Agenda Item	6.3
Report No	PLN/006/23

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 25 January 2023

Report Title: 21/02985/FUL : Bluebell Wind Limited
Land 1.9Km SW Of Aultguish Inn, Garve, IV23 2PQ

Report By: Acting Head of Development Management – Highland

Purpose / Executive Summary

Description: Lochluichart Wind Farm Extension II Redesign - Erection and Operation of a Wind Farm for a period of 40 years, comprising of 5 wind turbines with a maximum blade tip height 149.9m, access tracks, borrow pits, substation, control building, and ancillary infrastructure.

Ward: 05 – Wester Ross, Strathpeffer and Lochalsh

Development category: Major Development

Reason referred to Committee: Major Development

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **GRANT** planning permission as set out in Section 11 of the report.

1. PROPOSED DEVELOPMENT

1.1 The application is for the erection and operation of a wind farm for a period of 40 years, comprising of 5 wind turbines with a maximum blade tip height of 149.9m, access tracks, borrow pits, substation, control building, and ancillary infrastructure. The proposal has the capacity to generate up to 24MW. The application constitutes a redesign of the previously consented wind farm extension at the site for the same number of turbines. The consented turbine blade tip heights are 133m, with the proposed development having blade tip heights of 149.9m, 16.9m taller than the consented development.

1.2 The Lochluichart Wind Farm Extension II was consented under delegated powers in July 2020 and comprises 5 wind turbines at 133m to blade tip.

1.3 The proposal has been submitted under the Town and Country Planning (Scotland) Act 1997 on the basis that the applicant has sought to operate the wind farm as a standalone consent which would have an electricity output of less than 50MW.

1.4 The changes to each element of the proposal are summarised below:

Infrastructure	Consented Scheme	Proposed Scheme
Number of Turbines	5	5
Tip Height	133m	149.9m
Rotor Diameter	114m	133m
Hub Height	76m	83.4m
Energy Generation	18MW	24MW
Energy Generation Per Turbine	3.6MW	4.8MW
Access Track Length	3km	No change
Access Track Width	5m with localised widening and passing places	No change
Turbine Foundations (with associated hard standing areas for cranes)	1,100m^2	1,850m^2
Borrow Pits	2	No change

Control Building and Substation Compound	66m x 30m 26m(l) x 6m(w) x 4m(h)	No change
Temporary Construction Compounds	100m x 50m	No change
Watercourse Crossings	1	No change
Operational lifetime	25 years	40 Years

1.5 The applicant has requested a micro-siting allowance of 50m for site infrastructure, tracks and turbine locations to accommodate unknown ground conditions, whilst also maintaining environmental buffers (e.g. set back from watercourses). The final design of the turbines (colours and finish), substation and control buildings/compounds/ancillary electrical equipment, landscaping and fencing etc. are expected to be agreed with the Planning Authority, by condition, at the time of project procurement. Whilst typical drawings for these elements are set out in the application, turbine manufacturers regularly update designs that are available, thereby necessitating the need for some flexibility on any approved design details.

1.6 The applicant has undertaken public consultation in advance of submission of their application. This has included distribution of newsletters to local residents and businesses; updates to the project website including delivery of an online consultation page; advertisements in the local newspaper, provision of a telephone number and dedicated email address to allow people to contact the developer about the project; virtual meetings with the Garve and District Community Council; and virtual community engagement events held on 3 December 2020, including question and answer sessions with opportunity thereafter for written feedback. 3 written responses were received with 2 respondents being supportive of the development and I being undecided. Matters raised included: noise associated with larger turbines; planting; traffic; shared ownership; hydrogen production potential; decommissioning and further ecology survey work.

1.7 The applicant has not sought formal pre-application advice prior to submitting the application. It had however sought procedural advice from officers prior to submission.

1.8 The application is supported by an Environmental Impact Assessment Report (EIAR) and Further Environmental Information (FEI) which considered the environmental effect of the development, which is the approach required by the regulations and supported by Scottish Government guidance. The EIAR submitted with the application contains chapters on: Climate Change, Socio-economics, Noise and Vibration; Landscape and Visual; Cultural Heritage; Ecology; Ornithology; Hydrology, Hydrogeology, Geology and Peat; Shadow Flicker and Safety, Traffic and Transport; Geology; Infrastructure and Forestry. The application was also supported by a Design and Access Statement; Pre-Application Consultation Report; and a Planning Statement.

1.9 No variations have been made to the application during the determination period, however, the applicant provided EIA Further Environmental Information (FEI) relating to: ecology, ornithology, forestry and landscape and visual impacts.

2. SITE DESCRIPTION

2.1 The proposed development is situated to the south of Loch Glascarnoch, 18km north west of Dingwall and immediately south of the A835(T). Settlements in the nearby vicinity are Garve (9km) and Contin (17km) which are located to the south east along the A835(T). Northwards, this road is the main route which serves Ullapool and communities across the west coast of Highland.

2.2 Other smaller clusters of residential properties within 10km include the villages of Lochluichart (4km south), Grudie (west of Lochluichart) and Gorstan (east of Lochluichart) which are located along the A832. Owing to the separation distances, intervening topography and forestry cover these settlements would have either have no visibility or low levels of visibility of the proposed development. The immediate area surrounding the site is sparsely populated with closest property to the proposal being located to the north east (Aultguish Inn) which would be 2km to the nearest proposed turbine.

2.3 The proposed extension site comprises 595ha of which around 2% (14ha) would be subject to built development. The elevation of the site ranges from 260m – 500m AOD and is relativity low lying in contrast to the large scale rugged mountain massif landscape of Sgurr Mor range to the west and rounded hill landscape of Ben Wyvis to the east. To the east of the site lies the Corriemoillie forest which broadly wraps around the site from north to south. To the south west lies Loch Fannich which is man-made with hydro dams, as is Loch Glascarnoch to the north adjacent to the A835.

2.4 The proposal would be the second northern extension to Lochluichart Wind Farm and together with the neighbouring Corriemoillie Wind Farm and the hydro dams, energy is the dominant land use across the wider area. The intervening land uses across the Lochluichart Estate also broadly comprise of sheep farming, forestry, dear stalking, pheasant shooting, fishing and hill walking.

2.5 The site itself forms part of an undulating upland open moorland landscape with large forestry blocks occupying the lower slopes. With the exception of the existing windfarms and associated infrastructure, the site is relatively free from infrastructure / built development.

2.6 The site does not form part of any statutory or non-statutory designated site for nature conservation. There are a number of statutory designated site in the wider area within 10km. These comprise:

- 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 4.1km 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.

- Fannich Hills SSSI lies approximately 5km west of the site. The designation relates to its upland breeding bird assemblage.
- Glen Affric to Strathconon Proposed SPA lies 5.8km south of the site. The qualifying interest is golden eagle.
- Achanalt Marshes SSSI & SPA lies approximately 7.8km south west 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).
- Ben Wyvis SSSI, SAC and SPA lies approximately 8.8km east of the site. The SSSI designation is geological. The qualifying interest of the SPA is its nationally important population of breeding dotterel.

2.7 Much of the moorland across the site itself either comprises blanket bog (M17) or wet heath (M15) with development proposed across areas of peatland. The habitat types correspond to European wet heath and active raised bog and blanket bog listed on Annex I of the habitats Directive and also represented priority habitats for the Ross and Cromarty (East) Local Biodiversity Action Plan (LBAP). A detailed peat depth survey has also identified peat depths of up to 3.75m across the site with prevailing peat depths being around 0.5m across the western area of the site and around 1-2.5m across the eastern area of the site.

2.8 The lower slopes of the site also comprise forestry which is predominantly Scots Pine. This commercial forestry account for roughly half of the site (297ha), of which around one third is open ground at present, one third is failed crop with the residual third being productive stocked woodland. Around 3.6ha of productive woodland requires to be felled to accommodate the development for which compensatory planting would be provided.

2.9 The central area of the site is drained by the Allt Giubhais Mor burn which feeds Loch Glascarnoch to the north. The eastern area of the site is drained by the Allt Guibhis Beag burn which feed Glascarnoch River to the north. Both burns are fast flowing, reflective of typical upland watercourses. A single new burn crossing is required across the Allt Beinne burn which is a tributary to the Allt Giubhais Mor burn. Water quality monitoring undertaken to inform the EIAR indicates that the burn to be crossed, and the burn this feeds into, are of good water quality. The wetland habitat across the site has potential to be Ground Water Dependant Terrestrial Ecosystems (GWDTEs) which is protected under the Water Framework Directive. The EIAR has however concluded that this habitat is fed by surface water runoff, is not groundwater dependent and that all highly dependant GWDTE have been avoided.

2.10 The habitats across the site also has the potential to support protected species, namely water vole, pine marten and very low numbers of bat. The site and wider area also supports a number of ornithological interests including red throated diver, black grouse and other bird species.

2.11 Within the site there are potential Ground Water Dependent Terrestrial Ecosystems (GWDTEs) which are protected under the Water Framework Directive. The Phase 1 Habitat Survey and associated National Vegetation Classification (NVC) survey

which accompanies the application identifies that the majority of the site is wet modified bog (M17a and M19a) and that potential GWDTEs are generally confined to the watercourses that drain the site and comprise acid/neutral flush (M6c).

2.12 The site is not located within any international or regional landscape designations. There are a number of Special Landscape Areas (SLAs) focused 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 Wild Land Areas (WLAs) and important tourist routes to Wester Ross and Skye. Landscape designations and WLAs within a 40km radius Study Area include:

National Scenic Areas

- Wester Ross NSA at 20km to the west;
- Glen Strathfarrar NSA at 25km to the south;
- Dornoch Firth NSA at 35km to the north east; and
- Assynt - Coigach 37km to the north west.

Special Landscape Areas

- Fannichs, Beinn Dearg and Glen Calvie SLA at 5km to the north and west;
- Ben Wyvis SLA at 9km to the east; and
- Strathconan, Monar and Mullardoch SLA at 10km to the south.

Gardens and Designed Landscapes

- 12 which are mostly located in the settled landscapes to the south east.

Wild Land Area

- WLA28. Fisherfield, Letterewe, Fannichs WLA at less than 1km to the west;
- WLA29. Rhiddoroch, Beinn Dearg and Ben Wyvis WLA wraps round the site at around 3km to the north, north-east and east;
- WLA24. Central Highlands WLA at 13km to the south;
- WLA26. Coulin and Ledgowan Forest WLA at 24km to the west; and
- WLA27. Flowerdale, Shieldaig – Torridon WLA at 30km to the west.

2.13 The site is not located within, or adjacent to any Wild Land Areas (WLAs).The following WLAs are within 40km:

- WLA24 Central Highlands
- WLA28 Fisherfield - Letterewe - Fannichs
- WLA29 Rhiddoroch - Beinn Dearg - Ben Wyvis
- WLA34 Reay - Cassley
- WLA35 Ben Klibreck - Armine Forest
- WLA37 Foinaven - Ben Hee

Built Heritage

2.14 Within the site there are no designated heritage assets and three known undesignated heritage assets comprising: a possible standing stone, probable survey post and a possible chimney or borehole associated with the construction of the nearby Loch Glascarnoch Dam. The site is also of negligible archaeological

potential. The surrounding area also contains a limited number of historic environment features with their being one designated asset within 5km, comprising the Category B-listed Loch Glascarnoch Dam.

Cumulative Development

2.15 When assessing a wind farm proposal, consideration of similar developments in proximity of the proposal for cumulative effects is required. The list below sets out wind turbines in the wider area (40km) that are in excess of 50m in height, operational, approved or have been submitted but not yet determined.

Site Name	No. of Turbines	Tip Height (m)	Distance and direction from the Proposed Development
Operational Sites			
Corriemoillie	17	125	0km SE
Lochluichart Wind Farm Ext I	6	125	0km S
Lochluichart Wind Farm	17	125	1km S
Fairburn	20	100	17km SSE
Novar	34	55.5	20km ENE
Novar Extension	16	99.5	20km ENE
Auchmore	1	79	24km SE
Auchmore 2 (Gaoth)	1	79	24km SE
Foulis Farm (Yellow Wells)	1	67	24km E
Coire na Cloiche	13	99.9	27km NE
Beinn Tharsuinn	17	80	29km NE
Beinn Tharsuinn Extension (Beinn nan Oighrean)	2	99.5	29km NE
Rosehall	19	90	37km NNE
Achany	19	100	38km NNE
Consented / Sites Under Construction			
Swordale	1	67	24km E

Strathrory	7	149.9	30km ENE
Belladrum	1	54	33km SE
Garvary	37	180	38km NNE
Application / Appeal Sites			
Kirkan (THC Raised Objection awaiting decision from Scottish Ministers)	17	175	1km E
Meall Buidhe (THC refused the application awaiting outcome of appeal)	9	149.5	28km NNE
Strath Oykel (THC Raised Objection awaiting decision from Scottish Ministers)	11	198	32km NNE
Achany Extension (THC Raised No Objection awaiting decision from Scottish Ministers)	20	150	40km NW

3. PLANNING HISTORY

3.1	10.08.2022	Proposed 33kv Overhead Line: Lochluichart Wind Farm Extension II Grid Connection (22/00244/S37)	Raise No Objection
3.2	01.06.2020	Lochluichart Wind Farm Extension II - erection of 5 turbines (maximum tip height 133m), temporary construction compound, borrow pits, crane pads, access tracks, underground cables between turbines, sub-station, battery storage, maintenance and control buildings with welfare facilities (19/01284/FUL)	Permission Granted
3.3	24.08.2018	Extension to wind farm - erection of nine 3mw turbines (installed capacity of 27mw) and associated infrastructure works (18/00682/PAN)	Case Closed
3.4	05.06 2017	Extension to Lochluichart Wind Farm (Scoping request under Electricity Works EIA Regulations 2000) (17/01834/SCOP)	Scoping Response Issued

3.5	15.09.2015	Display of advertisement for wind farm (15/01847/ADV)	Permission Granted
3.6	04.09.2012	Erection of 10.5m high lattice tower with 2 antenna, 2 transmission dishes and equipment cabin enclosed within compound (12/02951/FUL)	Application Withdrawn
3.7	02.10.2012	Extension to Lochluichart Wind Farm, compromising six turbines and two borrow pits (11/03204/S36)	Approved by Scottish Ministers
3.8	20.01.2012	Borrow pit excavation works to enable the development and construction of the consented Lochluichart Wind Farm (11/02529/FUL)	Permission Granted
3.9	30.11.2011	Borrow pit excavation works to enable the development and construction of the consented Lochluichart Wind Farm (11/02526/FUL)	Permission Granted
3.10	19.05.2010	Section 42 application to vary condition 6.56 of 05/01052/S36RC (10/01460/FUL)	Permission Granted
3.11	05.01.2009	Construct and Operate a 22 Turbine, 66 MW Wind Farm and Associated Access Tracks/Services (05/01052/S36RC)	Approved by Scottish Ministers
3.12	05.09.2005	Erection of Two 80 Metre Masts for a Temporary Period of 18 Months (05/00463/FULRC)	Permission Granted

4. PUBLIC PARTICIPATION

4.1 Advertised: EIA Development

Date Advertised: 02.07.2021 (EIA), 15.04.2022 and 19.04.2022 (EIAR FEI) in the Edinburgh Gazette and the Ross-shire Journal.

Representation Deadline: 02.08.2021 (EIA), and 19.05.2022 (EIAR FEI)

No. of Representations: 2 (neutral)

4.2 Material considerations raised are summarised as follows:

a) potential adverse impact on ornithology;
b) requirement to demonstrate biodiversity net gain; and
c) maintaining public access rights.

4.3 No non-material issues were raised.

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. CONSULTATIONS

5.1 **Garve District Community Council** do not object to the application. It confirms that community council members have been informed about this application and have raised no objections.

5.2 **Strathrpeffer and District Community Council** do not object to the application. It confirms the community council's in principle support of wind farm development where it meets and delivers on the requirements of the Planning Authority.

5.3 **Access Officer** does not object to the application. There are no core paths or hill access paths within the development area, other than the existing Lochluichart Wind Farm access road. The development does not appear to affect any existing regular hill access or offer significant opportunity to enhance access. However, wider public access rights are to be maintained.

5.4 **Environmental Health Officer** does not object to the application. This is subject to the existing consented wind farm extension's condition being amended in line with the revised predicted noise levels, with a limit of no more than 2dB above the predicted levels in EIAR Table 7.4.

5.5 **Flood Risk Management Team** do not object to the application. They have no further comments.

5.6 **Forestry Officer** do not object to the application. He notes 1 of the 5 turbines is in an area of woodland, with the construction compound and 2 borrow pits being in or adjacent to woodland. Existing plantation woodland has largely failed, with net woodland loss as a result of the development being 3.7ha, for which offsite compensatory planting is proposed to be secured by condition. He notes that the area of woodland loss may require to be increased to reflect other areas of failed woodland largely due to deer damage, as highlighted by Scottish Forestry, and that the Loch Luichart Estate Long Term Forest Plan will be updated accordingly. `

5.7 **Historic Environment Team** do not object to the application. It notes the presence of a putative standing stone located adjacent to the existing access track and between the proposed substation / control building / construction compound and a proposed borrow pit. It requires to be identified, excavated (if found not to be purely a geological feature), and re-erected as a feature at a suitable location beyond the footprint of the development, with minimal interpretation. Site stripping of the control building / construction compound and borrow pit also requires archaeological supervision. A condition is therefore recommended requiring a programme of archaeological work.

5.8 **Transport Planning** do not object to the application. It recommends the conditions of the previous consented wind farm at the site be applied.

5.9 **Civil Aviation Authority** were consulted but did not provide any response.

5.10 **Highlands and Islands Airports Limited (HIAL)** do not object to the application. It confirms that the development would not infringe the safeguard criteria for Inverness Airport.

5.11 **Historic Environment Scotland** do not object to the application. They have no further comments.

5.12 **Ministry of Defence (Defence Infrastructure Organisation)** do not object to the application. It confirms that the development falls within Tactical Training Area 14 used for low level flight training. As such, planning conditions are required to secure aviation safety lighting scheme, as well as sufficient data to accurately plot the wind farm.

5.13 **National Air Traffic Services** do not object to the application. It confirms the proposal does not conflict with their safeguarding criteria.

5.14 **NatureScot (Formerly Scottish Natural Heritage)** do not object to the application. It considers that eagles from the Strathconon Special Protection Area (SPA) use this area and that the development is to have a likely significant effect on the SPA, and the Highland Council undertaking a Habitat Regulations Appraisal. It advises that collision risk is suitably low and the loss of territory through displacement is small enough to not adversely effect the SPA's site integrity. Its previous consultation responses required further updated ornithological and bat surveys to be undertaken.

It also explains that the development is surrounded by nationally and regionally important landscapes, with the views of the development from elevated location being largely restricted to mountain summits, the majority of which lie within Wild Land Area, where the development would appear as an extension to the existing wind farms in the area. The turbines would be of a noticeable change in scale which would undo some of the good design built into the four existing consents in this wind farm cluster. The former EIAR for the consented scheme also concluded the proposed scale of turbines would not be suitable at this site in landscape capacity terms or in their compatibility with the existing wind farm cluster. The development would also result in a small increase in turbine visibility when compared to the consented scheme. It notes the potential need for aviation lighting and recommends that a condition restricts this to infrared lighting only.

5.15 **Scottish Environment Protection Agency** do not object to the application. This is subject to the recommended conditions set out within their 17 December 2019 consultation response to the consented wind farm being applied.

5.16 **Scottish Forestry** do not object to the application. It welcomes the commitment made for provision of compensatory planting, however, questions the area of woodland loss to be compensated for and considers that this should also include areas of failed woodland largely due to deer damage. Conditions are therefore advised to secure sufficient compensatory planting, monitoring and maintenance.

