

THE HIGHLAND COUNCIL

**NORTH AREA PLANNING APPLICATIONS COMMITTEE
07 June 2016**

Agenda Item	6.4
Report No	PLN/032/16

**16/01336/S36: EDF Energy Limited
Corriemoillie Wind Farm, Corriemoillie Forest, Gorstan, Garve**

Report by Head of Planning and Building Standards

SUMMARY

Description: Erection of 19 wind turbines - increase in generating capacity from 47.5MW to 60.8MW

Recommendation: RAISE NO OBJECTION.

Ward: 6 – Wester Ross, Strathpeffer and Lochalsh

Development category: N/A

Pre-determination hearing: None

Reason referred to Committee: Application under S36 of the Electricity Act 1989

1.0 PROPOSED DEVELOPMENT

- 1.1 This proposal follows on from a grant of planning permission for 19 wind turbines each up to 2.5MW power rating (47.5MW in total) and associated infrastructure including control building, cabling, access tracks, watercourse crossings, hard standings, borrow pits, and a permanent wind monitoring mast. This development is currently under construction.
- 1.2 It is proposed to increase the rated output of each of the 19 generators to 3.2MW and therefore the development as now proposed exceeds 50MW and required Scottish Ministers consent under the Electricity Act 1989. Should Ministers approve the 'power station,' approval carries with it deemed planning permission under section 57(2) of the Town and Country Planning (Scotland) Act 1997. The Council is therefore an important consultee.
- 1.3 The development is Environmental Impact Assessment development. Notwithstanding that the change only relates to the increase in power output, the applicant has submitted the original Environmental Statement along with an Addendum in support of the application.

2.0 SITE DESCRIPTION

- 2.1 The wind farm site is situated on an area of high ground between Loch Glascarnoch and Loch Luichart approximately 7km to the northwest of the nearest significant settlement of Garve and 3km to the north of the hamlet of Lochluichart.
- 2.2 The site extends to 491 hectares of which 354 hectares were given over to commercial forestry plantation that have now been felled. The remainder of the site comprises primarily of heaths and bog, both blanket and modified wet, as well as areas of standing water. Development is well underway on the site with the road construction almost complete.

3.0 PLANNING HISTORY

- 3.1 05.10.2010 – Planning application for 19 turbine wind farm development withdrawn (09/00693/FULRC). This was withdrawn in order to progress with the current application, the boundary having been amended to accommodate the shared access with Lochluichart wind farm.
- 3.2 21.04.2011 - Planning permission granted for 19 wind turbines, hardstandings, anemometer mast, wind farm control building, formation of temporary construction compound, laydown area, access tracks and 5 borrow pits (10/04137/FUL).
- 3.3 Planning permission granted for development of land without compliance with Condition 1 of planning permission 10/04137/FUL for erection of 19 wind turbines, hardstandings, anemometer mast, wind farm control building, formation of temporary construction compound, laydown area, access tracks and 5 borrow pits and extend time period for commencement by a further year (13/01082/S42).
- 3.4 The Report on planning application 10/04137/FUL is contained within Appendix 2 and the Decision Notice contained within Appendix 3.

4.0 PUBLIC PARTICIPATION

- 4.1 Advertised: The application was first advertised in the Edinburgh Gazette, Ross-shire Journal and North Star on 18 and 25 May 2016 and last advertised in the Edinburgh Gazette and Ross-shire Journal on 6 and 13 May 2016 and North Star on 5 and 12 May 2016 following receipt of the first consultation response.

Representation deadline: 14 June 2016.

Representations against:	2
Comments:	0
Representations in support:	0

- 4.2 Material considerations raised are summarised as follows:

- Impacts on carbon rich soils, deep peat and priority peatland habitats
- Landscape and visual impact
- Loss of habitat

- Impact on flora and fauna
- Cumulative impact with other wind energy schemes

4.3 Non-material considerations raised are summarised as follows:

- General misgivings over wind energy
- Impact on property values
- Impact on health

4.4 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5.0 CONSULTATIONS

Consultations undertaken by The Highland Council

- 5.1 **Garve and District Community Council** has no comment to make on the proposal.
- 5.2 **Historic Environment Team** has not commented.
- 5.3 **Access Officer** has not commented.
- 5.4 **Environmental Health** has not commented.
- 5.5 **Transport Planning** advise that the roads related impacts of this proposal will not differ significantly to the consented proposal and that the conditions on that permission should therefore be re-applied.

Consultations undertaken by Scottish Government Energy Consent Unit

- 5.6 **Scottish Environment Protection Agency (SEPA)** *'understand that there will be no change in footprint and that the works will be carried out in accordance with the Construction Environmental Management Plan submitted in support of planning Condition 9 for planning consent 10/04137/FUL. Therefore we have no objection to the proposed increase in generational capacity.'*
- 5.7 **Scottish Natural Heritage (SNH)** summarise its responses as follows:

'The additional impacts associated with this Section 36 application are minor when considered over and above the impacts of the currently consented scheme. The advice and conditions recommended in our letter of 15 December 2010 to The Highland Council were to minimise the impacts of the currently consented scheme and should therefore be applied to this Section 36 application.'

- 5.8 **Historic Environment Scotland** advises:

'We have reviewed the Environmental Statement (2010) originally submitted to The Highland Council in support of the development of a 19 turbine windfarm at Corriemoillie alongside the updated Environmental Statement (2016) in support of

the current application proposals to increase its generational capacity. We have concluded that the current application proposals do not raise issues of national significance for our historic environment interests. Historic Environment Scotland therefore does not wish to object to the application.'

- 5.9 **CAA** has no comment to make on the proposal.
- 5.10 **MOD** has no objection.
- 5.11 **HIAL** confirms that given the position and height, this development would not infringe on the safeguarding surfaces for Inverness Airport and therefore HIAL does not object to the proposal.
- 5.12 **NATS** states that *'the proposal does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.'*
- 5.13 **Visit Scotland** highlights the importance of Scottish tourism to the economy, and of Scotland's landscape in attracting visitors to Scotland. It advises that any potential detrimental impact of the proposed development on tourism - whether visually, environmentally and economically - be identified and considered in full including when taking decisions over turbine height and number.
- 5.14 **Mountaineering Council of Scotland** has made no comment.

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)

Policy 28	Sustainable Development
Policy 29	Design, Quality and Place Making
Policy 53	Minerals
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 64	Flood Risk
Policy 67	Renewable Energy

- 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

West Highlands and Islands Local Plan (April 2010) as continued in force

6.2 The West Highlands and Islands Local Plan does not contain any specific policies relating to on-shore wind energy development.

Supplementary Guidance

6.3 The following Supplementary Guidance forms a statutory part of the development plan and are considered pertinent to the determination of this application:

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

7.0 OTHER RELEVANT PLANNING POLICY

Onshore Wind Energy: Draft Supplementary Guidance (September 2015)

7.1 This 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. Once finalised, the document will include an assessment of landscape/visual sensitivity for those areas most under pressure from on-shore wind development. At this stage, the draft document is a material consideration in the determination of planning applications but the weight attached to it should reflect its draft status. It is anticipated that the document will be adopted mid-2016.

Highland Renewable Energy Strategy (HRES) (May 2006)

7.2 While superseded in many respects by the Draft Supplementary Guidance noted above, HRES is still relevant as a strategy document. HRES sets out the Council's on-shore wind energy installed capacity targets. These are 1200MW by 2015, 1400MW by 2020 and 2900MW by 2050.

7.3 HRES policies relevant to the current application, not otherwise superseded by the above noted Supplementary Guidance, include:

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

Scottish Government Planning Policy and Guidance (June 2014)

7.4 The Scottish Government published its updated policy statement and advice in June 2014. It advances principal policies on Sustainability and Place-making, 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.

7.5 SPP contains a general support for onshore wind development. 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.

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

- National Planning Framework for Scotland 3
- PAN 1/2011 Planning and Noise
- PAN 1/2013 Environmental Impact Assessment
- PAN 60 – Planning for Natural Heritage
- Scottish Government policy on Woodland Removal
- 2020 Routemap for Renewable Energy and updates
- Onshore Wind Turbines
- Wind Farm developments on Peat Lands

8.0 PLANNING APPRAISAL

8.1 While this is not a planning application, Members are reminded that any consent carries with it a deemed planning permission under s57(2) of the Town and Country Planning (Scotland) Act 1997. It is therefore appropriate that any determination is made on the planning merits.

8.2 Section 25 and 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. In this case the Development plan is the Highland wide Local Development Plan and the West Highlands and Islands Local Plan (as continued in force).

Determining Issues

8.3 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

8.4 This proposal relates to a development that is already under construction. All pre-commencement requirements set out within the original permission have been satisfied, including the make, model and dimensions of turbine. The proposed 3.2MW machine has been agreed, albeit that at this rated output only 15 of the 19 turbines could be erected. This proposal would enable all 19 turbines to be erected. Other than the rated output, there is no material amendment proposed to the development that has already been granted. The key consideration is whether the proposal is consistent with the development plan and/or if there are any other material considerations.

Development Plan

8.4 The development plan framework has changed since the Council granted planning permission for this scheme with the introduction of the Highland wide Local Development Plan.

8.5 The current Development Plan comprises the adopted Highland wide Local Development Plan (HwLDP) and the West Highlands and Islands Development Plan (2010) as continued in force. There are no site specific policies affecting this application site within the West Highland and Islands Local Plan.

8.6 The HwLDP recognises the potential for renewable energy development in Highland. Policy 67 (Renewable Energy Developments) of the Highland-wide Local Development Plan gives general support to this type of renewable energy development and is the key policy consideration in assessing wind energy development. However, various considerations and safeguards are built into the policy wording. Policies 28 (Sustainable Design), 57 (Cultural and Built Heritage), 58 (Protected Species) and 61 (Landscape) are all relevant to this application and require to be given due weight. These are very similar provisions to that identified within the Highland Structure Plan; in particular Policies E2, G2, BC1, G6, N1, and L4.

8.7 It can be seen from the Report into the proposal already permitted, contained in Appendix 2, that the general terms of policy are very similar between The Highland Structure Plan and Highland wide Local Development Plan; in particular in this case, the general support for renewable energy proposals. Under either framework, where development is located, sited and designed in such a way as not to be **significantly detrimental**, either individually or cumulatively with other developments, proposals would accord with the Development Plan.

Supplementary Guidance

- 8.8 Following the publication of SPP, in June 2014, the Council reviewed its Supplementary Guidance. The 2015 draft Onshore Wind Energy Supplementary Guidance is a material consideration in the determination of planning applications; the weight to which can be afforded should be reflective of its draft status.
- 8.9 The site falls within a Group 2 'area of significant protection.' The reason for this is the peat environment. The guidance expands on the considerations/criteria set out within the Development Plan, including potential for development within the peat environment. In other words, development is possible.

National Policy

- 8.10 As indicated above, in addition to the change in Development Plan policy, Scottish Planning Policy was also revised in 2014. In this same year, National Planning Framework 3 replaced the previous version.
- 8.11 These documents reinforce the importance of renewable energy development. The Scottish Government now has a target of 50% of Scotland's electricity demand generated from renewable resources by 2015 and 100% of demand by 2020. This is significantly higher than previous ambitions. Other notable changes included the requirement to protect wild land areas, identified by SNH, and the need to minimise impacts on the peat environment.

Other material considerations

- 8.12 The pre-commencement conditions have been satisfied for the consented development and development is already underway. The issues raised by third parties have already been taken into account in consideration of this scheme.

9.0 CONCLUSION

- 9.1 As there are no differences, other than an increase in capacity, it is not considered that the proposal raises any substantive issues in respect of development plan policy.
- 9.2 The national policy position has not substantially changed since the determination of the planning application other than to strengthen the desire to achieve increased capacity targets; something that this proposal seeks to maximise. The Council's new non-statutory guidance regarding on-shore wind takes into account national policy. This site is within a Stage 2 area. There are no implications on wild land areas arising from the proposal, nor the peat environment, which have already been tested through the application process.
- 9.3 In summary, the development proposed does not introduce any additional impact on the environment that has not already been taken into account. The turbine dimensions have already been agreed through the satisfaction of conditions process and the development has commenced on this basis. The proposal to increase capacity is compatible with national policy and the Development Plan.

10.0 RECOMMENDATION

It is recommended that the Council **Raise no Objection** to the proposal subject to those conditions set out within Appendix 3.

