

## Appeal Decision Notice

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Decision by Richard Hickman, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2120
- Site address: Guisachan, Tomich, Strathglass
- Appeal by wpd Beinn Mhor Ltd against the failure of The Highland Council to determine the application
- Application for planning permission 14/01731/FUL dated 1 May 2014
- The development proposed: Beinn Mhor Wind Farm : Erection of 6 turbines, height 119.5m (rated up to 3MW each) and associated infrastructure
- Date of site visit by Reporter: 20-21 April 2015

Date of appeal decision: 9 July 2015

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### Decision

I dismiss the appeal and refuse planning permission.

### Description and background

1. The location of the proposed wind farm is an undulating ridge about a mile to the southeast of the small village of Tomich. Tomich is about 3 miles to the southwest of Cannich, a larger village on the A831 near the head of Strathglass. Access to the windfarm site would be by a combination of new and existing tracks passing to the south of the farm stading and tourist accommodation complex at Guisachan, on the edge of Tomich, rising eastwards to a height of just under 400m near the summit of Beinn Mhor. The 6 turbines would be located on the crest and western flank of the Beinn Mhor ridge, which mainly comprises rough moorland with a fishing loch. The new Beauly – Denny electricity transmission line passes to the northwest of the appeal site at a lower level, along open moorland at an elevation of 250-300m. There are extensive conifer plantations to the east of the ridge.

2. This appeal was lodged as the council failed to determine the planning application within the agreed extended statutory period. Consequently there is no formal decision on the application and thus no formal reasons for refusal. However a comprehensive report on the application prepared by the Head of Planning and Building Standards was considered by the South Planning Applications Committee on 19 March 2015 (after the appeal had been lodged).



INVESTOR IN PEOPLE



3. The outcome of that meeting was that, if the committee had been in a position to determine the application, it would have refused permission because (in summary) the road works required between Tomich and the Fasnakyle Bridge to accommodate the windfarm construction traffic, and the disruption to road users during the 40 week construction period thereafter, would have a significant adverse impact on community amenity and would disrupt the local economy through the negative impact on tourism, and would also destroy the rural character of the road. For these reasons, the committee concluded that the development would be contrary to policy 28 of the Highland-wide Local Development Plan (2012). If planning permission is granted as a result of the appeal, the committee has put forward various alterations to the planning conditions proposed in the report by the Head of Planning and Building Control.

4. Consultations on the planning application have resulted in objections from the Strathglass Community Council, which is the local community council, based on a postal ballot of the electorate, resulting in a 55/45% split between those opposing or supporting the proposal. In addition, the Glen Urquhart Community Council and the Kilmorack Community Councils have objected to the proposal. Other consultations with council departments and public bodies including Scottish Natural Heritage, the various organisations responsible for civil and military aircraft safety, telecommunications, environmental protection, listed buildings, and trunk roads have not resulted in objections, subject in some cases to further studies and safeguarding. Among the latter, the Beaully District Fishery Board require a detailed monitoring programme of aquatic matters to be put in place to establish a baseline, and robust mitigation measures to minimise pollution of watercourses.

5. Formal publicity for the proposal resulted in the lodging of approximately 1250 representations opposing the proposal, and around 180 supporting it.

6. The main matters of concern to those opposing the project are the potential impact on landscape and visual intrusion, including the impact on national scenic areas, special landscape areas (a Highland Council designation) and core areas of wild land; and on wildlife and nature conservation interests. They say that both of these issues would be expected to lead to consequential adverse effects on recreation and tourism activities in the area. There are more localised concerns about the potential impact of construction traffic on the roads leading to the site access, with consequential disruption of other traffic, again with a potential adverse impact on tourism; and about noise and the potential impact on drainage and on peat and blanket bog.

7. The main reasons put forward in support of the proposal are that it would make a contribution to renewable energy, in accordance with national and local policies; there would be little or no adverse effects on the interests of concern to objectors; there are no protective designations in the vicinity of the site and it is located within the Highland Council Areas of Search for onshore wind energy development; the proposed improvements to the road system would be welcome; it would benefit the local economy without affecting tourism; and that the turbines are temporary structures.

8. Many of these numerous representations contain very strongly held views on both sides, and fundamental disagreements about the appearance of windfarms and the potential impacts of this proposal.
9. Section 25 of the planning act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
10. As noted above, the council considers that the proposal would be in breach of policy 28 of the local development plan, due to the potential effects of construction traffic using the road from Fasnakyle Bridge to Tomich to reach the site, requiring improvement works to the road and disrupting local and tourist traffic.
11. In addition to policy 28, paragraph 6.2 of the committee report lists 14 other potentially relevant development plan policies. Those with a direct relevance to the principle of the development are policies 55 (Peats and Soils); 57 (Natural, Built and Cultural Heritage); 58-60 (Protected and Important Species and Habitats); 61 (Landscape); 63 (Water Environment); 67 (Renewable Energy); and 77 (Public Access).
12. Policies that relate to the detailed design and implementation of the development rather than the principle include 29 (Design Quality and Place Making) which would relate to the design and siting of the buildings on the site; 31 (Developer Contributions); and 72 (Pollution).
13. Policy 51 (Trees and Development) relates to the safeguarding of trees on or close to a development site. The main concern about the impact on trees in this case relates to trees on the public approach roads, which are considered under policy 28. Policy 56 (Travel), which relates primarily to promoting sustainable travel at development sites, does not appear to be relevant to this proposal. In addition, policy 60, which seeks to safeguard the integrity of linear features in the landscape that assist the movement of wild fauna and flora, is of little relevance at Beinn Mhor, which forms part of wider area of rugged moorland.
14. The Head of Planning and Building Control considered that all the development plan policies referred to in the report would be met, subject in some cases to appropriate requirements and/or mitigation measures. The council does not disagree with these conclusions, emphasising that policy 67 (Renewable Energy) is the primary policy to be considered. This sets out a series of criteria to be met, cross referenced to other policies in the plan, where a balanced assessment is necessary, including taking account of mitigation measures. The council states that the development plan should be read as a whole, and a planning judgement reached on the merits of the proposal.
15. The matters to be considered under policy 67 include items covered by other policies listed above, notably landscape and visual impact; natural, built, and cultural heritage; important species and habitats; public access; and the water environment. Other relevant items covered in the policy are tourism and recreation interests, aircraft safety, amenity at sensitive locations, safety and amenity at individual properties, traffic and transport interests, and the operational efficiency of communications systems.

16. Thus the determining issues in this appeal are whether the proposal would be in accordance with policy 67 of the local development plan, and other related policies notably 28 (the basis of the council's opposition to the proposal); and 55, 57-59, 61, and 63 (all relating to the environmental impact of the project), and 77 (public access); and whether any adverse effects from the proposal likely to result in breaches of these policies would be offset by the benefit of the contribution to renewable energy sources, in accordance with central and local government objectives, and benefits to the local community and economy.

17. Material considerations to be taken into account are Scottish Planning Policy (2014) relating to sustainable development, renewable energy, and the natural environment; and the council's Interim Supplementary Guidance for Onshore Wind Energy (2012); and (in part) the Highland Renewable Energy Strategy (2006).

## REASONING

### Policy 28 : Sustainable Design

18. Policy 28 of the local development plan (Sustainable Design) states that the council will support developments which promote and enhance the social, economic and environmental wellbeing of the people of Highland, subject to assessment of the extent to which they impact on a number of matters. Those relevant to this appeal comprise roads; individual and community residential amenity; and contribution to the economic and social development of the community.

19. Other topics listed in policy 28 are potentially relevant to the determination of the appeal, but are the subject of specific policies which are considered separately. These comprise natural, built, and cultural heritage (policy 57) and landscape (policy 61); and species (policies 58 and 59). A further criterion in policy 28 is sensitive siting in keeping with local character and the historic and natural environment, which is covered in the consideration of policies 57 and 61.

20. The first of the topics to be considered under policy 28 is the potential impact of the proposal on the public roads that would be used by construction traffic, including the abnormal loads, to and from the site. I have viewed these roads.

#### *Use of the Fasnakyle Bridge – Tomich road*

21. The council's concerns, as summarised in paragraph 3 above, relate to the impact of the proposed works to the road from Fasnakyle Bridge southwards to Tomich to accommodate the construction traffic; the disruption to road users during these works and the wind farm construction period; the adverse effect on community amenity; and on the local economy through the negative impact on tourism.

22. The proposed access route for the large turbine components (ES Vol V Part II Ch 13 page 4) would be from the A82 at Drumnadrochit west on the A831 to the bridge over the River Glass to the east of Cannich, then south on the minor road (C1110) on the southeast side of the strath for about 2 miles to the road junction at Fasnakyle Bridge, then on the

minor cul-de-sac road (U1423) a further mile or so to Tomich, continuing on for a further half mile or so (now on the U1391) as far as the proposed site access road junction as the road approaches Balacladaich.

23. The abnormal loads for the turbines are described on page 2 of chapter 13 of the environmental statement (ES). Each turbine would have the 6 components listed in table 2.1, plus the 3 blades, giving a total of 54 loads, plus the large components of the erection crane and any sub-station transformer.

24. General construction traffic (ES Additional Information July 2014 page 4) would approach on the A831 from either the Beauly or Drumnadrochit directions, then use the C1110 on the north(west) side of the strath to Fasnakyle, crossing the Fasnakyle Bridge to join the route for abnormal loads as previously described.

25. The main analysis of the construction traffic impact is in chapter 13 of the ES Vol II (April 2014), with an update in the Supplementary Environmental Information (September 2014) to reflect (among other things) the reduction from 7 turbines to 6.

26. Table 10.1 of the supplementary information shows the reduced volumes of general construction traffic, totalling 8072 vehicle movements during a 9 month construction period. The major elements (numerically) are 2584 movements (1292 lorry loads) of imported stone, stated "Not on public roads"; 906 movements for off-site batched concrete; and 3600 movements for general site staff, which would be predominantly cars and light goods vehicles.

27. The April 2014 ES states (chapter 13, page 16) that all concrete, stone and sand deliveries would be sourced from local quarries or ready mix sites, with the closest quarry located at Balblair south of Beauly. This would use the A831 from north of the River Beauly (ie via Strathglass).

28. The ES Additional Information (July 2014) states on page 3 that there is a Forestry Commission Scotland quarry located to the south west of the appeal site which has been licensed for use during the construction of the Beauly – Denny transmission line. The appellant has been in discussion with the Forestry Commission Scotland regarding the use of the quarry in connection with the construction of the Beinn Mhor windfarm, which would substantially reduce the number of quarry vehicles on the public road network, compared with that identified in the environmental statement. If this occurs, the total number of traffic movements using the public road would reduce to about 5500, of which around 3600 would be predominantly cars and light goods vehicles.