5.17 **Scottish Water** do not object to the application. It cannot confirm that the development can be service. There are no Scottish Water drinking water catchments or water abstraction sources in the area that may be affected.

5.18 **Transport Scotland** do not object to the application. Conditions are recommended requiring prior approval of the routing of abnormal loads on the trunk road network, any associated measures to accommodate abnormal loads, and any additional traffic control measures.

6. DEVELOPMENT PLAN POLICY

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

Highland Wide Local Development Plan 2012 (HwLDP)

6.2 The relevant policies of the adopted HwLDP are as follows:

28 - Sustainable Design
29 - Design Quality and Place-making
30 - Physical Constraints
31 - Developer Contributions
51 - Trees and Development
53 - Minerals
54 - Mineral Wastes
55 - Peat and Soils
56 - Travel
57 - Natural, Built and Cultural Heritage
58 - Protected Species
59 - Other important Species
60 - Other Importance Habitats
61 - Landscape
63 - Water Environment
64 - Flood Risk
65 - Waste Water Treatment
66 - Surface Water Drainage
67 - Renewable Energy Developments:

- Natural, Built and Cultural Heritage
- Other Species and Habitat Interests
- Landscape and Visual Impact
- Amenity at Sensitive Locations
- Safety and Amenity of Individuals and Individual Properties
- The Water Environment
- Safety of Airport, Defence and Emergency Service Operations
- The Operational Efficiency of Other Communications
- The Quantity and Quality of Public Access
- Other Tourism and Recreation Interests
- Traffic and Transport Interests

68 - “Community” Renewable Energy Developments
69 - Electricity Transmission Infrastructure
72 - Pollution
73 - Air Quality
77 - Public Access

West Highland and Islands Local Development Plan 2019 (WHILDP)

6.3 No policies or allocations relevant to the proposal are included in the adopted Local Development Plan. It does however confirm the boundaries of the Ben Wyvis SLA,

the Fannichs, Beinn Dearg and Glencalvie SLA, and the Strathconon, Monar and Mullardoch SLA, or part thereover where these SLAs fall within the WHILDP area.

The Highland Council Supplementary Guidance

6.4 The Onshore Wind Energy Supplementary Guidance (OWESG) provides additional guidance on the principles set out in Policy 67 - Renewable Energy Developments of the Highland-wide Local Development Plan and reflects the position on these matters as set out in Scottish Planning Policy. This document is a material consideration in the determination of planning applications following its adoption as part of the Development Plan in November 2016.

Onshore Wind Energy Supplementary Guidance, Nov 2016 (OWESG)

6.5 The document provides additional guidance on the principles set out in HwLDP Policy 67 - Renewable Energy Developments and reflects the updated position on these matters as set out in Scottish Planning Policy (SPP). This document forms part of the Development Plan and is a material consideration in the determination of planning applications.

6.6 The document includes a Spatial Framework, which is in line with Table 1 of SPP. The site sits within an area comprising a combination of Group 2 – Areas of significant protection and Group 3 - Areas with potential for wind farm development. The Group 2 feature present is Carbon Rich Soil, Deep Peat and Priority Peatland Habitat (CPP). CPP is a nationally important mapped environmental asset that indicates where the resource is likely to be found with a detailed peat assessment being required to guide development away from the most sensitive areas and help inform potential mitigation.

6.7 The document also contains the Loch Ness Landscape Sensitivity Study and the Black Isle, Surrounding Hills and Moray Firth Coast Caithness Sensitivity Study. The site lies adjacent to the Black Isle and Surrounding Hills Sensitivity Study area but it is not located within or close to these study areas. Additional study areas, which could potentially include the site and wider area, are anticipated to be prepared in the future.

Other Supplementary Guidance

6.8 The following Supplementary Guidance also forms a statutory part of the Development Plan and is considered pertinent to the determination of this application:

- Developer Contributions (Nov 2018)
- Flood Risk and Drainage Impact Assessment (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (Mar 2013)
- Highland Renewable Energy Strategy and Planning Guidelines (May 2006)
- Managing Waste in New Developments (Mar 2013)
- Physical Constraints (Mar 2013)
- Special Landscape Area Citations (Jun 2011)

- Standards for Archaeological Work (Mar 2012)
- Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL CONSIDERATIONS

The Highland Council Non-Statutory Planning Guidance

7.1 The Highland-wide Local Development Plan is currently under review and is at Main Issues Report Stage. It is anticipated the Proposed Plan will be published following publication of secondary legislation and National Planning Framework 4.

7.2 In addition, the Council has further advice on delivery of major developments in a number of documents. This includes Construction Environmental Management Process for Large Scale Projects (Aug 2010) and The Highland Council Visualisation Standards for Wind Energy Developments (Jul 2016).

Scottish Government Planning Policy and Guidance

Scottish Planning Policy

7.3 Scottish Planning Policy (SPP) advances principal policies on Sustainability and Placemaking, and subject policies on A Successful, Sustainable Place; A Low Carbon Place; A Natural, Resilient Place; and A Connected Place. It also highlights that the Development Plan continues to be the starting point of decision making on planning applications. The content of the SPP is a material consideration that carries significant weight, but not more than the Development Plan, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case.

7.4 SPP sets out continued support for onshore wind. It requires Planning Authorities to progress, as part of the Development Plan process, a spatial framework identifying areas that are most likely to be most appropriate for onshore wind farms as a guide for developers and communities. It also lists likely considerations to be taken into account relative to the scale of the proposal and area characteristics (Para. 169 of SPP).

7.5 Paragraph 170 of SPP sets out that areas identified for wind farms should be suitable for use in perpetuity. This means that even though the consent is time limited the use of the site for a wind farm must be considered as, to all intents and purposes, a permanent one. The implication of this is that operational effects should be considered as permanent, and their magnitude should not be diminished on the basis that the specific proposal will be subject to a time limited consent.

National Planning Framework

7.6 National Planning Framework 4 (NPF4) will, in due course, supersede Scottish Planning Policy, National Planning Framework 3. It will form part of the Development Plan. The revised draft National Planning Framework 4 was published in November 2022. It comprises three parts, summarised below:

- Part 1 – sets out an overarching spatial strategy for Scotland in the future. This includes a vision and spatial principles.

- Part 2 – sets out policies for the development and use of land that are to be applied in the preparation of local development plans; local place plans; masterplans and briefs; and for determining the range of planning consents. It is clear that this part of the document should be taken as a whole, and all relevant policies should be applied to each application.

- Part 3 – contains a series of annexes which sets out how the document should be used, statements of need for national development, spatial planning priorities, qualities of successful places and other matters.

7.7 The Spatial Strategy sets out that we are facing unprecedented challenges and that we need to reduce greenhouse gas emissions and adapt to future impacts of climate change. It sets out that that Scotland's environment is a national asset which supports out economy, identity, health and wellbeing. It sets out that choices need to be made about how we can make sustainable use of our natural assets in a way which benefits communities. The spatial strategy reflects legislation in setting out that decision require to reflect the long term public interest. However, in doing so it is clear that we will need to make the right choices about where development should be located ensuring clarity is provided over the types of infrastructure that needs to be provided and the assets that should be protected to ensure they continue to benefit future generations. The Spatial Priorities support the planning and delivery of sustainable places, where we reduce emissions, restore and better connect biodiversity; liveable places, where we can all live better, healthier lives; and productive places, where we have a greener, fairer and more inclusive wellbeing economy.

7.8 The Spatial Strategy considers that Highland can continue to make a strong contribution toward meeting our ambition for net zero. It considers that the strategy for Highland aims to protect environmental assets and stimulate investment in natural and engineered solutions to climate change.

7.9 The policies in the revised draft NPF4 most relevant to this proposal include:

Policy 1 – Tackling the climate and nature crisis

Policy 2 – Climate mitigation and adaptation

Policy 3 – Biodiversity

Policy 4 – Natural places

Policy 5 – Soils

Policy 6 – Forestry, woodland and trees

Policy 7 – Historic assets and places

Policy 11 – Energy

Policy 13 – Sustainable transport

Policy 22 – Flood risk and water management

Policy 23 – Health and safety

Policy 25 – Community wealth benefits

Policy 33 – Minerals

Other National Guidance and Policy

7.10 A range of other national planning and energy policy and guidance is also relevant, including but not limited to the following:

- Scottish Energy Strategy (Dec 2017)
- Historic Environment Policy for Scotland (HEPS, 2019)
- PAN 1/2011 - Planning and Noise (Mar 2011)
- Circular 1/2017: Environmental Impact Assessment Regulations (May 2017)
- PAN 60 – Planning for Natural Heritage (Jan 2008)
- 2020 Routemap for Renewable Energy (Jun 2011)
- Onshore Wind Energy (Statement), Scottish Government (Dec 2017)
- Onshore Wind Energy (Statement) Refresh Consultation Draft, Scottish Government (October 2021)
- Siting and Designing Wind Farms in the Landscape, SNH (Aug 2017)
- Wind Farm Developments on Peat Lands, Scottish Government (Jun 2011)
- Energy Efficient Scotland Route Map, Scottish Government (May 2018)
- Assessing Impacts on Wild Land Areas, Technical Guidance, NatureScot (Sep 2020)

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

8.2 This means that the application requires to be assessed against all policies of the Development Plan, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

8.3 The principle of a wind energy development on the site has been established through the consented scheme which received planning permission in July 2020. The focus of this report of handling is therefore on assessing the likely effects of the differences between the consented scheme and the proposed amended scheme, taking into account any new policies and amendments to policies that have been introduced since consideration of the scheme that was subsequently consented, and taking account of any more recent wind energy activity in the area as part of the cumulative assessment.

8.4 Mitigation identified for the original scheme may not be sufficient or appropriate for the amended proposal. While there will be benefit in the increased production of renewable energy from the redesigned development, of primary concern will be the

landscape and visual impact of the larger turbines within the site from receptors in the surrounding area, including road users, recreational users of the outdoors and visitors and residents at the nearby Aultguish Inn.

8.5 The key considerations in this case are:

a) compliance with the development plan and other planning policy;

b) the variations to the proposed development including consideration of matters related to:
- Energy and Economic Benefits
- Climate Change and Carbon Balance
- Construction
- Roads, Transport and Access
- Water, Flood Risk, Drainage and Peat
- Natural Heritage (including Ornithology)
- Forestry
- Built and Cultural Heritage
- Design, Landscape and Visual Impact (including Wild Land Areas)
- Noise and Shadow Flicker
- Telecommunications
- Aviation; and

c) any other material considerations.

Development Plan

8.6 The Development Plan comprises the adopted Highland-wide Local Development Plan (HwLDP), West Highland and Islands Local Development Plan (WHILDP) and all statutorily adopted supplementary guidance. If the Council is satisfied that the proposal is not significantly detrimental overall then the application will accord with the Development Plan.

Highland-wide Local Development Plan

8.7 The principal HwLDP policy on which the application needs to be determined is Policy 67 - Renewable Energy. HwLDP Policy 67 sets out that renewable energy development should be well related to the source of the primary renewable resource needed for operation, the contribution of the proposed development in meeting renewable energy targets and positive/negative effects on the local and national economy as well as all other relevant policies of the Development Plan and other relevant guidance. In that context the Council will support proposals where it is satisfied they are located, sited and designed such as they will not be significantly detrimental overall, individually or cumulatively with other developments having regard to 11 specified criteria (as listed in HwLDP Policy 67). Such an approach is consistent with the concept of Sustainable Design (HwLDP Policy 28) and aims of SPP and the revised draft NFP4 to achieve the right development in the right place; it is not to allow development at any cost.

West Highland and Islands Local Development Plan

8.8 The WHILDP does not contain any specific land allocations related to the proposed development. However, Para 1.51 highlights *"The Plan area's heritage resource, particularly its landscape quality, are an important factor in spatial planning. In simple numeric terms, national and international protected heritage designations, sites and areas and comparing to the Plan area's 15% share of Scotland's land area, there are 10% of Scotland's Sites of Special Scientific Interest, 28% of its National Scenic Areas, 3% of its scheduled monuments, 2% of its Category A Listed Buildings and 15% of its Natura sites. There are also large areas of nationally important carbon-rich soils, deep peat and priority peatland habitats that influence the optimum location for future growth".*

8.9 WHILDP Para 1.52 continues - *"SLAs are landscapes that are seen as being of regionally significant landscape and visual quality. The boundaries of these areas are set out in the Assessment of Highland Special Landscape Areas (June 2011) and supported by planning policy in the HwLDP."* The WHILDP confirms the boundaries of the SLAs. The boundaries set out in WHILDP are supported by a background paper which includes citations for the SLAs. HwLDP Policies 28, 57, 61 and 67 of the HwLDP seek to safeguard these regionally important landscapes. The impact of this development on landscape and visual impact is primarily assessed in the Design, Landscape and Visual Impact (including Wild Land) section of this report.

Onshore Wind Energy Supplementary Guidance (OWESG)

8.10 The Council's Supplementary Guidance - Onshore Wind Energy, is a material consideration in the determination of planning applications. The supplementary guidance does not provide additional tests in respect of the consideration of development proposals against Development Plan policy. However, it provides a clear indication of the approach the Council towards the assessment of proposals, and thereby aid consideration of applications for onshore wind energy proposals.

8.11 The OWESG contains a Spatial Framework for wind energy as required by SPP. The site falls within both a "Group 3 - Area with potential for wind energy" and Group 2 – "Area of significant protection". In Group 2 areas further consideration is required to demonstrate that any significant effects can be substantially overcome by design, siting or other mitigation. Group 2 features within the site relate to carbon rich soils / priority peatland habitat. The site is not subject to any other constraints identified by the spatial framework and therefore, on the premise that impacts on peat resources are found not to be significantly detrimental, the principle of further wind farm development in this location could receive support under the Spatial Framework as the site would therefore in effect comprise a Group 3 area.

8.12 The OWESG approach and methodology to the assessment of proposals is applicable and is set out in the OWESG Para 4.16 - 4.17. It provides a methodology for a judgement to be made on the likely impact of a development on assessed "thresholds" in order to assist the application of HwLDP Policy 67. The 10 criteria are particularly useful in considering visual impacts, including cumulative impacts.

National Policy

8.13 SPP sets out continued support for onshore wind, requiring 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. This framework, which the OWESG provides, is also intended as a guide for developers and communities alike. National policy also lists considerations to be taken into account relative to the scale of the proposal and area characteristics (paragraph 169 of SPP). Scottish Planning Policy will be superseded in upon adoption of National Planning Framework 4 by Scottish Ministers.

8.14 Notwithstanding the overarching context of support, SPP recognises that the need for energy and the need to protect and enhance Scotland's natural and historic environments 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, or effective planning conditions can be used to overcome potential objections to development.

8.15 Criteria outlined within SPP for the assessment of applications for renewable energy developments include landscape and visual impact; effects on heritage and historic environment; contribution to renewable energy targets; effect on the local and national economy and tourism and recreation interests; benefits and dis-benefits to communities; aviation and telecommunications; development with the peat environment, noise and shadow flicker; and cumulative impact. A number of criteria are set out in SPP against which proposals for onshore wind energy development should be assessed (paragraph 169). These criteria are primarily reflected in Policy 67 (Renewable Energy) of the Highland-wide Local Development Plan. A failure against one of these criteria does not necessarily mean that a development fails, all these criteria must be given consideration.

8.16 SPP Paragraph 28 outlines a presumption in favour of development that contributes toward sustainable development where the Development Plan is more than five years old. Despite HwLDP Policy 67 (and the HwLDP as a whole) pre-dating the current SPP, the considerations it identifies are broadly consistent with those identified in SPP Paragraph 169. Whilst there are some differences in their scope and emphasis, the conclusions drawn against both SPP Paragraph 169 and HwLDP Policy 67 would be broadly similar. Further in considering the presumption in favour of sustainable development, consideration must be given to whether the proposal conflicts with the principles contained within SPP Paragraph 29. This is considered further in this report. If the proposal conflicts with the principles set out in SPP Paragraph 29 then the presumption in favour of sustainable development would not apply.

8.17 As a statement of the Government's approach to spatial planning in Scotland, National Planning Framework 3 (NPF3) is a material consideration that should be afforded significant weight in the planning balance. NPF3 considers that onshore wind has a role in meeting the Scottish Government's targets to achieve at least an 80% reduction in greenhouse gas emissions by 2050, and to meet at least 30%

overall energy demand from renewables by 2020, including generating the equivalent of at least 100% of gross electricity consumption from renewables. These targets have been superseded by those in the Climate Change (Scotland) Act 2019. National Planning Framework 4 will superseded the provisions of NPF3, once adopted by Scottish Ministers.

8.18 The revised draft National Planning Framework 4 was laid before Scottish Parliament in November 2022. Following a period for consideration by Scottish Ministers, it is anticipated that the revised draft will be adopted, subject to any changes made by Ministers agreed through parliamentary processes, as the new principal planning policy and spatial strategy for Scotland. Given the advanced stage of the policy it is considered it should be given significant weight in the decision making process.

8.19 NPF4 requires significant weight to be given to the global climate and nature crises. However, a balance still requires to be struck in terms of the impact of development. Policy 11 (Energy) sets out that development proposals for all forms of renewable energy (including wind farms) will be supported. This policy continues to set out that proposals will only be supported where they maximise net economic impact. Applications are required to demonstrate how, through project design and mitigation, the impact on a range of considerations has been addressed. This allows for consideration of matters related to: impacts on communities and individual dwellings in relation to amenity; landscape and visual impact; public access; aviation and defence interests; telecommunications; traffic; historic environment; biodiversity (including birds); impacts on trees; decommissioning; site restoration; and cumulative effects.

8.20 While the weight to be given to each of the considerations in Policy 11 is a matter for the decision maker, NPF4 is clear that significant weight will require to be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emission reduction targets. In relation to landscape and visual impacts it advises that where impacts are localised and / or appropriate design mitigation has been applied such effects will generally be considered acceptable.

8.21 However NPF4 must be read as a whole and detailed consideration given to linked policies. Relevant to this proposal are the following policy matters:

- Policy 4 (Natural Places) – this policy sets out that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment will not be supported. It also states that development proposals that will affect a National Scenic Area will only be supported where either, the objectives of designation and the overall integrity of the areas will not be compromised, or, any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. It also explains that buffer zones around wild land will not be applied, and effects of development out with wild land areas will not be a significant consideration.

The other policies relevant to this proposal are set out in Para 9.9 of this report, the provisions of which are considered throughout the report where any conflicts or compliance are highlighted.

8.22 A number of publications relating to national energy policy have been published by the Scottish Government. In short, none indicate a relevant distinct policy change. Most relevant to this application are as follows:

- Scottish Energy Strategy: The future of energy in Scotland (Dec 2017)
- On-shore Wind Policy Statement (Dec 2022)
- Scottish Government, Securing a Green Recovery on a Path to Net Zero: Climate Change Plan 2018–2032 – (update Dec 2020);
- Committee on Climate Change, The Sixth Carbon Budget, *The UK's Path to Net Zero*. (including Policy and Methodology) (Dec 2020);
- National Audit Office, Net Zero Report, (Dec 2020);
- HM Government, Energy White Paper, Powering our Net Zero Future, (Dec 2020).

8.23 Further to the above, in late 2019 the Scottish Government's targets for reduction in greenhouse gases were amended by The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. This sets targets to reduce Scotland's emissions of all greenhouse gases to net-zero by 2045 at the latest, with interim targets for reductions of at least 56% by 2020, 75% by 2030, 90% by 2040.