Designation: Head of Planning and Building Standards

Author: David Mudie (01463) 702255

Date: 21 March 2016

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

Appendix 1 - List of Representations

OBJECTORS

1. Miss Helen Palin, 16 Lernreway, South Lochs, Isel of Lewis HS2 9RD 06/04/16
2. Mr Peter Batten, 15 Rowan Drive, Culbokie, Dingwall IV7 8NB 13/04/16

Appendix 2

THE HIGHLAND COUNCIL

Ross, Skye and Lochaber Planning Applications Committee

22 March 2010

Agenda Item	2.1
Report No	PLR-032-11

**Erection of 19 wind turbines, hard standings, anemometer mast, wind farm control building, temporary construction compound, lay down area, access tracks and 5 borrow pits at Corriemoillie Forest, Gorstan, Garve.
10/04137/FUL: E.on Climate and Renewables**

Report by Head of Planning and Building Standards

SUMMARY

Description: The proposal is a 19 turbine wind farm development with installed capacity of 47.5MW on land within the Corriemoillie Forest approximately 3km north of Lochluichart and 7km northwest of Garve. The turbines will be a maximum of 125m to blade tip in height. Access will be taken from the A835 opposite the Aultguish Inn.

Recommendation: GRANT planning permission.

Ward: 6 – Wester Ross, Strathpeffer and Lochalsh

Development category: Major.

Pre-determination hearing: Yes – Member request.

Reason referred to Committee: More than 5 objections.

1.0 PROPOSED DEVELOPMENT

- 1.1 It is proposed to erect 19 wind turbines each of up to 2.5MW power rating (47.5MW in total) and associated infrastructure including control building, cabling, access tracks, watercourse crossings, hard standings, borrow pits, and a permanent wind monitoring mast.
- 1.2 The proposed wind turbines will have a maximum overall height of 125 metres to blade tip. No rotor diameter has been specified. A 70 metre high anemometry mast is proposed adjacent to turbine 14 to the south of the site. The candidate turbine for the purposes of noise impact is given as the Siemens SWT – 2.3-93 with a hub height of 80m. This is consistent with the adjacent consented Lochluichart scheme.
- 1.3 It is proposed to share the Lochluichart wind farm site access which involves construction of a new junction on the A835 opposite the Aultguish Inn. This access track enters the Corriemoillie site boundary around 2.5km to the south. Within the site boundary around 9.5km of new access track and 1.6km of upgraded track is

required. This will involve the construction of four new watercourse crossings. The track will have a typical running surface width of 5m with 5m passing places.

- 1.4 The power produced by the turbines will be fed to a control building, located to the south of the site. Only indicative details of the proposed control building have been given but it is envisaged that this will be a single storey structure with a pitched roof and a footprint no greater than 150sqm. The control building will house switchgear, control and monitoring computers as well as welfare provision. Cabling connecting wind turbines to the switch room is to be laid alongside access tracks.
- 1.5 Connection to the grid will be via underground cable from the control building. This will be the responsibility of Scottish Hydro Electric Transmission Ltd (SHETL). It is understood that SHETL will be building a new transformer, located to the south of the site, within the Corriemoillie Forest as part of the ongoing rationalisation of the Beauly to Grudie transmission line.
- 1.6 It is proposed to source stone from five on-site 'borrow' workings. It is estimated that approximately 180,450m³ of solid rock will be required to construct the wind farm (tracks and access road, construction compound, concrete, substation compound, hard-standings and passing bays).
- 1.7 The development will involve the felling of in excess of 350 hectares of plantation forest. This will be undertaken prior to the commencement of construction. It is anticipated that this will be subject to a separate application for a felling license to Forestry Commission for Scotland (FCS).
- 1.8 As the proposal involves Environmental Impact Assessment development, the application is supported by an Environmental Statement (ES).

2.0 SITE DESCRIPTION

- 2.1 The wind farm site is situated on an area of high ground between Loch Glascarnoch and Loch Luichart approximately 7km to the northwest of the nearest significant settlement of Garve and 3km to the north of the hamlet of Lochluichart. Of the 491 hectares, 354 hectares are given over to commercial forestry plantation typical to that planted in the late 1970's – early 1980's. This is not actively managed. The remainder of the site comprises primarily of heaths and bog, both blanket and modified wet, as well as areas of standing water.
- 2.2 The proposed wind farm site lies within two water catchments; to the south the An Stathan River which discharges to Loch Luichart and to the north the Allt Giubhais Beag sub-catchment (including Allt Beithe and Lochan Dubh Mor and associated tributaries) that discharge into The Black Water east of the Aultguish Inn. Loch Luichart flows into the River Conan and The Black Water is a tributary of the River Conan. The River Conan is a designated salmonid fishery under the Freshwater for Fish Directive (78/659/EEC)
- 2.3 There are no statutory natural heritage designations on the site. However, parts of the site, for example those adjacent to the principal watercourses, are likely to support otter, which is a European Protected Species (EPS), and water vole. There is evidence of localised badger and bat activity. In addition, the habitat is likely to

support breeding red throated diver and golden plover which are protected under the EC Birds Directive, aswell as providing suitable habitat for black grouse greenshank, snipe and dunlin.

- 2.4 There are a number of statutory designated sites in the wider area (i.e. within 10 km of the proposed wind farm):

Beinn Dearg Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) & Special Area for Conservation (SAC) is the nearest statutory designated site for nature conservation and lies 4.7km to the north of the proposed wind farm. Its designation is botanical, geological and for its upland breeding bird assemblage. The SPA qualifying interest is its nationally important population of breeding dotterel.

Achanalt Marshes SSSI & SPA lies approximately 7.6km southwest of the wind farm site. The designation is biological and qualifying interest of the SPA its nationally important population of sandpiper (50% of the British breeding population).

Fannich Hills SSSI lies approximately 5.8km west of the site. The designation relates to its upland breeding bird assemblage.

Ben Wyvis SSSI & SAC and Ben Wyvis SPA lies approximately 8.1km and 8.9km respectively east of the site. The SSSI designation is geological. The qualifying interest of the SPA is its nationally important population of breeding dotterel.

Carn Gorm SSSI lies approximately 9.1km to the southeast of the site. The qualifying interests are geological.

Glen Affric to Strathconon SPA (SPA) lies 3.6km south of the site. The qualifying interest is golden eagle with 10 breeding pairs recorded in 2003.

Cromarty Firth SPA/Ramsar/SSSI lies 21km southeast of the wind farm is designated for supporting an internationally important population of wintering greylag geese, whooper swan and waterfowl.

- 2.5 The proposed wind farm is located on a landscape character type described as 'rounded hills' in the Ross and Cromarty Landscape Character Assessment (SNH, 1999) and adjacent to the 'rugged mountain massif' landscape character type. The former is a landscape that could be described as being open and exposed.

- 2.6 There are a number of Areas of Great Landscape Value/Special Landscape Areas (AGLV/SLA) focussing on the nearby mountain ranges within the vicinity of the site, particularly the Beinn Dearg – Fannich range directly to the west and Ben Wyvis to the east. The site is also close to two search areas for wild land (as identified in SNH's policy statement *Wildness in Scotland's Countryside*) and important tourist routes to Wester Ross and Skye. The Wester Ross National Scenic Area lies around 20km to the west. The site lies within the Ministry of Defence Tactical Training Area 14T.

2.7 There are no Scheduled Ancient Monuments, Listed Buildings, Conservation Areas or sites recorded in the Inventory of Gardens and Designed Landscapes within the application site. Within 10km of the site there is one Scheduled Ancient Monument; Little Garve Bridge over the Black Water. There are no Category A listed buildings, Gardens and Designed Landscapes or Conservation Areas within 10 kilometres of the boundary of the proposed wind farm. However, there are several nationally important sites and Category B and C(s) listed buildings. There are two properties listed within the Inventory of Gardens and Designed Landscapes sites within 15km of the wind farm site; Scatwell, located 10.5km south southeast and Castle Leod approximately 14.5km southeast.

2.8 Nearest noise sensitive receptors are:

1. Forest Hill - 2.4km (south)
2. Corriemoillie Farm - 2.3km (south)
3. Lochluichart Lodge - 2.6km (south)
4. Corriemoillie Lodge - 2.8km (south)
5. Glenview - 2.5km (south)
6. The Aultguish Inn - 2.4km (north)

3.0 PLANNING HISTORY

3.1 03.03.2003 & 06.05.2009 – EIA Scoping Opinion provided.

3.2 22.12.2008 – Scottish Ministers consent given and planning permission deemed to be granted for 17 turbine wind farm development on Lochluichart Estate (05/01052/s36RC).

3.3 In addition to Lochluichart which is immediately to the west of the proposed development, the following wind energy projects lie within a 35km radius: -

1. Lochluichart Wind Farm - 2km
2. Fairburn Wind Farm -14km
3. Novar (Meall an Tuirc) and extension 18km
4. Beinn Tharsuinn - 29km

3.4 05.10.2010 – Planning application for 19 turbine wind farm development withdrawn (09/00693/FULRC). This was withdrawn in order to progress with the current application, the boundary having been amended to accommodate the shared access with Lochluichart wind farm.

3.5 LZN, the developer of the neighbouring Lochluichart scheme, has received an EIA scoping opinion from Scottish Ministers in respect of a proposed extension to that scheme. It is yet however to be submitted and does not therefore form part of the cumulative assessment of this proposal.

4.0 PUBLIC PARTICIPATION

4.1 Pre-application consultation with the community undertaken during July 2009 for the original proposals (09/00693/FULRC) and again in August 2010 prior to the submission of this application.

4.2 Advertised: 15 October 2010 in the Ross-shire Journal and 22 October 2010 in Edinburgh Gazette as Schedule 3 development and EIA development.

Representation deadline: 22 November 2010

Timeous representations against: 473

Late representations against: 32

Representations in support: 86

4.3 Material considerations raised against are summarised as follows:

- Adverse visual impact both on its own and cumulatively with Lochluichart and the proposed Lochluichart extension
- Proposal contrary to the development plan
- Proposal contrary to HRES
- Adverse effect on landscape character
- Adverse impact on wild land/wilderness
- Adverse impact on tourism
- Loss of peat – ‘carbon sink’
- Loss of [publicly funded] woodland
- Impact of grid connection unknown
- Adverse impact on protected species
- Disruption
- Adverse impact on road infrastructure
- Limited socio-economic gains
- General misgivings of on-shore wind energy
- Impact upon water supplies and quality
- Led to believe that Lochluichart would be the only wind scheme in this locality

4.4 Material considerations raised in support are summarised as follows:

- Clean, green and positive alternative to power
- Support local employment
- May result in direct financial benefit to the community
- Acceptable site

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 and will be available for inspection within the members lounge immediately prior to the Committee meeting.

5.0 CONSULTATIONS

- 5.1 TEC Services (Roads and Transportation) has no objection subject to the condition that the wind farm traffic access and egress is via the A835.
- 5.2 TEC Services (Environmental Health) has no objection subject to conditions.
- 5.3 Council Archaeology Unit advises that the proposed wind farm is within an area of archaeological potential and further work is required to ensure there are no significant impacts on the cultural heritage resource. A planning condition to secure a programme of archaeological works is recommended.
- 5.4 Council Forestry Officer recommends that a condition of any permission shall be that the applicant secures an option on suitable land (preferably within the Highlands) for compensatory planting of at least the equivalent woodland-related net public benefit embodied in the woodland to be removed.
- 5.5 Garve and District Community Council wishes not to comment on the application.
- 5.6 Scottish Water: No objection.
- 5.7 Health and Safety Executive: No comment.
- 5.8 Scottish Environment Protection Agency (SEPA) welcomes the general mitigation principles and pollution prevention measures set out in the ES. SEPA has no objection subject to conditions in respect of the need for an Environmental Management Plan (EMP), the micro-siting of components and further details in respect of borrow pits.
- 5.9 Scottish Natural Heritage (SNH) advise that subject to conditions the proposal is unlikely to have an adverse impact on otter, bats, water vole and red squirrel. SNH also advise that the proposal will not have an adverse impact on the favourable conservation status of eagles in Natural Heritage Zone (NHZ) 7 (Northern Highlands) and despite some apparent inconsistency between the Lochluichart and Corriemoillie environmental statements with regard to the flight path of Red Throated Diver, the proposals are unlikely to very unlikely to adversely affect the favourable conservation status of the NHZ for this species.

SNH supports the suggested mitigation for black grouse of having no construction activity within 750m of a lek during the lekking period, but advise that limiting construction activity within 1km of the leks to after 8 a.m, should also be considered.

SNH is of the view that although recorded during the surveys, pink footed goose is not an interest of any of the SPAs in the vicinity of the wind farm site and it therefore considers the collision risk to the wider countryside population is negligible. It has also considered the impact of the development on red kite, hen harrier, osprey, merlin, peregrine, greenshank, golden plover, and dunlin and agree with the assessment in the ES that the proposal will not have an adverse impact on the favourable conservation status (FCS) of the North Scotland population of these species.