29. The affected section of the access route that is of concern to the council comprises the single track cul-de-sac road between the junction at the Fasnakyle Bridge and the village of Tomich. This is a narrow section of road, skirting woodland at the foot of a hillside, with some bends, and a temporary steel bridge where it crosses a burn.

30. Chapter 13 of the environmental statement (page 23) notes that parts of the route for abnormal loads south of the A831, including that on the approach to Tomich, are cut into a

steep sided wooded slope, with numerous retaining structures on the down slope. There is evidence of carriageway failure at various locations. It is recommended that a full structural survey of the carriageway and associated structures is undertaken to ensure that the route is capable of accommodating the abnormal large loads across the full width of the carriageway.

31. The Environmental Statement Additional Information (July 2014) includes a series of 10 detailed plans, covering the abnormal loads route from the A831 at Cannich to Tomich, illustrating on an indicative basis what changes would be required along the road to accommodate the abnormal loads. Plans 7-10 show the route from the Fasnakyle Bridge to the entry to the village of Tomich.

32. The plans show that various works would be required along the route to accommodate the swept path of the very large vehicles carrying the abnormal loads, and oversailing of parts of the components above adjacent land. These works would include laying of load bearing surfaces in areas of over-run; embankments to be re-profiled or replaced by a retaining structure; and vegetation and trees to be cleared or cut back. The works would be expected to be undertaken over approximately 6 to 8 weeks.

33. The plans note that some third party land may be required to achieve what is necessary. Each plan contains a warning note stating that the carriageway width in the section shown (ranging from 2.5 to 4.8m at passing locations) will need widening to meet the manufacturer's minimum requirements of 4m usable width and 5.5m clear width for the abnormal loads, the widening averaging 0.7-1.0m, and that this will require works in addition to those highlighted on the drawings.

34. The various reports give information on the steps that would be taken to minimise the impact on other road users, including the preparation of a construction traffic management plan, the setting up of community and emergency services liaison groups, the timing of the deliveries of the large components, the provision of additional passing places, and the use of a shuttle system directed by a banksman to allow construction vehicles and general traffic to pass in opposite directions.

35. The appellant concludes from all this that the use of the proposed access route is feasible and that the proposed mitigation works are manageable for a project of this size. The resulting effects on other traffic would be temporary, and of minor significance, as existing traffic flows are very low. The improved road would be of long term benefit to the community.

36. The consultation response from Highland Council Transport Planning (dated 20 May 2014) notes that the proposed improvements to the local access roads to facilitate the passage of the abnormal loads would be substantial, and that further investigation and detailed analysis are required. The disruption of other traffic on the final approach road to the site is a matter of concern, as there is no alternative route. The consultation concludes that the selected access route is not presently suitable for the abnormal loads, with significant improvements required, to the extent that the feasibility of the selected route to serve the development must be in question. In response, further investigations were

carried out by the applicant and considered by the council transport staff, but their position remained generally unchanged in subsequent responses (dated 29 July 2014 and 29 September 2014) from that advised in the previous consultation response.

37. In addition to The Highland Council, a number of representations raise similar concerns about the potential disruption of use of the road into Tomich due to the need to carry out the necessary improvement works described above; the passage of the construction traffic to and fro along a single track road; and the serious impact on local residents, tourists, deliveries, and emergency services if the road is impassable due to these works, or a problem resulting from the construction traffic or abnormal loads, this being the only road into the village and the properties to the south.

38. I note from all this that if the development proceeds, the road from Fasnakyle Bridge to Tomich village would carry at least around 5500 additional vehicle trips, and around 8100 if the stone required for the development cannot be obtained from the Forestry Commission quarry near the appeal site. Many of these movements would be heavy goods vehicles, as well as over 50 abnormal loads of the large turbine components. The estimated construction period for the proposal would be 40 weeks.

39. Although the works required to make the road suitable for the passage of the large turbine and other components are regarded as manageable for a project of this size, I note that they will require extensive interventions along the roadway to take account of the narrow width, bends, and numerous retaining walls along the route. The report notes that the road is already showing signs of carriageway failure, while the plans make it clear that they are indicative, and do not represent the final proposals, which will require further detailed consideration.

40. I conclude from this that a significant amount of intervention work will be required, and that the full extent remains uncertain. The re-profiling of banks and verges, the construction of new retaining structures, carriageway widening, and the cutting back of trees is likely to change the character of the road to some extent. Some, including the council, are opposed to this, while others welcome the benefit of an improved road into the village.

41. I also conclude that the works would take some time to carry out, causing delays to existing users while in progress, as this is a cul-de-sac with no alternative route option. Similarly, during the 9 month wind farm construction period, other road users would continue to be hindered by encountering construction traffic along the route, with the usual manoeuvring that this entails on single track roads. Although detailed mitigation arrangements are envisaged, and the environmental statement (Chapter 13, table 13.12) states that “No significant residual effects” are anticipated for driver delay, I share the objectors’ concerns about the difficulties that would be caused for local residents, and for tourist and other visitors to the area wishing to visit the Plodda Falls or make use of local tourist facilities.

42. In addition, there would be very significant difficulties for other users if the road is blocked due to a collision, breakdown, or vehicle stranding involving one of the

construction vehicles. The problem would be particularly serious if emergency vehicles required access to the area. I also note that the intention is to carry out the construction work during the winter months, to minimise the conflict with tourist traffic. Deliveries would be timed to avoid peak traffic periods, which would be likely to require evening and weekend movements. Objectors point out that the combination of long hours of darkness and winter weather would add to the risks of mishaps involving construction traffic and the difficulties in remedying the situation. Accordingly I agree with the council and others that the changes to the road and its use by so much construction traffic would be very undesirable.

#### *Wind farm traffic through Tomich village*

43. Concerns have also been expressed in the representations about the impact of the construction traffic on the village itself. Objectors point out that this is a designed estate village dating from the Victorian period, and a conservation area, where nearly all the houses front closely onto the road, which is narrow and largely without pedestrian footways. The passage of the large turbine components would be particularly disruptive. Objectors contend that this is a peaceful and attractive destination much visited by tourists, and the tourist businesses in the village are dependent on this as there is no through/passing traffic.

44. The methodology for the assessment of traffic impact on the approach roads to the site is explained in pages 5-8 of chapter 13 of the environmental statement. Being a small rural settlement with few community or public facilities or services, Tomich village is treated as a receptor of low sensitivity. Tables 13.9-13.11 show the predicted increases in traffic levels due to construction vehicles. This is based on local traffic surveys carried out in August 2013, increased to what would be expected in 2016 without the windfarm, plus the traffic movements expected to occur during the construction period for the windfarm, based on 7 turbines (the proposal at that time). The daily average has been calculated on the basis of 25 working days a month during the 9 month period.

45. The results set out in table 13.11 show that at Tomich, the 12 hour traffic flow would increase by just under 25%. Being less than 30%, the impact of this increase is regarded as negligible according to the professional criteria (IEMA Guidelines) that are used for this purpose. However the statement notes that these guidelines are not intended to apply to very specific problems, but to complement professional judgement, as the environmental impact of traffic will vary from project to project.

46. Table 13.11 gives no figure for the increase in the larger categories of goods vehicles in Tomich during the 12 hour day. This is because the average daily number of such vehicles recorded during the traffic survey (table 13.5) has resulted in a zero score, presumably because of averaging and rounding down the total number actually recorded. Some commercial vehicles were recorded during the 24 hour surveys, and these show up as increases of 40% (mid sized commercial vehicles) and over 3000% (sic!) for heavy goods vehicles, where the average daily number recorded was one vehicle.

47. In this context, table 13.12 of chapter 13 assesses the predicted impact of these increases on severance, pedestrian delay and amenity, accidents and safety, and dust and



dirt. For all these items, it concludes that no significant residual effects are anticipated, except for pedestrian amenity where minor impacts over a short time period would be expected.

48. With regard to these findings, I note that the volume of construction traffic would be rather less than that shown, due to the deletion of one turbine from the scheme; and that as these are daily figures averaged over a predicted 225 working days throughout the construction period, the day to day volume and hence impact may vary significantly from the average (both ways) according to the particular requirements of the work programme.

49. I consider that the particular circumstances at Tomich, as described by objectors and summarised in paragraph 43 above, are very unusual, and are a situation where the results of the standard methodology must be considered in the context of professional judgement. On this basis, I fully accept the local submissions that the introduction of so much construction traffic through the only street of a very small, remote and quiet village that has a distinct historic character, is a conservation area, and is greatly dependent on tourist visitors, would be hugely disruptive to local amenity and to road safety, given the narrow carriageway and general lack of pedestrian pavements. I can also understand the concerns about the impact on tourist businesses in and around the village, which are mainly small and thus sensitive to relatively small changes in their visitor trade.

50. I note that some tourist businesses in the locale, and in Cannich, support the wind farm on the basis that it will not harm their trade, but this does not in my view outweigh the justified concerns of other operators about the potential adverse impact of the construction traffic on tourist visits to Tomich, which I agree would be very undesirable.

51. Construction traffic would continue through Tomich for a further half mile or so south to the location of the proposed access to the windfarm site. Some representations express concern about the impact of construction traffic on this section of road, which forms part of the original avenue of trees to the former Guisachan House to the south, now a ruin.

52. A further report (November 2014) on a tree survey and arboricultural constraints gives further detail of the potential effects of the requirements for abnormal loads on this section of road. It concludes that some road improvement and tree protection measures would be required.

#### *Use of C1110 from A831 to Fasnakyle Bridge*

53. This two mile section of road (on the east side of the strath, via Kerrow) would be used for the delivery of the abnormal loads, but not for general construction traffic which would be expected to use the parallel route on the west side of the strath. This division of the trips could be achieved through the proposed construction traffic management plan.

54. Much of this route comprises a very narrow single lane carriageway, running along the foot of steep wooded slopes similar to the section of road to the south of Fasnakyle Bridge. It has been examined in the report referred to at paragraph 31 above, where the first 6 plans show the probable requirements for improvements. These are similar to those

further south, mainly comprising widening of the carriageway through bends, with a new running surface overlaid on the verges. The same notes warn that parts of the carriageway will require widening from the existing minimum width of 2.5m to achieve 4m useable width and 5.5m clear width, and that this will require additional works to those shown on the drawings.

55. Some of the representations that have been lodged express concern about the damage to trees and loss of character of the road that would result from these changes.

