

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
10 November 2015

Agenda Item	7.7
Report No	PLS/083/15

14/04782/FUL - RES Ltd
Culachy Estate Land 6KM SE Of Newtown Invergarry

Report by Head of Planning and Building Standards

SUMMARY

Description: Culachy Wind Farm - Erection of 13 wind turbines with 12 up to 149.5 m tip-height and one up to 132 m tip height including ancillary development.

Recommendation: Grant

Wards: 13 - Aird and Loch Ness

Development category: Major

Pre-determination hearing: None

Reason referred to Committee: Major Application and five or more timeous objections

1.0 PROPOSED DEVELOPMENT

1.1 The application is for a wind farm and associated Infrastructure - Culachy Wind Farm. This proposal includes:

- Erection of 12 Wind turbines up to 149.5m to blade tip;
- Erection of 1 wind turbine up to 132m to blade tip;
- Turbine foundations and crane hard standings;
- A permanent lattice wind monitoring and communications mast;
- 4 temporary guyed lattice calibration and power performance masts,
- A substation, control building, compound and communications mast;
- Underground cabling;
- 8.7km of new access tracks and 9.8km of upgraded access tracks;
- Temporary construction compound, welfare facilities, gatehouse and concrete batching plant;
- Up to 3 borrowpits;
- Associated ancillary works and engineering operations.

1.2 The applicant has stated that the preferred route for abnormal loads to be delivered to site is from Kyle of Lochalsh harbour via the A87 and A82 before utilising the Ardachy Road (U1167) to the site access. While a final grid

connection route is not known at this time, and will be subject to a separate application under Section 37 of the Electricity Act 1989 (As Amended), the most likely connection point would be the Auchterawe Substation approximately 4km to the north west of the site.

- 1.3 The applicant anticipates that the wind farm construction period will be 16 months. This period of time will include commencement on site through to interim site reinstatement. The applicant has stated they will utilise a Construction Environment Management Document throughout the construction period. This would be approved by The Highland Council, in consultation with relevant statutory bodies before the start of development or works. To address particular site constraints which may become apparent during construction the applicant is seeking a micro-siting allowance of 50m.
- 1.4 The wind farm has an expected operational life of 25 years. Following this the applicant has advised that a decision will be made as to whether to refurbish, remove or replace the turbines. If the decision is made to decommission the wind farm, the applicant advises that all turbine components, substation and associated buildings will be removed. Upper sections of the foundations will be removed and backfilled with suitable material and restored. Cables would be cut away below ground level and sealed. It is intended that some of the access tracks would be left in place.
- 1.5 In support of the application the following studies / assessments have been submitted:
 - Environmental Statement addressing Construction Environmental Management, Planning Policy, Landscape and Visual Impacts, Ecology, Ornithology, Cultural Heritage and Archaeology, Geology, Hydrology, Traffic and Transport, Electromagnetic Interference, Shadow Flicker, Aviation and, Noise;
 - Planning Statement;
 - Design and Access Statement; and
 - Pre-Application Consultation Report.
- 1.6 An addendum to the application was submitted in June 2015 to address matters raised by the Planning Authority. This resulted in a revised scheme being presented, with modifications to the layout of the site including re-positioning of turbines, 6, 7 and 13.

2.0 SITE DESCRIPTION

- 2.1 The wind farm site extends to approximately 2,700ha with the built development occupying a much smaller area. The turbines which form the proposed extension are to be set on an area of slightly undulating ground within a bowl in the landscape. The ground on which the turbines sit varies in height between 390m and 440m above ordnance datum (AOD).
- 2.2 The site is located approximately 6km south east of Invergarry and 6km south of Fort Augustus. There are a number of smaller groups of houses in this area

including those at Auchterawe (6.2km) and Laggan (8.8km). The immediate area to the south and east of the turbine envelope is sparsely populated.

- 2.3 The site is not within any areas designated as important for natural heritage but there are a number of sites within a 20km radius study area of the site: including the following:

Special Areas of Conservation

- Ness Woods

Special Protection Areas

- Loch Knockie and Nearby Lochs;
- West Inverness-shire Lochs (also Site of Special Scientific Interest);
- Creag Meagaidh (also Site of Special Scientific Interest).

Site of Special Scientific Interest

- Glendoe Lochans
- Monadhath
- West Inverness-shire Lochs (also Special Protection Area);
- Creag Meagaidh (also Special Protection Area).

- 2.4 The Corrieyairick Pass Scheduled Ancient Monument is within the application site to the east of the turbine envelope. Within a 10km study area of the site, as identified by the applicant there are: a number of Scheduled Monuments (including Caledonian Canal) and Listed Buildings.
- 2.5 A number of archaeological records exist within and in proximity of the site. The applicant has identified the area of the application site as being of negligible to low potential for archaeological finds.
- 2.6 The turbine envelope sits within the catchment of the Black Burn. This is a tributary of the River Tarff.
- 2.7 Within the site there are a number of Ground Water Dependant Terrestrial Ecosystems (GWDTEs) which are protected under the Water Framework Directive. The Phase 1 Habitat Survey which accompanies the application identifies that the application site includes wet dwarf shrub heath and blanket bog as the most prominent GWDTEs on the site. Peat is present on the site, peat probing has been undertaken which has identified peat depths of between 0m and 5m albeit the areas of deeper peat are limited.
- 2.8 A variety of valued habitats are present across the application site. The ES reported the results of the surveys for Otter, Badgers, Water Voles, Pine Marten, Red Squirrel, Wild Cat, Reptiles, Great Crested Newts and Aquatic and Terrestrial Invertebrates. The surveys, both desk and on-site, identified that the site has the potential habitat both within the site and around it to attract these species but evidence of these species using the site were limited.
- 2.9 Surveys have been carried out which identify the site is frequented by a varied range of birds. This includes but is not limited to Golden Eagle, Black Grouse,

Merlin and Peregrine.

- 2.10 The turbine area is characterised as Rolling Uplands in the Inverness Landscape Character Assessment (I-LCA). The turbines are immediately adjacent to the to an area identified as Smooth Moorland Ridges in the Lochaber Landscape Character Assessment (L-LCA).
- 2.11 The site is not located within any international or regional landscape designations. The site lies in proximity to the following landscape designations:

National Scenic Areas

- Glen Affric; and
- Ben Nevis and Glencoe.

Special Landscape Areas

- Loch Ness and Duntelchaig;
- Ben Alder, Laggan and Glen Banchor; and
- Loch Lochy and Loch Oich.

Gardens and Designed Landscape

- Achnacarry; and
- Corroul Lodge.

- 2.12 The application sits within the Braeroy, Glenshirra - Creag Meagaidh Wild Land Area. The application site is in proximity of Kinlochourn - Glen Quoich and Knoydart - Morar - Wild Land Area 18, Central Highlands, Monadhliath, Rannoch - Nevis - Mamores - Alder and Cairngorms Wild Land Areas as identified on SNH's Wild Land Areas Map 2014.
- 2.13 The key recreational interests in this area are mountaineering, walking, cycling, and canoeing in the surrounding lochs. There are a number of low level walks on core paths and some which reach more elevated positions with views to the site including those utilising Corrieyairick Pass, Great Glen Way and the Beaully - Denny tracks.
- 2.14 When assessing a wind farm proposal, consideration of similar developments in proximity of the proposal for cumulative effects is required. The list below sets out the projects in the wider area that are operational, approved or have been submitted but not yet determined.

Built and / or Consented

Corriemony
Bhlàriadh
Stronelairg
Corriegarth
Dumnaglass
Millennium (and Extensions)
Beinneun

Under consideration

Aberarder

Dell

Millennium South (awaiting decisions from Scottish Ministers)

3.0 PLANNING HISTORY/BACKGROUND

- 3.1 **06.02.2014** EIA Scoping Opinion - Culachy Wind Farm - Erection of wind farm of up to 25 wind turbines including operations (14/00239/SCOP)
- 05.09.2014** Proposal of Application Notice - Culachy Wind Farm - Erection of wind farm. 13 wind turbines including operations (14/03473/PAN)
- 18.03.2014** Pre-application advice on proposed wind farm of up to 25 turbines including ancillary infrastructure (14/00050/PREAPP)

3.2 It should be noted that the original EIA Scoping Exercise was undertaken by Scottish Government's Energy Consents and Deployment Unit due to the size of the scheme proposed at that time.

4.0 PUBLIC PARTICIPATION

4.1 Advertised: 16 January 2015 in the Inverness Courier and Edinburgh Gazette.

Representation deadline: 16 February 2015

4.2 Supplementary Environmental Information advertised: 17 July 2015 in the Inverness Courier and Edinburgh Gazette.

Representation Deadline: 17 August 2015

4.3 Timeous representations against: 27
Comments: 3
Representations in support: 0

4.4 Material issues raised in objection to the application:

- Potential Impact on private water supplies
- Lack of detail on borrow pit working
- Traffic impacts
- Construction impacts, including dust suppression, debris on public road
- Surface water drainage
- Visual impact (cumulative and individual)
- Impact on tourism;
- Impact on ornithology;
- Noise impacts;
- Impact on the Corrieyairick Pass;

- Impact on wild land;
- Impact on peat.

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

5.0 Consultations

- 5.1 Fort Augustus and Glenmoriston Community Council object to the application. Concerns have been raised in relation to cumulative environmental impact (including on Special Areas of Conservation, Woodland, the water environment, cultural heritage), cumulative visual impact and traffic impacts.
- 5.2 Transport Planning Team has not objected to the application. A Section 96 agreement under the Roads (Scotland) Act is required. The mitigation proposed to be undertaken as set out in the application is required to be undertaken prior to the commencement of development.
- 5.3 Flood Team has not objected to the application. Conditions are requested to ensure secure the design of new or upgraded culverts and watercourse crossings, a buffer strip from watercourses and details of .the Sustainable Drainage System.
- 5.4 Environmental Health has not objected to the application.
- 5.5 Forestry Team has not objected to the application. A condition is requested to secure appropriate level of tree planting adjacent to the track, compensating for any trees lost.
- 5.6 Historic Environment Team object to the application. Concerns are raised as to the impact the development will have on the experience of using the Corrieyairick Pass.
- 5.7 Access Officer has not objected to the application. A condition is sought to secure an Outdoor Access Plan and improvements to the unscheduled parts of the Corrieyairick Pass.
- 5.8 CAA has not objected to the application.
- 5.9 NATS has not objected to the application.
- 5.10 MOD has not objected to the application. Conditions are requested to secure omni-directional aviation lighting and information relating to the final turbine position, size and construction start and end dates.
- 5.11 HIAL has not objected to the application.
- 5.12 Historic Scotland has not objected to the application. Historic Scotland do not consider that there will be an impact on the understanding of the Corrieyairick Pass, but consider there will be an impact on its appreciation and experience.