SNH is content on the basis of the information provided in the ES that the overall habitat and peat impacts of this proposal are acceptable. It welcomes the commitment to employing an Ecological Clerk of Works (ES ref 6.188) during the construction period and supports the statement in 6.185 of the ES that a detailed Habitat Management Plan will be completed prior to construction.

With regard to landscape and visual impact, SNH consider the ES Landscape and Visual Impact Assessment (LVIA) to be a generally clear and adequate assessment and for the most part agree with the findings. With a reduced development at Lochluichart having been consented SNH accept that there is some capacity at this location which will not significantly contribute to cumulative impacts on this wider regional landscape character. However, it advises that care needs to be taken to ensure that the scale of development at Corriemoillie does not exceed this capacity and significantly add to the experience of turbines in the wider landscape and when travelling from the east to the uplands in the west. SNH is of the view that the proposed 19 turbines at Corriemoillie in combination with the 17 consented turbines at Lochluichart would exceed this capacity by incurring additional significant cumulative landscape and visual impacts; particularly from views within the Beinn Wyvis pAGLV and Beinn Dearg SAWL/pAGLV.

To understand the nature and extent of the cumulative impacts of Corriemoillie in addition to Lochluichart, SNH has undertaken a comparative analysis of viewpoints. This considers whether the significant impacts arising (from Corriemoillie in addition to Lochluichart) are equivalent in extent to the original 43 turbine scheme at Lochluichart. SNH's advice is that to mitigate the significant cumulative impacts of Corriemoillie from the SAWL and pAGLV and to maintain a consistent approach to reflect the mitigation achieved for the Lochluichart Wind Farm would necessitate a reduction of the wind farm by approximately 8 – 10 turbines. Regardless this would not entirely mitigate the increased impacts visible from views to the north (Beinn Dearg SAWL and pAGLV) in its view.

In its response to the previous scheme (dated 3 June 2010) SNH expressed concern over the visual impact of upgrading approximately 7kms of site access road (with a new section to the east of Cnoc Dubh an Ruighe Ruaidh). SNH supports the shared access arrangement with the consented Lochluichart scheme.

- 5.10 Transport Scotland (Trunk Roads and Bus Operations): “The proposed development represents an intensification of use of this site however the percentage increase in traffic on the trunk road is such that the proposed development is likely to cause minimal environmental impact on the trunk road network.” Transport Scotland has requested that should permission be granted that conditions are applied to ensure that the junction onto the A835 is to an appropriate standard.
- 5.11 Scottish Government Rural and Environment Directorate (Environment Quality Division): No comment.
- 5.12 Historic Scotland is content that the scheme will have no significant effect on sites within its interest.

- 5.13 National Air Traffic Services Limited (NATS) has no safeguarding objection to the application.
- 5.14 Civil Aviation Authority (Directorate of Airspace Policy): No objection.
- 5.15 Highlands and Islands Airports Ltd: No objection.
- 5.16 Ministry of Defence: No objection provided that the turbines do not exceed 125m to blade tip and subject to the condition that aviation lighting is provided and that they are notified of the commencement date, final turbine locations and maximum height of construction equipment.
- 5.17 Ofcom has found that no civil fixed links should be affected by the proposal.
- 5.18 The Joint Radio Company Ltd (Fuel and Power Industries) does not foresee any potential problems based on known interference scenarios and the data provided.
- 5.19 BBC confirms that its transmission service will not be affected and that there is no predicted impact on householders.

6.0 DEVELOPMENT PLAN POLICY

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

The Highland Structure Plan (2001)

- | | | |
|-----|-------------------|---|
| 6.2 | Policy G2 | Design for sustainability |
| | Policy G3 | Impact Assessment |
| | Policy G4 | Community Benefit |
| | Policy G6 | Conservation and promotion of the Highland heritage |
| | Policy G8 | Precautionary Principle |
| | Policy E1 | Distributed renewable energy developments |
| | Policy E2 | Wind energy developments |
| | Policy M2 | Mineral extraction |
| | Policy T6 | Scenic views |
| | Policy N1 | Nature Conservation |
| | Policy L4 | Landscape character |
| | Policy BC1 | Preservation of archaeological sites |

Ross and Cromarty East Local Plan (2007)

- 6.3 The Ross and Cromarty East Local Plan does not contain any specific policies with regard to renewable energy schemes. However, it does recognise the potential within the area.
- 6.4 The site lies within an area covered by **Background Policy 3 (BP3)** which states:
 “The Council will only approve development if there are no significant adverse effects on heritage, amenity, public health and safety interests.”

6.5 **Policy GSP14** Habitats and Species

7.0 **OTHER MATERIAL CONSIDERATIONS**

Highland Wide Local Development Plan (Proposed Plan – Aug 2010)

7.1	Policy 29	Sustainable Design
	Policy 58	Natural, Built and Cultural Heritage
	Policy 59	Protected Species
	Policy 60	Other important species
	Policy 61	Other important habitats
	Policy 62	Landscape
	Policy 68	Renewable Energy Developments
	Policy 78	Public access

Highland Renewable Energy Strategy and Planning Guidelines (HRES)

Policy E7

7.2 Policy E7 states the following for areas that are neither preferred and possible development areas for national and major scale onshore wind farms:

“Elsewhere in Highland there will be a presumption against development. Any proposals for national and major projects will have to overcome a precautionary approach to planning approval. Any development would also need to show that there is no scope for alternative development within other preferred and possible development areas.”

Policy N1

7.3 Policy N1 seeks information on the form of ‘local content’ of the works. The term ‘local content’ refers to the amount of work and the value of supply contracts undertaken by local businesses.

At its meeting on 31 May 2006, The Planning, Development, Europe and Tourism Committee agreed to the following guidelines for minimum acceptable levels of local content in capital expenditure:

- 50% Highland content recognising the established transport, civil engineering and fabrication capabilities in this area together with the opportunities for specialist manufacturing start-up.
- 75% Highlands & Islands content recognising the existence of other centres of expertise and production across this wider area.
- 90% Scottish content because the expertise exists within Scotland to deliver virtually all of the necessary project elements from within the national renewable energy supply chain, whilst acknowledging the wider opportunities for export activity, joint venturing and innovation/technology transfer.

7.4 New planning policy guidance on the location of on-shore wind farms is currently under preparation and is expected to be out to consultation in Spring 2011. This policy guidance will supersede HRES. Meanwhile it remains the approved Highland

Council strategy on which wind energy proposals are assessed. Yet as it is based on a sequential methodology and in that respect does not comply with Scottish Planning Policy in that respect, the weight to be afforded it as a material consideration has been reduced.

Scottish Government Planning Policy and Guidance

- 7.5
- National Planning Framework for Scotland 2
 - SPP
 - PAN 45 – Renewable Energy Technologies
 - PAN 56 – Planning and Noise
 - PAN 58 – Environmental Impact Assessment
 - PAN 60 – Planning for Natural Heritage
 - Scottish Government policy on Woodland Removal

8.0 PLANNING APPRAISAL

- 8.1 Section 25 and 37(2) 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. The Development Plan in this case comprises the Highland Structure Plan (approved March 2001) and the Ross and Cromarty East Local Plan (adopted February 2007).

Determining Issues

- 8.2 The determining issues are:

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

Planning Considerations

- 8.3 In order to address the determining issues, the Committee must consider a) compliance with the development plan policy, b) compatibility with national policy, c) compatibility with the Highland Renewable Strategy and Planning Guidelines, d) roads and transport, e) peat stability, construction impacts and pollution control generally, f) noise, g) the impact on natural heritage, h) the impact on built and cultural heritage, i) the visual impact and impact upon landscape resource, j) the impacts on the forestry resource, k) the impacts on the local economy; particularly tourism and l) any other material considerations.

Development Plan Policy

- 8.4 The Development Plan is based on policies of sustainability including the use of resources to produce renewable energy. Indeed Policy E2 (Wind energy developments) of The Highland Structure Plan supports this type of renewable energy development and is the key policy consideration in assessing this application. However, various safeguards are built into the policy wording. In

addition, Policies G2 (Design for sustainability), G6 (Conservation and promotion of Highland heritage), L4 (Landscape character), and T6 (Scenic Views) are all relevant in this regard and require to be given due weight.

- 8.5 The Ross and Cromarty Local Plan has no specific policies relating to this type of development. However, the land is covered by policies that only support development where there would be no significant effects impact on heritage features, amenity or public health.
- 8.6 The development plan supports renewable energy development. Providing that the impacts of the development are not considered to be **seriously adverse** or **significantly detrimental**, particularly in relation to issues in the locality of the site, the proposals would comply with the development plan. This is consistent with the policies contained within the emerging Highland wide Local Development Plan.

National Policy

- 8.7 While some objectors challenge the rationale of the UK and Scottish Government policy on renewable energy, particularly the extent to which on-shore wind farms are promoted, it is not the role of the Planning Authority to review the adequacy of national planning policy or guidance here. This policy and guidance is, however, a material consideration in the determination of this application.
- 8.8 In responding to climate change and advancing sustainable development the Scottish Government has recently re-emphasised within the National Planning Framework (NPF2) and Scottish Planning Policy (SPP) its support and commitment to achieving 50% renewable output in Scotland by 2020. The aim of the policy is to assist the planning system in the process of encouraging, approving and implementing renewable energy proposals when preparing development plans and processing planning applications. As the technology is well developed it is expected that the majority of this energy will be from on-shore wind farms.
- 8.9 SPP does however recognise that support for renewable energy projects and the need to protect and enhance Scotland's natural and historic environment must be regarded as compatible goals. The planning system has a significant role in securing appropriate protection to the natural and historic environment without unreasonably restricting the potential for renewable energy. National policies highlight potential areas of conflict but also advise that detrimental effects can often be mitigated and or effective planning conditions can be used to overcome potential objections to development.
- 8.10 Assuming that the impacts of the proposed development do not have a significant impact upon the landscape resource, amenity and heritage of the area then the development could be seen to compatible with Scottish Government policy and guidance and make a useful contribution to the Government, UK and European energy targets.

Highland Renewable Energy Strategy and Planning Guidelines

- 8.11 In this case, the applicant considers that HRES should simply be afforded limited weight given that it does not accord with SPP. While the Highland Renewable Energy Strategy and Planning Guidelines (HRES) will be replaced by new guidance on the location of on-shore wind farms that conforms to national policy within the coming months, it remains the approved Highland Council guidance and is therefore a material consideration to this application.
- 8.12 The Strategy is not intended to be a site specific planning tool, but a strategic document for the siting of renewable energy developments in the Highlands. At this strategic level the Strategy cannot be prescriptive but it does nevertheless provide a starting point for the assessment of a proposal.
- 8.13 According to the Highland Renewable Energy Strategy and Planning Guidelines (HRES), the proposed Corriemoillie wind farm lies wholly within an area where there is a “presumption against” major scale onshore wind development. This demands that a precautionary approach to development should be taken.
- 8.14 It may therefore be possible through a more rigorous assessment of the proposal set out in the ES to address and set aside the constraints identified by the Renewable Energy Resource Assessment (RERA), the model that informs HRES, which indicates a presumption against development.
- 8.15 Although believing that HRES should be set aside, the applicant considers that the only significant constraint on the site is the presence of the MOD tactical training area (TTA). Since the MOD does not object, the applicant believes that the site is therefore suitable for a wind farm. However, RERA identifies other constraints that indicate a presumption against development in this case. These are ‘visibility from Munro’s and Corbett’s,’ ‘visibility from dwellings’ and ‘moorland’.
- 8.16 If through the more detailed assessment these remaining constraints could be set aside, the site may then be considered appropriate for wind farm development. If not, the Highland Renewable Energy Strategy has correctly identified the site as not appropriate for wind farm development.
- 8.17 Until such time as a viable turbine manufacturing base is established within the Highlands, it is unlikely that schemes will be capable of meeting with the agreed guideline levels for local content. The applicant has however indicated that the most qualified local contractors will be used wherever possible. The applicant estimates, based on experience elsewhere, that Highland will retain as much as 75% and 100% of the construction costs associated with civil engineering and electrical infrastructure components of the contract respectively.

Roads and Transport

- 8.18 While the applicant intends to extract aggregate on site, the development will still result in an increase in traffic on the road network during construction. The peak impact is assessed as being a 4% increase. Although not significant, on the basis that much of it will involve heavy goods vehicles, the fear that the proposals will

pose risks to road safety is understandable.