56. As for the similar section of road to the south of Fasnakyle Bridge, I conclude that a significant amount of intervention work will be required, and that the full extent remains uncertain. The re-profiling of banks and verges, the construction of new retaining structures, carriageway widening, and the cutting back of trees is likely to change the character of the road to some extent.

57. A key difference from the situation further south is that (subject to effective enforcement) this section of road would only be used for the passage of the abnormal loads, which will take place under controlled conditions with the road closed to other traffic; and that the parallel route on the other side of the strath will usually be available for use by other traffic, so that other users can avoid any delay arising when the improvement works are being carried out and abnormal loads are using the route.

#### *Use of the Strathglass road*

58. As noted above, if stone supplies cannot be sourced locally, they are likely to come from the quarry at Balblair, using the A831 to travel the length of Strathglass as far as the Fasnakyle Bridge.

59. The Kilmorack Community Council has objected to the proposal, on the basis (among other things) that if aggregate and concrete material is sourced from the Balblair quarry, the resulting lorry traffic would have to traverse a long section of predominantly single track road, to the inconvenience and potential danger to local residents and other road users. The community council states that construction traffic for the Beauuly – Denny project was not allowed to use this section of road, and disputes the estimate in the environmental statement for the amount of stone required.

60. I agree with the community council that much of the road along Strathglass south of Struy Bridge (a distance of about 8 miles), being of a wide single lane width, with quite a few bends, is not suited to a considerable additional volume of heavy goods traffic, which would be a potential hindrance and danger to other road users.

#### *Individual and community residential amenity*

61. A number of representations raise concerns about the impact of construction traffic on residential amenity, and a small number are concerned about the impact of noise and shadow flicker (considered under policy 67).

62. The main residential locations likely to be affected are Tomich, and Cannich, where general construction traffic would pass through the two main roads.

63. Tomich has been considered already, where I have concluded that the construction traffic would have a very disruptive effect on local amenity.

64. The traffic impact analysis already described contains figures for the two main roads through Cannich. Table 13.11 shows that the overall increases in the average 12 hour flows would be around 6% on the A831 and around 10% on the C1110. These are relatively modest increases (and are based on the 7 turbine scheme) but include much larger increases in heavy goods vehicles, although the absolute numbers are quite small.

65. A further contrast between Cannich and Tomich is that the existing traffic flows in Cannich are considerably higher than at Tomich; the roads are wider; and many of the buildings fronting the roads are set well back. Consequently although there may be some loss of amenity, it would be unlikely to be at an unacceptable level.

66. For these reasons, I conclude that there would be an unacceptable effect on individual and community residential amenity at Tomich, but not at Cannich.

*Contribution to the economic and social development of the community.*

67. There are pronounced conflicting views about the desirability of the proposal among the local community, illustrated by the ballot conducted by the Strathglass Community Council which showed a moderate majority opposed to the proposal. I also note that the two neighbouring community councils are also opposed to the development.

68. There are also conflicting differences of view among the local tourist oriented businesses as to whether the wind farm would reduce the likelihood of visits, and repeat visits, by those coming to area for tourism reasons. Some representations contend that the wind farm would attract tourists. Representations from individual visitors include some for whom the presence of the wind farm would not affect future visits, and others who say that they would go elsewhere if it proceeds.

69. The potential effects on recreation and tourism is discussed further under the tourism and recreation element of policy 67. However I note the numerous submissions from local tourist operators that emphasise the importance of tourism to an area where there are limited economic opportunities, and where most businesses are small and dependent on a short tourist season. Thus, while the impact on some tourist businesses may well be neutral, there are many others who are concerned that even a small downturn in visitor numbers could have serious consequences.

70. Many of the representations in support of the proposal do so because of (among other reasons) the expected benefits to the local community and economy, on the basis that it would contribute to the diversity and enterprise of the local economy.

71. Chapter 12 of the environmental statement contains an analysis of the economic and community benefits to the area expected by the appellant, based on the original proposal for 7 turbines. Table 12.10 indicates that 68% of the total construction and installation costs of £3.66m (ie around £2.5m) would be likely to be spent in the Highland area. The major element is turbine manufacture, approximately £22m out of a total of about £26.26m, which would be expected to be spent elsewhere in Scotland but not in Highland.

72. The assessment estimates that a temporary workforce of up to 19 staff would be created for the construction work, and a significant proportion of these jobs would be sourced locally. Visiting staff temporarily resident in the area would make use of local hospitality businesses. Drawing this together, the assessment notes (page 39) that the magnitude of change in the local economy is judged to be a minor beneficial effect, in relation to both construction jobs and local expenditures. The long term local employment provided by the wind farm (page 40) is assessed as negligible.

73. The assessment also concludes that the long term effects on recreation and tourism, due to changes in the landscape and views to and from the site, based on the potential effects at receptors (eg on footpaths and in views) would be minor or negligible.

74. The developer expects to commit a total of £2.6m to a community investment/benefit fund, during the life of the project, and to make one of the turbines available as a community asset.

75. On this basis, I accept that there would be a minor beneficial effect on the local economy during the construction period, due to local people and businesses obtaining work from the project. This would be offset by any loss of business during the construction period due to a downturn in tourist visits, as feared by some operators. The major potential input to the Scottish economy would be the turbines themselves, but this is not a location specific benefit.

76. I also agree that the benefit to the local economy once the windfarm is in operation would be negligible, as only one or two long term jobs would be created locally. Again these would be offset by any long term downturn in tourist visits to the area caused by the impact of the windfarm, as feared by some tourist operators and others. There are very extensive conflicting submissions on this issue which are considered in relation to policies 57 (Natural, Built and Cultural Heritage) and 67 (Renewable Energy Projects – tourism and recreation interests), where I have concluded that there would be significant adverse effects on recreation users and potentially on tourism.

77. The local community would benefit from the community fund that is proposed, the allocation of one of the turbines to the community, and a further fund to finance local improvements. Scottish Planning Policy (paragraph 173) states that a prerequisite for negotiations to secure a community benefit from an onshore renewable energy project is that the proposal is acceptable in land use terms and that consent is being granted. That stage has not yet been reached in this case.

78. For these reasons, I conclude that it has not been demonstrated that the project would make a significant positive long term contribution to the economic and social development of the community.

### **Policy 55 : Peats and Soils**

79. This policy seeks to avoid the unnecessary disturbance, degradation or erosion of peats and soils.

80. This matter is one of the topics considered in chapter 11 of the environmental statement, with further detail given in technical appendix 11.1. The extent of peat on the site is shown on figure 2 of the appendix, while figure 3 shows the peat risk areas.

81. On the basis of the surveys and assessments, the layout of the windfarm has been devised to avoid the deeper areas of peat, and the report concludes that there would be an insignificant risk of peat slides in the vicinity of the roads and other installations. Some peat and soils would have to be removed to accommodate the site works, but this would be redistributed on the site.

82. The Scottish Environment Protection Agency is satisfied with this assessment, and concludes that management of peat on the site should not be a significant issue. SEPA recommends that a finalised peat management plan should be required through a planning condition.

83. Although concerns about the potential effects of the development on peat and blanket bog have been expressed in some of the representations, I am satisfied that the detailed analysis provided in the environmental statement combined with SEPA's confirmation that peat management would not pose a significant problem indicates that the objectives of policy 55 can be satisfactorily met, subject to appropriate detailed management of the works.

### **Policies 57 and 61 : Natural, Built and Cultural Heritage; and Landscape**

#### *Policy summary :*

84. Policy 57 is intended to achieve appropriate consideration of the impact of development proposals on a wide range of natural, built and cultural assets in the Highland area. These assets are divided into those that are of local and regional importance, mainly identified by the council; those that are nationally important, mainly identified by national organisations or by the council in response to national legislation; and internationally important features identified by government and through European directives. These are listed on page 109 of the Highland-wide local development plan, and appendix 2 of the plan provides a lot more detail about the various items, and the policy framework that applies to each.

85. These are all essentially physical features or policy designations applying to such features, as distinct from the flora and fauna that are safeguarded by policies 58 and 59,

and areas safeguarded for their contribution to a linear and continuous series of green corridors to facilitate the movement of wild flora and fauna (policy 60) .

86. The explanatory text for policy 57 (page 110) notes the importance of the historic and natural environment for the sustainable economic growth of Highland, especially in relation to tourism. This reflects the inter-relationship between landscape assets, recreation and tourism, and the local economies in scenic areas, so that policies for these subjects complement each other, and overlap to some extent.

87. The purpose of policy 61 (Landscape) is to ensure that new developments are designed to reflect the landscape characteristics and special qualities of the area where they would be located, as identified in the Landscape Character Assessments that have been carried out. The policy is cross referenced to the various principles and objectives for sustainable development set out in policy 28 (see above).

### *Landscape and visual impact*

88. Landscape impact and its potential implications is the matter of most frequent concern to those who have lodged representations objecting to the proposal. A great deal of documentation has been lodged in support of the application, including the extensive landscape studies and photomontages included in the environmental statement; and also by others.

89. There is a great deal of disagreement between the proponents and supporters of the proposal and those opposing it. The nub of these disagreements are the differing views on the potential impact of the proposal on various receptors (eg paths, roads, viewpoints, homes and settlements, and high level mountain routes and summits); and the weight to be given to those effects. This in part stems from concerns from those representing recreational users that the methodology used for professional landscape assessments (see below) takes a very restricted approach to the distance within which wind farms have an impact, and is thus ill suited to consideration of the wider landscape experiences of recreational visitors.

90. The cumulative landscape effects of the new proposal in conjunction with existing and other approved wind farms adds a further complexity to this analysis.

### *Landscape character types and wind farm policy areas*

91. The landscape context for the proposal in terms of factual geographic designations, landscape character assessments, and policy zones are shown in the series of maps at figures 7.1-7.5 in Volume III of the environmental statement.

92. As described in paragraph one above, the application site forms a rugged ridge to the southeast of Tomich, culminating in the summit of Beinn Mhor at just over 400m. This ridge lies on the zone of transition between a higher tract of rugged undulating hills stretching eastwards to Loch Ness, and a much larger area to the west comprising massive east/west trending mountain ridges separating deeply entrenched glens. Summits in the

area to the east are mainly in the range 500-700m, while the higher ridges and mountains to the west are predominantly around 900-1150m.

93. The area to the east of Beinn Mhor is categorised as Rocky Moorland Plateau in the Scottish Natural Heritage Landscape Character Assessment. Most of it is identified as an Area of Search in the interim Spatial Framework for onshore wind energy prepared by The Highland Council in 2012. This area already has some existing and approved windfarm development, the nearest being 5 turbines (referred to as Corrimony), some two miles east of Beinn Mhor.