Historic Scotland consider the affects on other Scheduled Monuments, Inventory Battlefields or Category A listed buildings are unlikely to be significant.

- 5.13 Scottish Water has not objected to the application.
- 5.14 Scottish Environment Protection Agency object to the application. Concerns are raised as to the additional track located between Turbines 7 and 9 and the use of bunds for screening of the tracks. Conditions are sought to secure a Construction Environmental Management Plan, buffers to watercourses, watercourse crossings, schedule of mitigation and borrow pit management.
- 5.15 Scottish Natural Heritage has not objected to the application. SNH advises that the application is likely to have a significant adverse impact on the Braeroy-Glenshirra-Creag Meagaidh Wild Land Area and recommend a reduction in turbine height. Further to this SNH advise that the turbine height would be contrary to the prevailing scale of the development in the wider area and would be out of scale with the landscape. Contributions are sought to the Regional Golden Eagle Conservation Plan. Conditions are sought regarding construction hours and the impacts on Black Grouse.
- 5.16 Transport Scotland has not objected to the application as the development will not have a significant impact on the trunk road network. Conditions are sought to secure details of the route of abnormal loads and any mitigation measures required, provision of quality assured signage and a traffic management report.

6.0 Development Plan Policy

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

Highland-wide Local Development Plan (April 2012)

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

- Safety of Airport, Defence and Emergency Service Operations
- The Operational Efficiency of Other Communications
- The Quantity and Quality of Public Access
- Other Tourism and Recreation Interests
- Traffic and Transport Interests

Policy 72 Pollution
 Policy 77 Public Access

Inverness Local Plan (As Continue in Force 2012)

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

Inner Moray Firth Local Development Plan (July 2015)

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

Supplementary Guidance

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

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

- 6.6 The Highland-wide Local Development Plan is currently under review and is at Main Issues Report Stage. It is anticipated the Proposed Plan will be published in 2016.

7.0 Other Material Planning Policy

Draft Onshore Wind Energy: Supplementary Guidance (September 2015)

- 7.1 The document provides additional guidance on the principles set out in Policy 67 - Renewable Energy Developments of the Highland-wide Local Development Plan and reflects the updated position on these matters as set out in Scottish Planning Policy. This draft document is a material consideration in the determination of planning applications. It is anticipated that the document will move to adoption in summer 2016.

- 7.2 The document includes a draft Spatial Framework, which is largely in line with Table 1 of Scottish Planning Policy. The site sits predominantly within an “Area of Significant Protection”. This draft Spatial Framework will be refined, in line with Scottish Planning Policy, finalised and included within the revised Highland-wide Local Development Plan.
- 7.3 At Planning, Development and Infrastructure Committee on 19 August 2015 it was agreed that the new Draft Supplementary Guidance be a material consideration in the determination of planning applications. As the new Draft SG sets out the Council’s most up to date position on the matters related to on-shore wind, including the latest spatial framework, the Draft SG is considered to supersede the Interim Supplementary Guidance which had been adopted for use by the Council in March 2012.

Highland Renewable Energy Strategy (HRES) (May 2006)

- 7.4 While superseded, in part, by the above documents, HRES is still relevant as a strategy document for renewable energy. Relevant policies to the current application, include:

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

Scottish Government Planning Policy and Guidance (June 2014)

- 7.5 Scottish Planning Policy (SPP) advances principal policies on Sustainability and Placemaking, and subject policies on A Successful, Sustainable Place; A Low Carbon Place; A Natural, Resilient Place; and A Connected Place. It also highlights that the Development Plan continues to be the starting point of decision making on planning applications. The content of the SPP is a material consideration that carries significant weight, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case.
- 7.6 The SPP sets out continued support for onshore wind. It requires Planning Authorities to progress, as part of the Development Plan process, a spatial framework identifying areas that are most likely to be most appropriate for onshore wind farms as a guide for developers and communities. It also lists likely considerations to be taken into account relative to the scale of the proposal and area characteristics (Para. 169).
- 7.7 In addition to the above, the Scottish Government sets out further advice on Renewable Energy in a number of documents and web based information regularly updated including: -
- National Planning Framework for Scotland 3
 - PAN 56 – Planning and Noise
 - PAN 58 – Environmental Impact Assessment
 - PAN 60 – Planning for Natural Heritage

- 2020 Routemap for Renewable Energy
- Onshore Wind Turbines
- Wind Farm developments on Peat Lands

8.0 Planning Appraisal

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

8.2 The determining issues are:

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

Planning Considerations

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

- a) Development Plan
- b) Draft Onshore Wind Energy Supplementary Guidance
- c) Highland Renewable Energy Strategy
- d) National Policy
- e) Roads and Transport
- f) Water, Flood Risk, Drainage and Peat
- g) Natural Heritage including ornithology;
- h) Built and Cultural Heritage
- i) Design, Landscape and Visual Impact (including Wild Land)
- j) Access and Recreation
- l) Noise and Shadow Flicker
- m) Telecommunications
- n) Aviation
- o) Construction
- p) Other material considerations

Development Plan

8.4 The Development Plan comprises the adopted Highland wide Local Development Plan (HwLDP) and the Inverness Local Plan (as continued in force). There are no site specific policies affecting this application site within the Inverness Local Plan (as continued in force). The principal HwLDP policy on which the application needs to be determined is Policy 67 - Renewable Energy. The other HwLDP policies listed at 6.2 of this report are also relevant and the application must be assessed against these.

8.5 Policy 67 sets out that renewable energy development should be well related to the source of the primary renewable resource needed for operation, the contribution of the proposed development in meeting renewable energy targets and positive / negative effects on the local and national economy as well as all

other relevant policies of the development plan and other relevant guidance. In that context the Council will support proposals where it is satisfied they are located, sited and designed such as they will not be significantly detrimental overall individually or cumulatively with other developments having regard to 11 specified criteria (as listed in para 6.2). Such an approach is consistent with the concept of Sustainable Design (Policy 28) to achieve the right development in the right place; it is not to allow development at any cost. If the Council is satisfied that there will be no significant adverse impact then the application will accord with the Development Plan.

Draft Onshore Wind Energy Supplementary Guidance

- 8.6 Following the publication of SPP The Highland Council reviewed the Onshore Wind Energy: Interim Supplementary Guidance (ISG) as a matter of priority. The resultant draft Onshore Wind Energy Supplementary Guidance is a material consideration in the determination of planning applications and supersedes the Interim Supplementary Guidance (March 2012). The site principally falls within an “Area of Significant protection” from wind energy due to its location within a Wild Land Area. This requires the proposal to be assessed, as noted above, within Policy 67 of the HwLDP. The draft Supplementary Guidance also expands on the considerations / criteria set out in the Development Plan policy.
- 8.7 The draft Supplementary Guidance includes a methodology for and detail of a landscape sensitivity study for Loch Ness and the Great Glen. The development sits within Landscape Character Area 6 - Monadhliath ridge and tops, Rolling Uplands. This section of the guidance identifies that:
- the landscape sensitivity as medium to low in recognition of the existing density of development;
 - the highest sensitivity receptors are people at key viewpoints / tourists including cyclists and walkers;
 - the potential for wind energy development (excluding extensions of existing schemes) should be avoided to ensure the scale of the landform is maintained and that perspective is not adversely affected.

These matters are addressed primarily in the Design, Landscape and Visual Impact (including Wild Land) section of this report.

Highland Renewable Energy Strategy (HRES)

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

National Policy

- 8.9 As described earlier in this report, there is strong support for renewable energy development in national policy. However, it also recognises that this type of development needs to be guided to appropriate locations. There is a Scottish Government target of 50% of Scotland's electricity demand to be generated from renewable resources by 2015, and 100% of Scotland's electricity demand to be generated from renewable resources by 2020. The targets are not a cap. The Scottish Government has advised that operational onshore wind energy capacity delivered 39.8% of Scotland's Gross electricity consumption in 2012. In 2013, 11,340GWh of electricity generated was delivered from wind turbines. At the end of June 2014 Scotland had an installed renewable energy capacity of 6,823MW. Highland onshore wind energy projects in operation as of April 2014 have a capacity to generate 1,632MW. A further 1030MW is approved on shore and a further 2,500MW has been approved offshore.
- 8.10 SPP highlights criteria for the assessment of renewable energy applications. These are listed in paragraph 169. These elements, as relevant to this application, are examined within this assessment. SPP advises that Development Plans are expected to have a spatial framework for onshore wind farms drawn from the identification of areas where wind farms will not be acceptable; areas of significant protection; and areas with potential for wind farm development, subject to detailed assessment against identified policy criteria. The Council's spatial approach is currently as set out in its draft Supplementary Guidance, noted above.
- 8.11 While this is the primary policy contained within SPP for determination of renewable energy applications, SPP needs to be read as a whole. Other policy matters contained within SPP which require consideration through the determination of this application include, but are not limited to, wild land (paragraph 215) and sustainability (paragraph 28 - 29)

Roads and Transport

- 8.12 The development will bring an increase in traffic onto the road network, principally during construction. This will be largely limited to impacts on the trunk road network. However, there are anticipated to be some impacts on the local road infrastructure on the Ardachy Road through delivery of components to site and construction traffic moving around the area and to the site.
- 8.13 The site will be accessed using the previously approved access to the Beaully - Denny Project from the Ardachy Road. This will be upgraded with the introduction of a tarmacadam surface for the first 400m, improved visibility splays and an area for vehicle over-run.
- 8.14 The preferred port for delivery is at Kyle of Lochalsh. The A87 route has previously been identified for use for the delivery of turbines for the Millennium, Beinneun and Bhlariadh Wind Farms.

- 8.15 At the peak of construction activity on the site, in months 1-3 of the anticipated 7 month construction programme, there will be on average an additional 120 vehicles using the roads around the site a day. The abnormal loads will be delivered to site in months 9 and 10 of the construction programme. Transport Scotland do not consider the impact on the road network significant, albeit, they recognise that the increase in HGVs on the A87 is significant as currently not many HGVs use this route. The position of Transport Scotland is accepted.
- 8.16 The Trunk and Local Road Authorities have requested that conditions be applied to any permission which may be granted to ensure appropriate measures are in place to protect the road network during construction and operation of the proposed development. These include securing appropriate, details on delivery of abnormal loads, and design and construction of the new access, traffic control measures, construction stage traffic management plan and required mitigation to the local road network as set out above. Given the potential disruption to the road network during construction, there will be a need for a community liaison group to ensure the community are informed of any traffic issues prior to them coming into force. This can be secured by condition.