- 8.19 The site has good access which for the most part would utilise the trunk road network. Transport Scotland considers that there will only be a slight increase in the use of its road network as a result of this development and has no objection. While the development will share access with Lochluichart wind farm it is not considered that there will be a cumulative traffic impact since construction will not occur at the same time [It is understood that construction of the Lochluichart wind farm will commence within the second half of 2011]. While timber from the Corriemoillie site is likely to be extracted at this same time, the timber will be extracted from the site utilising existing forestry tracks through Corriemoillie Farm to the A832.
- 8.20 On the basis that the wind farm construction traffic utilises the proposed access on the A835 as opposed to any access from Corriemoillie, TEC Services – Roads and Transportation has no objection to the proposal.

Peat stability, construction impacts and pollution control

- 8.21 Naturally occurring sudden peat slide events are relatively rare in the UK, but are not unknown. Erosion tends to be progressive rather than catastrophic and occurs as a result of natural factors. There is evidence of erosion on the application site.
- 8.22 A study of the site with regard to peat has been carried out. This has included a desk study, site reconnaissance and risk assessment. The ES identifies that the majority of the site area is at medium to high risk of a peat slide occurring during construction prior to any mitigation being incorporated into the design. Turbines 10, 14 and 18 in particular are located in areas of high risk within a few tens of metres of watercourses. However, appropriate construction management controls should provide sufficient mitigation.
- 8.23 The applicant has committed to a number of mitigation measures relating to pollution prevention within the ES. The expectation is that these will be incorporated into an Environmental Management Plan (EMP) covering such topics as a peat management plan, surface water management plan as well as best practice guidance; for example the storage of chemicals and fuel, vehicle washers etc. Monitoring proposals will be outlined and it will also include an Incident Response Plan during operation.
- 8.24 SEPA has no objection to the proposals subject to conditions to secure the proposed mitigation. This can be achieved by requiring a Construction Environmental Management Document (CEMD) and Construction Environmental Management Plans (CEMPs) to be submitted as a condition of permission.

Noise and vibration

- 8.25 A noise prediction assessment was carried out for the nearest noise sensitive receptors. It was concluded that the predicted level at each of these properties was well below the simplified noise criteria, contained within the ETSU-R-97 – *Recommended Good Practice on Controlling Noise from Wind Farms* (DTI, 1997),

of 35dB_{LA90, 10min}. The cumulative noise impact of both Corriemoillie and Lochluichart wind farms would also fall within this level. The wind farm, both on its own and cumulatively with Lochluichart, would therefore be capable of complying with the ETSU lower noise level.

- 8.26 The Environmental Statement assesses the impact of construction noise on sensitive receptors as of minor significance and the impact of vibration as negligible, even with blasting. Subject to a condition controlling construction hours, TEC Services – Environmental Health has no objection.

Natural Heritage

- 8.27 There are no natural heritage designations on the wind farm site. The site is however likely to support a number of species of conservation importance.
- 8.28 In terms of ornithological interest, the site habitat may support breeding red throated diver and golden plover which are protected under the EC Birds Directive, aswell as providing suitable habitat for black grouse. In addition, the site lies close to the Glen Affric to Strathconon SPA (SPA), which is designated for its golden eagle interest.
- 8.29 As required when considering development that may affect a Natura site the competent authority must assess the likely impact before coming to its decision. An appropriate assessment has been carried out and this is set out within Appendix 2 to this report. SNH agrees with the assessment contained within the ES that the proposal will not have an adverse impact on the favourable conservation status of eagles in the Natural Heritage Zone. While eagle activity has been recorded over part of the site, based on the advice from SNH, the Council can be confident that the proposed development will not adversely impact upon the integrity of the pSPA.
- 8.30 With regard to red-throated diver, SNH considers that the proposed mitigation should theoretically reduce the impact of the development on red-throated diver to an insignificant level when considering the mainland Scotland population as a whole. SNH has however highlighted the inconsistency between the proposals and the data provided in support of the neighbouring Lochluichart scheme. When the survey work was undertaken for Lochluichart wind farm, divers breeding on Loch na Salach were observed to be entering and leaving the loch from the east crossing over the Corriemoillie site. The ES for Corriemoillie records divers going north-south and not crossing the application site.
- 8.31 While the timing of the surveys may explain this anomaly, i.e. that the surveys were taken in different years, SNH believes that there is potential for divers using Loch na Salach to travel east-west once the wind farm is in place. SNH considers that the mortality rates could be higher than those stated in the ES. However, SNH advises that even if this resulted in the loss of one pair of red-throated divers from the Natural Heritage Zone this is unlikely to adversely affect the favourable conservation status of this population.

- 8.32 SNH is of the view that the development will not have an adverse impact on the favourable conservation status of the North Scotland population of red kite, hen harrier, osprey, merlin, peregrine, greenshank, golden plover and dunlin. SNH agrees with the suggested mitigation for black grouse of no construction activity taking place within 750m of a lek during the lekking period but ask also that construction activity be limited within 1km of the leks to after 8 a.m.
- 8.33 In respect of potential impacts on the European Protected Species (EPS) of otter, bat and wildcat, SNH advise that pre-commencement surveys will need to be undertaken and possible additional mitigation measures put in place to ensure that these species are not disturbed. This advice also applies to nationally protected species of badger, red squirrel and pine martin.
- 8.34 SNH is content that freshwater species can be adequately protected through measures described within the ES to protect watercourses from chemical spill and siltation.
- 8.35 The majority of the application site is given over to coniferous woodland. The applicant estimates that only 2.3ha of blanket bog would be affected (lost) by the proposed development. In this context the applicant considers the impact to be of minor significance. There is potential for this development to improve substantial areas of habitat and the applicant suggests implementing a Habitat Management Plan as mitigation. SNH considers that the habitat and peat impacts of this proposal are acceptable in this context. Subject to measures identified to reduce construction impacts SNH has no objection. This addresses the moorland constraint identified by the RERA assessment.

Built and Cultural Heritage

- 8.36 There are three known features of archaeological interest within the application site. Subject to a condition requiring these to be protected during the construction period and for further assessment to be undertaken post-felling, The Highland Council Archaeology Unit does not object.
- 8.37 With regard to properties listed within the Inventory of Gardens and Designed Landscapes, the Zone of Theoretical Visibility (ZTV) contained within the ES indicates that the development will not be visible from Castle Leod. A small area of ground at Scatwell does lie within the ZTV but given the nature of this parkland, its wooded setting and the intervening landscape visibility is unlikely. The ZTV's indicate that there would be no visibility from nationally important sites or Category B and C(s) listed buildings and therefore the setting of these will not be affected by the proposal. Historic Scotland has no objection.

Visual impact and impact on landscape resource

- 8.38 The proposed turbines, and those of the soon to be constructed adjacent Lochluichart wind farm, lie within a landscape defined as of 'rounded hills' character but adjacent to a 'rugged mountain massif' landscape. The key characteristics of the rounded hills landscape character are the wide open concave and convex slopes with simple lines that sweep down into broad open Straths. This

landscape type is vast in scale. The rugged mountain massive landscape is more visually prominent and distinctive as a landmark resulting in the rounded hills character area seemingly lower and less significant in stature.

- 8.39 The ZTV contained within the ES indicates that the turbines will be visible from many of the surrounding mountains in addition to lower lying areas in the general locality of the site. Given the extent of this landscape type within this part of Ross and Cromarty however, the proposed development is unlikely to have a significant effect on landscape character when viewed from afar.
- 8.40 The Ross and Cromarty Landscape Character Assessment (SNH, 1996) recognised that it is preferable to locate wind energy proposals in the wide, open areas within the rounded hills landscape character so that the size of the turbines appears inferior to the scale of the surrounding space. There are already a significant number of man made features within this landscape, particularly hydro-electric development and forestry. These have all become significant features within the landscape, without significantly impacting upon the key characteristics and qualities of the landscape resource. The ES landscape assessment considers the direct impact on the landscape character type to be significant. It is however localised.
- 8.41 The effects on visual amenity relate to changes to available views rather than perceived changes to whole areas of a distinctive landscape character. The ES provides an assessment of the most relevant views in this case. Since no objections have been raised regarding direct impact on visual amenity from individual properties changes to views are likely to be most significant for two particular groups; those passing the site by road, and those experiencing the surrounding hills and mountains.
- 8.42 The site lies within a part of the Highlands where there is an obvious transition from the generally lower lying built-up area of the Moray Firth to the wilderness of the West Highlands. There are two key tourist routes passing the site. To the north is the A835 Ullapool road and to the south the A832 to Lochcarron. The visual experience of the area when viewed from both routes, particularly when travelling west for a short distance, has the potential to be changed by the proposal.
- 8.43 Representations highlight that the Corriemoillie development would create a scheme that is approaching the scale of the original Lochluichart proposals for a 43 turbine development. The response from SNH on visual impact provides a comparative analysis of viewpoints and suggests that comparative mitigation should be sought. SNH initially objected to the Lochluichart scheme on the basis of visual impact targeting the removal of turbines from the northern half of the development site; those visible from the A835. In light of this the development was reduced from 43 turbines to 22 turbines.
- 8.44 The Planning and Development Service did not share the view of SNH with regard to the proposed 43 turbine Lochluichart scheme. When the scheme was reduced to 22 turbines the focus of the Planning and Development Service was visibility from the A832 and on 5 turbines in particular. The applicant agreed to remove these five turbines and on that basis the Council decided to raise no objection to the

development of a 17 turbine wind farm. In the case of the current proposal, while as many as 5 turbines will be clearly visible when approaching the site along the A835 at Black Bridge the impact will be relatively short lived. Considerably more turbines will be visible from the Aultguish Inn, the most directly affected property, yet the proprietors support the proposal believing that the proposals will bring positive benefits. Road users heading east along the A835 will have longer distance views as well as more prolonged exposure to the wind farm. However, there are other focal points in this view such as the head of the Glascarnoch Dam with the backdrop of Ben Wyvis. There will be between two and four turbines visible (as blade tips only) from a short section of the A832 heading west which is not considered to be significant.

- 8.45 Although little of the land in the immediate vicinity of the development could be described as truly wild land, as there is obvious human intervention in the landscape, the mountain areas beyond do provide for a sense of remoteness and wilderness. This perception may be impacted by the proposal. Objectors and SNH highlight the impact that the development would have particularly for walkers from particular viewpoints within and looking toward the Beinn Dearg – Fannichs and Ben Wyvis AGLV's.
- 8.46 Views experienced from most mountains will generally be towards other mountain tops and ranges. However, the turbines, and those of the neighbouring Lochluichart development, would be clearly visible in particular views. While the eye is likely to be drawn to man-made features in the distance when looking east from the Fannichs in any case, from Ben Wyvis the views are towards the Fannichs, Beinn Dearg, and the Torridon mountains beyond. It is on the descent, from Ben Wyvis in particular, that the experience of this wilderness landscape is likely to be diminished most as the proposed wind farm will almost constantly be seen against the impressive backdrop of the Fannichs. This experience will therefore not be as short lived as is the case for the motorist travelling along the A835.
- 8.47 With Ben Tharsuinn and Novar to the east, Fairburn to the south and this proposal and its neighbour to the west, it could be argued that the experience and therefore popularity of mountain climbing in this area, particularly Ben Wyvis, could be adversely affected. There are however likely to be very few locations where Corriemoillie, in combination with Lochluichart, would be visible with any other wind farm in the same view. The main cumulative impact is more localised and relates to Lochluichart. While these are two separate wind farms of different design, with Corriemoillie extending the visual extent of wind farm development, the developments effectively read as a single scheme. Although not wishing to prejudge the outcome of any future development, any proposed extension to Lochluichart may provide scope to 'round off' the development and produce a more complete development.
- 8.48 The tracks and borrow pits/access road etc will be seen but these will be reinstated to a greater degree in the shorter term which would mitigate their visual impact.

Forestry resource

- 8.49 Of the 491 hectares of the site area, approximately 354 ha is currently planted as commercial coniferous forestry. The applicant considers that there is limited potential for the site to produce an economic crop. The existing condition of that forest resource is admittedly poor.
- 8.50 While the applicant has looked at opportunities to restructure the forest, rather than completely remove it, they believe that the benefits of removal of the majority of the forest in terms of wind farm efficiency and future habitat management were considered to outweigh the benefits of retention of more substantial areas of forest.
- 8.51 Although referring to the recently published 'Scottish Government policy on Woodland Removal' within the ES, there is some confusion as to whether replacement, or rather compensatory, planting is required. The Councils Forestry Officer has confirmed that this is the case. Discussion has taken place between the applicant, the Council and Forestry Commission Scotland (FCS) to determine what this is likely to involve. While no formal proposals had been submitted at the time of writing this report, it is anticipated that suitable compensatory planting can be achieved within the boundaries of the existing estate. The details of this scheme, the planting of the woodland and its future maintenance can be secured by condition. This would be separate to the Habitat Management Plan.

