**



- KEY**
-  Core Survey Area
 -  Site boundary
 -  Camera trap
 -  Turbine
 -  Met mast
 -  Access track
 -  Borrow pit

**CREAG RIABHACH
WIND FARM**



5.1
Core Survey Area
with Application Site Boundary

FIGURE
TITLE

1:35,000 @ A3

SCALE

CC0076-5.1-2

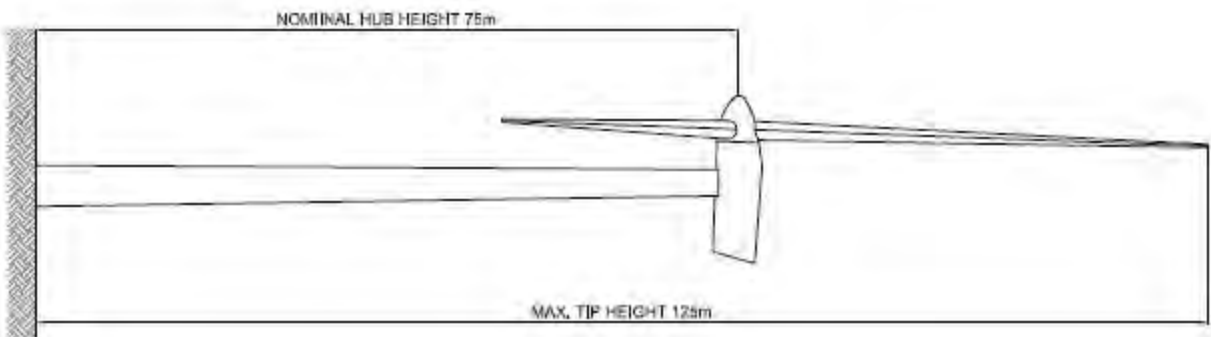
DWG. NO.



Figure produced by Caledonian Conservation Ltd. Information based on all known constraints.
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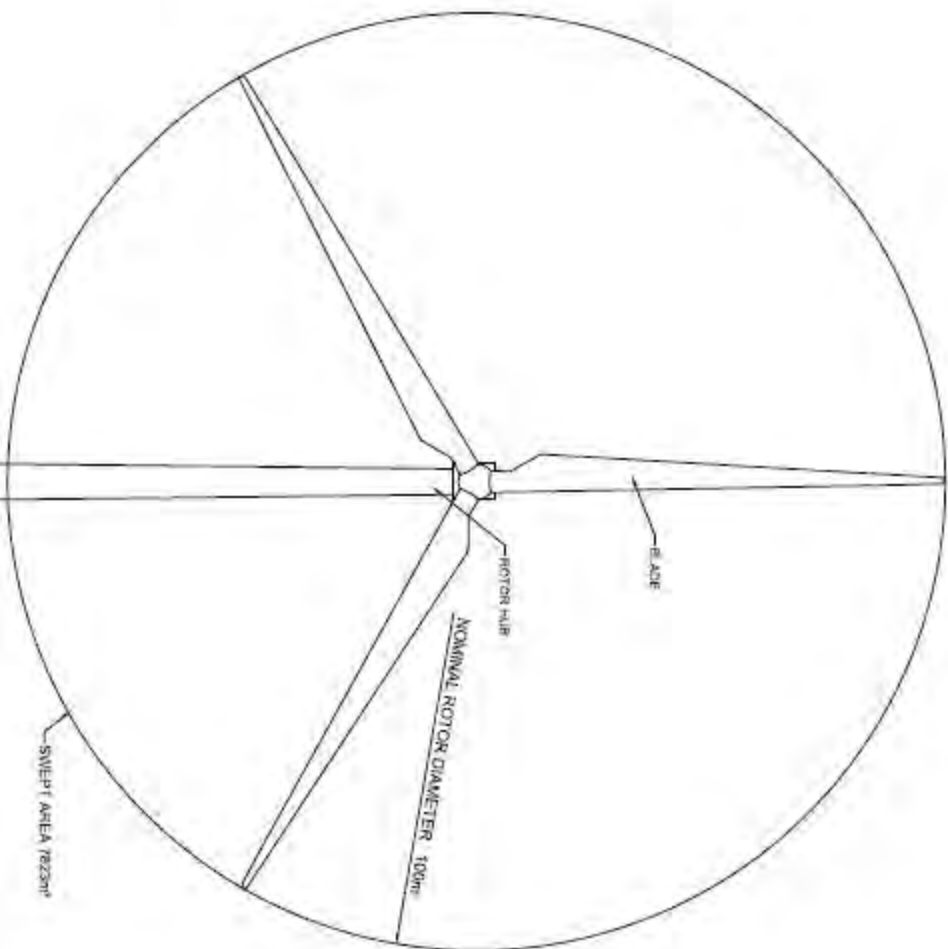
NOTES:

Dimensions are based on the turbine with the highest maximum tip height



SIDE ELEVATION

Scale: 1:200



FRONT ELEVATION

Scale: 2000

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FIGURE 2.7

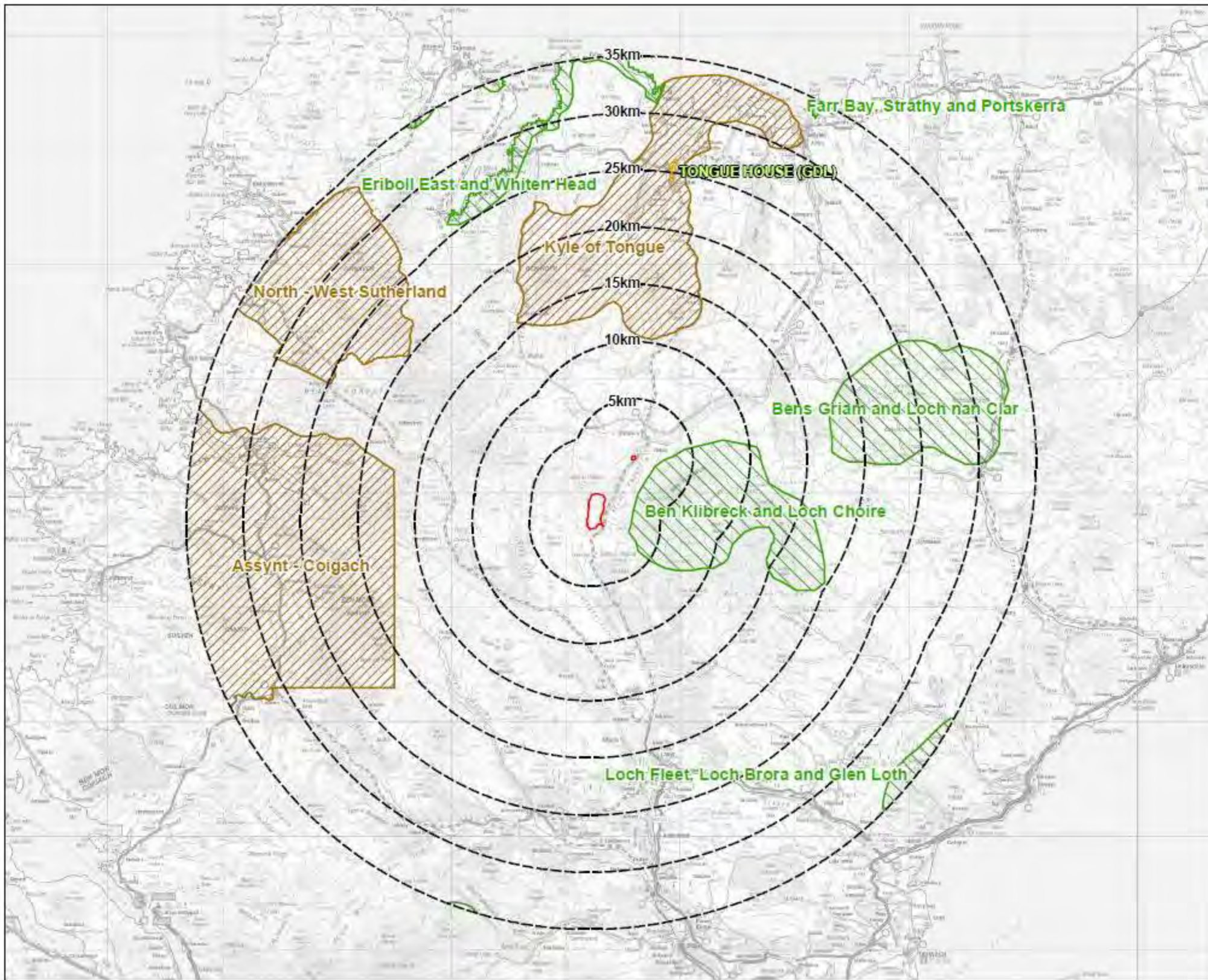
Indicative Wind Turbine

1:500 @ A3

P:02A5_10

SCALE

DWG NO



- KEY**
-  Wind Farm Site Boundary
 -  Borrow Pit Site Boundary
 -  National Scenic Area
 -  Special Landscape Area
 -  Garden and Designed Landscape

**CREAG RIABHACH
WIND FARM**



4.5
Landscape Designations

**FIGURE
TITLE**

1:350,000 @ A3
C.0436_12-F (1 of 2)

**SCALE
DWG. NO.**