94. The lower ground immediately to the west of Beinn Mhor is characterised as a Narrow Farmed Strath, forming the narrow valley running northeast to become Strathglass, containing the settlements of Tomich and Cannich. The zones around these settlements (approximately 2kms radius) are regarded as subject to constraints in the council's spatial framework. The proposed windfarm at Beinn Mhor straddles the southeastern boundary of this zone, with 3 turbines proposed within the area of search and 3 within the area of constraint.

95. Beyond the strath, the large mountain area to the west stretching towards Kintail and Glen Carron (about 40kms away) is characterised as Rugged Massif, with 3 major glens draining eastwards (Glen Affric, Glen Cannich, and Glen Strathfarrar) each characterised as a Narrow Wooded Glen. The eastern section of this massif encompassing these 3 glens and the intervening ridges is afforded significant protection in the council's spatial framework for wind farm development, and there is no windfarm development in this area. A wooded ridge rising to 450m separates the strath at Tomich from Glen Affric.

#### *Landscape protection policy designations*

96. Glen Affric is a National Scenic Area (a designation of national importance) extending from the eastern end of Loch Beinn a' Mheadhoin westwards to the head of the glen where it abuts the Kintail NSA. There is a much smaller NSA in the lower part of Glen Strathfarrar. National policies for these areas (and for sites of special scientific interest and national nature reserves – see below) as set out in paragraph 212 of SPP (2014) are that development affecting these areas should only be permitted where the objectives of designation and the overall integrity of the area will not be compromised, and where any significant effects on the qualities for which the area has been designated are clearly outweighed by social environmental or economic benefits of national importance.

97. The Highland Council has identified Special Landscape Areas (of local and regional importance) covering the large area to the north of Glen Affric and northwest of the Glen Strathfarrar NSA (Strathconon, Monar and Mullardoch SLA) and to the south of Glen Affric (Moidart, Morar and Glen Shiel SLA).

98. Superimposed on these designations is the Central Highlands Core Area of Wild Land. This is derived from earlier work done by Scottish Natural Heritage (search areas 2002). Scottish Planning Policy (June 2014) paragraph 200 recognises wild land character as a feature of some of Scotland's remoter upland, mountain and coastal areas which are

very sensitive to any form of intrusive human activity and which have little or no capacity to accept new development. Plans should identify and safeguard the character of such areas as identified on the 2014 SNH map of wild land areas. Paragraph 215 of SPP refers to development within these areas.

99. With regard to whether wild land within the Highland area constitutes an asset of national or local/regional importance, the interpretation of the various documents is complicated by the fact that the Highland-wide Local Development Plan was published in 2012, whereas the latest versions of Scottish Planning Policy and the National Planning Framework, and the Environmental Statement, were all published in 2014, with paragraph 200 of SPP referring to the SNH map of wild land areas published in 2014.

100. The list on page 109 of the area wide local development plan includes Wild Areas (my emphasis) as of local/regional importance. Appendix 2 of the plan (pages 155-156) recognises that the work being done by SNH is part of a national programme to identify areas of Wild Land at a national level. The Highland Council may then consider whether it is appropriate to identify wild areas that are of local or regional importance. The text also notes (page 156) that there may be cases where wildness could be adversely affected by development close to wild land but not within it. Determination as to whether such an external impact would be unacceptable would include consideration of views and light pollution.

101. I note that National Planning Framework 3 states at paragraph 4.4 that “Scotland’s landscapes are spectacular, contributing to .... our national identity and the visitor economy”; and “We also want to continue our strong protection for our wildest landscapes – wild land is a nationally important asset”.

102. I think it is clear from the quotations above that the safeguarding of wild land is an objective of national importance, based on the SNH mapping, and that the local development plan also provides a mechanism for the council to identify wild areas of local/regional importance.

103. The mapping of wild land in the environmental statement (figures 7.1 and 7.2) is based on the SNH mapping of search areas and core areas, the latter generally extending the former eastwards in the vicinity of Glen Affric and Glen Strathfarrar. The result is that the core area of wild land extends eastwards on the high ground of Fasnakyle Forest to the north of Glen Affric to correspond approximately with the eastern limit of the NSA (about 5kms to the northwest of the appeal site); along the high ground of Guisachan Forest as far as Clach-bheinn (about 5kms to the southwest of the appeal site); and to include Glen Strathfarrar as far east as and including the Strathfarrar NSA.

#### *Landscape and visual impact assessment*

104. Chapter 7 of the environmental statement (volume II) sets out the landscape and visual impact assessment. The distinction between these concepts is explained in paragraph 7.1. Landscape character and resources are considered to be of importance in their own right, valued for their intrinsic qualities regardless of whether they are seen by



people. Impacts on visual amenity as perceived by people are separate but linked to impacts on landscape character. The assessments are separate but linked processes.

105. The environmental statement notes that professional judgement is a very important part of the landscape and visual impact assessment, and that there are no hard and fast rules about what landscape effects resulting from a proposed development should be deemed significant.

106. The starting point for the analysis of the results is the zone of theoretical visibility of the development, which is based on computer modelling of the topography of the bare terrain, and does not take account of the screening effects of vegetation and buildings.

107. The mapping of the zone of theoretical visibility has been updated to take account of the removal of one turbine. Figures 7.9 and 7.10 in the volume of visualisations dated January 2015 (the maps themselves are dated September 2014) show the results.

108. The maps show that 5-6 turbines may be visible from most of the area within 5kms of the turbines, except in low-lying areas along the valley bottom, including Tomich and Cannich, from where the turbines are largely screened by the topography and also by vegetation. The development would also not be seen from within nearly all of Glen Affric, Glen Cannich, and Glen Strathfarrar because of the intervening ridges. However the development would be seen from extensive areas of high ground along the ridge and southeast facing slopes that separate Glen Affric from Glen Cannich; from the summit ridge and south facing slope of Balmore Forest immediately to the north of Cannich; from high ground to the north of the first section of the A831 leading east from Cannich to Drumnadrochit; and from various high tops further to the southwest, west and north, all mainly within 15kms of the appeal site.

109. Detailed studies of the predicted theoretical appearance of the turbines have been carried out for 17 viewpoints up to 20kms from the site. These have been selected following consultations. For each viewpoint, there is a photograph of the view; a wireframe showing the shape of the terrain with the turbines added; and a copy of the photo with images of the turbines added.

110. Revised imagery, based on the 6 turbine scheme, has been provided for 6 of the 17 viewpoints originally provided for the 7 turbine scheme. These omit various less sensitive locations from where the development would not be seen, and the more distant viewpoints where the difference resulting from the omission of one turbine would not be discernible. The locations of the viewpoints are shown on many of the maps that have been submitted.

111. For each view, the landscape specialists have made a judgement of the likely landscape impact and visual effects of the proposal, taking account of the visual sensitivity of the various receptors and the magnitude of expected change. Virtually all of the receptors where there are representations of concern are treated as of high sensitivity. These include residents in the curtilages of their homes; users of outdoor recreation facilities, including footpaths and recreational road users; and people experiencing views from important landscape features, beauty spots and picnic areas. Magnitude of change is

assessed as substantial, moderate, slight or negligible, according to the criteria set out in table 7.6 of the environmental statement volume II.

112. The resulting assessments of impact are summarised in table 7.10 of the original environmental statement volume II. The Supplementary Environmental Information (September 2014) provides a commentary on what changes, if any, would be expected to result from the omission of one turbine. Although there would be some reductions in effects, none of them is judged to change the assessments made in the original environmental statement. The results distinguish between the landscape effects (the impact on the landscape) and visual effects (the perceptions of people).

113. With regard to the landscape effects, the professional assessments in table 7.10 predict that there would be a significant moderate/major effect at two viewpoints (1 and 3), both very close to the site. At all other viewpoints, the effects are predicted to range from none to moderate, none of them significant. The conclusion, in the paragraph following table 7.10, is that the significant landscape effects of the proposed turbines would extend to approximately 3kms, affecting sections of the Narrow Farmed Straths and Rocky Moorland Plateau landscape character types.

114. Table 7.12 notes that the prominent presence of the turbines on Beinn Mhor would result in a new key characteristic in this transition area between the two landscape character types. The turbines would be dominant features in this immediate area (page 81) resulting in a wind farm landscape, but the key characteristics of the landscape character areas would remain intact and would not be significantly affected.

115. The environmental statement contains extensive further commentary on the implications of the new turbines for the various landscape designations. As these areas are located beyond the 3km distance, no significant effects are predicted. The report concludes (page 82) that there would be no significant effects on the Glen Affric, Glen Strathfarrar, and Kintail national scenic areas, nor on the Strathconon, Monar and Mullardoch and Moidart, Morar and Glenshiel Special Landscape Areas.

116. Turning to the visual effects at the various receptor locations, the photographic images of necessity show the situation during good weather and good visibility. There will be many other times when poor weather and poor visibility will mean that these views are not visible. The effects will also vary according to season, time of day, cloud cover etc. However it is periods of good weather that will attract many tourist visitors to the area, and particularly those wishing to walk the high level routes and summits.

117. Bearing this in mind, the results set out in table 7.10 show substantial change at viewpoint 1 (view southeast from Knockfin, a short way on the road southwest of Tomich); and moderate/major (significant) at viewpoints 3, 4 and 5. These locations are all fairly close to the turbines (2.4-5.4 kms). Effects would be expected to be moderate but not significant at viewpoints 9 and 11, which are in elevated positions about 10-12 kms from the turbines. The effects from the remaining 11 viewpoints (mainly 10-20 kms from the turbines) are all assessed as minor or moderate, and not significant.

118. The assessment of the potential effects on wild land is contained in technical appendix 7.5, divided between physical attributes and perceptual attributes, and distinguishing between the Rugged Massif landscape character area and the 3 Narrow Wooded Glens. The assessments, set out in Table 10 of the appendix, are that the Wild Land Quality of the Rugged Massif is high, while that of the Narrow Wooded Glens is medium; and that the overall visual effect of the proposal would be slight adverse for the rugged massif and negligible for the narrow wooded glens.

119. There is considerable disagreement with these assessments from those opposing the proposal, either as straight differences of opinion, or more specific criticisms of the particular assessments contained in the environmental statement. A large number of representations, including the Mountaineering Council of Scotland, the Ramblers Association Scotland, The John Muir Trust, and Scotways (previously known as the Scottish Rights of Way Society) express great concern about the potential adverse visual impact on the landscape, both for recreational visitors and due to the potential negative effect on tourism in the area, and thus on the local economy. The main areas of concern are for Glen Affric, the vicinity of Beinn Mhor itself, and the high ridges and summits of the rugged massif/wild land area.