Socio-economic impact/tourism

- 8.52 Separate studies have been carried out by industry and the Scottish Government into the effects of wind farm developments on tourism and public acceptability respectively; the most recent conducted by Glasgow Caledonia University/Cogent Si (2008) for the Scottish Government. These studies have indicated both benign and positive effects. Members may not wish to rely on these studies entirely in forming a view given the unique circumstances in Highland.
- 8.53 The applicant acknowledges within the ES that tourism is important to the Highlands. The ES identifies that the key attractions in this area are hill walking (Beann Dearg/Fannichs and Ben Wyvis), fishing and stalking. While there is no information on tourist spend within the locality in the ES the applicant considers that the "site is located within an area of limited direct attraction for tourists, and is primarily a "stop off" point for visitors passing through the Highlands, rather than a destination itself." Given the transitional nature of the location, the facilities and the limited range of activities available in the area this is not disputed.
- 8.54 In the absence of a before and after survey of impact relevant to this area it is difficult to know whether the tourist spend within the immediate locality will be adversely affected. The issue is still very much a matter of subjective judgement given the range of individual responses to wind farm development. Indeed several representations received were from repeat visitors who consider that tourism will be adversely affected. On the other hand representations in support of the development have been received in the belief that it will bring positive benefits; the current owners of the Aultguish Inn for example.

- 8.55 Since the quality of scenery is the most significant attraction of the Highlands, and the key reason that visitors return, it could be argued that any adverse visual impact created by the development might result in the quality of visitor experience being diminished. In this case however, it could equally be argued that the nature of the activities that are likely to be undertaken by visitors experiencing the wind farm over prolonged periods of their visit may result in the development having a minor effect.
- 8.56 The development will of course have some positive socio-economic impacts. While employment and workforce spend may be limited to the construction period, the community will benefit from a longer term community benefit package.

Other material considerations

- 8.57 Some properties within the vicinity of the site have private water supplies. TEC Services – Environmental Health has requested that the applicant puts in place an emergency response plan prior to the commencement of development to protect water supplies. This can be controlled by condition.
- 8.58 Third parties consider that the proposed Lochluichart extension which is currently at the EIA scoping stage should have been considered along with this application. It will be the responsibility of the applicant for that future application to consider the cumulative impact of other developments that are within the planning system in the vicinity. When the Corriemoillie application was submitted, the proposals to extend the Lochluichart scheme were not in the public domain and were therefore not required to be taken into account.
- 8.59 The grid infrastructure required to facilitate the development has not been stipulated and will most certainly require further consideration either as a future planning application or under s37 of the Electricity Act 1989. Scottish and Southern is currently looking at rationalising the Beauly to Mossford overhead transmission lines. It is anticipated that two lines will be reduced to one and therefore the visual impact will be reduced. New larger towers as suggested by objectors are unlikely to be required.

9.0 CONCLUSION

- 9.1 The Development Plan and national policy support renewable energy development, with a range of differing technologies, where projects can be located without undue environmental or amenity impact. Representations against this application have specifically highlighted conflict with protected species, loss of peat and woodland habitat, effects on wilderness/landscape resource and the visual impact/scenic quality of the area, both as a result of this development and in combination with neighbouring developments of a similar nature, all to the detriment of tourism.
- 9.2 Planning Advice Note 58 - Environmental Impact Assessment states that experience shows that there will usually be a small number of major issues, perhaps only one, on which the acceptability of a project hinges and that these major issues should be highlighted in the planning report, drawing on the content of the Environmental Statement.

- 9.3 As is evident from the assessment, many of the impacts of the proposed development will not be significantly detrimental and could be adequately controlled through both the mitigation measures proposed or through conditions. The major issues for the Council in this case relate to the impact on visual amenity, its link to tourism and the visibility from Munro's and Corbett's constraint set out within Highland Renewable Energy Strategy and Planning Guidelines. There is therefore also a potential issue with regard to the compatibility with HRES.
- 9.4 The acceptability of the proposals with regard to their visual impact is a subjective matter. While a significant number of objectors consider that the development will have an adverse impact on visual amenity and wilderness qualities of the area, some believe that this is a suitable site for wind energy development. SNH consider that the proposal in combination with the 17 consented turbines at Lochluichart would exceed the capacity of the site to absorb development by incurring additional significant cumulative landscape and visual impacts; particularly from views within the Beinn Wyvis AGLV and Beinn Dearg Search Area for Wild Land (SAWL)/AGLV. Given the extent of this landscape character type and the location of the development in the context of the surrounding mountain landscape this seems exaggerated. While Corriemoillie and Lochluichart will be visible from surrounding Munro's and Corbett's it is considered that the impacts are not significantly detrimental to the visual experience of the area as a whole. Should Members agree with this view, the proposal would adequately address the 'Visibility from Munro's and Corbett's' constraint identified by RERA.
- 9.5 The benefits of the proposal must be weighed against potential drawbacks and then considered in the round. The project carries considerable support in principle by virtue of the Government's policy and targets towards greater renewable energy production. With a generating capacity of up to 47.5MW the proposal would make a useful contribution to meeting both national and the Highland Council's own renewable energy targets. There will also be a significant number of construction jobs, albeit short term, as well as economic benefits to the local economy during the construction of the wind farm. The applicant has been able to demonstrate that many of the potential adverse impacts can be adequately addressed.
- 9.6 While the development will become a significant feature of the local area, it is considered that the proposed layout is acceptable in terms of design and the different approach to layout between the Corriemoillie and Lochluichart schemes can co-exist in the landscape. The visual impact of the development, while significant, is not considered to be significantly detrimental to amenity either on its own or when taken cumulatively with Lochluichart. While some visitors may be deterred from returning, given the type of activities pursued by visitors to the area it is not considered that the proposal would be significantly detrimental to tourism in the locality.
- 9.7 In view of this, it can be concluded that the proposals would not have a significant detrimental impact and therefore comply with the Development Plan.

10.0 RECOMMENDATION

It is recommended the application be **GRANTED** subject to the following conditions and reasons:

1. The development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice.

Reason: In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

2. Unless otherwise agreed with the Planning Authority, the development shall be constructed and operated in accordance with the provisions of the application, the submitted plans, and the Environmental Statement. This permission shall be for a maximum of 19 turbines and 1 anemometer mast, to be sited as shown on the site layout drawing (Figure 1.2) contained within Chapter 1 of the Corriemoillie Wind Farm, September 2010. The prior written approval of the Planning Authority in consultation with Scottish Natural Heritage and the Scottish Environment Protection Agency shall be required for the siting of any wind turbine or access track more than 30 metres from the approved location. Any such submission shall include a revised site layout for the location of all turbines and access roads.

Reason: In order to clarify the terms of permission and to ensure restoration of the site.

3. Permission is granted for a limited period of twenty-six years from the date that electricity is first sold to the grid network, such date to be notified in writing to the Planning Authority within three months of this time. At the end of this period, unless with the express approval in writing of the Planning Authority, all wind turbines, buildings and ancillary equipment, shall be dismantled and removed from the site, and the ground fully reinstated to the satisfaction of the Planning Authority.

Reason : In order to give due recognition to the temporary nature of the proposed development.

4. Not later than 12 months before the end of this permission, a decommissioning and site restoration scheme shall be submitted to and agreed in writing by the Planning Authority in consultation with Scottish Natural Heritage and the Scottish Environment Protection Agency. This scheme shall include details of the removal of all above-ground elements of the development, the method of ground reinstatement, the timing of any works and a Construction Environmental Management Document (CEMD). The agreed scheme shall be implemented.

Reason: To ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration of the site, in the interests of safety, amenity and environmental protection.

5. In the event that any wind turbine fails to supply electricity to the grid for a continuous period of 6 months then, unless otherwise agreed in writing with the Planning Authority, a scheme for the removal of that wind turbine and any surface

ancillary works solely relating to that wind turbine shall be submitted in writing for the approval of the Planning Authority. The agreed scheme shall be implemented.

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

6. No development shall start on site until the completed Notice of Initiation of Development (NID) form attached to this decision notice has been submitted to and acknowledged by the Planning Authority. From the date of acknowledgement, the Site Notice attached to it shall be posted in a publicly accessible part of the site until the development is completed.

Reason : In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

7. No development shall start on site until evidence of a bond or other financial provision to cover all decommissioning and site restoration costs is in place has been submitted to and agreed by the Planning Authority. Such agreed bond, or other such provision, shall be maintained throughout the duration of the development but will be subject to five yearly review.

Reason: To safeguard the proper restoration of the site.

8. Prior to the commencement of development, arrangements for an archaeological watching brief to be carried out on site clearance and excavation works shall be submitted to and require the approval in writing of the Planning Authority. This shall be prepared in accordance with a Specification obtained in advance from the Council Archaeology Unit. No site clearance or excavation works shall take place until that approval has been given and all such works shall thereafter be implemented in accordance with the approved arrangements.

Reason: In order to protect any features of archaeological importance.

9. No development shall start on site until a Construction Environmental Management Document is submitted to and agreed in writing by the Planning Authority in consultation with SNH and SEPA. The Document shall include:

- An updated Schedule of Mitigation (SM) including all mitigation proposed in support of the planning application, other relevant agreed mitigation (e.g. as required by agencies) and set out in the relevant planning conditions
- Processes to control / action changes from the agreed Schedule of Mitigation.
- The following specific Construction and Environmental Management Plans (CEMP):
 - (i) Peat management plan
 - (ii) Pollution prevention plan
 - (iii) Drainage management plan - to address both construction and post construction
 - (iv) Chemical pollution plan
 - (v) Site waste management plan
 - (vi) Measures to protect private water supplies; including an emergency

response plan

- Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities.
- Methods of monitoring, auditing, reporting and communication of environmental management on site and with the client, Planning Authority and other relevant parties.
- Statement of responsibility to 'stop 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 Document.

Reason: To protect the environment from the construction and operation of the development.

10. No development shall start on site until the final specification of wind turbine has been submitted to and agreed in writing by the Planning Authority. The details shall include the make, model, design, power rating and sound power levels. For the avoidance of doubt, wind turbines on this site shall not exceed 125m to blade tip from ground level and 80m to hub height from ground level. The turbines shall be finished in a non-reflective semi-matt pale grey colour or other finish as may be agreed with the Planning Authority.

Reason: In order to clarify the terms of permission and retain effective control over the development.

11. No development shall start on site until the final specification of the means of access, fencing, design, materials, colours/external finishes and construction of all ancillary elements to the development, including the proposed control building, has been submitted to and agreed in writing by the Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason: In the interests of visual amenity.

12. No development shall commence until a Habitat Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with SNH, providing for measures to protect and manage habitat and species within the site. This scheme shall specifically consider:

- managing/restoring blanket bog, dry heath, alpine and boreal heaths
- the interests of otters, bats, water vole, wild cat and pine martin.

The agreed scheme shall be implemented.

Reason: To protect and manage habitat and species within the site in the interest of nature conservation.

13. No development shall start on site until pre-commencement surveys to locate the presence or absence of otter, badger, bat, squirrel and pine martin is undertaken. Should any of these species be located within/adjacent to an area likely to be affected by construction activities, appropriate mitigation measures shall be put in

place, details of which shall be submitted to and agreed in writing by the Planning Authority in consultation with SNH.

Reason: To protect and enhance nature conservation from construction activities.

14. No development shall start on site until the applicant has provided the Ministry of Defence (Defence Estates - Safeguarding) with the following information; a copy of which shall be submitted to the Planning Authority:

- proposed date of commencement of the construction;
- estimated date of completion of the construction;
- height above ground level of the tallest structure;
- maximum extension height of any construction equipment;
- position of the turbines in latitude and longitude plus eastings and northings;

Reason: In order to ensure the safety of low flying military aircraft.

15. Unless otherwise agreed in writing by the Planning Authority, in consultation with MoD, the cardinal turbines shall be fitted with 200cd omni-directional red lighting with the remaining perimeter turbines fitted with 25cd red lighting at the highest practical point.

Reason: In order to ensure the safety of low flying military aircraft.

16. Access to the site by heavy goods vehicles and any noisy construction activity (eg. piling, blasting, rock-breaking) shall be restricted to 07.00 to 19.00 on Mondays to Fridays and from 07.00 to 12.00 on Saturdays with no such access on Sundays unless otherwise agreed in advance in writing by the Planning Authority.

Reason: In order to control noise in the interest of amenity.

17. No construction activity taking place within 750m of a lek during the lekking period or within 1km of the leks until after 8 a.m.

Reason: In order to safeguard the conservation interest of the site.