Water, Flood Risk, Drainage and Peat

- 8.17 The Environmental Statement is clear that a Construction Environmental Management Document / Plan (CEMD) will be in place to ensure that potential sources of pollution on site can be effectively managed throughout construction and in turn during operation, albeit there will be fewer sources of pollution during operation.
- 8.18 The CEMD can be secured by planning condition, requiring the agreement of construction methodologies with statutory agencies following appointment of the wind farm balance of plant contractor and prior to the start of development or works.
- 8.19 In order to protect the water environment a number of measures have been highlighted by the applicant for inclusion in the CEMD including the adoption of sustainable drainage principles, and measures to mitigate against the affects of potential chemical contamination, sediment release and changes in supplies to Ground Water Dependant Terrestrial Ecosystems. This includes setbacks from water courses. Further mitigation is proposed during the operational phase to manage these potential issues. SEPA support this approach however conditions are sought to secure further details of these matters.
- 8.20 The wider site is home to extensive Ground Water Dependent Terrestrial Ecosystems (GWDTEs). The positioning of the tracks and turbines have generally avoided the most sensitive GWDTEs. SEPA has requested that the proposed mitigation associated with GWDTEs should be included in the CEMP. This mitigation includes the use of silt traps and de-watering of excavations. This mitigation can be secured by condition.
- 8.21 The development proposed the use of sustainable drainage systems to attenuate run off and filter out any potential pollutants. Details of the SuDS plan can be

secured by condition.

- 8.22 The development is situated on an area where there are pockets of deep and very deep peat. With that said, the turbines largely avoid the deepest areas of peat and following comments from SEPA the applicant has agreed to re-site Turbines 6 and 7 away from areas of deeper peat. A number of the tracks in the development are to be floated to minimise impacts on peat.
- 8.23 Representations have raised concerns with regard to the drainage of the current Beauly - Denny access tracks, particularly around the site access. This is an ongoing matter which has led to surface water flowing over the public road, and overflowing from the culverts. The applicant has proposed that the access track be covered in tarmacadam for a greater distance. This is likely to result in increased surface water run-off. The applicant has stated in their ES that all existing Beauly - Denny track drainage will be reviewed in the light of the proposed upgrades and increased drainage and attenuation will be provided where required. This can be secured by condition.
- 8.24 The impact of the development on private water supplies has been raised as a concern in representations. Measures for the protection of the water environment are proposed including the use of silt traps and watercourse buffers. Environmental Health is satisfied that the matter has been appropriately investigated by the applicant.

Natural Heritage

- 8.25 The development is not situated within any sites designated for ecological interests but is close to, and has potential connectivity with, a number of sites which are designated at national and international level. As a number of the potentially connected sites are designated at a European level, the proposal needs to be assessed against the 'Habitats Directive' which is translated into Scots law through the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). SNH advise that based upon the information presented there would not be a likely significant effect on the nearby Natura sites (or their component SSSIs) therefore further consideration or an appropriate assessment is not required.
- 8.26 The conditions on the site lend themselves to supporting a number of habitats and species. The Environmental Statement has identified the ecological receptors present within and outwith the site. Through the design of the development the applicant has avoided or minimised the impact on these ecological receptors. With that said, mitigation is proposed in order to further reduce the potential for adverse effects. This includes undertaking further baseline monitoring of the ecology and water quality; implementation of pollution prevention plans; implementation of species protection plans; creation of mammal crossings of watercourses; and stand off distances from bat roosts. Following the application of mitigation it is anticipated there will be minor residual effects on wet heath and blanket bog and dry heath. Further mitigation includes the implementation of a Habitat Management Plan and employment of an Ecological Clerk of Works. The outcomes of the assessments are accepted and the required mitigation can be

secured by condition.

- 8.27 The impacts of this development on ornithology are largely considered to be related to displacement during the construction phase and potential collision risk through the operation phase of the development. The development has designed out many of the risks to ornithology. However, mitigation is still considered appropriate to reduce any potential significant effects on Black grouse and Golden Eagle. Habitat Management, supplementary feeding and monitoring are proposed methods of mitigation. These are accepted. SNH and the applicant have also proposed that a contribution towards the Regional Golden Eagle Conservation Management Plan is appropriate. This is supported by the Planning Authority and could be secured by legal agreement.

Built and Cultural Heritage

- 8.28 The area in which the wind farm sits contains a moderate amount of built and cultural heritage features as demonstrated by Chapter 5 of the Environmental Statement. However, the cultural heritage features include the Corrieyairick Pass which is of national importance. The assessment in the ES does not rule out that further buried archaeology may be found on the site and as such it is considered that a scheme of mitigation is brought forward and implemented during construction. This can be secured by condition.
- 8.29 The most significant cultural heritage issue to be considered is the impact of the development on the Corrieyairick Pass. The Council's Historic Environment Team has objected on this basis. Historic Scotland has not objected, but it has raised concerns.
- 8.30 Concerns have been raised as to the magnitude of change on the route and the effect this will have on experience. The wind farm will theoretically be visible, on and off, for approximately 8km. Topographic screening is present along approximately 5km of this to a greater or lesser extent. The area where the visual impact is likely to be most significant for those traversing the pass from east to west will be between Meallan Odhar Meadhon and the crossing of the Allt Coir Uchdadian below Mellan Odhar, a distance of approximately 2km. A Cultural Heritage viewpoint has been taken from this area and is marked as CHVP2. For those travelling from west to east on the pass the area where visual impact is likely to be most significant is between the section of the pass due west of the confluence of Allt Glaic Baine and River Tarff and the ford of the Black Burn. This is a distance of approximately 1km. It is important to note that the development will not physically affect the Corrieyairick Pass itself.
- 8.31 Having considered these viewpoints, the assessment within the ES, representations and consultation responses, it is considered that the impacts on the Corrieyairick Pass have been underestimated.
- 8.32 Para 5.82 of the ES states that the changes to wider views experienced travelling along the road in either direction will not substantially affect the cultural significance of the road. This is not disputed when considering the journey as a whole. However, when considering the views experienced in closer proximity to

the site, the impact is considered to have been underestimated. Given the high sensitivity of the cultural heritage asset, this would lead to an overall assessment as 'major' significance.

- 8.33 While this is the case, it is acknowledged that these significant effects would be experienced for only a short period and therefore in this instance it is not considered that the significant effect is unacceptable when considered in the round.
- 8.34 The applicant has suggested that mitigation could be undertaken to secure improvements to the unscheduled sections of the Pass. This may include maintenance, signage and interpretation. While this would not mitigate the impacts on the experience of those traversing the pass, it is considered that it would improve some aspects of the Pass which are in a less than favourable condition at present. A scheme to secure details of this mitigation can be controlled by condition.

Design, Landscape and Visual Impact (including Wild Land)

Design

- 8.35 The development is viewed predominantly as a cluster of 13 turbines. The applicant states that the design of the scheme was based on consideration of landscape and visual impacts and consideration of the technical and environmental constraints of the site. Viewpoints 4, 11 and 14 best demonstrate the layout of the scheme and its setting. A key design driver appears to have been reduction of visibility of the scheme from Fort Augustus. It is considered that the development has largely been successful in that respect, albeit some tips of turbines will be visible from more elevated positions around the fringes of the settlement.
- 8.36 The development was originally conceived as a 25 turbine scheme with the turbines at a height of up to 125m to tip. It is considered that this scheme would have had a much greater significant visual impact than the one now proposed in a number of locations, including when viewed from the hills to the north of Loch Ness, as the visual spread of turbines would have been greater. In addition, a greater distance of the Corrieyairick Pass would have been impacted and more turbines would have been likely visible from Fort Augustus. While the proposal within this application includes larger turbines, they are less in number and consequently the horizontal spread of turbines and intensity of the views of turbines, due to a reduction in density will be much less.
- 8.37 Twelve of the turbines proposed as part of the development would be at a height of up to 149.5m to blade tip. One of the turbines would be up to 132m blade tip in height. The proposed development produces a simple development from most angles and the variance in turbine heights has been used as a further form of design mitigation. The Loch Ness Sensitivity Study as contained within the draft Onshore Wind Energy Supplementary Guidance considers that any further development in this area should be avoided to ensure that the scale of the landform is maintained and that perspective is not adversely affected. It also

advises, albeit in relation to extension to existing schemes, that skylining and coalescence is avoided with the current positioning, spacing and scale of turbine respected.

- 8.38 The development, while located further south west will respect the landscape setting of other wind energy developments in the area and due to topography it will sit within its own landscape setting. The development is located at a height in the landscape which is capable of accommodating wind energy development but is set lower than other development along the south of Loch Ness. This can be seen from VP 4 (Meall Fuar-mhonaidh). The development, as seen from the public road network will appear as back-clothed by the Monadhliath. This can be demonstrated by VP8 (A87 - Loch Garry). Here the development appears approximately half the height of the hills in the distance. The development will be partially screened by hills in the foreground, which has a mitigating effect of the visibility of the turbines.
- 8.39 SNH has raised concerns as to the height of the turbines to be used in the scheme and has recommended a reduction in height of the turbines. The applicant has demonstrated that a reduction in the height of the turbines, to 132m, would have a minimal effect on the theoretical visibility of the development. No information is presented as the visibility of a scheme below 132m to tip. It is considered that the landscape in which the turbines sit is of a sufficient scale to accommodate turbines of this size, albeit there will still be visibility of the turbines from a number of locations. The location of the development within a bowl in the landscape provides a level of mitigation, however, as can be seen by VP8 and VP2 and from higher elevations such as VP4 and VP7, the turbines will still be visible. While the visibility of a turbine is not necessarily problematic in itself, the impact on receptors may be problematic. The matter of visual impact is considered in paragraphs 8.47 - 8.56 of this report.
- 8.40 The development will introduce 8.7km of new access tracks and require 9.8km of access tracks to be upgraded. The applicant has suggested the use of mounds to screen some of the tracks from view during the operational phase of the development. While these would be of limited height, it is considered that they would be beneficial in ensuring that the visual impact of tracks is reduced, especially for those travelling along the Corrieyairick Pass. The majority of the access track is already in place and the applicant has suggested that the upgrades required to the width and alignment of the track are minimal. The surface will require significant works to reach a standard that will allow the movement of wind turbine components but visually, this is considered to be of minor significance.
- 8.41 A total of three borrow pit search areas are proposed. Having assessed these on site it is considered that the locations of the search areas will not lead to significant visual impacts. Further to this the interim restoration, as per F216a-c of the ES, will reduce the visual impact further.
- 8.42 A total of 15 viewpoints across a study area of 35km have been assessed with regard to landscape and visual impact. These viewpoints are representative of a range of receptors including settlements, recreational users and road routes. The

expected impact of the development in isolation can be seen with the ZTV to Blade Tip with Viewpoints (Figure 4.4) in the Environmental Statement. The methodology for the Landscape and Visual Impact Assessment is accepted. The table of residual significant effects (Table 4.5) is considered appropriate but it does not give a view as to the acceptability or otherwise of the affects. The applicant considers that significant landscape or visual effects are those identified as major or moderate/major. Council Officers would consider effects identified as Moderate would also be a significant effect. In instances where the effect is described as “moderate/minor”, further consideration is required as to whether the effect is considered significant.