8.24 The statements of continued strong support relating to onshore wind contained within these documents are acknowledged. Support for onshore wind is anticipated to meet with the continued aspiration to decarbonise the electricity network, enable communities to benefit more directly in their deployment and to support the renewables industry and wider supply chain. Larger, more optimal turbines are anticipated as is the expectation that landscapes already hosting wind energy schemes will continue to do so beyond the lifetime of current consents/permissions.

8.25 The Onshore Wind Policy Statement sets out the need for additional onshore wind energy development in Scotland to meet Net Zero targets. It includes the provision of a target of 20GW installed capacity by 2030. However, to reach the target, it acknowledges that a balance needs to be struck between the benefits and adverse impacts of developments. This also is echoed in the Scottish Land Use Strategy and the approach reflects the position outlined Revised Draft NPF4, a policy framework that supports development in the right locations. In addition, it must be recognised that the greenhouse gas reduction targets and the targets in the Energy Strategy are related not just to production of green energy but also related to de-carbonisation of heat and transportation.

8.27 In consenting the original application, the Planning Authority did not identify any unacceptable conflict with the Council's Development Plan. The consented scheme was found to make a positive economic impact and a valuable contribution to meeting renewable energy generation targets and emissions reduction, which was regarded as an important material considerations in favour of that development within a planning balance. With regard to SPP, again the Planning Authority did not identify specific constraints in relation to the principles or outcomes of SPP, which supports development in the justified locations. In this regard, SPP's presumption in favour of development that contributes to sustainable development remains

applicable to the amended proposal, albeit that SPP Paragraph 28 is clear that the aim of the 'presumption' is still to achieve the right development in the right place; it is not to allow development at any cost.

Amended Blade Tip Heights and Associated Infrastructure

8.28 The principle of the development of a wind farm in this location has been established. This is an application to modify the scheme through an increase in blade tip height and limited changes to the associated supporting onsite infrastructure. In order to address the determining issues therefore, the Council must consider the extent to which the proposal, as amended, continues to comply with policy and take into consideration any other material considerations. Consideration is required of the proposals changed construction and operational impacts as a result of the modifications now proposed to the development. The applicant has submitted an EIAR, and EIAR Further Environmental Information, which focuses on pertinent determining matters which are addressed in turn below.

Energy and Economic Benefits

8.29 Notwithstanding any significant impacts that this proposal may have upon the landscape resource, amenity and heritage of the area, the development could be seen to be compatible with Scottish Government policy and guidance and increase its overall contribution to the Government, UK and European energy targets as it has the potential to generate 24MW of electricity, plus battery storage (unspecified capacity housed in 3 containers, however this will not exceed 25.5MW under any permission the committee may grant) as per the consented scheme. This is based upon the current candidate turbines but this may change as a result of the applicant's procurement process. This increase in generation from the consented scheme's generating capacity of up to 18MW is largely as result of the increased rotor diameter, which will provide a greater energy yield. Each of the 149.9m blade tip height turbines have the potential to generate up to 4.8MW.

8.30 The increased maximum generating capacity is therefore reported to increase by 6MW when compared to the consented scheme. This is reported to have 33% improvement on the energy production, resulting in an increase of 13,293MW hours per annum, with the proposed wind farm having the potential to supply the equivalent of the average annual domestic electricity needs of over 13,599 homes.

8.31 The proposed development anticipates a construction period of 14 months, with the wind farm having a 40 year operational life prior to decommissioning or repowering. Such a project can offer investment/opportunities to the local, Highland, and Scottish economy including businesses ranging across construction, haulage, electrical and service sectors.

8.32 There is also likely to be some adverse effects caused by construction traffic and disruption. These adverse impacts are most likely to be within the service sector particularly during the construction phase when abnormal loads are being delivered to site.

8.33 The assessment of socio-economic impact by the applicant identifies that the development is unlikely to have a significant adverse impact on tourism. The

applicant notes that there will be economic benefits to the local community and economy arising from the community benefit fund and additional expenditure in the local economy.

8.34 The consented scheme stated that the capital cost of the project was expected to be in the region of £24m. The operational and maintenance cost for the consented scheme was also reported to be around £1m per annum during its 25 years of operation. In summary, the consented development represented an investment of around £49m, excluding business rates and community benefit funds.

8.35 The EIAR associated with the amended scheme states that the capital cost of the project is now expected to be £32m. In addition, for the amended scheme, the operational and maintenance cost is reported to be around £1.4m per annum, equating to a spend of £58m over 40 years. In summary, the amended development represented an investment of around £90m, an increase of £41m from the consented scheme, excluding business rates and community benefit funds. The applicant states the investment will benefit UK and international businesses, local businesses and the wider Scottish economy.

8.36 The applicant states that the developer is committed to maximising the local economic impact from the proposed development. Additional wider benefits associated with the proposed development include a shared ownership opportunity for local communities to invest in up to 10% of the wind farm and invest the returns in the local area. In line with Council policy and practice, community benefit considerations are undertaken as a separate exercise and generally parallel to the planning process.

8.37 The applicant would implement shared ownership in line with Scottish Government guidance and in this regard the proposals received support under the Revised Draft NPF4 Policy 25: Community Wealth Building. Community ownership can deliver a consistent stream of funding to the communities in the area to deliver projects of benefit to the community. HwLDP Policy 68 is clear that initially the same level of assessment will apply to community schemes as it will to commercial schemes. The policy then goes on to state that if the impacts of the development are solely limited to the community which will benefit from the proposal, then community ownership will be a material consideration. In the case of this proposal, it is considered that due to the impacts on the A835 with serves several other communities across the west coast, the proposed development has wider impacts than the community in which the project is based and of which may benefit from community ownership. As this is the case HwLDP Policy 68 does not apply.

Climate change and Carbon Balance

8.38 The scheme will produce renewable energy. The energy yield from the development is expected to be 55,083 MW hours per year. Based upon the average consumption of an average UK home, it is anticipated that the development could generate power equivalent to powering 13,599 homes.

8.39 Based upon a fossil fuel mix in the electricity grid, the applicant anticipates that 24,797 tonnes of carbon could be displaced each year over the lifetime of the development. There will however also be carbon losses as a result of the

development, including through turbine manufacturing processes and disturbance of peat through the construction of the development. These losses would equate to approximately 49,225 tonnes of carbon based on a fossil fuel mix. Based upon the submitted layout it is anticipated that the estimated carbon payback period for the development would be 1.9 years, again based on a fossil fuel mix. This is comparable with the consented schemes payback period of 2.2 years.

Construction

8.40 It is anticipated that the construction period for the development would take 14 months. Working hours on site would usually be restricted to be 07.00 – 19.00 Monday to Friday, 08.00 – 18.00 on Saturday with no Sunday of Bank Holiday working. Some flexibility is normally granted at turbine erection stage and electrical fit out. Such activities involve specialist labour and are weather dependent and generally do not involve activities which generate impacts beyond the site boundary.

8.41 The project anticipates the deployment of a Construction Environmental Management Document (CEMD) in association with the successful contractor engaged. This should include a site specific environmental management procedures which can be finalised and agreed through appropriate planning conditions with the Planning Authority and relevant statutory consultees. Due to the scale of the development SEPA will control pollution prevention measures relating to surface water run-off via a Controlled Activities Regulations Construction Site Licence.

8.42 In addition to the requirement for submission and agreement on a CEMD, the Council will require the applicant to enter into legal agreements and provide financial bonds with regard to its use of the local road network (Wear and Tear Agreement) and final site restoration (Restoration Bond). In this manner the site can be best protected from the impacts of construction and for disturbed ground to be effectively restored post construction and operational phases.

8.43 Developers have to comply with reasonable operational practices with regard to construction noise so as not to cause nuisance. Section 60 of the Control of Pollution Act 1974 sets restrictions in terms of hours of operation, plant and equipment used and noise levels etc. and is enforceable via Environmental Health.

8.44 Should the development be granted consent, a Community Liaison Group should be set up to ensure that the community council and other stakeholders are kept up to date and consulted before and during the construction period.

Roads, Transport and Access

8.45 The site has good access which for the most part would utilise the trunk road network rather than local roads. There is an added benefit that the development will share an access with the original Lochluichart Wind Farm and its first extension. While the applicant intends to extract aggregate on site to construct all access tracks and hardstandings, the development will still result in an increase in traffic and activity on the road network, particularly during construction.

8.46 Construction traffic would arrive to site from the south, via the A9 and A835. The route for Abnormal Load Vehicles used to transport the turbine components would

be from the Port of Invergordon via the B817 coast road, A9, Cromarty Bridge and the A835. Whilst this route was previously used to transport turbines for the parent Lochluichart Wind Farm and its first extension, due to the proposed use of larger turbines this route requires to be re-assessed.

8.47 An updated Transport Assessment (EIAR SI Section 7) was previously submitted for the consented scheme. It predicted that in the vicinity of the development on the A835 likely maximum peak traffic flows would increase by 2.8% (up from 1,786 to 1,837 monthly average daily two way flows). The maximum increase in HGV traffic at this location would be 4.8% (up from 168 to 176 total weekday traffic daily average two way flows). The peak number of vehicle movements during the construction period is expected to be during month 8 of 14 with a maximum of 51 average daily vehicle trips. As neither total or HGV traffic flows are predicted to increase by more than 10%, Transport Scotland are satisfied that that no further detailed assessment of environmental effects associated with increased traffic on the trunk road network is required.

8.48 Again, the applicant also previously prepared an Abnormal Loads Route Assessment (EIAR Appendix 7.A) for the consented scheme and has committed to preparing a detailed construction Traffic Management Plan (TMP) with the aim of reducing conflict between construction traffic and other road users. Transport Scotland have required the routing and any associated mitigation measures to be subject of planning conditions as is typical of the approach deployed for such projects.

8.49 The Transport Planning Team previously request that as part of the TMP, to be secured via condition, the applicant make provision for reinstatement of existing road infrastructure with the full extent of all mitigation/improvement works for general construction traffic and abnormal load movements to be agreed through the TMP. With regard to abnormal loads, the Transport Planning also previously requested further detailed assessment work prior to delivery via condition. Structural assessment of bridges, culverts and any other affected structures along the route shall therefore be undertaken and an un-laden trial run between the port of entry would take place.

8.50 An agreement under Section 96 of the Roads (Scotland) Act is required to include the provision of a Road Bond or similar security to further protect the Council's interests. The agreement shall take account of any neighbouring significant developments that might progress concurrent with the works proposed and will provide, if necessary, a mechanism for apportionment of costs between respective developers. This includes the neighbouring proposed Kirkan Wind Farm which if approved, could take access onto the same sections of the Trunk Road network and potentially be under-construction during a similar time frame. From reviewing both Transport Assessments undertaken for the Lochluichart Extension II consented scheme and Kirkan, it is clear that the cumulative impact associated with both developments taking place concurrently has not been assessed. That said, the development Lochluichart Extension II is relatively small scale in comparison to Kirkan and would have a limited impact on the overall capacity of the trunk road network. As the Council are not supportive of the Kirkan Wind Farm proposal and have objected to it, any forthcoming decision to be taken by the Scottish Ministers on this neighbouring application should take account of Lochluichart Extension II and

its associated traffic flows. Further consideration of the Kirkan development, if consented, could also be taken account of within the Lochluichart Extension II TMP.

8.51 Ongoing maintenance of turbines would be required throughout lifetime of the development which may give rise to transport issues and a condition requiring prior notification and approval for any significant HGV or Abnormal Load movement is therefore proposed.

8.52 It can also be conditioned that the performance of the TMP mitigation measures be reported to and reviewed by the Community Liaison Group.

8.53 The site, like most land in Scotland, is subject to the provisions of the Land Reform (Scotland) Act 2003. There are paths running through and around the site and the wider area is rich in opportunities to access the outdoors. There will be a need to restrict access to the site during construction works at key times, including the track upgrade works. Where and when feasible however the existing track should be made available for public use during the construction phase. Access tracks to the proposed development should be accessible to a wide variety of users. Large pedestrian gates and by-pass gates adjacent to cattle grids should all be “easy open” accesses. All other gates within the application boundary should similarly be unlocked to responsible access takers. To ensure access is provided throughout the construction period and that enhanced recreational access opportunities are provided during the operational phase, a Recreational Access Management Plan (RAMP) will be required. This will also be required to include details of signage to be included on the site to warn users of the paths within the wind farm of any hazards such as maintenance or potential ice throw during winter. The visual impact of the development from recreational routes is considered further within this report.

Water, Flood Risk, Drainage and Peat

8.54 The EIAR is clear that a Construction Environmental Management Document / Plan (CEMD) will be in place to ensure that potential sources of pollution on site can be effectively managed throughout construction and in turn during operation; albeit there will be fewer sources of pollution during operation.

8.55 The CEMD needs to be secured by planning condition. This will ensure the agreement of construction methodologies with statutory agencies following appointment of the wind farm balance of plant contractor and prior to the start of development or works.

8.56 In order to protect the water environment a number of measures have been highlighted by the applicant for inclusion in the CEMP including the adoption of sustainable drainage principles, and measures to mitigate against effects of potential chemical contamination and sediment release. This includes setbacks from water courses. SEPA and the Councils Flood Risk Management Team support this approach however conditions are sought to secure further details. The implementation of the CEMP would be monitored through an Environmental Clerk of Works (ECoW) and the EIAR has identified that with the application such measures, no significant residual effects on the water environment are anticipated.

8.57 The site infrastructure is not considered to be at risk of flooding. The only exception to this is one short section of the existing site access track (approximately 60m in length), which is located adjacent to an area which is subject to flood risk. As the access track is existing and is culverted using recently installed bottomless arched structure, these elements do not require upgrading and will not alter the baseline flooding scenario. As a result in the change of overground flows, there may however be an effect downstream of the application site. It is proposed that the proposed watercourse crossing is designed to accommodate a 1 in 200 year flood event plus and allowance for climate change. Further, the development proposes the use of SUDS to attenuate run off and filter out any potential pollutants. Details of the SUDS plan are to be secured by condition to allow final assessment by SEPA and the Council's Flood Risk Management Team.

8.58 The applicant has identified the presence of two private water supplies in the vicinity which could be at risk of a pollution incident during construction. As both of these are outwith the catchment of the development infrastructure (which is defined by SEPA as being within 250m) there is limited potential of these being polluted. A surface water and ground water monitoring programme is proposed as part of the CEMP, the detail of which will be reviewed by the Council's Environmental Health Officer to whom may give further consideration to these supplies.

8.59 The majority of the site contains peat. The consented development anticipated peat disturbance of around 21,500m^3, all of which would be re-used on site and around 13,500m^3 was classified as acrotelmic peat, generally within the upper 0.5m. The highest volume of peat to be excavated was as a result of the access tracks, and for the foundations for turbines. The amended scheme requires marginally enlarged hardstanding areas, however, the consented scheme's outline Peat Management Plan considered crane hardstandings of 1,850m^2 as a conservative approach (reflective of the area now being proposed). The potential effects on peat are therefore unchanged.

8.60 SEPA previously welcomed that all of the turbines are on peat depths of between 0-0.5m and have requested conditions to secure the proposed floating track and to limit micro-siting into deeper areas of peat than currently proposed. SEPA have also required the finalised Peat Management Plan to be secured by condition.

8.61 SEPA also previously noted that all highly dependent GWDTE have been avoided and that the main impacts will be on M15 wet heath which is of moderate groundwater dependency. Around 3ha of this habitat would be lost, representing a small proportion of the circa 340ha of this habitat in the core Study Area. The extent of loss is acceptable to SEPA providing the mitigation measures are set out in the CEMP to minimise any further loss or disturbance to this habitat.

Natural Heritage (including Ornithology)

8.62 The site does not form part of any statutory or non-statutory designated site for nature conservation. There are two such sites within 5km; Beinn Darg SAC and SSSI, and the Fannich Hills SAC and SSSI. There is not however any connectivity between these designated sites and the proposed development due to the separation distance involved and lack of any hydrological connectivity.

8.63 There would however be around 10ha of habitat lost in the form of blanket bog (M17) and wet heath (M15), as well as forestry as a result of the proposed development. An additional circa 22ha of ground may also be disturbed during the construction phase to create construction working areas and two borrow pits with this estimate being based on a precautionary 30m buffer from all proposed infrastructure with this area comprising roughly 50/50 spit of the above two habitat types. This remains a small proportion of the overall development site and notably, just over half – 5.6ha of the direct habitat loss comprises poor-quality plantation forestry on top of M15 and M17 habitats which are therefore poor-quality examples of Annex 1 habitat types. The loss of these habitats, plantation forestry and short-term habitat disturbance is therefore assessed as being minor and not significant with the Council not disputing these findings.

8.64 The construction of the development has the potential to have an adverse impact on protected species, including Water Voles and reptiles. As reported in the EIA FEI, an updated habitat and protected mammal walkover survey and bat activity surveys were undertaken between May and August 2021. The updated survey work recorded no new signs of protected mammals and low bat activity levels, reflecting the site's sub-optimal foraging habitat for this species. There has not therefore been any material changes to the previous baseline assessed when determining the consented scheme.

8.65 The single proposed watercourse crossing could impact upon Water Voles, however the extent of loss of habitat for this protected species would be limited to a 20m stretch of the burn embankments which is not significant. To limit the effects on this species a 10m exclusion zone around any active Water Vole burrows, informed by pre-commencement and pre-decommissioning surveys is proposed to inform a Species Protection Plan to be agreed in consultation with NatureScot. Additional Water Vole monitoring to be undertaken in the first three years of operation is also proposed. A separate Species Protection Plan is also proposed for reptiles as these are likely to be encountered during construction works.

8.66 A surface water and ground water monitoring programme is proposed as part of the CEMP, to be prepared in consultation with SEPA and local fisheries interest groups. In addition, pre-commencement and pre-decommissioning species surveys will be undertaken by the appointed ECoW for a wide range of species to ensure they are not adversely affected as a result of construction or decommissioning.

8.67 The applicant is proposing to deliver ecological enhancements through a proposed Habitat Management Plan (HMP) which is welcomed. This aims to provide restoration measures of the most sensitive habitats, provide enhancement of Annex 1 habitats and habitats for protected species. The HMP will be secured by condition and agreed in consultation with NatureScot.

8.68 A number of bird species are also present in the wider area with ten different type of important species haven previously been identified, including but not limited to red-throated diver and black grouse. Potential significant effects on these two particular species have been avoided and mitigated through the project design with turbines and infrastructure placement minimising effects. The loss of habitat, construction

activity and operational turbine collision risk has been re-assessed within the EIAR. This has not identified any significant impacts for any important bird species.

8.69 NatureScot did however insist upon the provision of updated ornithological survey information, which was submitted forming part of the EIA FEI. This included an assessment of impacts on golden eagles, including collision risk and potential loss of territory displacement, with no significant impacts being reported. NatureScot however still considers that there is sufficient evidence that eagles from The Glen Affric to Strathconon SPA use this area and consider that the development is to have a likely significant adverse effect on the SPA, albeit that collision risk is regarded to be suitably low and the loss of territory through displacement is small enough to not adversely effect the SPA's site integrity.

8.70 As there is potential connectivity with this designated site, the requirements of the Conservation (Natural Habitats, and c.) Regulations 1994 as amended (the "Habitats Regulations") apply. Consequently, the Planning Authority is required to consider the effect of the proposal on this SPA before it can be consented (commonly known as Habitats Regulations Appraisal). This is contained in Appendix 4 of this report and concludes that the proposal would not adversely affect the integrity of The Glen Affric to Strathconon SPA, which is consistent with the advice received from NatureScot.