18. Within one month of the issue of this planning permission, detailed proposals for ornithological monitoring, including arrangements for submitting the results of monitoring, shall be submitted to and approved in writing by the Planning Authority in consultation with Scottish Natural Heritage. Once agreed the monitoring proposals shall be implemented.

Reason: In order to safeguard the conservation interest of the site.

19. Before the first turbine is commissioned, a scheme for compensatory planting, in accordance with the Scottish Government's policy on the Control of Woodland Removal, is to be submitted to and agreed in writing by the Planning Authority. The agreed scheme shall be implemented in full within 3 years of the commissioning of the first turbine.

Reason: to enable appropriate woodland removal to proceed, without incurring a net loss in woodland related public benefit, within Scotland.

20. Except as required by Condition 13 of this planning permission, the site shall not be permanently illuminated by lighting without the prior written approval of the Planning Authority which, if the lighting is required by law, shall not unreasonably be withheld.

Reason: In the interest of visual amenity.

21. No symbols, signs, logos or other lettering shall be displayed on any part of the wind turbines nor any other buildings or structures without the prior written approval of the Planning Authority.

Reason: In the interest of visual amenity.

22. The Wind Farm Operator shall log wind speed and wind direction data continually and shall retain the data which has been obtained for a period of no less than the previous 12 months. The data shall include the average wind speed in metres per second for each 10 minute period. The measuring periods shall be set to commence on the hour or in 10 minute increments thereafter. The data shall be provided on an Microsoft Excel spreadsheet in electronic format. Where the wind speed is measured at a height other than 10 m, the data shall be supplemented by adjusted values which allow for wind shear, normalised to 10m height. Details of the wind shear calculation shall be provided.

At Wind Speeds not exceeding 10m/s, as measured or calculated at a height of 10m above ground level at the wind farm at a grid reference or grid references to be approved by the Planning Authority, the Wind Turbine Noise Level at any dwelling or other noise sensitive premises shall not exceed:-

- (a) during Night Hours, 38dB LA90,10min;
- (b) during Quiet Waking Hours, 35 dB LA90,10min.

Providing that this condition shall only apply to dwellings or other Noise Sensitive Premises existing or the subject of full Planning Permission at the date of submission of this Planning Application.

At the request of the Planning Authority, following a valid complaint to the Planning Authority relating to noise emissions from the Wind Turbines, the Wind Farm Operator shall measure, at its own expense, the level of noise emissions from the Wind Turbines. The measurement and calculation of noise levels shall 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 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.

“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 grid reference agreed with the Planning Authority

“Night hours” means 23:00 – 07:00 hours on all days.

“Quiet Waking Hours” means 18:00 – 23:00 hours on all days, plus 07:00 – 18:00 on Sundays and 13:00 – 18:00 hours on Saturdays.

“Noise Sensitive Premises” means premises, the occupants of which could be exposed to noise from the wind farm and includes hospitals, residential homes, nursing homes, etc

Should the noise levels in the forgoing condition be exceeded, the Wind Turbine Operator shall take steps forthwith, to ensure that noise emissions from the wind farm are reduced to the aforementioned noise levels or less.

Reason: In order to control noise in the interest of amenity.

23. Upon completion of the development the completed Notice of Completion form attached to this decision notice shall be submitted to the Planning Authority.

Reason: In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

Signature:

Designation: Head of Planning & Building Standards

Author: David Mudie (01463) 702255

Date: 08 March 2011

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

Appendix 2 – Appropriate Assessment

1.0 CONSIDERATION OF PROPOSALS AFFECTING EUROPEAN SITES

- 1.1 Glen Affric to Strathconon's status as a classified Special Protection Area (SPA) under the EC Directive 79/409/EEC, the 'Birds Directive,' means that the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), the 'Habitats Regulations,' apply.
- 1.2 Where the conclusion reached by the Council on a development proposal unconnected with the nature conservation management of a Natura 2000 site is that it is likely to have a significant effect on that site, it must undertake an appropriate assessment of the implications for the conservation interests for which the area has been designated. The need for appropriate assessment extends to plans or projects outwith the boundary of the site in order to determine their implications for the interest protected within the site.
- 1.3 This means that the Council, as competent authority, has a duty to:
- determine whether the proposal is directly connected with or necessary to site management for conservation; and, if not,
 - determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then
 - make an appropriate assessment of the implications (of the proposal) for the site in view of that site's conservation objectives.
- 1.4 The competent authority can only agree to the proposal after having ascertained that it will not adversely affect the integrity of the site. If this is not the case, and there are no alternative solutions, the proposal can only be allowed to proceed if there are imperative reasons of overriding public interest, which in this case can include those of a social or economic nature.
- 1.5 The proposal is clearly not connected with or necessary to the management of the site or for its conservation, hence further consideration is required. The fact that birds that may be part of the European interest of the SPA have been recorded within the proposed development site suggests that there is a possibility that they could either collide with the turbines or be displaced from part of their feeding range. This means that the proposal is likely to have a significant effect on the SPA. As the responsible body, the Council must undertake an 'appropriate assessment' of the implications of the proposal for the SPA in view of the site's conservation objective.

2.0 APPROPRIATE ASSESSMENT

- 2.1 While the responsibility to carry out the appropriate assessment rests with the Council, advice contained within Circular 6/1995 is that the assessment can be based on the information submitted in the Environmental Statement and informed by SNH's appraisal. While SNH undertook its appraisal prior to the site being

confirmed, i.e. when it was a proposed SPA, its position has not changed.

Appraisal

- 2.2 The turbines are all more than 6km from the range centre of the closest pair of eagles within the Glen Affric to Strathconon SPA. SNH advise that the boundary of the SPA in this area was drawn to include what was understood to be the actual hunting range of this pair of eagles. As a result it excluded areas within 6km of the range centre that had habitats which were considered to be unsuitable for eagles to feed (e.g. forestry) or were significantly disrupted by man made features that are known to deter eagles i.e. human habitations, major roads, railway lines and power lines.
- 2.3 While the wind farm access track lies within 6km of the range centre, it has already been assessed as being unsuitable for eagles and excluded from the SPA. However, since the ES records one golden eagle flight over this section of the access track, given the proximity of the wind farm to the SPA SNH advise that a precautionary approach should be taken. SNH considers that for the purposes of calculating any impact on the SPA this eagle should be regarded as a SPA bird.
- 2.4 The collision risk calculations in the ES indicate that in the worse case scenario, in which eagles expand their territory to include the wind farm site following the clearing of the forestry, a maximum of two golden eagles (one every 12.38 years) would be killed by turbine collisions during the breeding season within the life span of the wind farm. SNH however considers that, based on the information that it has on the hunting range of the nearest pair of SPA eagles it is unlikely that this pair would expand their range to include the wind farm site. SNH advises that “the breeding season impact on SPA birds is therefore more likely to be reflected by the standard average model presented in the ES that indicates that if eagle use of the site does not increase following construction of the windfarm, the collision risk would be one golden eagle every 97.73 years i.e. none during the life span of the wind farm.”
- 2.5 SNH continue by stating that “the impact of the wind farm site on juvenile and immature birds from the SPA is also likely to be very low. The worse case scenario using the weighted average model, in which eagles expand their territory to include the wind farm site, for the non-breeding season use of the wind farm site is also two golden eagles (one every 12.38 years) over the life span of the wind farm. The calculated risk for the non-breeding season using the standard average model, where use of the site does not increase after forestry clearance, is one bird every 85.86 years i.e. none during the life span of the wind farm.”
- 2.6 With regard to displacement SNH advise that since “the only part of the modelled territory of the nearest pair of SPA eagles which contains any of the wind farm infrastructure has already been excluded from the site as a result of unsuitable feeding habitat the potential for displacement of breeding birds from key feeding areas by construction activities or continued use of the access track is negligible. The habitat on the wind farm site, commercial forestry, is already unsuitable for feeding eagles and construction of the wind farm and its operation will not therefore displace non-breeding eagles from favoured feeding areas.”

- 2.7 It is SNH's view that the loss of a maximum of two birds over the 25 year life span of the wind farm from population of 43 pairs in the Natural Heritage Zone (NHZ) is unlikely to have an adverse impact on the favourable conservation status of this golden eagle population.

Decision

- 2.8 On the basis of the information contained within the ES and particularly the advice received from SNH, the Council can be confident that the proposal is unlikely to have an adverse affect on the integrity of the Glen Affric to Strathconon SPA.

Appendix 3 – Abbreviations.

AGLV – Area of Great Landscape Value
CEMD – Construction Environmental Management Document
CEMP – Construction Environmental Management Plan
EIA – Environmental Impact Assessment
EMP – Environmental Management Plan
ES – Environmental Statement
EPS – European Protected Species
FCS – Forestry Commission for Scotland
HRES – Highland Renewable Energy Strategy and Planning Guidelines
LVIA – Landscape and Visual Impact Assessment
MW – Megawatt
MOD – Ministry of Defence
NHZ – Natural Heritage Zone
RERA – Renewable Energy Resource Assessment
SM – Schedule of Mitigation
SHETL – Scottish Hydro Electric Transmission Ltd
SNH – Scottish Natural Heritage
SAWL – Search Area for Wild Land
SPP – Scottish Planning Policy
SSSI – Site of Special Scientific Interest
SAC – Special Area of Conservation
SLA – Special Landscape Areas
SPA – Special Protection Area
TTA – Tactical Training Area
ZTV – Zone of Theoretical Visibility

PLANNING PERMISSION

Reference No: 10/04137/FUL

To:
EON Climate & Renewables UK
Developments Ltd
E.ON UK Plc
1 Westwood Way
Westwood Business Park
Coventry
CV4 8LG

Town & Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) 2006 Act

DECISION NOTICE

Erection of 19 wind turbines, hardstandings, anemometer mast, wind farm control building, formation of temporary construction compound, laydown area, access tracks and 5 borrow pits (Re-submission) at Corriemoillie Forest, Gorstan, Garve

The Highland Council in exercise of its powers under the above Acts **grants planning permission** for the above development in accordance with the particulars given in the application and the following plans/drawings:

Type of Plan	Plan Number	Version No.	Date Plan Received
Location/Site Plan	18757SAE/PA/2010/001		05.10.2010
Location/Site Plan	18757SAE/PA/2010/002		05.10.2010
Site Layout	18757SAE/PA/2010/004		05.10.2010
Elevations	18757SAE/PA/2010/006		05.10.2010
Elevations	18757SAE/PA/2010/007		05.10.2010
Site Layout	18757SAE/PA/2010/008		05.10.2010
Other	10.1	A	05.10.2010

This permission is granted subject to the following conditions: -

- The development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice.**

Reason: In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

Dated: 21st April 2011

Head of Planning and Building Standards

2. Unless otherwise agreed with the Planning Authority, the development shall be constructed and operated in accordance with the provisions of the application, the submitted plans, and the Environmental Statement. This permission shall be for a maximum of 19 turbines and 1 anemometer mast, to be sited as shown on the site layout drawing (Figure 1.2) contained within Chapter 1 of the Corriemoillie Wind Farm, September 2010. The prior written approval of the Planning Authority in consultation with Scottish Natural Heritage and the Scottish Environment Protection Agency shall be required for the siting of any wind turbine or access track more than 30 metres from the approved location. Any such submission shall include a revised site layout for the location of all turbines and access roads.

Reason: In order to clarify the terms of permission and to ensure restoration of the site.

3. Permission is granted for a limited period of twenty-six years from the date that electricity is first sold to the grid network, such date to be notified in writing to the Planning Authority within three months of this time. At the end of this period, unless with the express approval in writing of the Planning Authority, all wind turbines, buildings and ancillary equipment, shall be dismantled and removed from the site, and the ground fully reinstated to the satisfaction of the Planning Authority.

Reason: In order to give due recognition to the temporary nature of the proposed development.

4. Not later than 12 months before the end of this permission, a decommissioning and site restoration scheme shall be submitted to and agreed in writing by the Planning Authority in consultation with Scottish Natural Heritage and the Scottish Environment Protection Agency. This scheme shall include details of the removal of all above-ground elements of the development, the method of ground reinstatement, the timing of any works and a Construction Environmental Management Document (CEMD). The agreed scheme shall be implemented.

Reason: To ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration of the site, in the interests of safety, amenity and environmental protection.

5. In the event that any wind turbine fails to supply electricity to the grid for a continuous period of 6 months then, unless otherwise agreed in writing with the Planning Authority, a scheme for the removal of that wind turbine and any surface ancillary works solely relating to that wind turbine shall be submitted in writing for the approval of the Planning Authority. The agreed scheme shall be implemented.