120. Among many more detailed points, those lodging representations opposing the proposal contend that :

- Glen Affric is acknowledged to be one of the most beautiful glens in Scotland, visited by thousands of tourists every year;
- most of the tourists who visit this area are attracted by the scenery and unspoiled character, especially hillwalkers and mountaineers. They would be particularly sensitive to features that intrude on these assets;
- when viewed from viewpoint 4, on the approach road to Glen Affric, the new turbines would be easily seen at a distance of about 4kms, where they would be viewed in conjunction with the existing turbines at Corrimony to form a wide array of turbines;
- local visibility of the turbines will increase as the mature forests in the area are harvested;
- these very large turbines would dwarf the landscape;
- the landscape and other assets of the area should not be put at risk, especially for such a small contribution to green energy;
- accepting environmental damage to this special area would harm Scotland's attraction for tourism and reputation as an area of magnificent landscapes;
- there is no special need to locate the windfarm in this area.

121. Some of those supporting the windfarm proposal consider the objections stated in the representations to be inaccurate or exaggerated. Supporters contend that :

- the application site is largely within the council's onshore wind farm spatial strategy area of search;
- the landscape at Beinn Mhor has no protective designation, and is already spoiled by the Beaully-Denny power line that crosses the west flank of the hill;
- the site is surrounded by commercial forestry;

- contrary to many objections, Glen Affric would not be affected by the proposal;
- the windfarm would appeal to tourists;
- the wind resource should be used to generate green energy.

122. Scottish Natural Heritage is the government agency responsible for (among other things) safeguarding Scotland's scenery. The consultation response from SNH on the (original 7 turbine) planning application states, in summary, with reference to landscape matters, that the proposal would have some effect on the appreciation of the special qualities of the Glen Affric NSA, both on its own and cumulatively with other wind farms,

123. The SNH response recognises that the Glen Affric NSA has three special qualities, as one of the most beautiful glens in Scotland; a glen of transition, from dense forest to exposed moorland; and as a journey into wilderness. The new windfarm on the edge of the NSA, and outwith the glen itself, would have a limited effect on these special qualities, and the important arrival experience from the east would be maintained. Visibility of the new turbines from within the NSA would be mainly limited to the upper slopes above the tree line. The proposal would extend the existing arrays of turbines further northwest, closer to the NSA. However SNH concludes that the proposal would not result in a significant adverse effect on the special qualities or the integrity of the NSA site as a whole, although this may not be the case if there are further extensions of turbine developments in this area.

124. SNH also concludes that the proposal would not result in a significant effect on the landscape characters of the Rocky Moorland Plateau, the adjacent straths, or the Rugged Massif to the west.

125. With regard to wildness and wild land, SNH notes that there is a strong sense of wildness that is experienced outwith NSA. Wildness can be experienced to a degree within Balmacaan Forest, although the sense of wildness greatly increases further to the west beyond the upgraded Beaully-Denny transmission line. SNH notes that viewpoint 5 shows a typical high level view which can be appreciated from this area of high wildness. However the view towards Beinn Mhor also takes in other forms of human development such the existing Corrimony wind farm and the new power line, and demonstrates the increasing encroachment of wind farms. SNH contends that the proposed wind farm does not encroach into the remoter landscapes to the west, and would not result in significant adverse effects on wildness outside the NSA.

126. In a further consultation responding to the 6 turbine scheme, SNH confirms that the revised layout does not alter the comments previously supplied. The Core Areas Wild Land Map (2013) has now been replaced by the SNH map of Wild Land Areas (2014). Although there have been slight changes in the boundaries, the extent of the resource has not changed, nor has the predicted level of impact of the development on wild land.

127. With regard to cumulative impact, SNH notes that there is an increasing concentration of wind farm developments within the upper slopes on both sides of Loch Ness. The Beinn Mhor proposal would extend this array of turbines further to the west. It would have the greatest cumulative effect in combination with the Corrimony wind farm which lies approximately 3kms away to the east. When viewed from further to the west

(viewpoints 4, 9 and 11) Corrimony would be seen behind Beinn Mhor, increasing the prominence of turbines as a feature of the landscape. A larger scheme further east has been approved, and would add confusion to some views (viewpoints 10 and 16) from where it would be seen to engulf both the Corrimony and Beinn Mhor developments.

### *Landscape and visual impact : Conclusions*

128. I have given careful consideration to the extensive submissions and documentation of the potential landscape and visual effects of the proposed windfarm, including the professional photomontages which I consider to provide a reasonable indication of what may be expected. I have also visited the key locations, including the site itself and the public road into Glen Affric. My conclusions below are based on all of this material.

129. Looking first at the potential impact on the landscape character of the Glen Affric NSA, I agree with SNH and others that the proposal would have little or no impact in most of this area, as the turbines would not be within the NSA, nor form part of the NSA landscape setting due to the intervening ridge.

130. With regard to the impact on the visual experiences of people (receptors) visiting the area of the NSA for tourist and recreational purposes, again there would be little or no views of the turbines for those using most of the low level road, paths, and viewpoints through the woodlands alongside the lochs. However for hillwalkers venturing onto the upper slopes on the northern (south facing) flank of the glen, the turbines would be readily visible at distances of about 8-12 kms.

131. Viewpoints 9 and 11 illustrate this, both of which are situated within the NSA, located around 9.6kms and 12.4kms respectively from the nearest of the new turbines. As shown in the photomontages, they would afford open views of the Beinn Mhor wind farm, set relatively low in the near/middle distance (depending on distant visibility). The Beaulieu-Denny transmission line can also be seen passing below Beinn Mhor, but is much less prominent than the proposed turbines as the electricity pylons are spindly and widely spaced structures that are much shorter than the proposed turbines and unobtrusively coloured.

132. As noted by SNH, the Beinn Mhor turbines would tend to merge visually with those existing at Corrimony, especially from viewpoint 11 from where the two windfarms would be seen in alignment. Viewpoint 11 is Toll Creagach, a Munro situated towards the centre of the long high level ridge that extends along the north side of Glen Affric. I agree with SNH that the addition of the Beinn Mhor turbines, which would be nearer than those at Corrimony, would bring the arrays of turbine development in the Rocky Moorland Plateau closer to the NSA, and would consolidate the impression that windfarms are a dominant feature in the views across this area.

133. Objectors point out that although the most impressive mountain views from this ridge are to the north and west, the enjoyment of the scenery is not restricted to this panorama, and can be marred by damaging features visible in other directions.

134. For these reasons, I agree with objectors that the proposed windfarm would have a serious adverse effect on the enjoyment of hillwalkers and mountaineers visiting the high level terrain along the northern periphery of the NSA.

135. SNH also contends that the proposal would have only a limited effect on the appreciation of the important arrival experience when entering Glen Affric from the east, which is the only public road into the glen. However representations from those opposing the scheme express concern about potential views of the new wind farm from this approach road.

136. Although much of the route is through woodland, a view to the south can be obtained from a point about a mile or two below the Loch Beinn a' Mheadhoin dam, where there are clear views through a break in the woodland, and where there is a large parking lay-by. As this is one of the first points on this narrow road where a view and parking are both available, it is an obvious place for some vehicles to stop.

137. The location has been selected as viewpoint 4 in the visual assessment, just under 4 kms from the nearest turbine. At this distance, as can be seen in the photomontages, the Beinn Mhor turbines would be very prominent and unavoidable. The viewpoint analysis in table 7.10 of the environmental statement concludes that the visual effect in this view would be major/moderate (significant). In addition, although not readily evident in the photomontages, the Corrimony turbines would also be a conspicuous feature in this view, visible to the left of the Beinn Mhor turbines, together forming a wide array extending across most of the panorama that is available between the blocks of woodland that frame this view.

138. I agree with some supporters that there can be benefit in grouping wind farm developments together to avoid a proliferation into more sensitive areas, but I consider that it would be undesirable in this instance.

139. I therefore agree that the presence of the new turbines, much closer to the viewpoint, and in addition to those already visible, would result in a major change in the view of the landscape from this point. I agree that this would be surprising and very unwelcome for visitors coming up the road in expectation of seeing one of Scotland's most scenic glens. Although viewpoint 4 is not within the NSA, and is one of only a very few places along the road where the new turbines would be easily seen, I consider that the visual impact on the visitor experience would be severely damaging.

140. On this basis, while the Beinn Mhor proposal would not affect the integrity of the NSA as a whole, I agree with those opposing the proposal on visual impact grounds that the new wind farm would have a serious adverse effect on the enjoyment of the NSA by those visiting the upper slopes on the north side of the glen within the NSA, and for many of those using the approach road from the east due to the visual impact at viewpoint 4.

141. I accept the submissions from the appellant that there would be no effects on the qualities of the other national scenic areas to the north, which are screened by high intervening topography.

142. Turning to the potential effects on the Strathconon, Monar and Mullardoch Special Landscape Area, which covers the area to the north of the Glen Affric NSA, I note that this has not been the subject of comment by SNH. It forms a very large tract of mountainous country, comprising numerous individual mountains and glens forming a virtually uninhabited area of rugged terrain.

143. Although there would be some views of the new wind farm from limited areas of high ground further north, the main visual effects would be in the southeastern corner of the SLA. This would be principally from the eastern part of the ridge that separates Glen Affric from Glen Cannich from areas above the forest not included within the Glen Affric NSA. This tract is about 5-7kms from the new wind farm, so that the turbines would be readily visible as a very prominent feature in the eastern landscape.

144. According to the submissions from hill walking interests, this long ridge is a highly valued traverse. I therefore agree that the enjoyment of this part of the SLA would be seriously harmed by the new wind farm in such close proximity.

145. The nearest part of the Moidart, Morar and Glen Shiel SLA is approximately 17kms southwest of the wind farm site, and with no visibility, so that there would be no effect on this asset.

146. Turning to the potential effects on the wild land qualities of the area, the designation in this area coincides fairly closely to the council's Strathconon, Monar and Mullardoch SLA and most of the Glen Affric NSA. It omits the much frequented and heavily forested lower part of Glen Affric.

147. The wild land designation extends east of the other landscape designations to take in an area of Balmore Forest to the north of Cannich, and also another area on the south side of the Glen Affric NSA, extending northeast towards the appeal site, terminating short of the new Beaully-Denny transmission line fairly close to viewpoint 5.

148. The safeguarding of wild land is a significant national objective (see paragraph 101 above), and many of the representations contain passionate arguments about the importance of this asset for recreational visitors, tourism, and as part of Scotland's national heritage. I have already concluded that the proposed wind farm would have a serious adverse effect on the enjoyment of recreational users of the high ground above the north side of Glen Affric, within parts of both the NSA and the SLA. For the same reasons, I agree that the proposal would have a serious adverse affect on the enjoyment of the wild land character of this area, again due to the close proximity of the new wind farm.