8.71 Royal Society for the Protection of Birds (RSPB) do not object to the application and consider that in the absence of a nest being located, an adverse impact on one pair of breeding golden eagles associated with The Glen Affric to Strathconon, cannot be ruled out, with a likely significant impact to be assumed. It also advises the deer carcasses removal from site be best practice measure, which can be incorporated into the HMP. Further mitigation measures of the HMP are also advised to minimise impacts on black grouse, including construction time restrictions during the lekking season, and avoiding working one of the borrow pits during this period with its restoration to provide suitable lekking habitat. Such detailed measures could be explored further with NatureScot and incorporated within the HMP. A Breeding Bird Protection Plan (BBPP) is also proposed to be included within the CEMP to ensure the avoidance of any breeding birds and their nesting sites. In specific relation to greenshank, RSPB prescribe a suitable buffer disturbance free zone of 800m from a breeding site with this detail to be specified in the BBPP. NaureScot express disappointment that no draft HMP has been prepared to date but are encouraged that the applicant has stated that this will focus on HMP habitat restoration enhancement measures for black grouse and greenshank, with the management of habitats across the Site to provide an overall net gain.

8.72 NatureScot have previously advised that a post construction bird monitoring program, similar to the one currently in place around the existing wind farm turbines, should be implemented for the proposed extension. This can be conditioned.

8.73 Subject to the application of mitigation, both standard and site specific, as set out above and within the EIAR and FEI, the applicant's ecology and ornithological assessments are accepted, with the amended scheme not resulting in any reported additional ecological or ornithological environmental effects.

Forestry

8.74 No turbines are proposed within woodland, however, the construction compound and marginal areas of the two proposed site borrow pits would result in the loss of 3.63ha of stocked scots pine woodland within the wider 297ha 1985 woodland plantation. This plantation has largely failed with mainly only scots pine remaining across around on third of the plantation. Given the remaining crop height, and growth rate, no additional felling would be required for the wind yield / turbine performance. On the basis of the response received from Scottish Forestry and the need to also compensate for the area of failed woodland which has largely been due to deer damage, the EIAR FEI has increased the proposed level of compensatory planting from 3.63 to 6.11ha.On the basis that the applicant has committed to compensatory tree planting in line with the Scottish Government's Control of Woodland Removal Policy, the Council's Forestry Officer has no concerns providing that this compensatory planting is secured by standard conditions and the extent of compensatory planting area is agreed with Scottish Forestry. The Lochluichart Estate Long Term Forest Plan is also proposed be amended to incorporate changes arising from the development.

8.75 The removal of trees will also lead to the creation of forest waste in the region of 17 lorry loads which is most suitable for the biomass market. SEPA welcome this approach which is conditioned as part of the CEMP.

Built and Cultural Heritage

8.76 The applicant has presented a cultural heritage assessment based on an Inner Study Area (i.e. within the application site) and Outer Study Area (i.e. 20km from the turbine array). Within the site there are no designated heritage assets and three known undesignated heritage assets comprising: a possible standing stone, probable survey post and a possible chimney or borehole associated with the construction of the nearby Loch Glascarnoch Dam. The site is also of negligible archaeological potential.

8.77 The wider surrounding area contains a limited number of historic features with their being one designated asset within 5km, comprising the Category B-listed Loch Glascarnoch Dam. There are no other designated assets within the Outer Study Area which are considered to be exceptionally important or where long-distance views from or towards the asset are thought to be particularly sensitive. Five undesignated heritage environmental records within 2km have also been identified, two of which (a building and a dam construction camp) are under water / partially under water due to construction of the dam. The three others include the former fish merchants' road between Ullapool and Contin, the Aultguish Inn and the remains of the Aultguish Bridge.

8.78 The development proposal has been assessed by the applicant as having negligible impacts on the cultural heritage significant of all surrounding heritage assets. This includes the nearby former fish merchants' road which was developed out of economic necessity and has a linier focus following the easiest route through the landscape. Critically, it will remain possible to understand and appreciate the cultural heritage significance of this route being the first metalled road improving access and travel time between Ullapool and Contin, as well as its relationship with the former road and the remains of the Aultguish Bridge.

8.79 It is noted that neither HES or the Council's Historic Environment Team have raised any built or cultural heritage concerns and the assessment is accepted by the Planning Authority. Mitigation measures relate to the protection of the remains of a possible standing stone and further investigation of a possible chimney / borehole located within the footprint of the lower altitude northern borrow pit (which was used for the construction of the original wind farm) to ascertain if this still survives given that heavy snowfall affected the walkover survey previously undertaken in March 2018. A further programme of archaeological works can be secured by condition.

Design, Landscape and Visual Impact (including impact on Wild Land)

8.80 A total of 12 viewpoints across a 40km Study Area have been assessed with regard to landscape and visual impact. These viewpoints are representative of a range of receptors including recreational users of the outdoors, road users and residents. The expected bare earth visibility of the development can be appreciated from EIA Figure 8.6a.

8.81 The methodology for the Landscape and Visual Impact Assessment (LVIA) is sufficiently clear, being generally in accordance with the Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3) with the assessment's methodology being provided at EIAR Appendix 8.A. The applicant's methodology has been used to enable the Planning Authority to appraise the assessment provided and to come to a view on what combination of effects on the sensitivity of receptor and magnitude of change are leading to a significant effect of the varied scheme.

8.82 As set out at GLVIA3 Para 3.32 "LVIA should always clearly distinguish clearly between what are considered to be significant and non-significant effects." THC is of the view that Moderate effects can be significant but this needs to be considered on a viewpoint by viewpoint basis.

8.83 In the assessment of each viewpoint, the applicant has come to a judgement as to whether the effect is significant or not. In assessing visual impacts in particular, it is important to consider that the viewpoint is representative of particular receptors i.e. people who would be at that point and experiencing that view of the landscape not just in that single view but in taking in their entire surroundings.

8.84 A key consideration in the effects on receptors of wind energy development is the sequential effect when travelling through and area on the local road network both by individuals who live and work in the area and tourists. Those travelling scenic routes, whether designated as such or not, have a higher sensitivity to views. While a driver of a vehicle is likely to be concentrated on the view immediately in front, passengers have a greater scope for looking at their surroundings. Although the A835 route is not mapped as forming part of a promoted tourist route, it provides an effective connection to shorten the North Coast 500 (NC500) or to undertake this popular coastal route in two north and south circuits. The A835 is therefore been regarded as route used by tourists, which also connects Ullapool and numerous west coast settlements with Inverness and the east coast. In addition, the area is regularly frequented by road cyclists travelling between Inverness and Ullapool with there not being any direct alternative route. As such it is considered that road users in the

vicinity of the site are high susceptibility receptors which differs from the applicant's assessment of road users being of medium sensitivity.

Siting and Design

8.85 From the elevated positions to the north, south, east and west, the development would be viewed as a cluster of turbines associated with the existing wind farms. It will be visible from the road network as well as a range of routes used by recreational users of the outdoors. The design of the wind farm has had to balance: landscape character and visual amenity; environmental constraints; topography and ground conditions; as well as technological and operational requirements. The design of the development and its relationship with the surrounding landscape and features is best demonstrated by the visuals from Viewpoint (VP) 5 – Ben Wyvis.

8.86 The design process started with a proposed development of 8 turbines up to 150m to blade tip height to the north of the existing wind farms. This was then altered to address the technical constraints of the site and was increased to 9 turbines with a reduced height of 133m to blade tip height at the former application submission stage. Following consultation with consultees concerns were raised with the development significantly undoing mitigation which was previously key to the design of previous wind farm development in this area: to maintain a clear setback from the A835; and avoid turbines spilling down the hillside towards Loch Glascarnoch and becoming increasingly prominent in views from the A835 when travelling in both directions.

8.87 Following previous negotiations with the applicant, it was agreed to reduce the number of proposed turbines to 5 with the removal of the 4 closest turbines to the A835. In doing so, the design notably reduced the operating capacity of the development in a localised area already influenced by wind farm development, but this amendment inevitably reduced some of the significant landscape and visual effects previously assessed in the originally submitted scheme. The consented scheme is therefore regarded to be a reasonable fit with the landscape; addresses cumulative impact with existing wind energy developments and reduces impact on views toward Ben Wyvis and from the local road network.

8.88 The proposed scheme now proposes 5 larger turbines in the same consented positions. When viewed from a low level and in close proximity, the development would result in a noticeable increase in scale of turbines. This would be most apparent on the A835 westbound on short 2km stretch of this route which already has visibility of wind farm development. While this is not necessarily problematic in most circumstances, here the development proposed is considered by the Council to exacerbate the impacts of the existing development by changing the perception of them from a recessive feature to a more prominent one. This is in part due to the small scale landscape features which screen much of the existing development but only screen part of the proposed development, with 4 of the 5 proposed turbines appearing closer and more prominent in the view.

8.89 From the A835, as one is travelling eastbound, topography screens the development from close in views. Mid range views of the development would be possible from around 11km to 5km and visibility has been reduced as a result of the previous turbine deletions. From a distance of around 5km, the proposed increase in turbine

heights would have a negligible impact over and above the consented scheme. As set out in Appendix 3 of this report, visibility of the amended scheme would be extremely limited from roadside parking bays along Loch Glascarnoch, where the development would be a substantial distance away from the framed view towards Ben Wyvis and would be visible well beyond the shoulder of the valley along the ridgeline further to the south. Given the substantial setback, this would not disrupt or detract from easterly views in this location towards Ben Wyvis. Therefore the relationship between this proposal and the design rationale for the earlier wind farms in the locality, where they have been supported by the Planning Authority, is considered to appropriate.

8.90 In terms of design of the other infrastructure on the site (control building / substation, extended tracks and borrow pits), these have not altered from the consented scheme and appear to have been well sited with those elements of greatest visual impact set back from the road. A noticeable change would however be the increase in width of the existing access tracks to accommodate the substantial turning circles of larger turbine components. The detailed design of track access and key supporting infrastructure can however be secured by conditions.

8.91 The applicant had initially sought to locate the transformers for the turbines outwith the turbine towers for reasons of health and safety. This approach is generally not supported by the Council as it results in unnecessary visual clutter within the site. The applicant has since confirmed that all proposed transformers shall be internal, located within the turbine tower. This can be secured by condition.

Landscape Impact (including Wild Land)

8.92 The landscape character effects as a result of the presence of the turbines will be reversible given it is a time limited planning permission. However, as set out in SPP Para 170, wind farm sites should be suitable in perpetuity. Therefore, it is considered reasonable to assess all landscape character effects as non-reversible in that context.

8.93 The site is not located within any international, regional or local landscape designations. The development is however at a confluence of different Landscape Character Types (LCTs) and is located on a LCT described as ‘rounded hills’ in the Ross and Cromarty Landscape Character Assessment (SNH, 1999) and immediately adjacent to the ‘rugged mountain massif’ LCT to the west. The former is a landscape character that could be described as being open and exposed. The development has avoided being apparent within the framed view as experienced when travelling from the rocky moorland in the west to the more settled straths of the east. The transitional nature of this area has therefore been respected.

8.94 The development is contained within the Lochluichart Landscape Character Unit (LCU) which forms part of the rounded hills LCT that lies between the A835 to the north and the A832 to the south. There are already a significant number of man-made features within this landscape type, 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.

8.95 The development has been designed as a second extension of Lochluichart Wind Farm and to complement the adjacent Corriemoillie Wind Farm. As such it needs to be recognised that there is already likely to be effects on the landscape resource from turbines, in addition to the other man-made structures, in this area. Those impacts have been accepted. The key consideration is to what extent the proposed extension would increase this effect to a point that it was unacceptable.

8.96 The ZTV figures contained within the EIAR 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. The ZTV figure shading however substantially coincides with existing visibility of Lochluichart and Corriemoillie wind farms combined. The most significant effects will be on the 'rounded hills' LCT but this is considered to be a localised effect. Following the reduction in scale of the wind farm, it would not dominate the landscape as a whole.

8.97 The operation of the amended scheme has therefore been found not to cause any significant adverse effects on the rounded hills LCT, or part thereof in the Lochluichart LCU, or any neighbouring LCUs. During the construction phase short term significant effects would be apparent but these would be confined to within a 5km radius.

8.98 The applicant has stated in the EIAR that the introduction of the development into the landscape would also not affect the special qualities of any surrounding nationally, regionally and locally important landscape designations. The Council is generally in agreement with this conclusion, and for the most part, the applicants' assessment is accepted. From the ZTV figures it is evident that the proposed development would have little to no visibility from any NSA within 40km. It is also considered that views experienced from closer in mountains and popular summits, many of which fall within WLAs and locally designated SLAs, will generally be towards other mountain tops and ridges. While the eye is likely to be drawn to moving man-made features in the distance when looking east from the Fannichs, from Ben Wyvis, the views are towards the Fannichs, Beinn Dearg, and the Torridon mountains beyond.

8.99 From all of the surrounding designations, the development would however still be most apparent in mid distance views from the Ben Wyvis SLA and WLA. On the assent and decent to and from Ben Wyvis in particular, the experience of this landscape is likely to be most affected as wind farm development would almost constantly be seen against the impressive backdrop of the Fannichs. However, this effect already exists with the consented Lochluichart and Corriemoillie developments. The proposed extension is not considered to significantly add to this effect, particularly given the reduction in scale of the scheme through turbine deletions. However as set out at Appendix 2, VP5 – Ben Wyvis, the Council have determined that moderate / minor (non-significant) impacts would arise resulting from the increased horizontal spread of wind farm development, but critically, the development is largely still contained and does not noticeably extend down towards Loch Glascarnoch.

Wild Land

8.100 No element of the proposed development is within a WLA, however there are 6 WLAs within 40km and the development is in close proximity to WLA28. Fisherfield, Letterewe, Fannichs at less than 1km to the west, and WLA29. Rhiddoroch, Beinn Dearg and Ben Wyvis which wraps round the site at around 3km to the north, north-east and east.

8.101 As the development is not within a WLA it is considered that SPP Para 215 does not apply. The general test considering the effects on wild land as set out in SPP Para 169, and reflected in HwLDP Policy 67 and the OWESG, still however apply and require consideration of any impacts on the WLA. These are as follows:

- introduction of turbines and other infrastructure into views from the WLA; and
- introduction of a dominant contemporary land use visible from the WLA affecting the perceptual qualities of wildness.

The Revised Draft NPF4. Policy 4, Part g) however now clarifies that buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.

8.102 A Wild Land Assessment has previously been carried out by the applicant for the consented scheme, the scope of which was restricted to a preliminary assessment of impacts on WLA28 and a detailed solus assessment of WLA29. Given the limited magnitude of change associated with the proposed turbine's tip height increase, no significant impacts on wild land areas have been identified. The Council agrees with these findings.

8.103 NatureScot have not objected to the development and acknowledge that views from elevated location are largely restricted to mountain summits, the majority of which lie within WLAs where the proposed developed will appear as an extension to the existing wind farms in the area. NatureScot have however noted that the increased scale of turbines will be a notable change when seen from important mountain summits, such as Ben Wyvis, which would undo some of the good design built into the existing wind farm cluster. In this regard, the former EIAR for consented site stated that 150m high turbines would not be suitable at this site in landscape capacity terms. It is the case however that the EIAR was initially undertaken to assess and inform a 9 nine turbine scheme, with several turbines since having been deleted which helps to contain the footprint and horizontal spread of the wind farm cluster in the landscape. NatureScot have also requested that all turbine aviation lighting be restricted to infra-red only which can be conditioned in the interest of minimising light pollution.

Visual Impact

8.104 The Council considers visual impact using the Criterion set out in Section 4 of the OWESG, with assessment against the criterion and view as to whether the threshold set out in the guidance is met or not, is contained in Appendix 3 to this report. Unsurprisingly, as visual impact assessment combines objective and subjective aspects through the application of professional judgement, there is a difference between the applicant's assessment and the appraisal undertaken by the Planning Authority. The information in Appendix 2 and 3, combined with matters set out earlier in this report, explain the difference between the outcomes of the assessments.

8.105 The ZTV figures demonstrate that the scheme will be predominantly visible from areas to the north west, north, north east, and south. There is also visibility to the east, however the extent of visibility from a greater distance is curtailed by Ben Wyvis. To the south and west visibility is largely limited to higher elevations. The development would marginally extend the theoretical visibility of turbines beyond that already experienced as a result of the operational wind farms in the area. A series of cumulative ZTV maps have been produced demonstrating where the amended scheme would be theoretically visible in combination with other wind farm developments within the 40km study area. It should be noted however that in those areas where turbines are already visible, a ZTV in isolation cannot demonstrate any increase in intensity of wind energy developments in a view from an area. That said, where there is cumulative visibility, it is generally anticipated that the intensity of wind energy development visible would be marginally increased, particularly in areas where there would be theoretical hub height visibility, as indicated on EIA FEI Figures 8.7a and 8.7b. In summary, the two-dimensional ZTV mapping indicates that visibility of the proposed development would be predominantly concentrated within 15km rural area.

8.106 The EIAR includes a visual impact assessment and includes 12 representative viewpoints, with most viewpoints considered to be used by receptors of high to medium sensitivity and susceptibility to wind energy development. In this regard, the applicant's assigned sensitivity to all receptors is contested, where the Council has found all receptors at each of the 12 representative viewpoints to be of high sensitivity and susceptibility to wind energy development, although it is acknowledged that not all receptors experiencing the development from all of the viewpoints would have a high sensitivity to the development.

8.107 The EIAR Table 8.9 provides a summary of the applicant's assessment for each of the representative viewpoints. This does not set out a precise level of effect but identifies the significance of the effect during construction and operartonal stages of the development. Whilst a direct comparison is not provided with the LVIA's findings of the consented scheme, from reviewing the previous LVIA's findings, it is apparent that the only new additional significant adverse visual effect is the amended scheme's operational effect on visitors and residents at the nearby Aultguish Inn. The amended scheme's LVIA also continues to find that the development would also have 3 significantly adverse visual impacts during the short term construction phase for receptors at VP1 (A835 Aultguish Inn), VP2 (A835 Black Bridge Road) and VP4 (Old Drover's Road, Corriemoillie), all located within 4.0km of the site. Receptors at all of the remaining assessed more distant viewpoints would not be significantly affected by the visual impact of construction or operation of the wind farm.

8.108 The operational visual impact of the development would also be contained to hours of daylight, with the applicant committing to the use of infra-red aviation lighting. This mitigation is of critical importance as visible turbine lighting in this location could give rise to a number of unacceptable significant visual effects.

8.109 The effects identified in the applicant's LVIA are disputed in relation to the significance of impact on users of the A835 westbound, represented by VP1 and VP2 where the Council consider the operation of the development would result in Major (significant) effects, albeit that these have been reduced through the

amendments made during the determination of the former planning application through the removal of turbines closes to the road. That said, the greatest impact of the amended scheme remains to be on the A835 at around VP2 (A835 Black Bridge Road). As road users travelling westbound turn the corner towards the development they would be struck by the immediately apparent, prominent wind farm in close proximity, with its exposure and scale not haven been noticeable along this route up to this point. These effects would be prevalent for a short section of this route to just beyond VP1, with the development being seen alongside the existing less prominent wind farm developments in the background when viewed by road users, visitors and residents at the Aultguish Inn.

8.110 Given the relevantly short section of the A835 effected route westbound, and the avoidance of close in visibility of the site eastbound where framed views towards Ben Wyvis would be largely undisturbed, the Council remain of the opinion that Major (significant) adverse effects would not however be representative for users of the A835 route as a whole. Whilst mid distance views of the development would be obtainable eastbound, the degree of turbine setback from Loch Glascarnoch sufficiently mitigates the visual impact of the development from this key route.