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

6. No development shall start on site until the completed Notice of Initiation of Development (NID) form attached to this decision notice has been submitted to and acknowledged by the Planning Authority. From the date of acknowledgement, the Site Notice attached to it shall be posted in a publicly accessible part of the site until the development is completed.

Reason: In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

Dated: 21st April 2011



Head of Planning and Building Standards

7. No development shall start on site until evidence of a bond or other financial provision to cover all decommissioning and site restoration costs is in place has been submitted to and agreed by the Planning Authority. Such agreed bond, or other such provision, shall be maintained throughout the duration of the development but will be subject to five yearly review.

Reason: To safeguard the proper restoration of the site.

8. No works shall start on site until 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, has been 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 any features of archaeological importance.

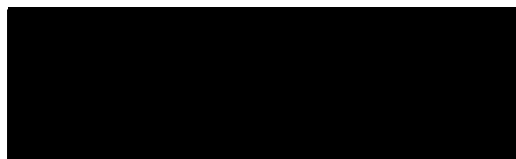
9. No development shall start on site until a Construction Environmental Management Document is submitted to and agreed in writing by the Planning Authority in consultation with SNH and SEPA. The Document shall include:-

- An updated Schedule of Mitigation (SM) including all mitigation proposed in support of the planning application, other relevant agreed mitigation (e.g. as required by agencies) and set out in the relevant planning conditions;
- Processes to control / action changes from the agreed Schedule of Mitigation
- The following specific Construction and Environmental Management Plans (CEMP):-
 - (i) Peat management plan
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 - (iv) Chemical pollution plan
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- Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities;
- Methods of monitoring, auditing, reporting and communication of environmental management on site and with the client, Planning Authority and other relevant parties;
- Statement of responsibility to 'stop 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 Document.

Reason: To protect the environment from the construction and operation of the development.

Dated: 21st April 2011



Head of Planning and Building Standards

10. No development shall start on site until the final specification of wind turbine has been submitted to and agreed in writing by the Planning Authority. The details shall including the make, model, design, power rating and sound power levels. For the avoidance of doubt, wind turbines on this site shall not exceed 125m to blade tip from ground level and 80m to hub height from ground level. The turbines shall be finished in a non-reflective semi-matt pale grey colour or other finish as may be agreed with the Planning Authority.

Reason: In order to clarify the terms of permission and retain effective control over the development.

11. No development shall start on site until the final specification of the means of access, fencing, design, materials, colours/external finishes and construction of all ancillary elements to the development, including the proposed control building, has been submitted to and agreed in writing by the Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason: In the interests of visual amenity.

12. No development shall commence until a Habitat Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with SNH, providing for measures to protect and manage habitat and species within the site. This scheme shall specifically consider:-

- managing/restoring blanket bog, dry heath, alpine and boreal heaths;
- the interests of otters, bats, water vole, wild cat and pine martin

The agreed scheme shall be implemented.

Reason: To protect and manage habitat and species within the site in the interest of nature conservation.

13. No development shall start on site until pre-commencement surveys to locate the presence or absence of otter, badger, bat, squirrel and pine martin is undertaken. Should any of these species be located within/adjacent to an area likely to be affected by construction activities, appropriate mitigation measures shall be put in place, details of which shall be submitted to and agreed in writing by the Planning Authority in consultation with SNH.

Reason: To protect and enhance nature conservation from construction activities.

14. No development shall start on site until the applicant has provided the Ministry of Defence (Defence Estates - Safeguarding) with the following information; a copy of which shall be submitted to the Planning Authority:-

- proposed date of commencement of the construction;
- estimated date of completion of the construction;
- height above ground level of the tallest structure;
- maximum extension height of any construction equipment;
- position of the turbines in latitude and longitude plus eastings and northings;

Reason: In order to ensure the safety of low flying military aircraft.

Dated: 21st April 2011

Head of Planning and Building Standards

15. Unless otherwise agreed in writing by the Planning Authority, in consultation with MoD, the cardinal turbines shall be fitted with 200cd omni-directional red lighting with the remaining perimeter turbines fitted with 25cd red lighting at the highest practical point.

Reason: In order to ensure the safety of low flying military aircraft.

16. Access to the site by heavy goods vehicles and any noisy construction activity (eg. piling, blasting, rock-breaking) shall be restricted to 07.00 to 19.00 on Mondays to Fridays and from 07.00 to 12.00 on Saturdays with no such access on Sundays unless otherwise agreed in advance in writing by the Planning Authority.

Reason: In order to control noise in the interest of amenity.

17. No construction activity taking place within 750m of a lek during the lekking period or within 1km of the leks until after 8 a.m.

Reason: In order to safeguard the conservation interest of the site.

18. Within one month of the issue of this planning permission, detailed proposals for ornithological monitoring, including arrangements for submitting the results of monitoring, shall be submitted to and approved in writing by the Planning Authority in consultation with Scottish Natural Heritage. Once agreed the monitoring proposals shall be implemented.

Reason: In order to safeguard the conservation interest of the site.

19. Before the first turbine is commissioned, a scheme for compensatory planting, in accordance with the Scottish Government's policy on the Control of Woodland Removal, is to be submitted to and agreed in writing by the Planning Authority. The scheme shall, wherever possible, include planting that will provide an element of screening from the public road network. The agreed scheme shall be implemented in full within 3 years of the commissioning of the first turbine.

Reason: To enable appropriate woodland removal to proceed, without incurring a net loss in woodland related public benefit, within Scotland and in the interest of visual amenity.

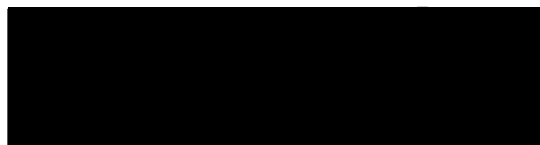
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Reason: In the interest of visual amenity.

21. No symbols, signs, logos or other lettering shall be displayed on any part of the wind turbines nor any other buildings or structures without the prior written approval of the Planning Authority.

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Dated: 21st April 2011



Head of Planning and Building Standards

22. The Wind Farm Operator shall log wind speed and wind direction data continually and shall retain the data which has been obtained for a period of no less than the previous 12 months. The data shall include the average wind speed in metres per second for each 10 minute period. The measuring periods shall be set to commence on the hour or in 10 minute increments thereafter. The data shall be provided on an Microsoft Excel spreadsheet in electronic format. Where the wind speed is measured at a height other than 10 m, the data shall be supplemented by adjusted values which allow for wind shear, normalised to 10m height. Details of the wind shear calculation shall be provided.

At Wind Speeds not exceeding 10m/s, as measured or calculated at a height of 10m above ground level at the wind farm at a grid reference or grid references to be approved by the Planning Authority, the Wind Turbine Noise Level at any dwelling or other noise sensitive premises shall not exceed:-

- (a) during Night Hours, 38dB LA90,10min;
- (b) during Quiet Waking Hours, 35 dB LA90,10min.

Providing that this condition shall only apply to dwellings or other Noise Sensitive Premises existing or the subject of full Planning Permission at the date of submission of this Planning Application.

At the request of the Planning Authority, following a valid complaint to the Planning Authority relating to noise emissions from the Wind Turbines, the Wind Farm Operator shall measure, at its own expense, the level of noise emissions from the Wind Turbines. The measurement and calculation of noise levels shall 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 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.

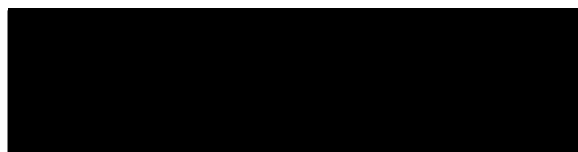
"Background Noise Level" means the ambient noise level already present within the environment (in the absence of noise generated by the Development) as measured and correlated with Wind Speeds.

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

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

"Quiet Waking Hours" means 18:00 - 23:00 hours on all days, plus 07:00 - 18:00 on Sundays and 13:00 - 18:00 hours on Saturdays.

"Noise Sensitive Premises" means premises, the occupants of which could be exposed to noise from the wind farm and includes hospitals, residential homes, nursing homes, etc.



Dated: 21st April 2011

Head of Planning and Building Standards

Should the noise levels in the forgoing condition be exceeded, the Wind Turbine Operator shall take steps forthwith, to ensure that noise emissions from the wind farm are reduced to the aforementioned noise levels or less.

Reason: In order to control noise in the interest of amenity.

23. Visibility splays shall be provided and maintained on each side of the new access to the satisfaction of the Planning Authority. These splays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.

Reason: To ensure that drivers of vehicles leaving the site are enabled to see and be seen by vehicles on the trunk road carriageway and join the traffic stream safely in the interest of road safety.

24. The proposed access shall join the trunk road at a new junction which shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TA 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) complying with Layout 6 . The junction shall be constructed in accordance with details that shall be submitted and approved by the Planning Authority, after consultation with the Roads Authority, before any part of the development is commenced.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not be diminished.

25. The gradient of the access road shall not exceed 1 in 40 metres for a distance of 15 metres from the nearside edge of the trunk road carriageway, and the first 10 metres shall be surfaced in a bituminous surface and measures shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not be diminished and that water run-off from the site does not enter the trunk road.

26. Prior to the commencement of work on site, arrangements for liaison between the applicant, nominated contractor and the local community during construction shall be submitted to and agreed in writing by the Council. The arrangements shall include the establishment of a Local Liaison Group, nomination of a single point of contact for the community, and regular reporting arrangements. The approved arrangements shall be implemented for the duration of construction of the whole development to the satisfaction of the Council.

Reason: In order to provide for effective community liaison and engagement in the interest of protecting as far as possible the amenity of near residents.

27. Upon completion of the development the completed Notice of Completion form attached to this decision notice shall be submitted to the Planning Authority.

Dated: 21st April 2011


Head of Planning and Building Standards

Reason: In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

Variations

During the processing of the application the following variations were made to the proposal:

1. None.

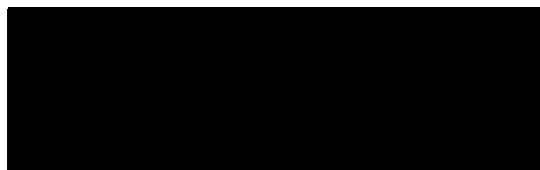
Section 75 Agreement

An Agreement in terms of Section 75 of the 1997 Planning Act relates to this development. The terms of the Section 75 Agreement are as follows:

1. None.

The full Section 75 Agreement can be inspected at the relevant planning office.

Dated: 21st April 2011



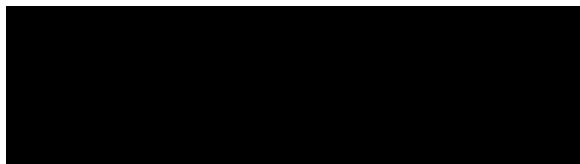
Head of Planning and Building Standards

NOTIFICATION TO APPLICANT

1. If the applicant is aggrieved by the decision to refuse planning permission for or approval required by a conditions in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of appeal should be addressed to:
Directorate for Planning and Environmental Appeals
4 The Courtyard
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR
Appeals can also be lodged online via the ePlanning Portal at <https://eplanning.scotland.gov.uk/WAM/>