Landscape

8.43 The development sits predominantly within the Rolling Uplands Landscape Character Area as identified within the Inverness Landscape Character Assessment. The ES identifies that the effect on parts of this LCA would be Major, especially when the site is viewed from Corrieyairick Hill and the surrounding hills. However, when viewing the landscape from other areas the development will be largely screened by topography, as such a change in landscape character would not be as stark. However, the development cannot be looked at in isolation in relation to landscape character due to the schemes which are currently operational, under construction and approved. When considering the cumulative impact on landscape all of the consented schemes along the south of Loch Ness should be considered. In doing so, it could be considered that the landscape character area has now changed from Rolling Uplands to Rolling Uplands with turbines. With that said, the landscape character change on this Landscape Character Type is considered to be moderated by the due to the current level of development in this LCA and the scale of the LCA. The ES considers that the cumulative landscape effect in close proximity of the wind farm is major. This is not disputed, however when looking at the whole landscape character type, which stretches much of the length of Loch Ness and south east towards the Monadhliaths, it is considered that the impact on the landscape character type as a whole is not adversely affected.

8.44 The site is in proximity to a number of landscape designations including National Scenic Areas (NSA), Gardens and Designed Landscape, and Special Landscape Areas (SLA). The Environmental Statement has not identified a significant effect on these designations for a combination of reasons including distance to these designations, the site being within an areas already occupied by wind energy development and visibility to the scheme frm these designations. This is not disputed. The development is unlikely to be visible from the core of the Loch Ness and Duntelchaig SLA and is unlikely to have an impact on the special qualities of the SLA.

Wild Land

8.45 The development is sited within the Braeroy - Glenshirra - Creag Meagaidh Wild Land Area (WLA). SNH has raised concerns regarding the impact of the development on the WLA, predominantly due to the visibility of the scheme from the interior of the WLA. SNH recognise the Beauly - Denny OHL has an impact on

the wildness qualities of the WLA but it is suggested by representations that the presence of this line does not equate to the impact of the turbines. It is fair to say that an area of the WLA will be lost if this development is granted planning permission.

- 8.46 Wild land has physical attributes and perceptual attributes. Perceptual attributes related to the sense of sanctuary, solitude, risk, anxiety, awe, perceptions that the landscape has arresting or inspiring qualities and a feeling of fulfilment from the challenge of reaching these places. It is not considered that, at present, one would experience the full suite of these perceptual responses. While from within and overlooking this site it could be considered that the landscape has arresting and inspiring qualities, due to the presence of the immediate infrastructure on the site in the form of the Beauly - Denny OHL but also the views of other wind energy developments from this location it is considered that there are few opportunities to experience the other perceptual qualities. The accessibility of the site on foot, while some distance from the main road network, is not perceived to be physically challenging. From the interior of the WLA away from the site, it is considered that the perceptual responses would be stronger more prominent, as the more modern artefacts will be less prominent and in some cases not visible at all.
- 8.47 No significant effects are anticipated on the other surrounding Wild Land Areas due to the lack of visibility and distance to the proposed development.

Visual Impact

- 8.48 The applicant's assessment draws upon the supportive elements of how the proposal could be viewed within the landscape. The ZTV demonstrates that the scheme will be predominantly visible from elevated positions to the north of Loch Ness. If consented, it is from these positions one would be able to see the pattern of wind energy development at present and how this development would be extended. Views of the scheme are likely to be much more limited from the south, east and north east of the scheme.
- 8.49 A ZTV for the proposal has been produced in support of the application. This demonstrates that the theoretical visibility of the scheme will only be increased slightly in comparison to the cumulative visibility of other wind energy developments in the area. This extension of theoretical visibility is largely limited to the elevated locations to the north of Loch Ness around Portclair, Auchterawe and Inchlaggan. This extension of theoretical visibility is limited. In these, sparsely populated locations you are unlikely to see the full scale of the development. There is also a small expansion of visibility of turbines around entrance to the Caledonian Canal from Loch Ness but this is beyond the 35km study area and only blade tips of between 1 and 2 turbines would be visible. At present, from Loch Ness one has theoretical views of Bhlairidh Wind Farm in a small number of locations but not in positions where it will be intervisible with Culachy Wind Farm.
- 8.50 The visual receptors for the development have all been assessed in Technical Appendix 4.6 of the Environmental Statement. This states that receptors at Viewpoints 2 , 4-9 and 11-15 have the potential to be significantly affected by the proposed development. These viewpoints range in their proximity to the site and

in most cases expand the horizontal visibility of wind turbines in the area. From the remaining 3 viewpoints the visual impact has not been assessed as significant. The visibility of the scheme is largely limited to more elevated positions and those in very close proximity to the site. It is considered that the design of this has significantly reduced the potential for significant effects in other locations.

- 8.51 A key consideration in the effects on receptors of wind energy development is the sequential effect as travelling through the area on the local road network, both by individuals who live and work in the area and tourists. Those travelling scenic routes, whether designated as such or not, have a higher sensitivity to views. While a driver of a vehicle is likely to be concentrated on the view immediately in front, passengers have a greater scope for looking at their surroundings. As such it is considered that road users are high sensitivity receptors.
- 8.52 The scheme as currently presented has addressed the road based receptors and in most cases through design of the development. There will be very limited views of turbines within the development from the A82, largely due to road side screening which is predominantly not of plantation origin and as such is likely to remain in place. When Travelling along the A87, there is a section of the road which lasts for approximately 700m where elements of all 13 turbines will be visible in the centre of one's view. This is demonstrated by VP8 - Loch Garry. Given this is the case, modifications to the originally submitted scheme were sought to reduce the visibility from this sensitive location. This change is welcome and while not removing visibility from this location, it does reduce the visual impact. As one travels along this section of road, ones view would be focused down the strath and there would be limited scope to view the wider landscape due to roadside screening. This screening has both positive and negative implications in relation to this scheme as while it tunnels your view to focus on the wind farm, it also provides an alternative visual focus in the foreground. In addition, as this section of road is falling as you travel along it, the extent, both in scale and number, of the turbines visible reduces as one travels toward the development.
- 8.53 It should be recognised that when travelling this route as a whole from the west the visual impact of wind energy development is increasing, due to the developments at Beinneun and Millennium which will come into and go out of view as one travels across from Skye. The most sustained effect of these two wind farms will be alongside Loch Cluanie for a 4km stretch. It is considered this development would add to this potential sequential visual impact of wind energy development on this route at a point where the Beinneun and Millennium schemes would be largely out of sight, but perhaps still be in ones minds eye. The increased visibility of turbines on this route, as a result of this development, while limited, is of concern. However, it is not considered that the journey on the A87 would be characterised by wind energy development to a level where it would be unacceptable if this development were to be permitted.
- 8.54 The views from hilltops including but not limited to Meall Fuar-mhonaidh (VP4) and Ben Tee (VP7) will be impacted by this development. However, the development will appear as a feature in scale with the surrounding landscape and will be back-clothed by the landscape. While it is considered that there are significant visual effects from these locations, due to the way the development will

appear in scale with the landscape and in relation to other wind energy development, it is not considered that the visual impact will be unacceptable.

- 8.55 The cumulative effect of this development with not only the consented Beinneun Wind Farm but also other wind energy developments in the area, must be considered. Cumulative effects are likely to arise from the operational Millennium Wind Farm, Millennium South Wind Farm (both to the east) and the Beauly - Denny Line to the east. There are several other projects in the surrounding area including wind energy and other electricity generating or transmission infrastructure. While this is the case, the addition of the Culachy Wind Farm to these projects is unlikely to be significant due to the distances between developments and intervening landforms and vegetation.
- 8.56 The assessment of the visual impacts of the development that one would experience from the Corrieyairick Pass is demonstrated by VP5 and VP15. The assessments as set out in the ES are accepted.
- 8.57 In views from other visual receptors, including Fort Augustus the views of the scheme will be limited to higher areas to the western fringes of the settlement on the road to Auchterawe. In these areas the visibility will be largely limited to blade tips. VP2 demonstrates four blade tips which would be seen between the towers of the Beauly - Denny OHL and would appear below the height of the towers.

Access and Recreation

- 8.58 The site, like most land in Scotland is subject to the provisions of the Land Reform (Scotland) Act 2003. There are no core paths running over the site however, the wider area is rich in opportunities to access the outdoors, including the aforementioned Corrieyairick Pass, the Great Glen Way and the Great Glen Canoe Trail. The most likely direct impact is during the construction phase where some access will be restricted. Any impacts arising through the construction or operational phases of development can be managed through outdoor access management. This can be secured by condition. The visual impact of the development is considered elsewhere in this report.

Economic Impact and Tourism

- 8.59 The proposed development anticipates a construction period of 16 months, 25 years of operation prior to several months of decommissioning. Such a project can offer significant investment / opportunities to the local, Highland, and Scottish economy including businesses ranging across construction, haulage, electrical and service sectors. There is also likely to be some adverse effects caused by construction disruption (traffic). Representations have raised the economic impact that turbines may have on tourism. These adverse impacts are most likely to be within the service sector particularly during the construction phase when abnormal loads are being delivered to site. The ES does not contain a section on socio-economics.
- 8.60 Representations have also highlighted potential adverse impacts on walking /

mountaineering. These concerns have been raised in relation to the disturbance to the natural and wild qualities of the area in relation to wind farm development. Consideration of impacts on these matters are contained elsewhere in this report.

- 8.61 The Environmental Statement did not contain an assessment of impact on tourism.

Noise and Shadow Flicker

- 8.62 It is not anticipated that noise will be an issue as a result of this development due to the distance between it and noise sensitive properties. However, it is considered appropriate to seek a noise mitigation and management scheme if an issue arises. By taking this approach, the Planning Authority will retain effective control over the potential noise impacts and have a suitable avenue for investigation should any noise complaints arise from the development.
- 8.63 In terms of shadow flicker it is not anticipated that this will be an issue for this development either individually or cumulatively given the location of the development in relation to properties.