8.111 The proposed development will also have an adverse effect on a number of viewpoints which are accessed by recreational users of the outdoors. These effects would in most instances be limited to the summits and upper slopes of mountains where minor adverse visual effects would occur with the amended development still being contained within the cluster of existing wind farm development. The exceptions to this are for mid-range views from VP5 (Ben Wyvis) and from VP8 (Beinn a Chaisteil) where the Council considers that more noticeable moderate and moderate/minor (not significant) landscape and visual effects would also occur as routes to and from these summits align with the ZTV of the development.

8.112 When traversing a recreational route, it is not just about the experience at the end of the route or the summit of the hill, the journey is as equally important. In addition, one would usually stop and take in their surroundings at a number of points as they traverse their route. Whilst the assessment in the EIAR is considered to take into account these matters, more weight should be attributed to the development's impact on the journey to and from these viewpoints. From both these locations this increased adverse visual effect is caused predominantly by the positioning of turbine T8 with it being beyond the rounded outer edge of the wind farm cluster. This remains the case with the consented scheme, however, this would now be more obvious due to the increase in the scale of turbine more likely to draw the eye.

8.113 To assist the Council in assessing the visual impacts of the amended scheme, forming part of the EIA FEI, further route analysis for the A835 was provided comprising a series of wireframes taken at regular intervals, as well as amended wireframes for select viewpoints demonstrating the potential reduction in height of turbines T4 and T8 from 149.9 to 125m to match the as built turbine heights in the wider wind farm cluster. This further design reiteration attempted to address the prominence of T4 and its contrast in scale with adjacent built out turbines to date (refer to VP1 and VP2), as well as to see if a reduction in the scale of T8 would aid its visual integration in mid distance views. This design permutation was found to result in a reduction in the magnitude of impact and marginal improvement from certain transitory viewpoints along the A835, however, it was also found to potentially

lead to a more discordant appearance in respect of some of the closer range viewpoints, with the mismatch in turbine height and scale being more obvious. As such, no amendments to the current proposal were made.

8.114 The Council has determined that as a result of the amended scheme's turbine tip height increase, significant adverse visual effects would remain to be well contained and localised within a distance of around 5km, with the magnitude of impact of the wind farm's extension being sufficiently mitigated by the previous deletion of four turbines from the scheme and through maintaining turbine heights which avoid the need for visible aviation lighting. In comparison the existing turbines forming the wind farm cluster, it has been found that the amended scheme's turbines would be discernibly larger in close in and certain mid-range views, albeit that this would not be detrimental to the design of the wind farm cluster as a whole with the proposal conforming with the existing pattern of development. The effects of the development on surrounding receptors is considered in more detail in Appendices 2 and 3.

Cumulative Effects

8.115 The applicant's EIAR and FEI has assessed the landscape and visual effects of the development in combination with the current baseline position, with the proposal forming an extension to existing wind farm development. As expected, this results in a much broader range of significant impacts, almost all of which can be attributed to the development of the consented wind farms in the area. These include significant localised effects across four landscape character receptors (Rounded Hills: Ben Wyvis LCU, Rounded Hills: Lochluichart LCU, Rounded Hills: Inchbae LCU and Undulating Moorland: Aultguish LCU), one designated landscape (Ben Wyvis SLA), one wild land area (WLA29. Rhiddoroch, Beinn Dearg and Ben Wyvis), as well as four viewpoints (VP1, VP2, VP4 and VP5). The combined developments would also have a significant cumulative effect for users of A835 and the Old Drover's Road, Corriemoillie for up to 5km, and for walkers across the high level Ben Wyvis range within 10km.

8.116 The EIAR explains that these in combination cumulative effects have already arisen from the development of the 40 existing turbines in the area. The applicant's assessment considers that, as a direct result of the proposed development, only one additional in-conjunction significant cumulative effect would arise. This is in relation to visitors and residents of the Aultguish Inn and for users of the A835 within close proximity of this receptor.

8.117 The EIAR cumulative assessment also considers the wind farm proposals which are in planning, including the neighbouring Kirkan Wind Farm (17 turbines) situated around 1.7km to the south east. The Council is not supportive of the Kirkan Wind Farm development, primarily due to its extensive visual impacts as a result of the proposed scale, with turbines at up to 175m to blade tip, and location of the development. This application by virtue of its scale is due however to be determined by the Scottish Government. The EIAR concludes that due to the greater extent of proposed Kirkan Wind Farm, despite the previous removal of four initially proposed turbines for the Lochluichart extension, situated closest to the Aultguish Inn, the in-conjunction effect would still be significant for visitors and residents of the inn and for road users. The Council are in agreement with these findings should both the proposed development and neighbouring Kirkan Wind Farm be developed. The

remaining findings of the applicant's cumulative assessment are also generally accepted.

Noise and Shadow Flicker

8.118 It is not anticipated that noise will be a significant issue as a result of this development, both individually and in combination with the existing and consented wind farms, due to the distance between it and noise sensitive properties. The applicant has submitted an updated noise assessment in support of the application, reflecting the change in candidate turbine model. This identifies predicted noise levels from the operation of the wind farm of 29.1dB LA90 at the nearest noise sensitive receptor, the Aultguish Inn, which is identical to the level reported for the consented development.

8.119 Environmental Health do not object and consider that the given the continuing issues that arise with wind turbine developments being consented with inflated noise limits, they recommend a 2dB margin over and above the predicted levels given in EIAR Table 7.4 which is to be conditioned.

8.120 Although the proposed development of neighbouring Kirkan Wind Farm has not been accounted for in the cumulative assessment, the noise assessment for Kirkan Wind Farm application (19/01861/S36), does contain a cumulative assessment which include a previous re-iteration of the proposed second extension to Lochluichart Wind Farm. This assessment is however now out of date (March 2019) and considered the original 9 turbine Lochluichart scheme, rather than the amended 5 turbine proposal which would have a greater setback from the Aultguish Inn. The Kirkan noise assessment concluded that the initially proposed 9 turbine Lochhuichart Wind Farm could potentially result in significant cumulative operational noise impacts at this receptor, which would have been the case even in the absence of the Kirkan development.

8.121 Environmental Health's consultation response to Kirkan Wind Farm pointed out that the Kirkan development's noise assessment findings differ from those reported in the former Lochuichart EIAR and Supplementary Information prepared for the consented scheme. Environmental Health conclude that it would be difficult for either development to accurately assess the impact without further collaboration and failing that, they shall assess each development alone and whichever is decided last will need to review their noise assessment accordingly.

8.122 In Environmental Health's consultation response to the latest Lochluichart Wind Farm proposal, no concerns in relation to cumulative operational noise impacts have been raised. Given that the Council have objected to the development of Kirkan Wind Farm (which is still due to be determined by the Scottish Government), it will be for the Kirkan Wind Farm applicant to review their noise assessment accordingly with the Council generally applying the approach of the last scheme consented, which will have an adverse impact, requiring to address any noise issue in the first instance.

8.123 In terms of shadow flicker, it is not anticipated that this will be an issue for this development either individually or cumulatively given the location of the development and its separation distance to the nearest property.

Telecommunications

8.124 No concerns have been raised in relation to potential interference with radio / television networks in the locality. A condition should nonetheless be sought to secure a scheme of mitigation should an issue arise.

Aviation

8.125 There are no unresolved objections with regard to aviation interests, albeit that no consultation response has been received by the Civil Aviation Authority. The Ministry of Defence highlight that aviation lighting will be required and this can be secured via condition which restricts turbine lighting to infra-red only.

Other Material Considerations

8.126 Given the complexity of major developments, and to assist in the discharge of conditions, in the event that planning permission is forthcoming, the Planning Authority seeks that the developer employs a Planning Monitoring Officer (PMO). The role of the PMO, amongst other things, will include the monitoring of, and enforcement of compliance with, all conditions, agreements and obligations related to this permission (or any superseding or related permissions) and shall include the provision of a bi-monthly compliance report to the Planning Authority.

8.127 The applicant has advised that at the end of their operational life, if the decision is made to decommission the wind farm, all turbine components, transformers, substation and associated buildings and infrastructure will be removed from the site. The Planning Authority also requires that any foundations remaining on site; the exposed concrete plinths would also be removed to a depth of 1m below the surface, graded with soil and replanted. Cables also require to be cut away below ground level and sealed. Whilst the applicant has indicated a preference to retain the new site tracks for landowner use, this is yet to be agreed as it would be expected that any new tracks or areas used for constructing the wind farm would be reinstated to the approximate pre-wind farm condition, unless otherwise agreed with the Planning Authority.

8.128 The applicant acknowledges that these matters will not be confirmed until the time of the submission of a detailed Decommissioning and Restoration Plan (DRP). The DRP would be submitted to and approved in writing by The Highland Council in consultation with NatureScot and SEPA no later than 12 months prior to the final decommissioning of the wind farm. The detailed DRP would be implemented within 18 months of the final decommissioning of the development unless otherwise agreed in writing with the Planning Authority.

8.129 The requirements to decommission and restore a wind farm site at its end of life is relatively standard and straight forward, with any request for re-powering to be considered with the submission of a relevant future application. It is important to ensure that any approval of this project secures by condition a requirement to receive an updated draft DRP for approval prior to the commencement of any development and ensure an appropriate financial bond is put in place to secure these works.

8.130 In line with SPP, the Revised Draft NFP4, Highland Council policy and practice, community benefit considerations are undertaken as a separate exercise and generally parallel to the planning process.

8.131 There are no other relevant material factors highlighted within representations for consideration of this application.

Matters to be Secured by Legal Agreement/ Upfront Payment

8.132 None.

9. CONCLUSION

9.1 The principle of developing a wind farm in this location has been established through the previous planning permission to develop 5 turbines on the site. The amended development proposes the same number of turbines, in the same locations, with the proposed turbines being larger in scale and therefore capable of generating more electricity.

9.2 The Scottish Government gives considerable commitment to renewable energy developments where it can be demonstrated that they are on suitable sites and environmental and other impacts have been shown to be capable of mitigation. Over and above the consented scheme, the amended development proposal would allow for an additional 6MW contribution toward Scottish Government renewable energy targets for a period of 40 years. The amended scheme is reported to have 33% improvement on the energy production, resulting in an increase of 13,293MW hours per annum, with the proposed wind farm having the potential to supply the equivalent of the average annual domestic electricity needs of over 13,599 homes.

9.3 As with all applications, the potential benefits of the proposal must be weighed against potential drawbacks and then considered in the round, taking account of the relevant policies of the Development Plan and Scottish Planning Policy. It is considered that there is capacity in the general area for further wind energy development. The proposed increase in energy generation is found to be beneficial and not to the detriment of the wind farm cluster's overall design. When compared to the consented scheme, certain turbines would now no longer visually integrate as well with the smaller existing turbines forming the cluster of wind energy development in this area. That said, although the occasional additional turbine would be noticeably larger scale, the proposal would not give rise to any new significantly adverse visual impacts in the locality.

9.4 As per the consented scheme, the development would still result in a limited number and extent of significant adverse landscape and visual effects. These effects would not be materially exacerbated by the amended scheme. Significant visual effects would continue to be contained to a 5km radius during the wind farm's construction, with the operational wind farm's visual effects also being contained to users of the A835 westbound for a 2km stretch between Viewpoint 2 (A835, Black Water Bridge) and Viewpoint 1 (Aultguish Inn), as well as visitors and residents of the Aultguish Inn.

9.5 Although no objections have been received to the application, the A835 is regularly used by tourist and is also one of the primary routes connecting several west coast

communities with Inverness. The proposed wind farm is at a key gateway location between the more dramatic mountainous landscape to the west and the more rolling settled landscape to the east with key views eastbound towards Ben Wyvis being critical to the determination of this application. The development has however been found not to detrimentally affect this key view with all significant landscape and visual effects being contained to close in views when travelling a relatively short stretch westbound on the A835, and in the vicinity of this route. Whilst extending the impacts of wind energy development beyond that currently experienced, the amended development has not been found to be detrimental for road user's experience of this route as a whole, or for that matter, detrimental to visitors and residents experience of the Aultguish Inn. Key to this has been maintaining an appropriate setback from the A835 which was secured through the consented scheme with this inherent mitigation being respected and maintained by the amended proposal.

9.6 Having previously achieved significant design changes through negotiations with the applicant, and explored different design variations through the assessment of the current application, the resultant landscape and visual impact of the amended development are considered acceptable. The key modifications secured previously included the removal of 4 turbines and associated infrastructure, reducing the scale of onsite infrastructure and limiting turbine heights to avoid the need for visible aviation lighting. These mitigation measures have been maintained by the amended scheme.

9.7 The Council has determined this application against the policies set out in the Development Plan, principally Policy 67 of the Highland-wide Local Development Plan with its eleven tests which are expanded upon with the Onshore Wind Energy Supplementary Guidance. This policy also reflects policy tests of other policies in the plan, for example Policy 28 and those contained within Scottish Planning Policy and the revised draft National Planning Framework 4. Given the above analysis, the application to increase the blade tip heights of the turbines from 133m up to 149.9m is found to be in accordance with the Development Plan, national policy and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: Not applicable

10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: The proposal has the ability to make a meaningful contribution toward the production of renewable energy.

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

11.1 **Action required before decision issued** No

11.2 It is recommended to **GRANT** the application subject to the following conditions and reasons:

Conditions and Reasons

1. **Duration of Planning Permission**

Planning Permission is granted for a period of 42 years from the date of Final Commissioning, comprising an operational period of up to 40 years from the date of Final Commissioning and a period of up to 2 years for decommissioning and site restoration to be completed in accordance with a scheme to be approved under Condition 22 of this permission. Written confirmation of the Date of Final Commissioning must be provided to the Planning Authority no later than one month after the event.

Reason: To clarify the terms of the permission as the permission sought is temporary and to define the duration of the consent.

2. **Accordance with the Provisions of the Application**

The development shall be constructed and operated in accordance with the provisions of the Application, the Environmental Impact Assessment Report (EIAR) and Further Environmental Information (FEI), except in so far as amended by the terms of this consent.

Reason: To clarify the terms of the permission.

3. **Design and Operation of Turbines**

No turbines shall be erected until details of the proposed wind turbines have been submitted to, and approved in writing by, the Planning Authority. These details shall include:

a) the make, model, design, power rating and sound power levels of the turbines to be used; and

b) the external colour and/or finish of the turbines to be used (including towers, nacelles and blades) which should be non-reflective pale grey semi-matt; and

c) the turbines with internal transformers.

Thereafter, development shall progress in accordance with these approved details and, with reference to part (b) above, the turbines shall be maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned.

Reason: To ensure that all elements of the development accord with the parameters set out in the description of development as described in this consent and set out at Chapter 3 of the Environmental Impact Assessment Report (EIAR)

and to ensure that all elements are acceptable in terms of visual, landscape, noise and other environmental impact considerations.

4. **Design of Ancillary Infrastructure**

No development shall commence on the control building, substation or ancillary infrastructure until final details of the location, layout, external appearance, dimensions and surface materials of all buildings, compounds, parking areas including electric vehicle charging provision, battery storage, as well as any external lighting, fencing, walls, paths and any other ancillary elements of the development, have been submitted to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with these approved details.

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

5. **Battery Storage**

No development shall commence on the battery storage facility until final details of its generating capacity and specific pollution prevention measures been submitted to, and approved in writing by, the Planning Authority, in consultation with SEPA.

Reason: In the interest of pollution prevention and protection of the water environment.

6. **Advertisement on Infrastructure**

None of the wind turbines, anemometers, power performance masts, switching stations or transformer buildings / enclosures, ancillary buildings or above ground fixed plant shall display any name, logo, sign or other advertisement (other than health and safety signage) unless otherwise approved in advance in writing by the Planning Authority.

Reason: In the interests of visual amenity.

7. **Micro-siting**

All wind turbines, buildings, borrow pits, areas of hardstanding and tracks shall be constructed in the location shown in Environmental Impact Assessment Report (EIAR) Figure 1 – Site Layout and as per the turbine co-ordinates set out in EIAR Table 3.1: Proposed Development Turbine grid reference. Wind turbines, buildings, borrow pits, areas of hardstanding and tracks may be adjusted by micro-siting within the site. However, unless otherwise approved in advance in writing by the Planning Authority (in consultation with SEPA and SNH), micro-siting is subject to the following restrictions:

a) no wind turbine or related hardstanding, access track, water crossing, borrow pit or temporary construction compound shall be moved more than 50m from the original position shown;

b) no wind turbine foundation shall be positioned higher than 5m above ground level than the position shown on the Site Layout plan;

c) No micro-siting shall take place with the result that infrastructure (excluding floating access tracks) is located within areas of peat of greater depth than the original position shown;

d) No micro-siting shall take place within areas hosting highly dependent Ground Water Dependent Terrestrial Ecosystems as identified in the EIAR;

e) With the exception of water-crossings, no element of the proposed development shall be positioned closer than 50m from the top of the bank of any watercourse; and

f) All micro-siting permissible under this condition must be undertaken under the direction of the Environmental Clerk of Works (ECoW).

No later than one month after the date of Final Commissioning, an updated Site Layout Plan must be submitted to the Planning Authority showing the final position of all wind turbines, masts, areas of hardstanding, tracks and associated infrastructure forming part of the Development. The plan should also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the ECoW or Planning Authority's approval, as applicable.

Reason: To control environmental impacts while taking account of local ground conditions.

8. **Borrow Pits**

No borrow pit shall be excavated until a site specific scheme for the working and restoration of the borrow pit forming part of the Development has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The scheme shall include:

a) A prioritisation plan setting out that the southern borrow pit would only be used in the event that mineral reserves have been exhausted in the northern borrow pit;
b) A detailed working method statement based on site survey information and ground investigations;
c) Details of the handling of any overburden (including peat, soil and rock);
d) Drainage, including measures to prevent surrounding areas of peatland, and Ground Water Dependant Terrestrial Ecosystems (GWDTE) from drying out;
e) A site-specific buffer drawn around each loch or watercourse proportionate to the depth of excavations and at least 10m from access tracks; and
f) A programme of implementation of the works described in the scheme.

The approved scheme shall thereafter be implemented in full.

Reason: To ensure that excavation of materials from the borrow pits is carried out in a safe manner, minimises environmental and visual impacts, and to secure the restoration of borrow pits at the end of the construction period.