149. The additional area of wild land at Balmore Forest would have open views of the new wind farm at a distance of 7-10kms, from where it would be readily visible.

150. Views of the development from the wild land to the west of viewpoint 5 would be fairly limited due to the intervening topography, and the new power line might well be visible at close quarters in front of Beinn Mhor in some of these views.

151. Drawing these conclusions together, I find that the proposal would have serious adverse visual effects on the high ground along the northern side of Glen Affric, within parts of both the NSA and the SLA, and the corresponding areas designated as wild land.

*Visual impact on Beinn Mhor*

152. As noted above, the environmental statement concludes that the new turbines on Beinn Mhor itself would be dominant features resulting in a wind farm landscape. The statement acknowledges (page 18) that there would be significant effects in the views experienced by users of localised sections of nearby core paths.

153. Several of the representations opposing the proposal express concern about this change in the local character of the hill. It is regarded as a valued local amenity, very close to and accessible from Tomich, that offers easy walks in an attractive landscape setting, with the added benefit of excellent views westward to the higher mountains, and the interest of the monument to Lady Tweedmouth on the summit.

154. Conversely many of those supporting the proposal contend that the character of Beinn Mhor is already severely compromised by the presence of the Beauly-Denny transmission line and telecoms equipment a little to the north, and that it is rarely visited.

155. I accept the thrust of these concerns about the local impact of the turbines on Beinn Mhor and its setting. This area is very handy for Tomich, and offers easy walks on good tracks. A core path route crosses the northeast shoulder of the hill, while another track passes along the northwest flank. Once past the Beauly –Denny transmission line, which has replaced a previous line along approximately the same route, there are excellent views of the attractive rocky/moorland landscape, and westwards to the higher mountains. The new transmission line, though a prominent feature, has surprisingly little effect on these views as the pylons are very widely spaced, and views can be obtained either under the wires from the existing track along the hillside, or over the top of the wires from nearer the summit of the hill. The existing telecoms masts to the north are small and unobtrusive.

156. The introduction of the 6 turbines would obstruct views to and from the hill, as illustrated in two photomontages lodged by an objector. Turbines 1 and 3 would be quite close to the summit, and would dominate the hill as the blade tips would be around 100m higher than the summit. I agree with objectors that the presence these turbines would greatly reduce the attraction of Beinn Mhor as a place to walk, to enjoy views, and to visit the Lady Tweedmouth monument. Although the new tracks would facilitate access to the summit, the noise and sweeping movement of the turbine blades would be an added deterrent, at least for some people. For these reasons, I agree that the development of the wind farm would result in a significant loss to the Tomich community and visitors.

157. Beinn Mhor straddles the boundary zone between two differing landscape character areas, and is partially within an area that is constrained as an area of search in the council's spatial strategy due to the proximity of Tomich. In this context, and because of the adverse impacts likely to result, I consider that it would fail to meet the criteria set out in policy 61



(Landscape). It would also have adverse effects on recreation and potentially on tourism, a component of policy 67 (Renewable Energy Developments).

#### *Sites protected for nature conservation purposes*

158. Sites of this kind that are covered by policy 67 are listed in appendix 2 of the Highland-wide local development plan. Those with potential relevance to the assessment of this proposal are shown on figure 8.1 of the environmental statement, and are examined in the Ecological Impact Assessment in chapter 8 of the statement.

159. The identified sites (falling within 5kms of the site) and their minimum separation distances from the nearest turbine comprise :

- The Glen Affric National Nature Reserve, taking in Glen Affric and the area to the north, and land to the south around Garve Bridge (approximately 1.3 kms);
- The Glen Affric Site of Special Scientific Interest, taking in the southern flank of Glen Affric (approximately 2 kms);
- The Strathglass Complex Special Area of Conservation, corresponding with the area of the SSSI (approximately 2 kms);
- The Glen Affric to Strathconon Special Protection Area, corresponding with the NNR from Glen Affric northwards (approximately 2 kms); and
- The Corrimony RSPB reserve which covers an extensive area to the northeast of Beinn Mhor, commencing less than one kilometre northeast of the appeal site.

160. For the purposes of policy 57 of the area-wide local development plan, appendix 2 of the plan classifies the special area of conservation and the special protection area as features of international importance, and the national nature reserve and the site of special scientific interest as of national importance. The Corrimony RSPB reserve is regarded as a local wildlife site (of local/regional importance) where the main ornithological objective is the support of black grouse (see below).

161. The environmental statement concludes (chapter 8, table 8.24, pages 55-58) that the impacts on the Glen Affric NNR and SSSI, and on all other nearby designated nature conservation sites would be negligible, with a high degree of confidence in this assessment. It is noted on page 44 that if watercourses on the windfarm site become polluted during the construction period, there would be only a limited risk to the national nature reserve as the drainage system from the site leads away downstream without entering the reserve.

162. The Scottish Natural Heritage consultation response states, in relation to the designated nature conservation sites, that :

- The proposal will not significantly compromise the objectives of the Glen Affric National Nature Reserve.
- The Glen Affric to Strathconon Special Protection Area has been designated as an area of international importance for breeding golden eagles. Although the proposal is likely to have a significant effect on the golden eagle interests of the site, SNH considers that the wider effect on the birds and the SPA would be low as only two golden eagle flights were recorded at the site during the surveys, and the potential

loss of foraging for the nearby breeding pair would be very small as only a very small part of their territory would be affected.

- If the development proceeds, further investigations and mitigation measures are needed to safeguard various nature conservation interests.

163. Based on this advice, the council has carried out an assessment of the potential effects of the proposal on European designated protected sites, as it is required to do by the regulations derived from the habitats directive. That assessment concluded that the only site potentially affected (the Glen Affric – Strathconon SPA) would not be likely to be significantly affected by the proposed wind farm.

164. Most of the concerns expressed about wildlife in the representations relate to the potential impact on individual species, and not to the integrity of the designated areas.

165. On this basis, I conclude that the proposal would have no significant effects on the various nearby areas designated for their nature conservation interest.

### **Policies 58 and 59 : Protected Species and Other Important Species**

166. Policy 58 requires that where protected species may be present on a site or may be affected by a proposed development, investigations are to be carried out, and a mitigation plan to be prepared where necessary, to avoid or minimise any impacts on protected species, before the determination of the planning application. The range of species covered is set out in the policy in conjunction with entries in the glossary and other supporting information.

167. The environmental statement covers these matters in chapters 8 (Ecology) and 9 (Ornithology). Chapter 8 (table 8.24) has identified minor adverse impacts on groundwater dependent habitats of biodiversity value and bats, and temporary minor adverse impacts on otters and red squirrels. Each of these is significant at the district/local geographical scale only. Chapter 9 concludes that, provided that best practice is followed to avoid disturbance to breeding birds, there would be no significant effects on birds as a result of the development of the wind farm. It is expected that 6 black grouse leks would be disturbed, but this would not be a significant impact due to the proposed mitigation.

168. With regard to the potential impacts on protected species, SNH advice is contained in the annex to their consultation reply. SNH considers that it is possible that some of the protected species, although not recorded during the surveys, may still be present on site. Various surveys and mitigation measures would be required, covering otter, wildcat, badger, pine marten and water vole.

169. In relation to protected birds, SNH notes that the proposal is likely to have a significant effect on the golden eagle interests of the site. Golden eagles, probably from a territory within the SPA, have been recorded within the wind farm footprint, and the development could theoretically result in death through collision or displacement. However since the level of recorded flight activity within the development area is so low, the collision risk is regarded as negligible. SNH considers that the mitigation measures suggested

would be sufficient to ensure there is no significant impact on the regional population of black grouse.

170. Based on this information, the council's committee report considers these matters, and various criticisms of the methodology, concluding that the risk to protected species is low, and can be satisfactorily minimised through mitigation measures.

171. A large number of the representations opposing the development express concern about the potential impact on wildlife, noting that the site is located close to important protected sites and that protected and other species are known to be in or near the development site. There are criticisms of the methodology that has been used; the focus on species with the greatest levels of protection; the uncertainty of the predictions; and the dependence on very detailed mitigation and site management matters. Objectors contend that disturbance of wildlife will be inevitable during the construction period, and that thereafter there would be continuing risks of birds colliding with the revolving blades. It is suggested that the precautionary principle (included in local development plan policy 28) should apply.

172. I can understand and have sympathy with these concerns, given the close proximity of the designated wildlife sites of ornithological importance; the amount of construction work that would be required; and the uncertainties about how the project would affect flora and fauna. The environmental statement notes the evidence of otters, pine martens, badgers and bats making use of the site, and of limited flight activity by golden eagle, osprey, merlin, peregrine, snipe and greenshank. The assessment recognises that there would probably be minor adverse impacts, which would be undesirable but probably not of wider significance.

173. With regard to uncertainty, I do not consider that the precautionary principle can apply here, as it is a prerequisite of that part of policy 28 that there are scientific grounds for believing that severe damage could occur, which is not the case here. Thus, although there may well be a degree of disturbance of flora and fauna on the site during construction of the wind farm, and a very small risk of bird collisions once in operation, I consider that the requirements of policies 58 and 59 are met.

### **Policy 63 : Water Environment**

174. This policy seeks to protect and improve Scotland's water environment through the objectives of the Water Framework Directive (2000/60/EC).

175. A number of representations have raised concerns about the risk of pollution of watercourses and disruption of private water supplies. In addition, the Beaully District Fishery Board requires baseline monitoring and robust mitigation measures to be in place to minimise the risk of run-off from the site to adjacent watercourses.

176. Chapter 11 of the environmental statement addresses these matters, concluding that provided the extensive proposed mitigation measures are implemented, the potential effect on watercourses and water supplies would be minor to negligible.

177. The consultation reply from the Scottish Environment Protection Agency states that the agency is content that their interests in the water environment can be adequately met through the implementation of the proposed mitigation measures.

178. The committee report considers these matters at paragraphs 8.20 to 8.24, concluding that they can be satisfactorily addressed through the proposed management plan and mitigation measures.

179. On this basis, I agree that the water environment can be adequately safeguarded, and that the requirement of policy 63 is met.

### **Policy 77 : Public Access**

180. Where a proposal affects a route included in a core paths plan, this policy requires the path to be retained, maintaining or enhancing its amenity value, or the provision of an alternative that is no less attractive, is safe and convenient for public use, and does not damage or disturb species or habitats.