Telecommunications

- 8.64 No concerns have been raised in relation to potential interference with radio / television networks in the locality. The ES has not identified any properties that would be affected .

Aviation

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

Construction

- 8.66 The construction phase of the development is anticipated to last 16 months. Further works may be required for any interim site restoration, in addition to decommissioning and site restoration at the end of the operational period of the wind farm. The key impacts for local residents through construction will be the additional traffic movements of the work force and deliveries including abnormal loads associated with turbine deliveries. By using best practice construction management, the anticipated impacts on local communities and residential properties in the proximity of the development / road access routes will be minimised.
- 8.67 In addition to the requirement for submission and agreement on a CEMD, the Council will require the applicant to enter into legal agreements and provide financial bonds with regard to its use of the local road network (Wear and Tear Agreement) and a final site restoration (Restoration Bond). In this manner the site

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

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

Other material considerations

- 8.70 Given the complexity of major developments, and to assist in the discharge of conditions, the Planning Authority seek contributions towards the employment of a Planning Monitoring Officer (PMO). The role of the PMO, amongst other things, will include the monitoring of, and enforcement of compliance with, all conditions, agreements and obligations related to this permission (or any superseding or related permissions) and shall include the provision of a quarterly compliance report to the Planning Authority.
- 8.71 In line with Council policy and practice, community benefit considerations are undertaken as a separate exercise and generally parallel to the planning process.
- 8.72 There are no other relevant material factors highlighted within representations for consideration of this application.

9.0 CONCLUSION

- 9.1 The Scottish Government gives considerable commitment to renewable energy and encourages planning authorities to support the development of wind farms where they can operate successfully and where concerns can be satisfactorily addressed. Highland has been successful in accepting many renewable energy projects in recent years and many more applications are in the planning process. This project will make a modest, but worthwhile, 44.2 MW contribution.
- 9.2 The application has attracted limited objections from members of the public and there are no objections from statutory consultees which can not be addressed by condition. It is important to consider the benefits of the proposal and the potential drawbacks and when assessing it against the policies of the Development Plan.
- 9.3 A key response to the proposal comes from Fort Augustus and Glenmoriston Community Council who oppose the application on the grounds of environmental impact and cumulative visual impact. Introducing any development of this scale into the landscape will have an impact, however, it is considered that the

- proposed development can be accommodated within the available landscape capacity.
- 9.4 SPP states that development may be appropriate in some circumstances within Wild Land Areas. In assessing this application it is considered that there is likely to be limited additional physical impacts on the WLA above those created by the Beaulieu Denny OHL. As set out in paragraph 8.44 - 8.46 of this report it is not considered that the development will have a significant impact on the perceptual responses to the wild land. Therefore it is considered that the impacts on wild land have been substantially overcome but have not been wholly overcome by siting and design. It is not considered that any further changes to siting and design would have a further reduction on the qualities of this area of wild land. SNH do not object to the development.
- 9.5 The impact on the Corrieyairick Pass is one related to the experience of using the route. It will not have any direct impacts on the pass itself. On balance given the limited time for which the development will be in view along the length of the pass, it is not considered that the development will become a defining characteristic of the route. The views from the Pass, for limited sections, will be disrupted. However, the wide panoramic views available and the fairly limited field of view which this development will occupy both vertically and horizontally is not considered to be unacceptable.
- 9.6 As with any development of this type, it will have a visual impact. The scale of turbines presented in this application are very large. The Loch Ness Sensitivity Study provides advice that turbines at all scales, away from other developments within the area, should be avoided. This is to ensure that the scale of the landform and perspective is maintained. However for turbines of such a scale they are rarely visible from the public road and settlements. Where they are, the views of the turbines are largely limited to blade tips. Visibility of the scheme in the more settled areas, including in the centre of Fort Augustus and in Invergarry, are very limited. The design evolution of the development has utilised opportunities provided by the natural landform surrounding the site to screen large parts of the development from view. This has been supplemented by further work with Council officials on reducing visual impact for key receptors. In views of the development from hill tops to the north of Loch Ness, including Meall Fuar-mhonaidh and Ben Tee, the development will appear as a fairly simple cluster within a shallow bowl, reflecting the locational design of most other developments to the south of Loch Ness. Given the location and the design of the development it is not considered that the scale of the landform or perspective is significantly adversely affected when viewed from the south east, north and west. There are very limited views of the development from other directions.
- 9.7 The application, when read alongside the schedule of mitigation proposed by the applicant and the further mitigation suggested by consultees that can be secured by conditions, is one which is, on balance, is considered to accord with the policies of the Council's Development Plan.
- 9.8 All relevant matters have been taken into account when appraising this application. It is considered that overall the proposal accords with the principles

and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10.0 RECOMMENDATION

10.1 Subject to the conclusion of a legal agreement related to restoration and decommissioning of the site, contributions to the Regional Golden Eagle Management Plan and a roads wear and tear agreement, it is recommended that the Council **grant planning permission** subject to the conditions and reasons set out below:

1. This planning permission shall expire after a period of 30 years from the date when electricity is first exported from any of the approved wind turbines to the electricity grid network (the "First Export Date"). Upon the expiration of a period of 25 years from the First Export Date, the wind turbines shall be decommissioned and removed from the site, with decommissioning and restoration works undertaken in accordance with the terms of Condition 3 of this permission. Written confirmation of the First Export Date shall be submitted in writing to the Planning Authority within one month of the First Export Date.

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

2. For the avoidance of doubt the development shall be constructed and operated in accordance with the provisions of the application, the submitted plans, and the Environmental Statement, including Supplementary Environmental Information. For the avoidance of doubt the turbines, access tracks, crane hard-standing areas and other associated infrastructure may be micro sited but no more than 50 metres from the positions shown in the approved plans unless otherwise agreed in writing with the Planning Authority in consultation with SEPA and SNH.

Reason: In order to clarify the terms of permission.

3. No development or works (excluding preliminary ground investigation which shall be permitted) shall commence until an Interim Decommissioning and Restoration Plan (IDRP) for the site has been submitted to, and approved in writing by, the Planning Authority in consultation with SNH and SEPA . Thereafter:

- i. not later than 3 years prior to the decommissioning of the Development, the IDRP shall be reviewed by the Developer, to ensure that the IRDP reflects best practice in decommissioning prevailing at the time and ensures that site specific conditions, identified during construction of the site, and subsequent operation and monitoring of the Development are given due

consideration. A copy shall be submitted to the Planning Authority for its written approval, in consultation with SNH and SEPA; and

- ii. not later than 12 months prior to the decommissioning of the Development, a detailed Decommissioning and Restoration Plan (DRP), based upon the principles of the approved interim plan, shall be submitted to, and approved in writing by, the Planning Authority, in consultation with SNH and SEPA.

The IDRPs and subsequent DRPs shall include, unless otherwise agreed in writing with the Planning Authority and in accordance with legislative requirements and published best practice at time of decommissioning details about the removal of all elements of the Development, relevant access tracks and all cabling, including where necessary details of (a) justification for retention of any relevant elements of the Development, b) the treatment of disturbed ground surfaces, c) management and timing of the works, d) environmental management provisions and e) a traffic management plan to address any traffic impact issues during the decommissioning period. The DRPs shall be implemented as approved. In the event that the Final DPR is not approved by The Highland Council in advance of the decommissioning, unless otherwise agreed by the Planning Authority the Interim IDRPs shall be implemented.

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

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

4. The Wind Farm Operator shall, at all times after the First Export Date, record information regarding the monthly supply of electricity to the national grid from each turbine within the development and retain the information for a period of at least 12 months. The information shall be made available to the Planning Authority within one month of any request by them. In the event that:
 - i. any wind turbine installed and commissioned fails to supply electricity on a commercial basis to the grid for a continuous period of 6 months, then unless otherwise agreed, the wind turbine, along with any ancillary equipment, fixtures and fittings not required in connection with retained turbines, shall, within 3 months of the end of the said continuous 6 month period, be dismantled and removed from the site and the surrounding land fully reinstated in accordance with this condition; or
 - ii. the wind farm fails to supply electricity on a commercial basis to the grid from 50% or more of the wind turbines installed and commissioned and for a continuous period of 12 months, then the Wind Farm Operator must notify the Planning Authority in writing immediately. Thereafter, the Planning Authority may direct in writing

that the wind farm shall be decommissioned and the application site reinstated in accordance with this condition. For the avoidance of doubt, in making a direction under this condition, the Planning Authority shall have due regard to the circumstances surrounding the failure to generate and shall only do so following discussion with the Wind Farm Operator and such other parties as they consider appropriate.

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

Reason: To ensure that any redundant wind turbine is removed from site, in the interests of safety, amenity and environmental protection.

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

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

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

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

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

7. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), and unless there is a demonstrable health and safety or operational reason, none of the wind turbines substation buildings / enclosures or above ground fixed plant shall display any

name, logo, sign or other advertisement without express advertisement consent having been granted on application to the Planning Authority.

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

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

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

9. No development shall commence until a scheme of aviation lighting is submitted to, and approved in writing by, the Planning Authority after consultation with the Ministry of Defence. Thereafter the approved scheme of aviation lighting shall be fully implemented on site. The Company shall provide both the Ministry of Defence and the Defence Geographic Centre (AIS Information Centre) with a statement, copied to the Planning Authority and Highland and Islands Airports Limited, containing the following information:

- a. The date of commencement of the development;
- b. The exact position of the wind turbine towers in latitude and longitude;
- c. A description of all structures over 300 feet high;
- d. The maximum extension height of all construction equipment;
- e. The height above ground level of the tallest structure; and
- f. Details of an infra red aviation lighting scheme, unless otherwise required, as agreed with the MOD, HIAL and other aviation interests and the Planning Authority.