9. **Construction Environmental Management Plan**

No development shall commence until a finalised Construction Environmental Management Plan (CEMP) is submitted to and agreed in writing by the Planning Authority, in consultation with SEPA. The document shall include provision for:

a) an updated Schedule of Mitigation (SM); highlighting amendments made to the existing schedule of mitigation set out at Environmental Impact Assessment Report Table 3.8, and the conditions of this consent;

b) processes to control / action changes from the agreed SM;

c) The following specific CEMP details:

i. A Construction Method Statement which shall cover:
- hard surfaces and access tracks, including details of any access track widening and provision of a floating access track between proposed turbines T4 and T5 with the provision of cross section drawings;
- site compound and sub-station, detailing the storage of materials and machinery, including the areas designated for offices, welfare facilities; fuel storage, battery storage and car parking;
- crane pads, turbine foundations and cable trenches;
- erection of the wind turbines; and
- measures to ensure construction vehicle adherence to the routing of the access tracks.

ii. finalised Peat Management Plan to include details of all peat stripping, excavation, storage and reuse of material in accordance with best practice advice published by SEPA and NatureScot; this should:
- highlight how sensitive peat areas are to be marked out on-site to prevent any vehicle causing inadvertent damage;
- measures to avoid bare peat being left to dry out and provision of a drawing detailing the placement of removed turves over top of the stored peat to protect it from drying out as well as providing the turves a surrogate site so that the vegetation is maintained during storage; and
- avoid peat slide risk in accordance with the mitigation measures set out within a finalised Peat Slide Risk Assessment;

iii. a finalised Water Construction Management Plan (WCMP; this shall include details of:

- development and storage of material buffers (50m minimum) from water features, unless otherwise agreed in writing by Planning Authority, in consultation with SEPA;
- watercourse crossings designed to 1 in 200 year flood risk event plus 20% for climate change;
- surface water drainage provision which accords with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed

to the standards outlined in Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time. Site specific maps shall be provided showing (1) cut off ditches to prevent clean surface water entering the construction site; and (2) proposed locations of SuDS features (lagoons, cut off drains, discharges to vegetated buffers, check dams etc), demonstrating where polluted water will be directed and treated and where clean water will be re-directed. These plans must clearly show how polluted surface water is kept away from the water environment. All surface water drainage provision shall be completed in a timely manner and installed concurrently with the construction of any track or hard surface;

- construction related maintenance regimes;
- a surface and ground water monitoring programme, highlighting any necessary public and private water supply protection measures; and
- a fisheries monitoring plan, to be prepared by the applicant in consultation with SEPA and local fishing interest groups, to: establish the characteristics of the baseline conditions prior to construction; monitor the performance of the mitigation measures set out within the WCMP; and identify triggers for any remedial action by applicant to maintain water quality and potential fish passages;

iv. measures to mitigate construction impacts on wet heath and other wetland habitats as set out within the Habitat Management Plan under Condition 15;

v. a Site Waste Management Plan, incorporating a forest waste detailing any trees to be felled and removed from site;

vi. a Pollution Prevention Plan;

vii. Construction Noise and Vibration Mitigation Plan;

viii. An Archaeological Management Plan setting out:

- a programme of work for the survey, evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work;
- a timetable for investigation; and
- a procedure to be followed should any unexpected features be identified during construction.

ix. a Breeding Bird Protection Plan (BBPP) and Species Protection Plans, with associated survey and monitoring requirements to be agreed by the Planning Authority, in consultation with NatureScot. This must be informed by a further pre-construction ecological survey for legally protected species which must be carried out at an appropriate time of year for the species, at a maximum of 12 months preceding commencement of construction, and a watching brief must then be implemented by the Ecological Clerk of Works (ECoW) during construction. The species that should be surveyed for include, but are

not limited to, breeding birds, otter, pine marten, water vole, badger, red squirrel, and wildcat. The area that is surveyed should include all areas directly affected by construction plus an appropriate buffer to identify any species within disturbance distance of construction activity and to allow for any micro-siting needs. A communication plan must be provided to ensure all contractors are aware of the possible presence of protected species frequenting the site and the laws relating to their protection. This plan must detail a notification and stop the job commitment requirements.

x. a site Construction Decommissioning Restoration Plan (CDRP), highlighting restoration/ reinstatement of the working areas not required during the operation of the development, including construction access tracks, borrow pits, construction compound, storage areas, laydown areas, access tracks, passing places and other construction areas.

xi. Details for the submission of a quarterly report summarising work under taken at the site and compliance with the planning conditions during the period of construction and post construction re-instatement.

Unless otherwise agreed in writing by the Planning Authority the development shall then proceed in accordance with the approved CEMP.

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

10. **Traffic Management Plan**

No development shall commence until a Traffic Management Plan (TMP) has been submitted to, and approved by, the Planning Authority, in consultation with the Roads Authority and Transport Scotland. The TMP, which shall be implemented as approved during all period of construction, wind farm operation and decommissioning, shall include:

a) Information on materials, plant, equipment, components, location and labour required during construction, wheel washing arrangements, access and egress arrangements for abnormal loads, concrete wagons and heavy goods vehicles (including potential out of hours deliveries) and a local signage scheme, the scheduling , pre and post construction surveys, and a programme and methodology for any repairs as a consequence of any damage caused by construction traffic.

b) Details of any upgrading works required at the junction of the site access and the public road. Such works may include suitable drainage measures, improved geometry and construction, measures to protect the public road and the provision and maintenance of appropriate visibility splays

c) Contact details for a community traffic liaison officer for the Company to provide information relating to the arrangements for the delivery of all road and construction traffic mitigation measures required for the Development. This should include, but not be limited to, traffic management arrangements:

to be in place during any roadworks associated with the development and for the operation of local roads during delivery of abnormal loads during the construction of the development.

d) Prior to commencement of deliveries of abnormal loads to site the proposed route for any abnormal loads on the trunk road network, details of escorts and any accommodation measures required including the removal of street furniture, junction widening, traffic management and the scheduling and timing of abnormal loads movements must be approved in writing by Transport Scotland and the Planning Authority.

e) During the delivery period of the wind turbine construction materials any additional signing or temporary traffic control measures necessary due to the size or length of any loads being delivered or removed must be undertaken by a traffic management consultant whose appointment shall be approved by Transport Scotland and the Planning Authority before delivery commences.

Reason: To ensure road safety and that transportation will not have any detrimental effect on the road and structures along the route and to minimise interference with the safety and free flow of the traffic on the local and trunk roads and to minimise adverse impacts on residents and local businesses in the area.

11. **Road Wear and Tear Agreement**

There shall be no Commencement of Development until a concluded agreement in accordance with Section 96 of the Roads (Scotland) Act 1984 under which the developer is responsible for the repair of any damage to the local road network that can reasonably be attributed to construction related traffic. As part of this agreement, pre-start and post-construction road condition surveys must be carried out by the applicant, to the satisfaction of the Roads Authority. It will also require the submission of an appropriate financial guarantee, bond or alternative form of security acceptable to the planning authority in respect of the risk of any road reconstruction works.

Reason: To ensure financial security for the protection of the road network, and for the cost incurred to repair any damage to the road network.

12. **Operational Traffic Management**

There shall be no significant heavy goods vehicle or abnormal load movement during the operational lifetime of the wind farm without the prior written approval of the Roads Authorities. Any such movements shall demonstrate adherence to the agreed Traffic Management Plan required by Condition 10.

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

13. **Recreational Access Management Plan**

No construction works shall commence until an Access Management Plan has been submitted to, and approved in writing by, the Planning Authority. The plan

will make provision for existing levels of public access to be maintained after construction other than as may be necessary to carry out repair or maintenance works. The plan shall include details of signage to be included on the Site to warn users of the paths of any hazards. The plan as agreed shall be implemented in full, unless otherwise approved in writing with the Planning Authority.

Reason: In the interests of securing and enhancing public access rights.

14. **Ecological Clerk of Works**

(1) An ecological clerk of works (ECoW) shall be appointed to supervise construction and decommissioning of the wind farm. The identity and terms of appointment of the ECoW shall be submitted to and approved in writing by the Planning Authority and they shall be employed for the period of:

a) Wind farm construction, including preparation, micro -siting and post -construction restoration; and

b) Wind farm decommissioning and site restoration.

In relation to (a) the terms of appointment shall be submitted prior to the commencement of the development and relation to (b), prior to the commencement of any decommissioning works.

(2) The terms of appointment shall require the ECoW to:

a) Carry out pre -construction surveys to inform the Construction and Environmental Management Plan (CEMP) required in terms of Condition 9;

b) Impose a duty to monitor compliance with the ecological and hydrological commitments provided in this planning permission, the CEMP approved in accordance with Condition 9, inclusive of the breeding birds protection plan, species protection plan, Peatland Management Plan, and the Habitat Management Plan approved in accordance with Condition 15 (“the ECoW works”);

c) Report to the Company’s nominated construction project manager any incidences of non -compliance at the earliest practical opportunity;

d) Submit a monthly report to the Planning Authority summarising works undertaken on site and incidences of micrositing in accordance with Condition 7; and

e) Report to the Planning Authority any incidences of non -compliance with the ecological and hydrological commitments provided in this planning permission, the CEMP approved in accordance with Condition 9, inclusive of the breeding birds protection plan, species protection plan, Peatland Management Plan, and the Habitat Management Plan approved in accordance with Condition 15, and the Decommissioning

Environmental Management Plan, required in terms of Condition 22 at the earliest practical opportunity.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the development.

15. **Habitat Management Plan**

(1) No development shall commence until a finalised habitat management plan (HMP) has been submitted to and approved in writing by the Planning Authority, in consultation with SEPA and NatureScot.

(2) The HMP shall set out proposed habitat management of the wind farm site during the period of construction, operation, decommissioning, restoration and aftercare of the site.

(3) The HMP shall include restoration measures for the most sensitive habitats, peatland restoration proposals, provide enhancement of Annex 1 habitats, habitats for protected species and mitigation measures for birds (black grouse, divers and golden eagle), including, but not limited to:

a) The provision of a diver raft within a nearby loch;

b) The removal of deer carcases from site;

c) Water vole for at least the first three years from the date of Final Commissioning;

d) Construction time restrictions during the black grouse lekking season, and avoidance of working the previously used borrow pit during this period with its restoration to provide suitable lekking habitat;

e) Monitoring of bird populations, including flight paths within and adjacent to the wind farm site from the period from Commencement of Development until the date of completion of restoration; and

f) Monitoring deer populations and management within and adjacent to the wind farm site.

(4) The approved HMP will include provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the habitat plan objectives. In particular, the approved habitat management plan will be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Commissioning and submitted to the Planning Authority for written approval in consultation with SEPA and NatureScot.

(5) Unless otherwise approved in advance in writing with the Planning Authority, the approved HMP shall be implemented in full.

Reason: In the interests of the protection of the habitats and species identified in the EIAR.

16. **Compensatory Tree Planting**

(1) No development shall commence until a detailed Compensatory Planting Plan (including future maintenance) has been submitted and approved in writing by the Planning Authority, following consultation with Scottish Forestry. The area of planting shall be no less than 6.11 hectares in size, consisting primarily of productive species and located within the Highlands.

(2) The Compensatory Planting Plan shall be prepared by and then implemented under the supervision of a suitably qualified forestry consultant and in accordance with Annex 6 of the Scottish Government's policy on Control of Woodland Removal: Implementation Guidance (February 2019).

(3) All planting shall be implemented in full prior to the Commencement of Development, or as otherwise agreed with the Planning Authority. The planting shall be maintained thereafter in accordance with the approved scheme, until established to the full satisfaction of the Planning Authority.

(4) The Lochluichart Estate Long Term Forest Plan shall be updated to incorporate changes arising from the development and shall be submitted to the Planning Authority concurrently with the proposed Compensatory Planting Plan.

Reason: To protect Scotland's woodland resource, in accordance with the Scottish Government's policy on the Control of Woodland Removal.

17. **Construction Hours**

(1) The hours of operation of the construction phase of the development hereby permitted other than in respect of the construction of the substation shall be limited to 0700 hours to 1900 hours on Monday to Saturday and no work shall take place on Sundays or public holidays unless previously approved in writing by the Planning Authority. Out with these hours, development at the site shall be limited to turbine delivery and erection, commissioning, maintenance and pouring of concrete foundations (provided that the developer notifies the Planning Authority of any such works within 24 hours if prior notification is not possible). In addition, access for security reason, emergency responses or to undertake any necessary environmental controls is permitted out with these hours.

(2) The hours of operation of the construction phase of the substation shall be limited to 0800 hours to 1900 hours on Monday to Friday and 0800 to 1800 on Saturday and no work shall take place on Sundays or public holidays unless previously approved in writing by the Planning Authority. In addition, access for security reasons, emergency responses or to undertake any necessary environmental controls is permitted out with these hours.

Reason: In the interest of local amenity.

18. **Operational Noise**

The rating level of noise immissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed 2db LA90 above the predicted levels given in Table 7.4 of the Environmental Impact Assessment Report at any noise sensitive location existing at the time of consent. A copy of Table 7.4 is provided below:

Table 7.4: Predicted Noise Levels due to the Proposed Development

Receptor	Standardised 10 m Wind Speed, ms^{-1}								
	4	5	6	7	8	9	10	11	12
	Noise Limit, dB, $L_{A90,10min}$								
Aultguish Inn	16.7	22.2	26.4	27.0	27.0	27.0	27.0	27.0	27.0

In addition:

a) prior to the First Export Date, the wind farm operator shall submit to the Highland Council (THC) for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of THC;

b) within 21 days from receipt of a written request of THC, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ an independent consultant approved by THC to assess the level of noise immissions from the wind farm at the complainant's property (or a suitable alternative location agreed in writing with THC) in accordance with the procedures described in the attached Guidance Notes.

The written request from THC shall set out at least the date, time and location that the complaint relates to. Within 14 days of receipt of the written request of THC made under this paragraph (b), the wind farm operator shall provide the information relevant to the complaint to the in the format set out in Guidance Note 1(e);

c) prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to THC for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken.

Where the proposed measurement location is close to the wind turbines, rather than at the complainants property (to improve the signal to noise ratio), then the operators submission shall include a method to calculate the noise level from the wind turbines at the complainants property based on

the noise levels measured at the agreed location (the alternative method). Details of the alternative method together with any associated guidance notes deemed necessary, shall be submitted to and agreed in writing by THC prior to the commencement of any measurements.

Measurements to assess compliance with the noise limits of this condition shall be undertaken at the measurement location approved in writing by THC;

d) prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to THC for written approval a proposed assessment protocol setting out the following:

   i. the range of meteorological and operational conditions (the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions; and

   ii. a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component.

   The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the information provided in the written request of THC under paragraph (b), and such others as the independent consultant considers necessary to fully assess the noise at the complainant's property. The assessment of the rating level of noise immissions shall be undertaken in accordance with the assessment protocol approved in writing by THC and the attached Guidance Notes;

e) the wind farm operator shall provide to THC the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within two months of the date of the written request of THC made under paragraph (b) of this condition unless the time limit is extended in writing by THC. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to THC with the independent consultant's assessment of the rating level of noise immissions;

f) where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (e) above unless the time limit for the submission of the further assessment has been extended in writing by THC;

g) the wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d) of the attached Guidance Notes. The data from each wind turbine shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) of the attached Guidance Notes to the Local Authority on its request within 14 days of receipt in writing of such a request;

h) where it is proposed to operate any turbine in a reduced running mode in order to meet the limits, no turbine shall be erected until a curtailment plan for the turbines has been submitted and approved in writing by THC. The curtailment plan shall demonstrate how the limits will be complied with and shall include the following:

   i. definition of each noise reduced running mode including sound power data;

   ii. the wind conditions (speed & direction) at which any noise reduced running mode will be implemented; and

   iii. details of the manner in which the running modes will be defined in the SCADA data or how the implementation of the curtailment plan can be otherwise monitored and evidenced;

   The Curtailment Plan shall be implemented in accordance with the approved details;

i) prior to the First Export Date, the wind farm operator shall submit to THC for written approval, a scheme of mitigation to be implemented in the event that the rating level, after adjustment for background noise contribution and any tonal penalty, is found to exceed the conditioned limits. The scheme shall define any reduced noise running modes to be used in the mitigation together with sound power levels in these modes and the manner in which the running modes will be defined in the SCADA data; and

j) the scheme referred to in paragraph (i) above should include a framework of immediate and long term mitigation measures. The immediate mitigation measures must ensure the rating level will comply with the conditioned limits and must be implemented within seven days of the further assessment described in paragraph (f) above being received by THC. These measures must remain in place, except during field trials to optimise mitigation, until a long term mitigation strategy is ready to be implemented.

Guidance Notes for Noise Condition

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Note 3 with any necessary

correction for residual background noise levels in accordance with Note 4. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

Note 1

(a) Values of the $L_{A90,10\text{-minute}}$ noise statistic should be measured at the complainant's property (or an approved alternative representative location as detailed in Note 1(b)), using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated before and after each set of measurements, using a calibrator meeting BS EN 60945:2003 "Electroacoustics – sound calibrators" Class 1 with PTB Type Approval (or the equivalent UK adopted standard in force at the time of the measurements) and the results shall be recorded. Measurements shall be undertaken in such a manner to enable a tonal penalty to be calculated and applied in accordance with Guidance Note 3.

(b) The microphone shall be mounted at 1.2 - 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone shall be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

(c) The $L_{A90,10\text{-minute}}$ measurements should be synchronised with measurements of the 10-minute arithmetic mean wind speed and wind direction data and with operational data logged in accordance with Guidance Note 1(d) and rain data logged in accordance with Note 1(f).

(d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine, arithmetic mean power generated by each turbine and any data necessary to define the running mode as set out in the Curtailment Plan, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. Each 10 minute arithmetic average mean wind speed data as measured at turbine hub height shall be

'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data which is correlated with the noise measurements determined as valid in accordance with Note 2(b), such correlation to be undertaken in the manner described in Note 2(c). All 10-minute periods shall commence on the hour and in 10-minute increments thereafter synchronised with Greenwich Mean Time and adjusted to British Summer Time where necessary.

(e) Data provided to the Local Authority shall be provided in comma separated values in electronic format with the exception of data collected to asses tonal noise (if required) which shall be provided in a format to be agreed in writing with the Local Authority.

(f) A data logging rain gauge shall be installed in the course of the independent consultant undertaking an assessment of the level of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d). The wind farm operator shall submit details of the proposed location of the data logging rain gauge to the Local Authority prior to the commencement of measurements.

Note 2

(a) The noise measurements should be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b).

(b) Valid data points are those measured during the conditions set out in the assessment protocol approved by the Local Authority but excluding any periods of rainfall measured in accordance with Note 1(f).

(c) Values of the $L_{A90,10\text{-minute}}$ noise measurements and corresponding values of the 10-minute standardised ten metre height wind speed for those data points considered valid in accordance with Note 2(b) shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) shall be fitted to the data points to define the wind farm noise level at each integer speed.

Note 3

(a) Where, in accordance with the approved assessment protocol noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty shall be calculated and applied using the following rating procedure.

(b) For each 10-minute interval for which $L_{A90,10\text{-minute}}$ data have been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise immissions during 2-minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available

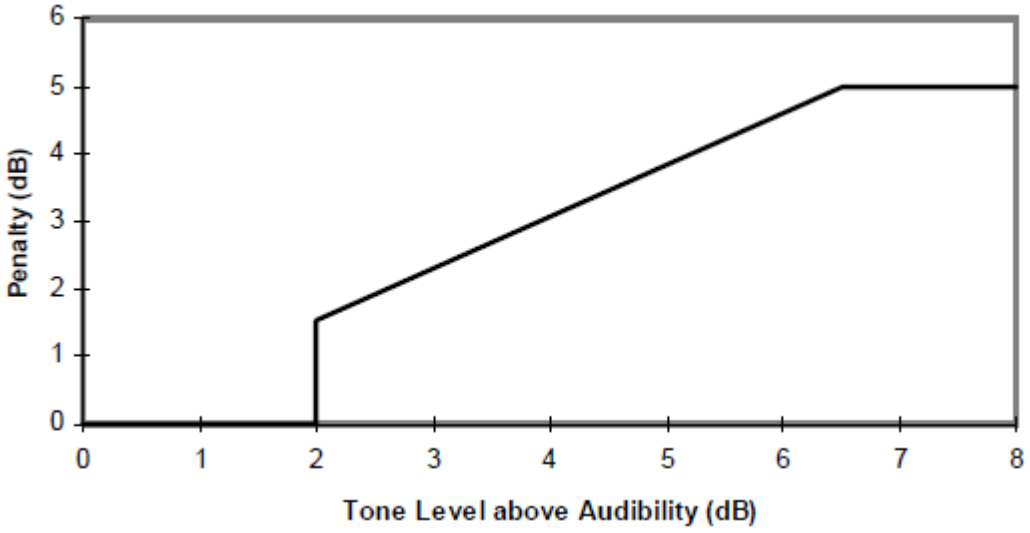
uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure shall be reported.

(c) For each of the 2-minute samples the tone level above audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R-97.

(d) The tone level above audibility shall be plotted against wind speed for each of the 2-minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.