2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

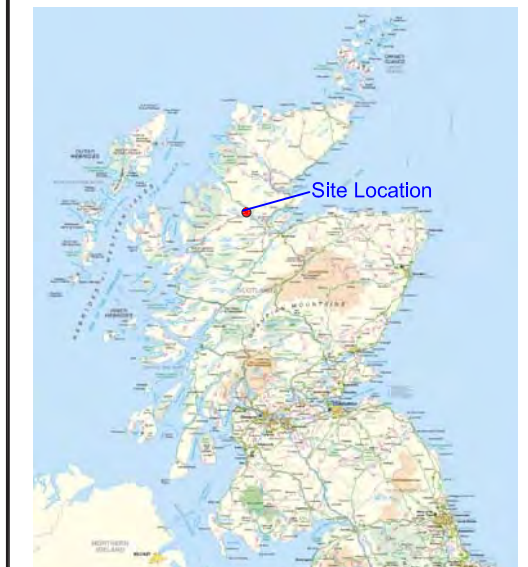
Dated: 21st April 2011



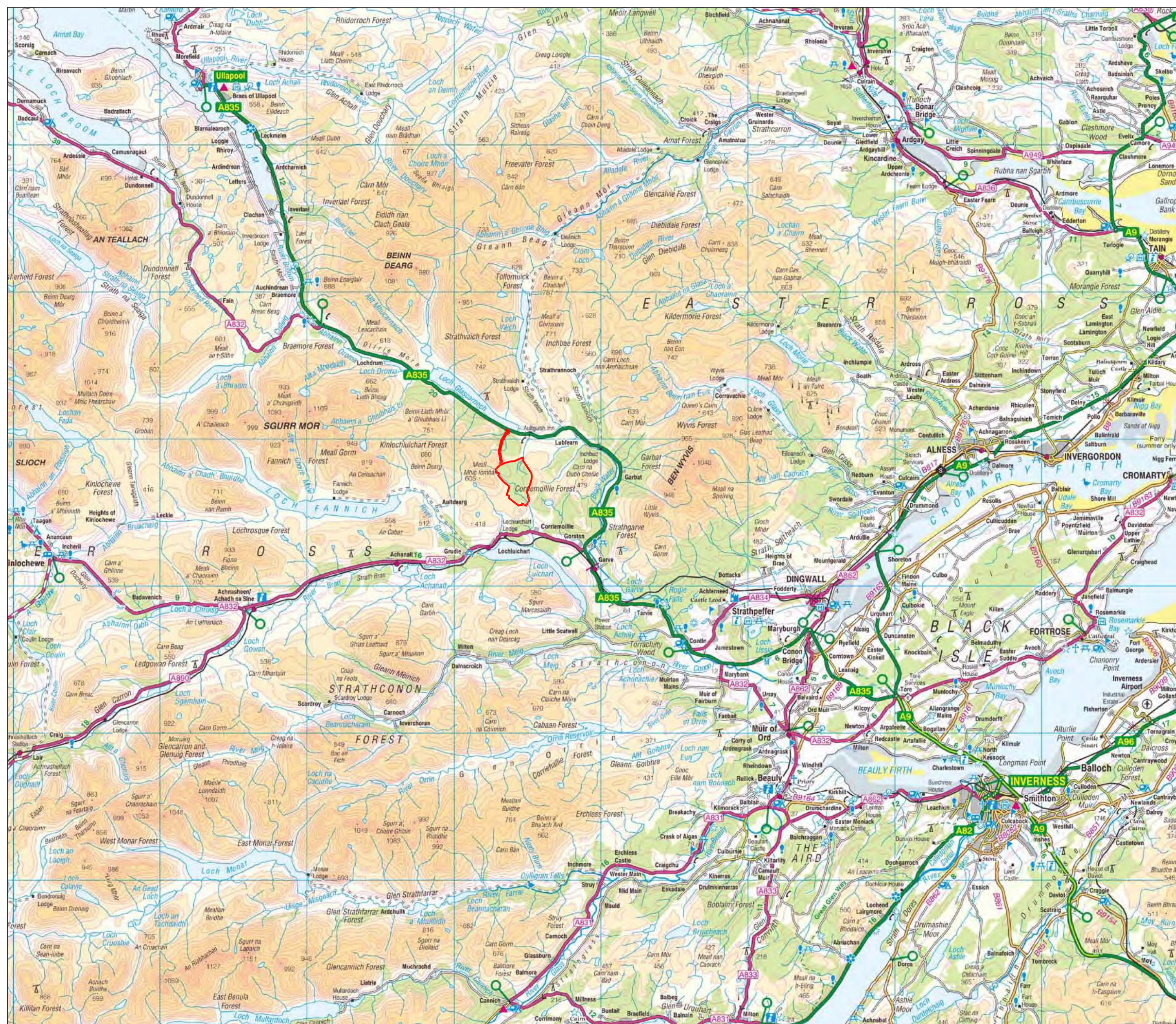
Head of Planning and Building Standards


Key

 Site Location



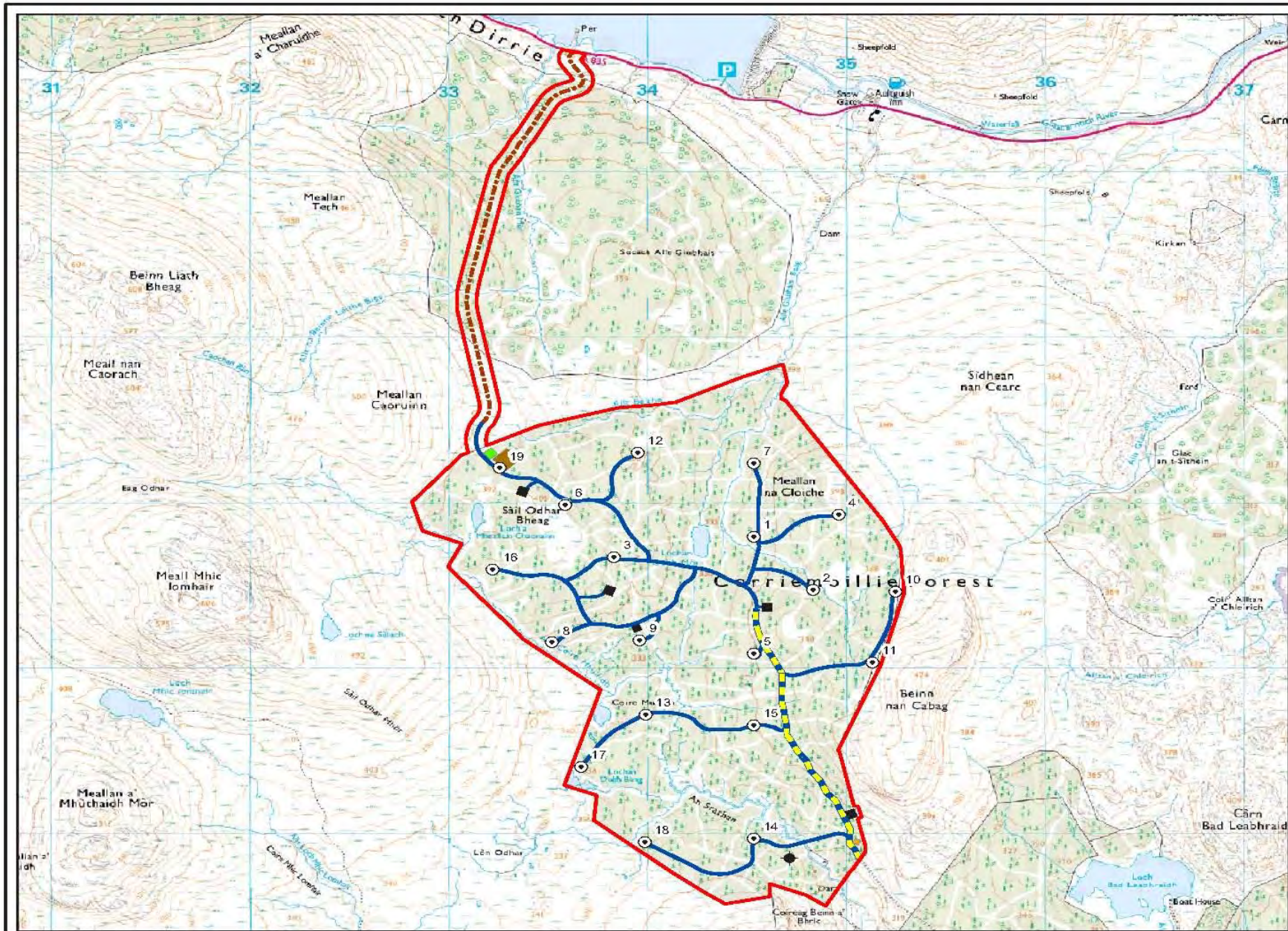
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Scale 1:250,000 @ A3


Site Location Plan
Figure 1.1

**Corriemoillie Wind Farm
Environmental Statement 2010**



Key

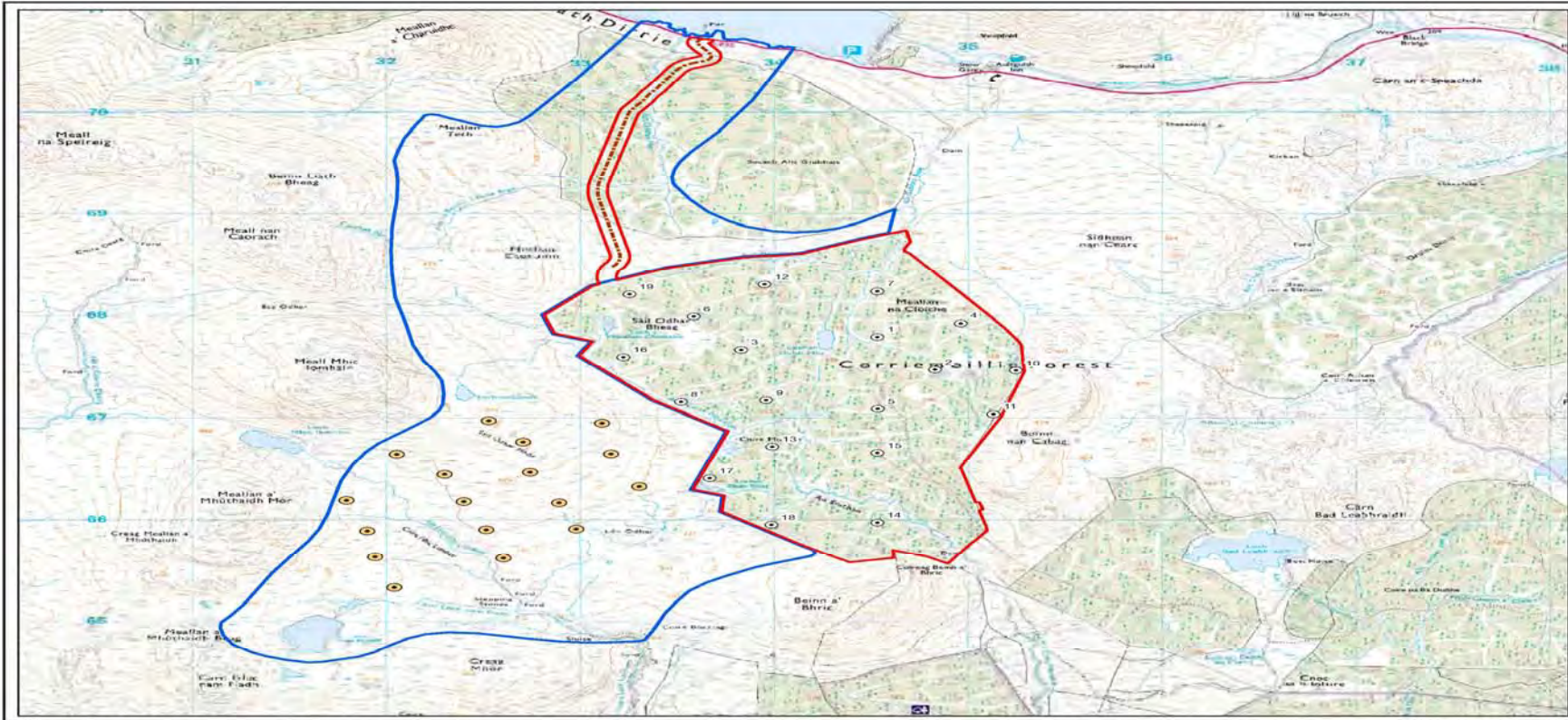
- Site Boundary
- Turbine locations
- Met mast location
- Existing track
- New Track
- Construction Compound
- Wind Farm Control Building & Substation
- Laydown
- Borrow Pit
- Lochluichart existing access

Infrastructure	ID	Easting	Northing	ID	Easting	Northing
Turbines	1	234854	867795	11	235133	867034
	2	234983	867472	12	235262	866302
	3	233832	867665	13	233992	866717
	4	234963	867520	14	234833	865969
	5	234836	867083	15	234834	866655
	6	233356	867865	16	233233	867087
	7	234834	868334	17	233668	866402
	8	233822	867150	18	233968	865948
	9	233960	867389	19	233251	866207
	10	235263	867462			
Borrow Pits	1	233370	866060			
	2	233923	867472			
	3	233944	867264			
	4	234900	867368			
	5	235002	866210			
Temporary Construction Compound		233210	866267			
Laydown Area		233287	866262			
Wind Farm Control Building		235053	865952			
Metastorlogical Mast		234714	865813			



Site Layout & Access Tracks
Figure 1.2

Corriemoillie Wind Farm
Environmental Statement 2010



BAE1857 Corriemoillie Wind Farm - W:\1857\asn\Technical\Graphics\CAD\1857\asn_030 - Lochluichart location map

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Climate & Renewables

RPS

Key

- Corriemoillie Site Boundary
- Corriemoillie Turbine locations
- Lochluichart Site Boundary
- Lochluichart Turbine locations
- Lochluichart existing access

Scale 1:25,000 @ A3




**Location of Lochluichart Wind Farm
Figure 1.3**

**Corriemoillie Wind Farm
Environmental Statement 2010**