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

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

- i. A description of all measures to be implemented by the developer in order

to manage traffic during the construction phase (incl. routing strategies), with any additional or temporary signage and traffic control undertaken by a recognised suitably qualified traffic management consultant;

- ii. The identification and delivery of all upgrades to the public road network to ensure that it is to a standard capable of accommodating construction-related traffic (including the formation or improvement of any junctions leading from the site to the public road) to the satisfaction of The Highland Council and Transport Scotland, including;
 - a. A route assessment report for abnormal loads and construction traffic, including swept path analysis and details of the movement of any street furniture, any traffic management measures and any upgrades and mitigations measures as necessary;
 - b. An assessment of the capacity of existing bridges and other structures along the construction access routes to cater for all construction traffic, with upgrades and mitigation measures proposed and implemented as necessary;
 - c. A videoed trial run to confirm the ability of the local road network to cater for turbine delivery. Three weeks notice of this trial run must be made to the local Roads Authority who must be in attendance;
- iii. Drainage and wheel washing measures to ensure water and debris are prevented from discharging from the site onto the public road;
- iv. A risk assessment for the transportation of abnormal loads to site during daylight hours and hours of darkness;
- v. A contingency plan prepared by the abnormal load haulier. The plan shall be adopted only after consultation and agreement with the Police and the respective roads authorities. It shall include measures to deal with any haulage incidents that may result in public roads becoming temporarily closed or restricted.
- vi. A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period.
- vii. A detailed protocol for the delivery of abnormal loads/vehicles, prepared in

consultation and agreement with interested parties. The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of abnormal load movements in the local media. Temporary signage, in the form of demountable signs or similar approved, shall be established, when required, to alert road users and local residents of expected abnormal load movements. All such movements on Council maintained roads shall take place outwith peak times on the network, including school travel times, and shall avoid local community events.

- viii. A detailed delivery programme for abnormal load movements, which shall be made available to Highland Council and community representatives.
- ix. Details of any upgrading works required at the junction of the site access and the public road. Such works may include suitable drainage measures, improved geometry and construction, measures to protect the public road and the provision and maintenance of appropriate visibility splays.
- x. Details of appropriate traffic management which shall be established and maintained at the site access for the duration of the construction period. Full details shall be submitted for the prior approval of Highland Council, as roads authority.
- xi. A concluded agreement in accordance with Section 96 of the Roads (Scotland) Act 1984 under which the developer is responsible for the repair of any damage to the public road network that can reasonably be attributed to construction related traffic. As part of this agreement, pre-start and post-construction road condition surveys must be carried out by the developer, to the satisfaction of the Roads Authority(s).
- xii. Measures to ensure that construction traffic adheres to agreed routes.
- xiii. Appropriate reinstatement works shall be carried out, as required by Highland Council, at the end of the turbine delivery and erection period.

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

- 12. During the delivery period of the wind turbine construction materials any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised quality assured traffic management consultant, to be approved by The

Highland Council in consultation with Transport Scotland before delivery commences.

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

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

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

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

The approved Outdoor Access Plan, and any associated works, shall be implemented no later than 12 months after the first export of electricity from the wind farm or as otherwise may be agreed within the approved plan.

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

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

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

16. No development shall commence until a finalised Construction Environmental Management Document is submitted to and agreed in writing by the Planning Authority in consultation with SNH, SEPA and Council Flood Team. The document shall include provision for :

- An updated Schedule of Mitigation (SM).
- Processes to control / action changes from the agreed Schedule of Mitigation.
- The following specific Construction and Environmental Management Plans (CEMP):
 - i. Peat Management Plan – to include details of all peat stripping, excavation, storage and reuse of material in accordance with best practice advice published by SEPA and SNH. This should for example highlight how sensitive peat areas are to be marked out on-site to prevent any vehicle causing inadvertent damage.
 - ii. Water Quality Management Plan - highlighting drainage provisions including monitoring / maintenance regimes, water crossings designed to 1 in 200 year event plus 20% for climate change, surface water drainage management (SUDs) and development buffers (50m minimum) from water features, unless otherwise agreed in writing by SEPA;
 - iii. Public and Private Water Supply Protection Measures;
 - iv. Pollution Prevention Plan and Construction Method Statement
 - v. Site Waste Management Plan.
 - vi. Provision of wheel washing facilities.
 - vii. Construction Noise Mitigation Plan.

- viii. Black Grouse Mitigation Plan to include:
- A 500m buffer around Black Grouse Lek where no construction / maintenance is allowed (including vehicle movements along tracks) before 9am in the months of April and May;
 - No blasting to take place before 9am during the months of April and May.
- ix. Species Protection Plan advancing: -
- a. The pre construction survey for legally protected species is carried out at an appropriate time of year for the species, at a maximum of 8 months preceding commencement of construction, and that a watching brief is then implemented by the Ecological Clerk of Works (ECOW) during construction. The species that should be surveyed for include, but are not limited to, breeding birds, otter and water vole. The area that is surveyed should include all areas directly affected by construction plus an appropriate buffer to identify any species within disturbance distance of construction activity and to allow for any micro-siting needs.
- Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities which shall include but not necessarily be limited to:
 - i. Providing training to the developer and contractors on their responsibilities to ensure that work is carried out in strict accordance with environmental protection requirements;
 - ii. Monitoring compliance with all environmental and mitigation works and working practices approved under this consent;
 - iii. Advising the developer on adequate protection for environmental and nature conservation interests within, and adjacent to, the application site;
 - iv. Directing the placement of the development (including any micro-siting, as permitted by the terms of this consent) and the avoidance of sensitive features; and
 - v. The power to call a halt to development on site where environmental considerations warrant such action.
 - Details of any other methods of monitoring, auditing, reporting and communication of environmental management on site and with the client,

Planning Authority and other relevant parties.

- Statement of any additional persons responsible for 'stopping the job / activity' if in potential breach of a mitigation or legislation occurs.

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

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

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

- i. No wind turbine foundation shall be positioned higher, when measured in metres Above Ordnance Datum (Newlyn), than the position shown on the original approved plans;
- ii. No wind turbine, mast, hardstanding or track shall be moved:
 - a. More than 50m from the position shown on the original approved plans;
 - b. Into an area identified as a highly dependent ground water dependent terrestrial ecosystem buffer as shown in the Combined Constraints (Figure 2.3 - 03001D2108-02 SEI);
 - c. To a position within 50m of any watercourse or, where it outlines a lesser distance, to a position within a watercourse buffer zone identified within the approved Environmental Statement and/or plans;
 - d. To a position within an area identified within the approved Environmental Statement and/or plans as having a gradient constraint, being deep peat (that is peat with a depth of 1.5m or greater) or having a peat landslide hazard risk of significant or greater;
- iii. No wind turbine, mast, hardstanding or track shall be moved where a change to its position, location or route has been proscribed under a condition of this permission.

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

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

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

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

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

20. No development shall commence until a Deer Management Plan has been submitted to, and approved in writing, by the Planning Authority. This plan shall detail how deer will be managed to avoid displacement from the wind farm site and include a schedule to avoid deer vehicle collisions and impacts on habitats.

Reason: To ensure the development does not have an adverse impact on the qualifying features of the surrounding habitat.

23. No development shall commence until the Planning Authority has approved the terms of appointment of a Planning Monitoring Officer (PMO), the identity of the appointee by and at the cost of the Developer of an independent and suitably qualified consultant to assist the Planning Authority in the monitoring of compliance with conditions attached to this deemed planning permission during the period from commencement of Development to the date of final decommissioning.

The role of the PMO shall include the monitoring of compliance with all conditions, agreements and obligations related to this permission (and/or any superseding or related permissions) and shall include the provision of a quarterly compliance report to the Planning Authority throughout the construction phase. Following the final commissioning of the wind farm a compliance report shall be submitted no

later than 31 March of the following years 1, 3, 5, 10, 15, 20, 25.

Reason: To enable the Development to be suitably monitored during the construction and operational phases to ensure compliance with the permission issued.

24. No development shall commence until a proposed scheme for the working of each borrow pit within the site has been submitted to, and approved in writing by, the Planning Authority, in consultation with SEPA and SNH. Thereafter, the scheme shall be implemented as approved. The scheme shall make provision for:
- i. Methods of working (including the timing of works and the use of explosives and/or rock-breaking equipment);
 - ii. A description of the volume and type of minerals, aggregates and/or fines to be extracted from each borrow pit, including harness and potential for pollution;
 - iii. A site plan and section drawings showing the location and extent of each proposed extraction area;
 - iv. Overburden (peat, soil and rock) handling and management;
 - v. Drainage infrastructure, including measures to prevent the drying out of surrounding peatland; and
 - vi. A programme for the re-instatement, restoration and aftercare of each borrow pit once working has ceased.

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

25. No development shall commence until a scheme of interpretation, maintenance and mitigation associated with the unscheduled sections of the Corrieyairick Pass, is submitted to and agreed in writing by the Planning Authority. The approved scheme of interpretation shall be implemented no later than 12 months after the date of first electricity being exported from the Wind Farm.

Reason: In order to mitigate the effects on the experience of using the Corrieyairick Pass as a result of the development.

26. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

27. No development shall commence until a Compensatory Planting Plan has been submitted to and approved in writing by the Planning Authority. The Compensatory Planting Plan shall provide for the planting of woodland

commensurate with the level of woodland lost (gross area), or such figure as may otherwise be agreed in writing by the Planning Authority, that includes a significant element of productive woodland, to be carried out across an area in the vicinity of the application site.

The Compensatory Planting Plan shall include full details of establishment, fencing, a programme for ongoing maintenance as well as the supervision of works both during and following completion by a suitably qualified forestry consultant. The agreed Compensatory Planting Plan shall be implemented in full within one year of the first operation of the development and maintained thereafter for a period of not less than 10 years to the satisfaction of the Planning Authority.

Reason: To enable appropriate woodland removal to proceed, without incurring a net loss in woodland related public benefit, in accordance with the Scottish Government's policy on the Control of Woodland Removal.

28. No development or work (including site clearance) shall commence until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, all in accordance with the attached specification, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

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

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

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

30. The Wind Turbine Noise Level, including the application of any tonal penalty specified in ETSU-R-97 at pages 99-109, shall not exceed 35 dB LA90,10min at any Noise-Sensitive Premises. This condition shall only apply at wind speeds up to 10m/s measured or calculated using the methods described in "Prediction and Assessment of Wind Turbine Noise" (published in IOA Bulletin March/April 2009).

The Wind Farm Operator shall, beginning with the first day upon which the wind farm becomes operational, log wind speed and wind direction data continually and shall retain the data for a period of at least 12 months from the date that it was logged. The data shall include the average wind speed, measured in metres per second, over 10 minute measuring periods. These measuring periods shall be set to commence on the hour and at 10 minute consecutive increments thereafter.

Measurements shall be calculated at 10m above ground level using the methods described in "Prediction and Assessment of Wind Turbine Noise" (published in IOA Bulletin March/April 2009). All wind speed data shall be made available to the Planning Authority on request in Microsoft Excel compatible electronic spreadsheet format.

At the reasonable request of the Planning Authority, the Wind Farm Operator shall assess, at its own expense and using a suitably qualified consultant(s) not involved in the original noise assessment, the level of noise emissions from the Wind Turbines.