(e) A least squares "best fit" linear regression shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line fitted to values within ± 0.5m/s of each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2.

(f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below derived from the average tone level above audibility for each integer wind speed.



Note 4

(a) If a tonal penalty is to be applied in accordance with Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Note 3 at each integer wind speed within the range set out in the approved assessment protocol.

(b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Note 2.

(c) If the rating level lies at or below the noise limits approved by the Local Authority then no further action is necessary. In the event that the rating level is above the noise limits, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.

(d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

i. Repeating the steps in Note 2, with the wind farm switched off, and determining the background noise (L_3) at each integer wind speed within the range set out in the approved noise assessment protocol.

ii. The wind farm noise (L_1) at this speed shall then be calculated as follows where L_2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10\log\left[10^{L_2/10} - 10^{L_3/10}\right]$$

iii. The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L_1 at that integer wind speed.

iv. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty lies at or below the noise limits approved by the Local Authority then no further action is necessary. If the rating level at any integer wind speed exceeds the noise limits approved by the Local Authority then the development fails to comply with the conditions.

Reason: In the interest of amenity.

19. **Aviation**

At least 14 days prior to the commencement of development the applicant shall provide the Planning Authority, Civil Aviation Authority, Ministry of Defence and NATS with the following information:

a) the date of the expected commencement of each stage of construction and the expected end date;

b) the height above ground level of the tallest structure forming part of the development;

c) the maximum extension height of any construction equipment; and

d) the position of the turbines and masts in latitude and longitude.

Reason: In the interests of aviation safety.

20. **Aviation Lighting**

Prior to commencing the erection of any wind turbine, or deploying any construction equipment or temporary structure(s) 50 metres or more in height (above ground level) the undertaker must submit an aviation lighting scheme for the approval of the Planning Authority, in consultation with the Ministry of Defence, NATS and the Civil Aviation Authority, defining how the development will be lit throughout its life to maintain civil and military aviation safety requirements as determined necessary for aviation safety by the Ministry of Defence. This should include:

a) Details of any construction equipment and temporary structures with a total height of 50 metres or greater (above ground level) that will be deployed during the erection of wind turbine and details of any aviation warning lighting that they will be fitted with, which shall be invisible to the naked eye with no visible aviation lighting permitted; and

b) The locations and heights of all wind turbines and any anemometry mast featured in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the wind turbine generators.

Thereafter, the undertaker must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the lifetime of the Development

Reason: In the interests of aviation safety, landscape and visual amenity.

21. **Telecommunication**

Within 12 months of the first export date, any claim by any individual person regarding television or telecommunications interference at their house, business premises or other building, shall be investigated by a qualified engineer appointed by the developer and the results shall be submitted to the Planning Authority. Should any impairment of services be attributable to the development, the developer shall remedy such impairment within 3 months.

Reason: To mitigate the potential effect of telecommunications interference on the development.

22. **Decommissioning Environmental Management Plan**

(1) No development shall commence (excluding preliminary ground investigation, which shall be permitted) until an interim decommissioning, restoration and aftercare plan (“IDRP”) has been submitted to and approved in writing by the Planning Authority. The IDRP shall outline measures for the decommissioning of the turbines and the restoration and aftercare of the Site. It will include proposals for the removal of the Development (save for access tracks and foundations), the treatment of ground surfaces, the management and timing of the works, and environmental management provisions.

(2) No later than 12 months prior to final decommissioning of the Development a detailed Decommissioning Environmental Management Plan (DEMP), based upon the principles of the approved IDRP, shall be submitted to the Planning Authority for written approval in consultation with NatureScot and SEPA.

(3) The Development shall be decommissioned, site restored in accordance with the approved DEMP, unless otherwise agreed in writing in advance with the Planning Authority in consultation with NatureScot and SEPA.

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.

23. **Redundant Turbines**

In the event that any wind turbines installed and commissioned fail to produce electricity on a commercial basis for a continuous period of 12 months unless otherwise approved in writing by the Planning Authority the Company shall submit a scheme for the removal of the wind turbine(s) and ancillary equipment within 6 months of the expiration of the 12 month period which shall be implemented as approved in writing. The site shall be reinstated in accordance with the Decommissioning Environmental Management Plan ("DEMP").

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

24. **Decommissioning and Restoration Financial Guarantee**

(1) No wind turbine foundations shall be put in place until details of financial provisions to cover the full cost of decommissioning and site restoration under Condition 23 have been submitted to, and approved in writing by the Planning Authority. Following such approval documentary evidence shall be provided to the Planning Authority to confirm that the approved provisions are in place. The approved provisions must be kept in place until site decommissioning and restoration is complete in accordance with Condition 23.

(2) The value of the financial provision shall be determined by a suitably qualified independent professional as being sufficient to meet the costs of implementing the IDRP.

(3) The value of the financial provision shall be agreed in writing by the Company and the Planning Authority, or, failing agreement, determined (on application by either party) by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with the IDRP.

Reason: To ensure sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this planning permission in the event of default by the company.

25. **Community Liaison Group**

No development shall commence until a scheme setting out arrangements for establishing community liaison and to inform the community about the arrangements for the delivery of all road and construction traffic mitigation measures required for the development shall be submitted to and approved by the Planning Authority. This scheme should include, but not be limited to, construction and decommissioning traffic management arrangements, the operation of local roads during the transportation of abnormal loads and identification of contact arrangements during the construction of the development. The scheme shall be implemented as approved.

Reason: To minimise the impact of the development on local roads and the on local community.

26. **Planning Monitoring Officer**

No development shall commence until the Planning Authority has approved in writing the terms of appointment by the applicant of an independent and suitably qualified environmental consultant to assist the Planning Authority in monitoring compliance with the planning permission and conditions attached to this consent. The terms of Planning Monitoring Officer (PMO) appointment shall:

a) impose a duty to monitor compliance with the planning permission and conditions attached to this consent;

b) require the PMO to submit a report at least every two months to the Planning Authority, or monthly at the further written request of the Planning Authority, summarising works undertaken on site; and

c) require the PMO to report to the Planning Authority any incidences of non-compliance with the planning permission and conditions attached to this consent at the earliest practical opportunity.

The PMO shall be appointed on the approved terms throughout the period from the Commencement of Development to completion of post construction restoration works.

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

27. **Time Limit for the Implementation of this Planning Permission**

The development to which this planning permission relates must commence no later than three years of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

Reason: In accordance with the provisions of Section 58 and 59 of the Town and Country Planning (Scotland) Act 1997 (As Amended).

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

REASONED CONCLUSION

With the exception of landscape and visual effects of the development, the Council is in agreement with the findings of the Environmental Impact Assessment Report and Supplementary Information, that the development is unlikely to give rise to any new or other significant adverse impact on the environment. The Council has found that significant adverse landscape and visual effects are likely to arise in close proximity, both during construction and operation of the wind farm. These effects would however by sufficiently localised and would not occur to an unacceptable degree. The Council also satisfied that all other environmental effects of this development can be addressed by way of mitigation. The Council has incorporated the requirement for a schedule of mitigation within the conditions of this permission. Monitoring of construction and operational compliance has been secured through Conditions 9, 10, 14, 15 and 26 of this permission.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

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

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.

2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

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

Accordance with Approved Plans and Conditions

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

and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action.

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

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

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

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

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

Further information on the Council's roads standards can be found at: http://www.highland.gov.uk/yourenvironment/roadsandtransport

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

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud and Debris on Road

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

strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

You are advised that construction hours of work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, has been conditioned.

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

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

Signature:	Dafydd Jones
Designation:	Area Planning Manager – North
Author:	Peter Wheelan
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 - Location Plan – EIAR Figure 1.1 Plan 2 - Site Layout – EIAR Figure 1 Plan 3 - Typical Wind Turbine Design – EIA Figure 3.2

Appendix 2 – Viewpoint Assessment Appraisal – Visual Impact

Viewpoint		Receptor	Sensitivity of Visual Receptor	Magnitude of Impact	Residual Effect on Visual Amenity at Viewpoint	Notes
Viewpoint 1 - A835 Aultguish Inn (2.0km)	APP	Road users and residential amenity	Medium / High	Medium /Medium to Low	**Significant** (Aultguish Inn visitors and residents) / Not significant (road users)	The applicant has underplayed the magnitude of impact, which would increase from the consented scheme. Turbines would appear to be of an increased scale when compared to the operational turbines, noticeably T4. The operational turbines mostly sit behind the low ridgeline of Sidhean nan Cearc and are at a greater distance from the A835, whereas four of the five proposed turbines will appear closer and more prominent in the view. The proposed turbines increase the horizontal spread of turbines westward although these are well spaced and read as a continuation of the original wind farm and its first extension.
	THC		High	High to Medium	**Major (significant)**	
Viewpoint 2 - A835 Black Bridge Road (4.0km)	APP	Road users	Medium	Medium to low	Not significant	The applicant has underplayed the magnitude of impact, which would increase from the consented scheme. As you turn the corner in the vicinity of this viewpoint when travelling westbound along the A835, road users would be struck by the immediately apparent, prominent wind farm in close proximity, with its exposure, scale and increased extent not haven been noticeable along this route up to this point. The change in scale of turbines would be noticeable, particularly T4, representing a step change in scale.
	THC		High	High to Medium	**Major (significant)**	

Viewpoint 3 - A835 Garve Bridge (12.9km)	APP	Road users	Medium	Low	Not significant	In broad agreement with applicant's LVIA. All existing turbine hub heights are below the skyline. Turbines T6 and T8 hub heights break the skyline but circa13km distance mitigates this impact to some extent, as well as their positioning next to the existing cluster of turbines which appear to be of a comparable scale and contained in the landscape.
	THC		High		Minor	
Viewpoint 4 - Old Drover's Road, Corriemoillie (4.0km)	APP	Walkers	Medium	Low	Not significant	In broad agreement with applicant's LVIA. No obvious change in scale with turbines appearing of a similar scale to the existing turbine located closest to the viewer.
	THC		High		Minor	
Viewpoint 5 - Ben Wyvis (Glas Leathad Mor) (12.2km)	APP	Hill walkers	Medium to High	Low	Not significant	Turbines extend the horizontal spread of the wind farm cluster with T7 and T8 begin to step slightly further out what appears a neatly contained group. This is however similar to the existing turbines on the left hand side of the view to the south of the existing wind farm. The deletion of previously proposed turbines closest to the A835 make a noticeable difference to the horizontal spread of the cluster which is largely contained at a higher altitude and does not extend down towards Loch Glascarnoch. The proposed turbines also appear at a similar distance away to the existing turbines in the view and appear a comparable height and scale. The proposed development would not lead to a notable alteration of the characteristics of the baseline. No material change in effect.
	THC		High	Medium to Low	Moderate / Minor (not significant)	
Viewpoint 6 – Coileachan (8.1km)	APP	Hill walkers	Medium to High	Low	Not significant	In broad agreement with applicant's LVIA. The turbines would be seen behind the ridge of the foothills and would be relatively well screened by this intervening topography. Their positioning
	THC		High		Minor	

						also reads as a clear extension to the exiting turbines. Three turbine hubs now more clearly visible above the intervening topography, with T7's hub now coming into view. The increase in turbine scale is discernible but not obvious. No material change in effect.
Viewpoint 7 - Sgurr Mor (12.2km)	APP	Hill walkers	Medium to High	Low	Not significant	As per notes for Viewpoint 6, the Council is in broad agreement with the applicant's assessment that there is a limited extent of visibility with much of the development being screened by intervening topography. Increase in turbine scale is discernible but not obvious. No material change in effect.
	THC		High		Minor	
Viewpoint 8 - Beinn a Chaisteil (9.2km)	APP	Hill walkers	Medium to High	Medium to low	Not significant	Turbines appear slightly larger than the existing turbines which would appear to the rear of the proposed scheme but sit below the horizon. The extent of horizontal impact is limited with four of the five turbines being contained within the horizontal spread of the existing wind farm. The remaining outlying turbine T8 appears isolated from this viewpoint. Whilst much of this walking route is north to south, the main attraction is views west away from the site towards the more dramatic mountainous landscape. The proposed increase in scale of T8 is noticeable. Magnitude of change has increased slightly, with resultant effect being Moderate but not significant due to not affecting the main attractive westerly views.
	THC		High		Moderate (not significant)	
Viewpoint 9 - Avenue of Fairburn Estate (20.8km)	APP	Residents, workers and road users (tourists and general)	Medium	Low	Not significant	Turbines are of a contrasting character breaking the skyline and are now more obviously situated well above the horizon. They remain however well contained in the view and read as a clear extension to the parent wind farm. No material change in effect.
	THC		High		Minor	

Viewpoint 10 - Sgurr a Mhuilinn (14.3km)	APP	Hill walkers	Medium to High	Low	Not significant	The foreground topography makes it look like there are several other turbines around the corner disappearing into the distance. T8 stretches out the horizontal extent, with the other turbines being better integrated within the cluster. T8 increase in scale making it's isolated position more obvious.
	THC		High		Minor	
Viewpoint 11 - Sgurr a Choire Ghlais (26.5km)	APP	Hill walkers	Medium to High	Low	Not significant	As per Viewpoints 8 and 10, turbine T8 stretches out the horizontal impact of the wind farm with all other proposed turbines sitting within the cluster of existing turbines and integrate well with the baseline. T8's increase in scale and hub height now above the intervening topography making it's isolated position more obvious.
	THC		High		Minor	
Viewpoint 12 - Beinn Dearg (13.7km)	APP	Hill walkers	Medium to High	Medium to low	Not significant	T6, T7 and T8 appear slightly larger in scale as these are located onto the ridgeline, with the existing turbines being positioned behind it. The proposed turbines do however sit well within the horizontal extent of the existing cluster albeit that they increase the depth and density of the turbines. The turbines also appear within a low-lying sector of the view, which lacks attraction compared to the other visible mountain ranges. No material change in effect.
	THC		High	Low	Minor	

Appendix 3 - Assessment against Landscape and Visual Assessment Criteria contained within Section 4 of the Onshore Wind Energy Supplementary Guidance

Criterion 1 is related to relationships between settlements/key locations and the wider landscape. The nearest settlement is Garve, 9km to the south east. Due to the site location and topography, the proposed turbines are screened from settlements/key locations and access routes and approaches into settlements/key locations. The proposed development would not be seen in the majority of views within or from settlements/key locations or from the majority of settlement approach routes. The proposed development meets the threshold of Criterion 1.

Criterion 2 is related to the transitional nature of key gateway locations and routes. Whilst the Landscape Sensitivity Appraisal is a work in progress, the A835 would meet with the Council's criteria as a key gateway location and key route. The site separates the settled and managed east from the remoted, upland rocky landscapes of the west. This is a stretch of road which acts as a visual gateway as road users westbound experience the change from the hills of Easter Ross and look towards the western mountains. Road users eastbound also experience the change in landscape character types and nature of views at this gateway, moving from the more dramatic western mountains to experiencing a framed view toward the Wyvis massif when looking down the valley containing Loch Glascarnoch.

The existing wind farms including Lochluichart, its first extension and Corriemoillie have already introduced turbines in close proximity to this key route. It is considered that the proposed extension in combination with the other developments would simply appear as a single cluster when viewed along this route. The most significant visual impact will be relatively short lived, 2km westbound from around Blackbridge to just beyond the Aultguish Inn. Due to the bend in the road at Blackbridge, the development would not materially alter the distance that wind farm development would be apparent along this route; it would however be a noticeable intensification of wind farm development and dominate views for a short section of this route.

Views coming back east focus more on the head of Loch Glascarnoch and both Ben Wyvis and Little Wyvis. Through refinement of the originally consented scheme and deletion of the 4 turbines closest to the road, the visibility of the proposed development has been pushed back to being from the north east end of the Loch Glascarnoch to ensure that that the proposal does not disturb and detract from the views straight ahead down the loch towards the Wyvis massif.

Mid range views of the development from around 11 to 5km have been reduced as a result of the previous deletion of the 4 turbines and from a distance of around 5km, two turbine blade tips (turbines T6 and T7) would be partially visible, as well as one hub (turbine T8). From the loch side parking bay, at a distance of around 4km from the nearest turbine, only the blade tips of possibly turbine 7 and the blades of T8 would be intermittently visible. This would come into view a substantial distance away from the framed view towards Ben Wyvis and would be visible well beyond the shoulder of the valley along the ridgeline further to the south. Given the substantial setback, this would not disrupt or detract from this location.

When traveling closer towards the site eastbound, and from the next two parking bay at around 3km and 2km, due to the intervening hillside landform, and due to the deletion of the previously proposed turbines closest to the road, with the exception of the very top of blade

tip T8, the proposed development would not be visible from these popular accessible loch side parking areas. Beyond this point, other than the widened site access, the development would not be apparent without road users having to look back over their shoulder to gain a better view the development from around the Aultguish Inn.

Given the established baseline with wind farm development already being apparent for a short distance westbound, and the modifications made to the scheme to avoid detracting from distinctive key views eastbound, the proposed development's impact on this gateway location and route is acceptable and meets the threshold of Criterion 2 for the overall route but there are localised sections where there are some concerns.

Criterion 3 is related to the extent to which the proposal affects the fabric and setting of valued natural and cultural landmarks. The site is not located within any international or regional landscape designations. There are a number of SLAs focused 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 WLAs: 28. Fisherfield, Letterewe, Fannichs WLA at less than 1km to the west and 29. Rhiddoroch, Beinn Dearg and Ben Wyvis WLA wraps round the site at around 3km to the north, north-east and east. There will be no significant operational effects on the surrounding landscape designations and WLAs as a result of the development which reflects the existing pattern of wind farm development by extending a part of the northern edge of the existing consolidated group.

The surrounding landscape also contains a number of Munros which will have visibility of the wind farm represented by: VP5 (Ben Wyvis - Glas Leathad Mor) to the east; VP6 (An Coileachan) and VP7 (Sgurr Mor) to the west; VP11 (Sgurr a Choire Ghlais) to the south; and VP12 (Beinn Dearg) to the north. Appendix 2 of this report explains that whilst the operational development would result in minor adverse effects, no significant effects would occur at any of the surrounding Munro viewpoints. The turbines will also be visible from the Old Dorver's Road, Corriemoillie, which comprises a rough path connecting the Aultguish Inn with Garve to the south east. This recreational and historical route is represented by VP4 taken from halfway along the route at a localised high point and again, no significant adverse effects would occur when travelling along this route.

The applicant has presented a cultural heritage assessment based on an Inner Study Area (i.e. within the application site) and Outer Study Area (i.e. 20km from the turbine array). Within the site there are no designated heritage assets and three known undesignated heritage assets. The site is also of negligible archaeological potential.

The surrounding area also contains a limited number of historic environment features with their being one designated asset within 5km, comprising the Category B-listed Loch Glascarnoch Dam. There are no other designated assets within the Outer Study Area which are considered to be exceptionally important or where long-distance views from or towards the asset are thought to be particularly sensitive. Five undesignated heritage environmental records within 2km have also been identified, two of which (a building and a dam construction camp) are under water / partially under water due to construction of the dam. The three others include the former fish merchants' road between Ullapool and Contin, the Aultguish Inn and the remains of the Aultguish Bridge. The development proposal has been assessed as having negligible impacts on the cultural heritage significant of all surrounding heritage assets.

The proposed development would not significantly affect the fabric and setting of valued natural landmarks and meets the threshold of Criterion 3.

Criterion 4 is related to the amenity and visual appeal of key recreational routes and ways. For this scheme this would include a number of popular recreational routes in the wider area. As covered above in Criterion 3, the turbines will be visible from a number of summits in the area but would not result in any significant adverse effects. The journey to a selection of these summits may also have visibility of the development but again any effects would be minor in nature, given the established baseline of wind farm development in this area.