181. Core paths and rights of way are considered in chapter 12 of the environmental statement, where page 28 notes that a designated core path (IN05.02) coincides with the eastern section of the proposed access road, and then runs along the northern boundary of the site. Other core paths (IN05.05 and 07) intersect the access road near Guisachan Farm. Page 39 of the assessment states that public access would be likely to be temporarily restricted on sections of the access road during construction, for health and safety reasons. Access to the core paths mentioned above would be maintained during the construction period by providing shared use of the access road. The magnitude of change is assessed to be low, due to the temporary nature of the restrictions.

182. The council's access officer is generally content with these proposals, provided that further details of management and mitigation are established through an update of the access management plan.

183. On this basis, it is clear that during the construction period, the traffic on the site access road will affect the core paths in question. Core path IN05.02 will coincide with the access track for around 1.5kms from near the Guisachan farm buildings to where the wind farm access route strikes off southwest along the new Beauly – Denny track, while the other paths will cross the access road near the junction with the public road, running along the access road for around 200m as this is a staggered crossing.

184. Table 10.1 in the Traffic and Transport section of the Supplementary Environmental Information (September 2014) shows that there would be considerable traffic flows throughout the 9 month construction period, peaking at around 1400 movements each in months 6 and 7. While safe crossing arrangements could probably be made for the intersection of core paths near the public road junction, those using core path IN05.02 (Tomich to Corrimony) would share the construction route for a considerable distance. Even with effective segregation, the passage of construction traffic (especially heavy

vehicles travelling up the steep hill) would be potentially very unpleasant for core path users. While this would be during the period of construction rather than permanent, I consider that it would not maintain or enhance the amenity value of the route, and would prevent (during periods of closure) or deter core path users. As no alternative route would be provided, I conclude that there would be a significant breach of policy 77 during the construction period.

### **Policy 67 : Renewable Energy Developments**

185. This policy gives support in principle to renewable energy developments, provided that they are located, sited and designed so that they will not be significantly detrimental overall, either individually or cumulatively, having regard to any significant effects on various matters. These bring together a number of topics covered in other policies, and some additional considerations not covered in other policies. In addition, the policy requires consideration of the contribution that the proposed development would make towards meeting renewable energy generation targets; and any positive or negative effects it is likely to have on the local and national economy; the Highland Renewable Energy Strategy; and the council's planning guidelines.

186. The policy explains that the Onshore Wind Energy Supplementary Guidance will replace parts of the Highland Renewable Energy Strategy.

187. Interim supplementary guidance was published in March 2012, partially replacing the energy strategy dating from 2006. The interim guidance introduced the spatial strategy to guide onshore energy developments, identifying areas of significant protection, areas with other constraints, and areas of search.

188. As already noted, Beinn Mhor straddles the boundary between the area of search covering the rocky moorland plateau landscape character type to the east and the area of constraint covering the area to the west within 2kms of the boundary of the Tomich settlement area.

189. Policy 67 lists 11 topics that are to be taken into account when a renewable energy development is under consideration. Of these, the following have already been considered within the context of other more specific local development plan policies discussed above :

- Natural, built and cultural heritage;
- Species and habitats;
- Visual impact and impact on landscape character;
- Ground water, water supply, aquatic ecosystems and fisheries;
- Amenity of core path users; and
- Traffic and transport interests.

190. This leaves the following topics for consideration :

- Amenity at sensitive locations, including residential properties, work places and recognised visitor sites;

Safety and amenity of regularly occupied buildings and their grounds, having regard to visual intrusion or the likely effect of noise generation, ice throw, and shadow flicker;

The safe use of airport, defence and emergency service operations;

Other communications installations and radio/TV reception; and

Tourism and recreation interests.

### *Amenity at sensitive locations*

191. The environmental statement concludes that, taking account of the removal of turbine 7, the visual effect of the completed wind farm on the southwestern part of Tomich (at a distance of about 2kms from the nearest turbine) would be major/moderate and significant. This would be in localised areas only, and the majority of receptors in the settlement would not have any visibility of the development. At Knockfin (an outlying cluster of houses a short way to the southwest of Tomich), there would be substantial change resulting in significant major effects at the houses with open views, and major/moderate for those with more screened views.

192. There are a few other houses higher up the hill towards the site, most of which are in the same ownership. There would probably be some visual effects at these properties.

193. Visual effects on the Tomich – Corrimony core path (as distinct from access to the path itself by users during the construction period) are rated as substantial along a two kilometre section, resulting in a significant major impact (table 7.15), a situation not changed by the removal of turbine 7. The same table records significant major or major/moderate impacts on localised sections of several other paths in the area. These include the route at Hilton Lodge, used by those visiting the Plodda Falls (a destination raised in several expressions of concern among the representations), where the imagery for viewpoint 3 shows that the upper parts of the turbines would be readily visible for those returning in a northeasterly direction.

194. There would be a significant loss of amenity in Tomich due to the passage of construction traffic.

195. I conclude from this evidence that the aggregate effects of these various impacts would be locally significant on a number of residential properties in and near Tomich, paths, and for those visiting the recognised visitor site at the Plodda Falls.

### *Safety and amenity at regularly occupied buildings*

196. The potential visual impact on nearby residential properties has been considered above.

197. Noise is examined in chapter 14 of the environmental statement, where table 14.12 shows that the appropriate standards would be met at the nearest properties by margins of 6-17dB La90, varying between day time and night time limits, and according to wind speed. Similarly table 14.21 shows that the worst case cumulative results, taking account of the

Corrimony and Bhlairaidh windfarms, would also meet the limits by margins of 5-16dB La90. The assessment concludes that the noise effects at these properties would not be significant.

198. There are some criticisms of the way that the noise assessment was carried out, and a concern that the turbine mechanisms would become noisier during the lifetime of the project.

199. The committee report concludes (paragraph 8.74) that the noise impact would be acceptable, subject to the use of a condition proposed by Environmental Health colleagues to take account of the uncertainties in the survey data.

200. On this basis, I accept that noise would not be a problem at nearby residential properties in separate ownerships. Any deterioration due to ageing equipment would have to be addressed if there was a breach of the condition imposing the acceptable noise thresholds.

201. Ice throw and shadow flicker are not expected to be problems, due to the separation distances and direction of residential properties.

#### *Safety and Communications*

202. Consultation with the various bodies responsible for these matters has not revealed any insuperable problems, subject in some cases to mitigation measures.

#### *Tourism and recreation interests*

203. I consider that these interests have been adequately covered in the various foregoing sections, including the potential impacts on local use of Beinn Mhor and nearby paths; effects on those visiting the high ground to the north of Glen Affric; disruption of access and loss of amenity at Tomich; and the potential adverse implications for the local economy covered under policy 28.

#### *Contribution to renewable energy generation*

204. The 6 turbine scheme would have a rated output of 18 MW.

#### *Positive or negative effects on the local and national economy.*

205. The probable contributions to the local and Scottish economies if the development proceeds are set out in paragraph 71 above, based on information in chapter 12 of the environmental statement.

### **Compliance with the Highland-wide Local Development Plan**

206. Drawing these various development plan considerations together, I reach the following conclusions on compliance with the Highland-wide Local Development Plan:

## Policy 28

- The roads that would be used for the transport of the large turbine components from the A831 south to Fasnakyle Bridge, and from the bridge southwards through Tomich village for all construction traffic, are intrinsically unsuitable for this purpose.
- There would be a significant adverse impact on individual and community residential amenity in and near Tomich.
- Apart from the income from the community fund and the allocated turbine, the project would not contribute to the long term economic and social development of the community, and could undermine tourist businesses in the area due to the deterrent effect on some visitors.

Policy 55 : No significant issues in relation to the removal and management of peat.

Policy 57 :

- (a) Landscape: The proposal would have serious adverse visual effects on the high ground along the northern side of Glen Affric, within parts of both the NSA and the SLA, and the corresponding areas designated as wild land; and on views from viewpoint 4 on the road approach to Glen Affric.
- (b) Areas designated for nature conservation importance : No significant effects.

Policies 58 and 59 : No significant effects on protected species and other important species.

Policy 61 : The presence the turbines would greatly reduce the attraction of Beinn Mhor as a place to walk, to enjoy views, and to visit the Lady Tweedmouth monument.

Policy 63 : No significant effect on the water environment or private water supplies.

Policy 77 : Significant adverse effects on core paths during construction period.

Policy 67 : Renewable Energy Developments

- (a) Natural, built and cultural heritage : See policies 28, 57 and 61 above. Some serious adverse effects.
- (b) Species and habitats; See policies 57-59 above. No significant effects but some local impact.
- (c) Visual impact and impact on landscape character: See policies 57 and 61 above. Some serious adverse effects.
- (d) Amenity at sensitive locations, including residential properties, work places and recognised visitor sites : There would be locally significant impacts on some houses in and near Tomich, and on path routes.
- (e) Safety and amenity of regularly occupied buildings and their grounds, having regard to visual intrusion or the likely effect of noise generation, ice throw, and shadow



flicker : There would be some localised visual intrusion at a few houses, but no significant problems in relation to noise, shadow flicker and ice throw.

(f) Ground water, water supply, aquatic ecosystems and fisheries: See policy 63 above. No significant effects.

(g) The safe use of airport, defence and emergency service operations: No issues. Other communications installations and radio/TV reception : No issues.

(h) Amenity of core path users : See policy 77 above. Significant adverse effects during construction period.

(i) Tourism and recreation interests : See policies 28, 57, and 77 above. Some significant adverse effects on Beinn Mhor and paths; in Tomich; and on the high ground to the north of Glen Affric, affecting parts of the NSA and SLA and wild land. Potential to deter some visitors, to the detriment of some local tourist businesses.

(j) Traffic and transport interests : See policy 28 above. Local access roads intrinsically unsuitable for construction traffic and abnormal loads.

207. It can be seen from these conclusions that I agree with the council and many of those opposing the development that it would be likely to result in serious problems during the construction period in relation to the use of public roads by construction traffic, especially through the village of Tomich. It would also have significant adverse impacts on the recreational use of sections of core paths that traverse parts of the site. Once in operation, there would be serious adverse visual impacts affecting recreational users on the high ground above the north side of Glen Affric and in the vicinity of Beinn Mhor itself. These impacts would be likely to have an adverse effect on recreational users, and potentially on tourism, thus potentially affecting the tourism component of the local economy. There would also be localised visual impact on a limited number of houses.

208. I agree with the appellant that there would be little if any insuperable problems in relation to likely effects on sites designated for nature conservation; protected and other important species; the management of peat and the protection of the water environment and private water supplies; and in relation to aircraft safety, telecommunications, noise, shadow flicker and ice throw.