Assessment shall be carried out in accordance with the Noise Measurement and Mitigation Scheme as required by condition 32 of this planning permission and a report of assessment shall be submitted to the Planning Authority within two months of a request under this condition, unless an alternative timescale is otherwise agreed in writing by the Planning Authority.

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

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

32. No development shall commence until a Noise Measurement and Mitigation Scheme has been submitted to, and approved in writing by, the Planning Authority. The scheme shall include:
- i. A framework for the measurement and calculation of noise levels to be undertaken in accordance with "The Assessment & Rating of Noise from Wind Farms", September 1996, ESTU report number ETSU-R-97 having regard to paragraphs 1-3 and 5-11 inclusive, of The Schedule, pages 95 to 97; and Supplementary Guidance Notes to the Planning Obligation, pages 99 to 109. Wind speeds shall be determined using the methods in "Prediction and Assessment of Wind Turbine Noise" (published in IOA Bulletin March/April 2009); and
 - ii. Mitigation measures to be enacted, along with a timetable(s) for implementation, should noise emissions exceed the limits prescribed under this planning permission.

Reason: To ensure that, following a complaint, noise levels can be measured to

assess whether or not the predicted noise levels set out within the supporting noise assessment have been breached, and where excessive noise is recorded, suitable mitigation are undertaken.

33. No development shall commence until a plan showing details of the guyed supports of any guyed mast with bird deflector tags clearly marked is submitted to, and approved by the Planning Authority. For the avoidance of doubt, the bird deflectors should be sufficient to ensure that all species of birds are adequately protected from bird strike. The plan shall detail the location and type of bird deflectors and supporting information shall be submitted on the style of bird deflectors.

Reason : In order to minimise the risk of birds colliding with the guyed supports of the meteorological mast.

34. No development shall commence until a Stage 1 Habitat Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with SNH and SEPA. The Habitat Management Plan shall set out proposed long term management for the wind farm site and shall provide for the management, monitoring and reporting of terrestrial and aquatic habitats on site..

The approved Habitat Management Plan will be reviewed and updated by the Developer to reflect ground condition surveys undertaken during construction and prior to the First Export Date and shall be submitted to the Planning Authority for its written approval in consultation with SNH and SEPA prior to the First Export Date, as the Stage 2 Habitat Management Plan.

In furtherance of the aim and for the better implementation and review of the Habitat Management Plan Steering Group (HMP SG) shall be formed prior to the commencement of any development. The membership of this HMP SG will include representatives of the Developer, the Planning Authority and SNH. The HMP SG will meet annually but it is expected that its consideration of relevant matters will be primarily by exchange of correspondence.

The Stage 2 Habitat Management Plan shall be further reviewed by the Developer at a frequency of no longer than the 5 year anniversary of the First Export Date, and no longer than every 6 years thereafter until the Development is no longer in operation and the Decommissioning and Restoration Plan has been implemented in full. The Developer shall submit a stage reviewed Habitat Management Plan following each such Habitat Management Plan monitoring year as provided for in the Habitat Management Plan for approval in writing by the Planning Authority in consultation with SNH and SEPA. Mitigation identified through the reviewed Habitat Management Plans shall be implemented in full by the Developer, unless otherwise agreed in writing by the Planning Authority in consultation with SNH and SEPA.

HMP monitoring shall be carried out by the Developer in operational years 1, 5, 10, 15 and 25 and shall be reported to the Planning Authority, the HMP Steering Group in writing by the Developer.

The Developer shall submit a monitoring report to the Planning Authority, SNH and SEPA on the ongoing implementation of the approved Habitat Management Plan which will be provided no later than 6 months after the end of each HMP monitoring year. The monitoring report shall present an assessment of the implementation of the Habitat Management Plan, including -

- a. an assessment of the implementation of the Habitat Management Plan, and any reviewed such plan, in relation to the aims and objectives of the plan;
- b. the levels, if any, of habitat restoration delivered on site, and
- c. the results of any monitoring and surveys required in compliance with the conditions of this deemed planning permission.

If a monitoring report identifies that the implementation of the Habitat Management Plan is not meeting the aims and objectives of the Habitat Management Plan then this shall be reported by the Developer to the HMP SG along with details of the proposed mitigation and any other works considered to be required to ensure the aims and objectives of the approved Habitat Management Plan will be met within 6 months of the relevant monitoring report being so submitted. The HMP SG will review such proposals and make recommendations thereon. The Developer shall then finalise proposed mitigation and other works, incorporate changes into an updated Habitat Management Plan which shall be submitted to the Planning Authority within 12 months of the relevant monitoring report for written approval in consultation with SNH and SEPA.

Unless otherwise agreed in advance in writing with the Planning Authority after consultation with SNH and SEPA, the approved Habitat Management Plan, each approved reviewed Habitat Management Plan and updated mitigation and works to achieve same shall be implemented in full by the Developer.

Reason: In the interests of good land management, the protection of habitats and to minimise collision risk to bird species which are qualifying interests of the Caithness and Sutherland Peatlands Special Protection Area.

35. No development shall commence until a TV mitigation plan has been submitted to, and approved in writing by, the Planning Authority. The plan shall provide for a baseline TV reception survey to be carried out prior to the commencement of turbine installation, the results of which shall be submitted to the Planning Authority. Within 12 months of the first export of electricity from the wind farm, any claim by any individual person regarding TV picture loss or interference at their house, business premises or other building, shall be investigated by a qualified engineer appointed by the developer and the results shall be submitted to the Planning Authority. Should any impairment to the TV signal be attributable to the development, the developer shall remedy such impairment so that the standard of reception at the affected property is equivalent to the baseline TV reception.

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

Informatives

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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

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

Initiation and Completion Notices

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

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

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

Accordance with Approved Plans & Conditions

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

Flood Risk

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

Scottish Water

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

Local Roads Authority Consent

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

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

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

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

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

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

Mud & Debris on Road

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

Damage to the Public Road

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

Protected Species - Halting of Work

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

SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species.

Protected Species - Ground Nesting Birds:

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

www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp

Construction Hours and Noise-Generating Activities

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

Definition of Terms Used in this Decision Notice

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

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

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

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

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

"Noise-Sensitive Premises" means any building, structure or other development that, on the date of this planning permission, exists or is yet to exist but benefits from extant planning permission, the lawful use of which falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) or is as a flat or static residential caravan. Where such documents exist, this definition also includes any other premises defined as being noise-sensitive within any Environment Statement or other assessment or survey submitted in support of the planning application. For the purposes of this definition, 'premises' includes any relevant curtilage.

Major Development Site Notice

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

Designation: Head of Planning and Building Standards
Author: Simon Hindson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: 03001D2512-02 - Location Plan
03001D1001-07 - Site Infrastructure Layout Plan
03001D0001-11 - Turbine Layout




CULACHY WIND FARM

FIGURE 1.1

SITE LOCATION & PLANNING APPLICATION BOUNDARY

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2014 LICENCE NUMBER 0100031673.

KEY

 SITE BOUNDARY



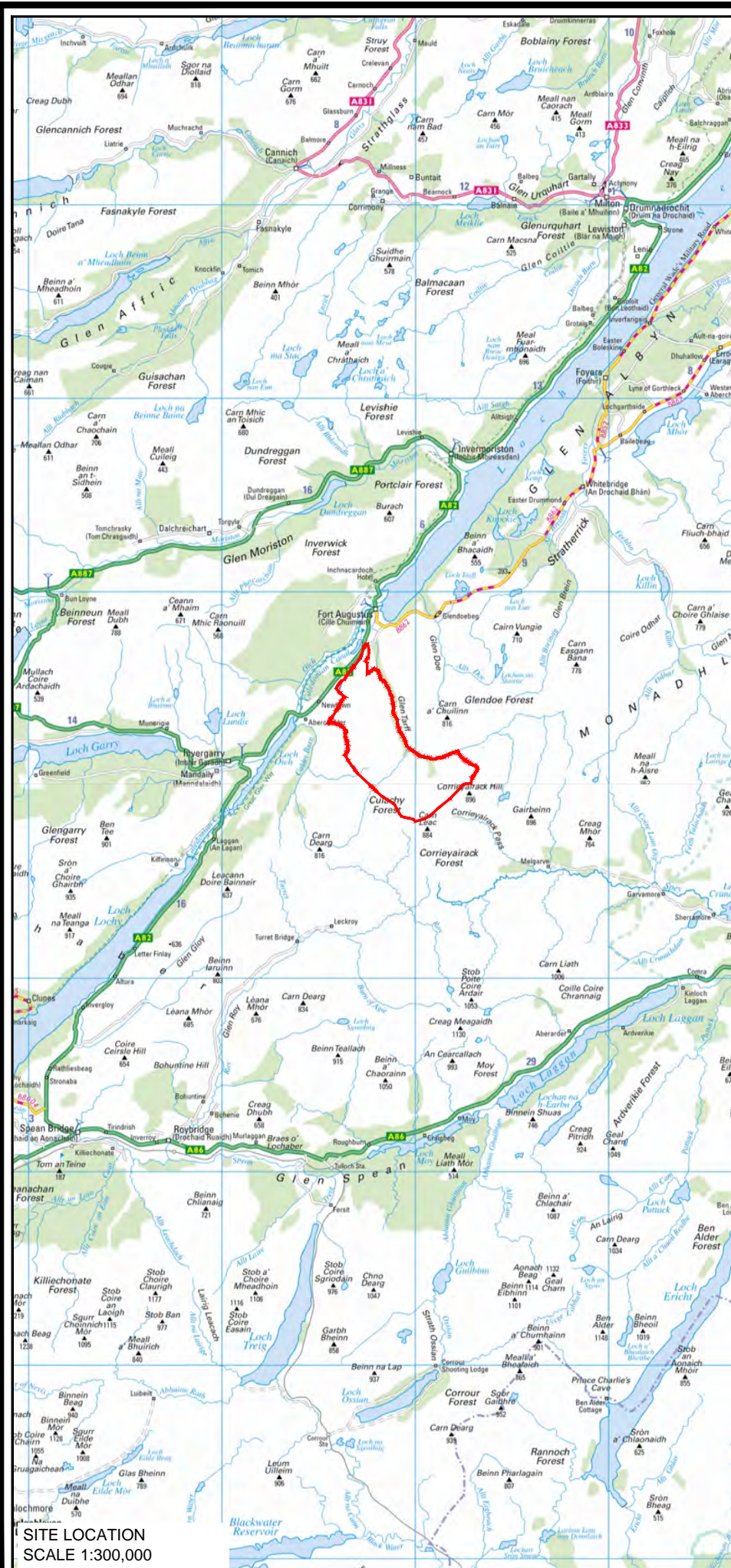
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DRAWING NUMBER
03001D2512-02