When considering VP5 (Ben Wyvis) in particular, the proposed development would be visible for large sections of this route when one is ascending and descending the summit. In relation to the hills in the Fannichs, represented by VP7 (Sgurr Mor) visibility of the development would be limited, with minor non-significant effects occurring at summits and routes between them rather than the assent and decent of the hills.

There will also be adverse impacts over sections of the Old Drover's Road, Corriemoillie as highlighted in Criterion 3, however no significant affects would arise. EIAR also identifies recorded rights of way within 5km of the site and there are also other recreational routes within the 5km Study Area. The development would not physically impact any of these routes and views from many of these local routes are already affected by existing wind farm development in this area. As there would not be any significant impacts on any key recreational routes, the proposed development meets the threshold of Criterion 4.

Criterion 5 is related to the amenity and visual appeal of transport routes. Given the location of the proposed development it is particularly exposed to the A835, however, this is only for a relatively short section. Although this route is not mapped as forming part of the North Coast 500 (NC500), it provides an effective connection to shorten the NC500 or to undertake the NC500 in two north and south circuits. The impact upon this route, which also connects several west coast settlements with Inverness and the east coast, is described at Criterion 2 and Appendix 2. Whilst Major (significant) effects would arise as a result of the development, this would be contained to part of the route where wind farm development is already apparent. The proposed development would not affect the amenity or visual appeal of transport routes as a whole, but for a short section of the A835 would significantly detract from the visual appeal of the A835 when travelling westbound. With the exception of this short section of the route, it is agreed that the proposed development meets the threshold of Criterion 5.

Criterion 6 is related to pattern of development. The pattern of development is discussed under Criteria 1 above in so far as it raised no issues given the lack of views from settlements. From the visual analysis provided within Appendix 2, the proposed development broadly fits with the existing pattern of wind farm development with the extension reading as a continuation of the existing wind farms in this location. The proposed turbine heights and proportions differ with the existing turbines. The proposed turbines measure 149.9m to tip with longer blade lengths in comparison to those on the existing 125m tip height turbines. From most of the surrounding mid to distant viewpoints, this variance is not immediately discernible. From close range along the A835 the difference in the turbine sizes and proportions is however much more apparent. The increased scale of the development is also emphasised by closer proximity of the proposed turbines to the road, as well as the high altitude of their positioning well above the level of the road. This

increases their prominence within views from the A835 westbound, however the deletion of the four initially proposed turbines closest to the road has helped to reduce the magnitude of this significant effect. The density and slight increase in turbine spacing does not cause any concerns with no unsightly stacking being apparent from the EIAR visualisations.

Whilst the proposed development is generally a good fit with the existing wind farms in terms of turbine heights, proportions, density and spacing, it is challenging for the proposal to comply with the next set of measures 4, 5 and 6 of Criterion 6: 'typical relationship of development to the landscape', 'previously instituted mitigation measures' and 'Planning Authority stated aims for development of area'.

In the Planning Authority's committee report and consultation response to the Scottish Government on the previous Lochluichart extension 11/03204/S36, the initial extension was described as an opportunity to improve the visual relationship of the developments (Lochluichart and Corriemoillie) by 'rounding off'. The pre-application advice given to the applicant in 2016 reflected this position when the design for a second extension to the wind farm was presented in the form of a 6 turbine scheme. The pre-application advice highlighted concerns in relation to undoing landscape and visual mitigation secured through amendments to the design of the original wind farm and its first extension; particularly for Ben Wyvis and for users of the A835, notably heading west between Inchbea and Altguish. The initial layout presented at the pre-application stage was unlikely to be supported for this reason, with 2 of the initially proposed 6 turbines being positioned closer to the A835 than any turbines forming part of the current development proposal.

Similarly, the initial development proposal's previous 9 turbine scheme proposed 4 turbines much closer to the road with the wind farm appeared to be spilling down the hillside towards the loch and becoming increasingly prominent in views from the A835 when travelling in both directions.

Following the deletion of these 4 turbines from the initial scheme, an increased turbine setback from the road has been secured, albeit that the height of the remaining turbines is now proposed to be increased. Given the proposed increase in the scape of the turbines, and the extent of their setback from the road, it is still questionable if measures 4, 5 and 6 of Criterion 6 have been met in full (hence why significant adverse effects would still occur in close proximity to the site as described in Appendix 2, VP1 and VP2). That said, the developer has worked to refine the proposal to mitigate the extent of these impacts to a satisfactory degree and has thoroughly tested the parameters of what would be an acceptable form of wind farm development in this location in terms of adverse landscape and visual effects. Any further wind farm extension northwards would clearly undermine the mitigation previously secured through the consented scheme.

On balance, the proposed development does not fully respect the mitigation secured previously, nor does it unpick this to an unacceptable degree. As such, when assessed against all the criterion measures as a whole, the development conforms with the existing pattern of development and objectives for development in the area and meets the threshold set by Criterion 6.

Criterion 7 and 9 are related to the separation between development/and or clusters both in visual and landscape terms. The turbines would appear to extend the pattern of wind farm development to the north. The visual containment of the existing pattern of development

would largely be retained and respected as evidenced in a number of views due to the scale and positioning of the development maintain a strong relationship with the existing cluster. In certain views, the horizontal extent of wind farm development would be extended, which is most apparent in mid distance views from the east, VP5 (Ben Wyvis) and from the north VP8 (Beinn a Chaisteil) this is to a limited extent, caused by the occasional turbine and not significant. The development is on the cusp of 'overspilling' the contained bowl of wind farm development, but it has been demonstrated that this has not occurred to an unacceptable degree; evidenced by the limited extend of the development's limited visibility when travelling eastbound on the A835. The development would clearly read as an extension to the existing wind farm, rather than a separate development and fits with the existing cluster both in landscape and visual terms. The proposed development meets the thresholds of Criteron 7 and Criterion 9.

Criterion 8 is related to perception of landscape scale and distance. Where the turbines appear with other wind energy developments, they are either as a minor horizontal extension to the existing pattern or are viewed to the front or rear of the existing developments. When the turbines are viewed from the Wyvis massif and the routes toward the summits on the massif, the turbines do not reduce the perceived distance between the receptor, the proposed turbines and the existing turbines as a result of the scale and location of the turbines being broadly a similar distance away. In views looking south the turbines appear in front of the existing scheme, their scale would be noticeably larger but again not to an unacceptable degree. In views looking north the difference is scale and positioning is not apparent with the turbines blending in well with the existing cluster of turbine development. The proposed development has been found to relate well to the existing landscape setting and does not increase the perceived visual prominence of surrounding wind turbines. The proposal therefore meets the threshold of Criterion 8.

Criterion 10 is related to distinctiveness of landscape character. For the avoidance of doubt this does not relate to landscape designations. Consideration should be given to the variety of landscape character as one travels through the area and how that changes and transitions as one moves through the area. The proposed development is at a confluence of different landscape character types and is relatively low lying in contrast to the large scale Rugged Mountain Massif LCT to the immediate west and Rounded Hills LCT to the immediate east. The development has avoided being apparent within the framed view as experienced when travelling from the rocky moorland in the west to the more settled straths of the east. The transitional nature of this area has therefore been respected through the design reiterations undertaken to the scheme. The development is also contained within the Lochluichart LCU forming part of the rounded hills LCT that lies between the A835 to the north and the A832 to the south. The development has been found not to cause any significant adverse effects on this LCU, or both neighbouring LCUs beyond the construction phase where short term significant would be apparent within 5km. Similarly, no significant effects are predicted across any LCUs or LCTs during the operation of the wind farm. It is considered the proposed development maintains the integrity and variety LCTs when moving through the landscape and that the proposal meets the threshold of Criterion 10.

Appendix 4 – Appropriate Assessment

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 from other agencies. In this case, the Appropriate Assessment is informed by information supplied by NatureScot, the applicant and various published information.

The Glen Affric to Strathconon SPA

In its response to the Council of 19 August 2022, NatureScot advised that the proposal is likely to have a significant effect on the qualifying interest (golden eagle) of The Glen Affric to Strathconon SPA. Their advice is set out below:

"…Monitoring from the existing wind farm demonstrates robustly that eagles from the SPA are using the area around this cluster of wind farms, there then clear evidence that there is a likely significant effect on the SPA and The Highland Council are required to carry out an appropriate assessment. To help you do this, in our view the collision risk is suitably low and the loss of territory through displacement is small enough that in our view the proposal will not adversely effect the site's integrity".

Highland Council Appraisal of the Proposal

- The proposal is not directly connected with or necessary to site management for conservation;
- The proposal is likely to have a significant effect on the aforementioned sites either individually or in combination with other plans or projects; and therefore;
- An Appropriate Assessment of the implications (of the proposal) for both sites in view of each site's conservation objectives is provided below.

The impacts on The Glen Affric to Strathconon SPA are considered for the proposed construction, 40 year operation and decommission of the proposed wind farm. The applicant has undertaken an Environmental Impact Assessment Report (EIAR) and EIAR Further Environmental Information which considers connectivity with the adjacent SPA in terms of collision risk and territory displacement caused by the proposed development in relation to golden eagle and their associated habitat.

Mitigation measures to manage the development's impacts are set out within the EIAR. The mitigation measures set out within these documents could be secured by condition and notably, the applicant has confirmed their commitment to prepare a Habitat Management Plan for the site which can incorporate regular bird population monitoring as well as deer caucuses removal from site as a best practice measure.

Taking into account the mitigation measures set out, no adverse effects on site integrity can be concluded for this species. The appointment of an ECoW is also to be conditioned to undertake protected species surveys and advise on the implementation of the Habitat Management Plan, and the Construction Environmental Management Plan.

The mitigation measures set out within the EIAR, and the conditions, should be sufficient to address any significant risk and avoid an impact on the integrity of the designated sites and their qualifying feature. Overall, it can be therefore concluded that while likely significant effects have been identified, there will not be an adverse effect on site integrity of The Glen Affric to Strathconon SPA providing the mitigation set out within the appropriate assessment are applied.

Figure 1.1: Site Location

INFINERGY

Legend:

Site Boundary

Title:
Site Location

Project:
Lochluichart Wind Farm Extension II

Source:
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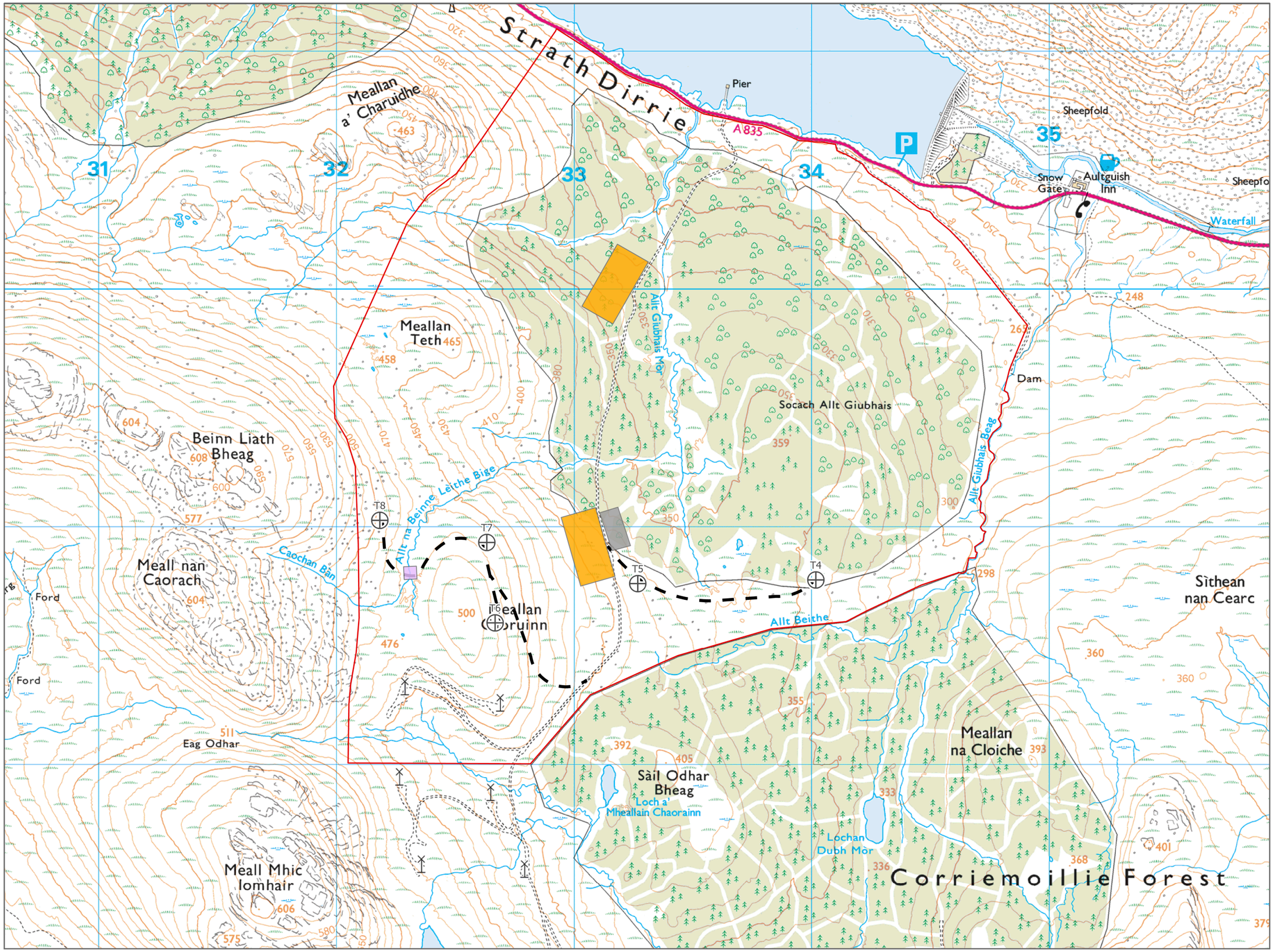
Client:
Infinergy

Drawn by:	Checked:
HW	AG
Date:	**Figure:**
16/03/2021	1.1
Scale: 0 0.1 0.2 0.4 Kilometres	**Revision No:** 1

INFINERGY

Figure 1: Site Layout

INFINERGY



Legend:

- Planning Boundary
- Proposed Turbine Location
- Indicative Access Track
- Borrow Pit
- Substation/ Control Building/ Construction Compound
- Watercourse Bridge

T4: 234009, 868766
T5: 233268, 868761
T6: 232668, 868596
T7: 232633, 868934
T8: 232183, 869027

Title:
Figure 1: Site Layout

Project:
Lochluichart Wind Farm Extension II

Source:

Client:
Infinergy

Drawn by:	Checked:
HW	AG
Date:	**Figure:**
02/09/2019	1
Scale:	**Revision No:**
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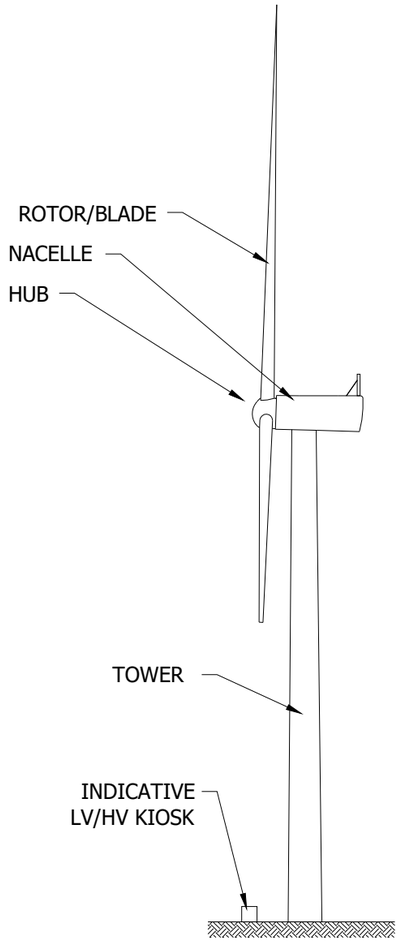
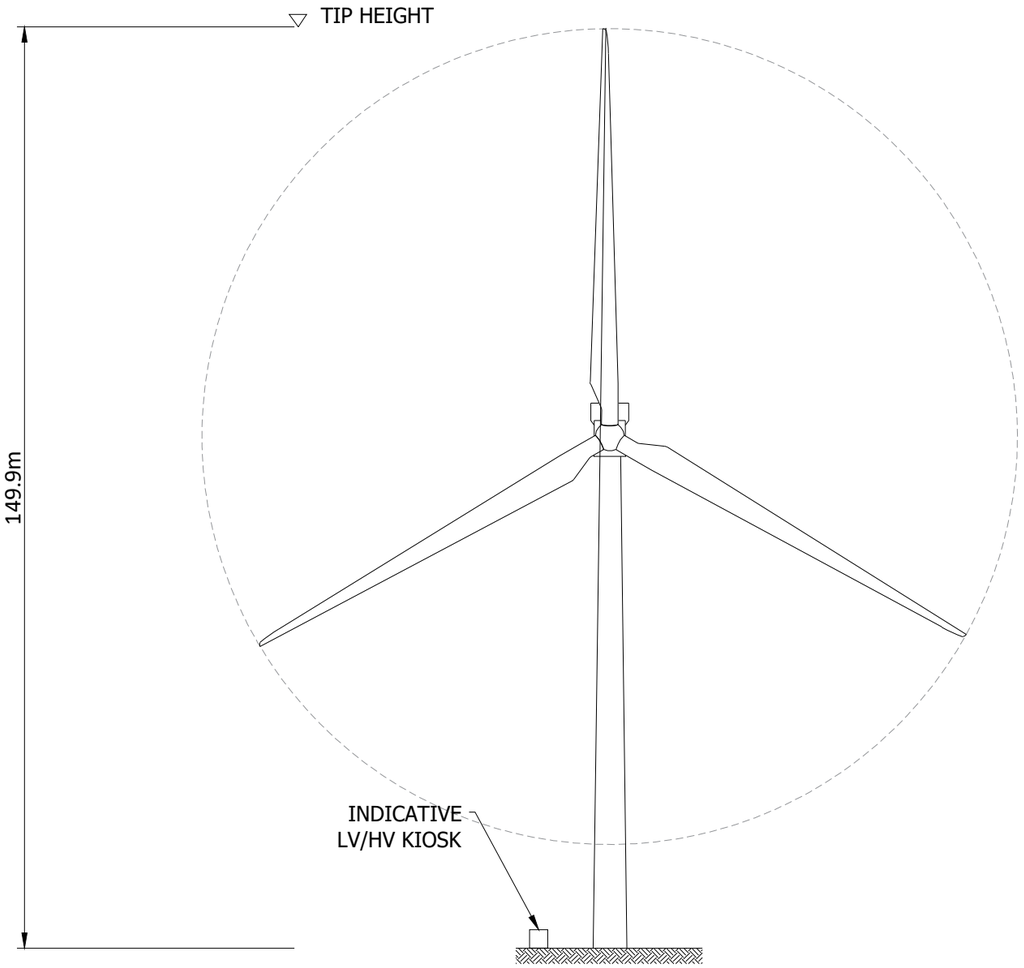
INFINERGY



END-ELEVATION



ELEVATION

0 10 20 30 40 50 60 70 80 90 100m

SCALE 1:1000

Title:
Typical Wind Turbine Design
Figure 3.2

Lochluichart Wind Farm Extensions II

Source: © Crown copyright and database rights 2021 Ordnance Survey 0100031673

Client: Infinergy

Drawn by:	**Checked:**
BM	DB
Date:	**Figure:**
March 2021	3.2
Scale:	**Revision:**
1:1000	-

INFINERGY