209. Thus, while several relevant development plan policies would be met, others, including several components of policy 67, would be breached.

210. Policy 67 gives support in principle to renewable energy development provided that the various criteria listed in the policy are taken into account. The policy also requires consideration of the contribution that would be made towards meeting renewable energy generation targets, and any likely positive or negative effects on the local and national economy.

211. The proposed windfarm would have a rated output of 18MW, which would represent a very modest contribution to renewable energy generation.

212. As noted above, the direct inputs to the local economy during the construction period would be positive but minor, and may be offset by potential adverse effects on the tourism component of the local economy due to the progressive erosion of the landscape setting of

important recreation destinations. The potential contribution to the national economy in the form of the contract for turbine manufacture would be significant, but is not dependent on the use of this location.

213. On balance, taking account of these various outcomes, I conclude that the significant adverse effects of the proposal would not be outweighed by the contribution to renewable energy generation and to the local and national economies. For these reasons, I find that the overall effects of the proposal would not be in accordance with the policies of Highland-wide Local Development Plan. It is therefore necessary to consider whether there are any material considerations that would indicate making an exception to the breaches of development plan policies.

214. Before doing so, I note that compliance with the development plan is a major part of the case in support of this proposal, as set out in the Planning Statement, and that the report prepared by the Head of Planning and Building Standards, reflecting the views of SNH, reached the same conclusion. Both statements emphasise that the site is not covered by any statutory designations for sites of environmental importance. The committee report and the appeal statement also emphasise that there were no objections to the proposal from statutory consultees (other than the 3 local community councils), and that in particular, there was no objection from Scottish Natural Heritage in respect of nature conservation and landscape matters. The council has not raised any issues of development plan compliance, other than the references to policy 28 in the resolution passed by the South Planning Applications Committee. It is therefore important to understand how such differing outcomes in relation to development plan compliance have arisen.

215. It is a matter of agreement that in assessing compliance with the development plan for the purpose of section 25 of the Act, the plan must be considered as a whole, and each relevant policy taken into account. Thus the starting point for my consideration of this matter are the various relevant development plan policies identified in the documentation in support of the planning application (primarily the Planning Statement and the Environmental Statement); the list of relevant policies contained in the committee report; and any other development plan policies relating to matters raised in the numerous representations, for and against, and whether explicitly identified or otherwise evident.

216. For each development plan policy or policy related topic, the next step has been to understand the content of the policy in the area-wide local development plan; what the environmental statement and other application documents have to say about it; review the relevant consultation replies and other representations; and consider all of this material in the context of the committee report and my site visit to the area.

217. As is evident from the preceding sections, the main issues where I have agreed with objectors and not accepted the submissions from the appellant are the impact of construction traffic on the local approach roads and in Tomich; the impact on some core paths during the construction period; and visual impact on Beinn Mhor and the high ridge along the north side of Glen Affric. In each of these matters, I have accepted the

submissions in the relevant representations that the impact would be more serious than that predicted in the environmental statement.

218. Although these matters are addressed in a transparent and structured manner in the environmental statement and supporting documents, the resulting descriptive assessments of the magnitude and significance of the expected impacts are matters of judgement. As is stated in section 7.6 of the environmental statement (in relation to landscape and visual impact assessment), there are no hard and fast rules about what effects should be deemed significant, and there is always a need to exercise professional judgement. These judgements are matters on which people may well have different and justifiable views.

219. The impact of construction traffic on pedestrian amenity in Tomich is considered to be of minor significance in the environmental statement, due to the short period when aggregate and concrete is delivered to the site. Yet elsewhere, the assessment recognises that construction traffic will operate during a 9 month period, and that Tomich, as well as being a small settlement, is also a conservation area and a significant tourist destination in its own right.

220. The potential impact of construction traffic on the recreational use of core paths that traverse the site would be significant. Although there would be a relatively low number of users affected, and there are other options to walk in the area, there would be a clear breach of the wording and intentions of policy 77.

221. The most important issue (numerically) raised in the representations of objection is that of visual impact, and the potential effects on landscape character and tourism. This is clearly a matter where people will have very differing attitudes depending on their concerns about climate change and their appreciation of mountain landscapes, often posing a dilemma for people who attach importance to both issues.

222. The environmental assessment concludes (page 43 of chapter 7) that significant visual effects would extend out to approximately 6kms from the turbines with respect to recreational receptors (walkers) on hill summits and high ground to the northwest and southwest. Beyond this distance, the assessment concludes that the wind farm, where visible, would represent a more distant, though sometimes noticeable feature in the wider landscape setting, where its overall effect would not be significant in terms of the EIA regulations. The assessments of visual impact for the high viewpoints 9, 10 and 11 are all rated as moderate or moderate/minor, none of them significant. These viewpoints are 9-12 kms from the nearest turbine.

223. These viewpoints represent the high level views that would be seen by many hill walkers and mountaineers making use of this area. Many of the objectors' representations contend that the new wind farm would be readily visible and would reduce enjoyment of the wild landscape that has attracted them to this area. I agree that the wind farm would be readily visible from viewpoints 9 and 11, as is evident from the visualisations. It would be less noticeable from viewpoint 10, although it would be the nearest of several wind farms that are theoretically visible. The mapping of theoretical visibility shows that the wind farm

would be visible from much of the high ground on the north side of Glen Affric, varying from location to location for hardy walkers as they traverse the ridges and summits.

224. The environmental assessment refers to research commissioned by the Scottish Government that has reported that, provided wind farms are sensitively sited, many visitors would not be deterred from visiting an area where there are wind farms. The appellant concludes from this research that wind farms do not necessarily deter visits to scenic areas. The research has been criticised as out-dated (relating to a time when there were far fewer wind farms), and hypothetical. In addition, many of the visitors who make their way to this remote area of glens and mountains do so because they believe it to be one of Scotland's finest areas of scenery, and are in search of the special experience of wild mountain remoteness that it offers. This has been mentioned and described in the representations from the mountain and walking organisations, and by many individuals.

225. The assessment of visual effects in the environmental statement is based on the landscape professionals' judgement of how these receptors (people) will respond to the change in the landscape views that they encounter. Those who visit the high ridges and summits to the north of Glen Affric have made it very clear that the wind farm will diminish their enjoyment of this landscape, and in my judgement this is borne out by the visualisations.

226. On this basis, I conclude that the submissions of those objecting to the proposal on these visual impact grounds, and the corresponding evidence presented in the landscape visualisations, should be preferred to the more restricted outcomes of the analysis of the relevant viewpoints in table 7.10. The National Planning Framework 3 endorses this position, emphasising the importance of the wild land experience as part of Scotland's character and heritage.

227. For these reasons, and based on the evidence that has been provided, I find that the proposal would result in significant breaches of these development plan policies.

## Material Considerations

### *Scottish Planning Policy*

228. Scottish Planning Policy for onshore wind energy development is set out in paragraphs 161-174 of SPP (2014), including table 1 which provides a spatial framework for identifying the areas that are likely to be most appropriate for this purpose.

229. The Beinn Mhor proposal would not be located within any area where table 1 states that wind farms will not be acceptable. Nor is it within any of the areas for significant protection identified by national and international designations, nor other nationally important mapped environmental interests.

230. Table 1 also identifies areas of community separation around settlements as areas of significant protection, provided that the separation distance does not exceed 2kms and has been identified as such in the local development plan. The planning authority is

expected to determine the extent of this area with reference to landform and other features which restrict views out from the settlement.

231. Tomich is not identified as a local centre in the settlement hierarchy set out in appendix 6 of the area-wide local development plan, but the separation zone appears to be shown as an area of constraint on the proposals map. In any event, the environmental statement has recognised this boundary, as shown on figure 3.1 in the volume of figures (Vol III). The proposed wind farm on Beinn Mhor would straddle the boundary of this zone, with 3 turbines within it and 3 outside.

232. I do not consider this to be a significant infringement of this SPP search area guidance. The policy for areas identified with potential for wind farm development (Group 3 of table 1) is that they are likely to be acceptable in these areas, subject to detailed consideration against identified policy criteria. This is the process that has taken place.

233. SPP guidance on development management for energy infrastructure proposals lists potentially relevant considerations in paragraph 169. All of those relevant have been examined in the environmental assessment, policy analysis, and consideration of representations.

234. One of the principal policies of SPP is a presumption in favour of development that contributes to sustainable development by enabling development that balances the costs and benefits of a proposal over the longer term. Paragraph 29 of SPP provides additional principles to amplify this policy, including supporting climate change mitigation and protecting, enhancing and promoting access to natural heritage, landscape and the wider environment. Paragraph 32 explains that this does not change the status of the development plan for decision making. For proposals that do not accord with an up-to-date development plan (as is the case here), the primacy of the development plan is maintained, but the presumption in favour of development that contributes to sustainable development will be a material consideration.

235. The proposed wind farm would support climate change mitigation by producing renewable energy, but it would diminish rather than enhance and promote access to natural heritage landscape assets. I recognise the importance of tackling climate change as one of the principal policies in SPP. However policy 28 makes it clear that the aim is to achieve the right development in the right place, and not to allow development at any cost.

236. I have already concluded that the very modest contribution that would be made to renewable energy generation falls well short of justifying acceptance of the various significant adverse effects that would be caused to local residents, recreation visitors, the visual and wild land qualities of the ridge along the north side of Glen Affric and on Beinn Mhor itself.

#### *Other material considerations*

237. I have considered the assessment of the various energy policy statements and other considerations covered in the planning statement, leading to section 6 on other material

considerations and the balancing of the weights to be given to the various issues, both for and against the proposal, in section 7 of the statement.

238. For the reasons already explained in this decision notice, I have agreed with the council and those opposing the project that the potential impact of the proposal is likely to be more severe in various respects than is predicted in the environmental assessment, and that in some cases where adverse impacts are predicted, more weight should be given to those impacts.

239. I have also given consideration to the submissions from those who support the project, including the potential but limited benefits to the local economy. However, having looked at each of the issues put forward in support of the proposal, I find that collectively they do not outweigh or compensate for the serious potential adverse impacts that are evident when the proposals are examined in detail.

## Conclusion

240. My overall conclusion on this appeal, based on the extensive material that has been submitted in support of and in opposition to the project, my site visits, and the policy context of the Highland-wide Local Development Plan, Scottish Planning Policy 2014, and the wider government policies in support of climate change mitigation, renewable energy, and sustainable development, are that the proposal would be in breach of the development plan in respect of a number of policies, and that the material considerations advanced in support of the project do not justify these departures from policies.

*Richard Hickman*

R M HICKMAN  
Reporter