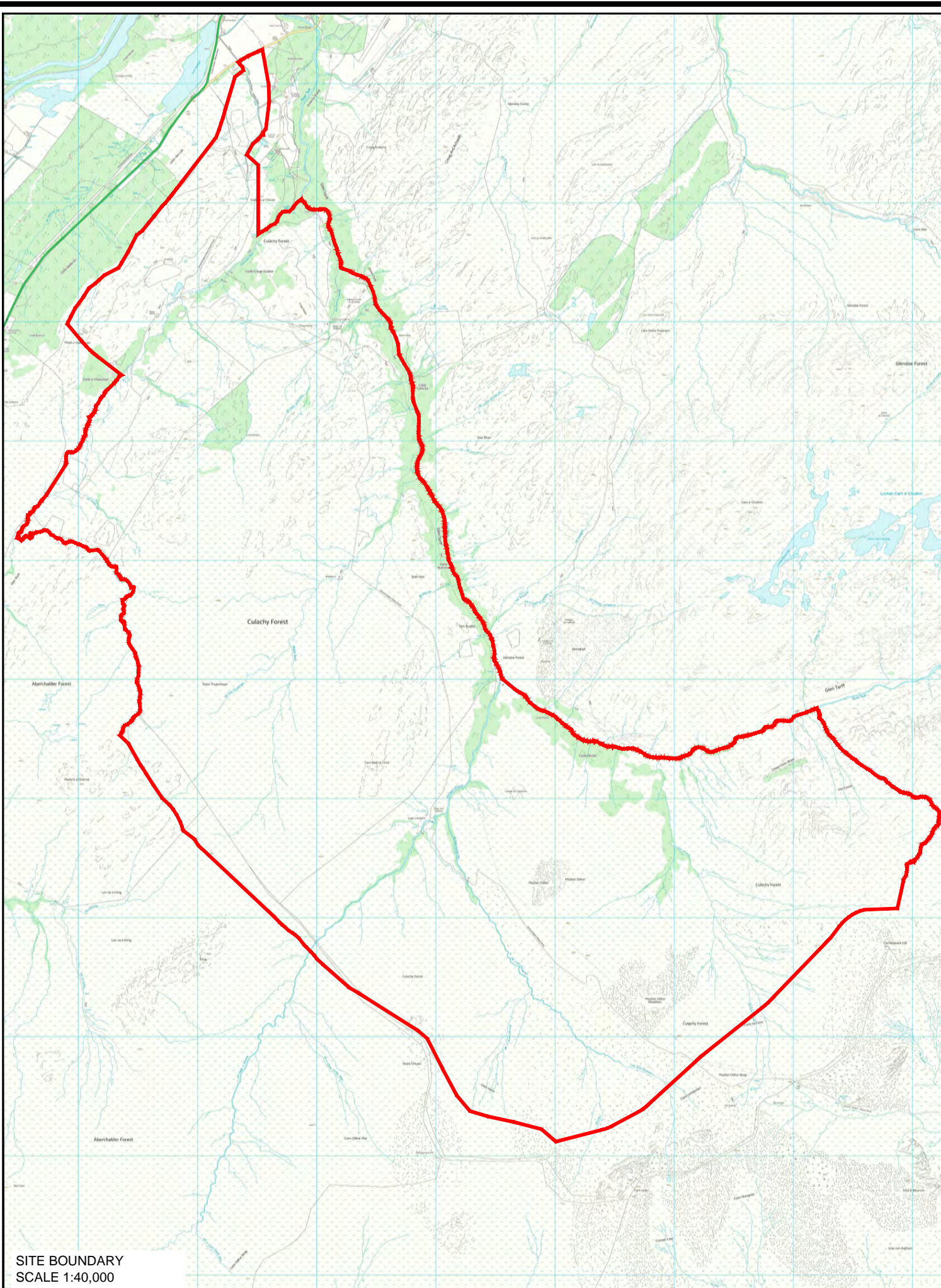
SCALE - AS SHOWN

ENVIRONMENTAL STATEMENT & PLANNING APPLICATION 2014

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SITE LOCATION
SCALE 1:300,000



SITE BOUNDARY
SCALE 1:40,000



CULACHY WIND FARM

FIGURE 1.2

INFRASTRUCTURE LAYOUT

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- KEY**
- ⊕ WIND TURBINE LOCATION
 - SITE BOUNDARY (TAKEN FROM RES DRAWING 03001D2502-05)
 - NEW CUT TRACKS
 - NEW FLOATED TRACKS
 - EXISTING TRACK TO BE UPGRADED OR REINSTATED ALONG SIMILAR ALIGNMENT
 - NEW TEMPORARY TRACK
 - CRANE HARDSTANDING AREA
 - PERMANENT
 - TEMPORARY
 - TEMPORARY CONSTRUCTION COMPOUND WITH PARKING
 - BATCHING PLANT
 - BORROW PIT SEARCH AREA
 - PREFERRED BORROW PIT
 - AREA HISTORICALLY USED AS A BORROW PIT
 - SUBSTATION AND COMPOUND
 - CONTROL BUILDING AND COMPOUND
 - 10m TELECOMS MAST (NOT TO SCALE)
 - METEOROLOGICAL MAST LOCATION (PERMANENT LATTICE TYPE, NOT TO SCALE) (TAKEN FROM RES DRAWING 03001D0103-01)
 - ✕ METEOROLOGICAL CALIBRATION MAST LOCATION (TEMPORARY GUYED LATTICE TYPE, INDICATIVE FOOTPRINT SHOWN) (TAKEN FROM RES DRAWING 03001D0102-02)
 - BEAULY DENNY OHL
 - ➔ SITE ENTRANCE LOCATION

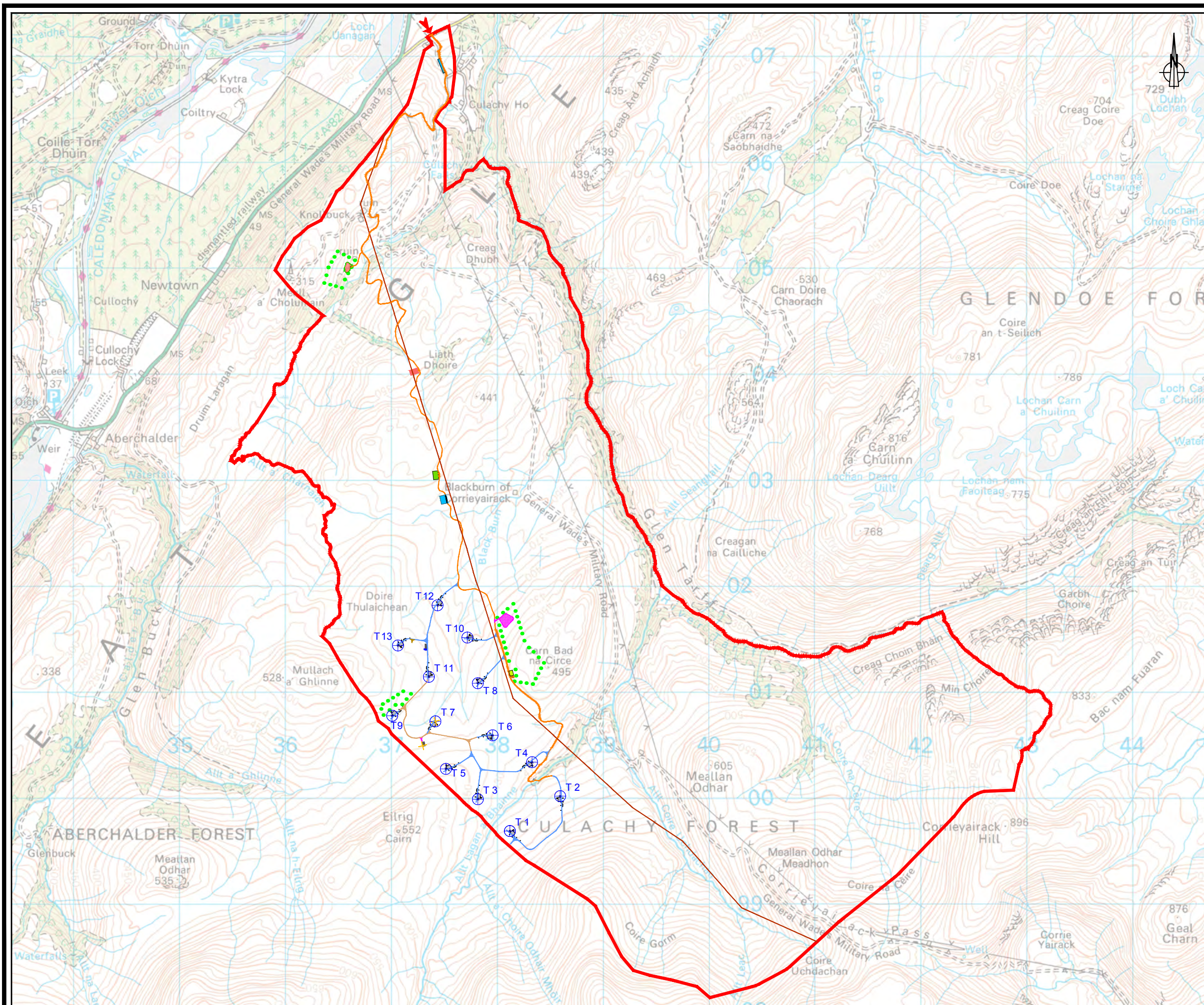
LAYOUT DWG: 03001D0001-11 T-LAYOUT NO: PSC0cul049

DRAWING NUMBER: 03001D1001-07

SCALE - 1:35,000

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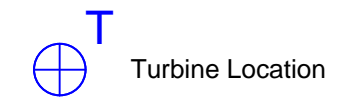


CULACHY WIND FARM

FIGURE 1.1

TURBINE LAYOUT

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Turbine ID	Easting	Northing
T1	238118	799689
T2	238593	800019
T3	237816	799989
T4	238328	800340
T5	237514	800276
T6	237955	800593
T7	237415	800725
T8	237815	801085
T9	237006	800778
T10	237717	801516
T11	237353	801145
T12	237435	801821
T13	237061	801441

Note:
All turbines have a maximum tip height of 149.5m except T13 which has a maximum tip height of 132m.



LAYOUT DWG: N/A T-LAYOUT NO: PSC0cul049

DRAWING NUMBER: 03001D0001-11

SCALE - 1 : 20,000

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