

Agenda Item	7.2
Report No	PLS-07-23

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 08 February 2023

Report Title: 22/01732/S36: Nan Clach Extension Limited
Tom Nan Clach Wind Farm, Glenferness

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Tom Nan Clach Wind Farm Extension - Erection and Operation of a Wind Farm for a period of 40 years, comprising of 7 Wind Turbines with a maximum blade tip height of 149.9m, access tracks, borrow pits, battery energy storage compound substation, control building, and ancillary infrastructure.

Ward: 18 – Nairn And Cawdor

Development category: Major Development (S36 Application)

Reason referred to Committee: Section 36 Application under Electricity Act with recommendation to raise no objection

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.

Recommendation

Members are asked to agree the recommendation to **RAISE NO OBJECTION** to the application as set out in section 11 of the report

1. PROPOSED DEVELOPMENT

- 1.1 The Highland Council has been consulted by the Scottish Government's Energy Consents Unit (ECU) on an application made under Section 36 of the Electricity Act 1989 (as amended) for the construction and operation of the Tom Na Clach Wind Farm Extension and associated infrastructure. The application is for 11 wind turbines to be operated for a 40-year period, with all turbines having a maximum blade tip height of 149.9m. The proposal has capacity to generate up to 31.5MW of installed capacity, based on the power rating of the proposed turbines. As it is defined as an extension of the operational Tom Na Clach Wind Farm it falls under the provisions of the Electricity Act due to the combined power output of the operational development and the proposed development being over 50MW.
- 1.2 Key elements of the development, as described and assessed within the proposals and the Environmental Impact Assessment Report (EIAR) include:
- 7 wind turbines of 149.9m height to blade tip (capable of generating approximately 4.5 MW each), with internal transformers;
 - Substation and control building;
 - Battery Energy Storage System;
 - Turbine foundations;
 - Hard standing;
 - 3.99km of new on site access tracks;
 - 4 No. Water course crossings;
 - Underground cabling; and
 - Reopening of the borrow pit used for the operational Tom Na Clach Wind Farm.
- 1.3 The proposed development will access the public road network via the access track constructed for the operational Tom Na Clach Wind Farm, which joins the local road network on the B9007.
- 1.4 A micro-siting allowance of 50m has been assumed by the applicant for the turbine locations, to accommodate unknown ground conditions. The micro-siting will be used to avoid any areas of deeper peat, higher elevations of ground, watercourse buffers, Ground Water Dependent Terrestrial Ecosystems and cultural heritage assets. The final design of the turbine (colour and finish), aviation infrared lighting, ancillary electrical equipment, landscaping and fencing etc. are also expected to be agreed with the Planning Authority, by condition, at the time of project procurement. Turbine manufacturers regularly update designs that are available, thereby necessitating the need for some flexibility on the approved design details.
- 1.5 As permission is sought to operate the windfarm for 40 years, a further application would be necessary to determine any future re-powering proposal. If the decision is made to decommission the wind turbines, all components, and above ground infrastructure would be removed. Any such track or infrastructure foundation

retention would however need to be agreed via a decommissioning method statement and would require a planning application at the time of decommissioning the remainder of the site. Any application for retention of such infrastructure will be determined in line with the development plan in place at that time.

- 1.6 The applicant anticipates that the construction period will last approximately 14 months, guided by a Construction and Environmental Management Plan (CEMP)
- 1.7 Whilst public consultation for Section 36 applications is not mandatory, the applicant held two in person consultation events to seek the views of the local community in October 2021 at village halls in Tomatin and Carrbridge. The applicant also had an online consultation website, provided notification of the public events vial post to all households within 10km of the site and placed adverts in the local newspapers.
- 1.8 The applicant made use of the Council's Pre-Application Advice Service for Major Developments in May 2020. At the time of the advice being sought, the proposal comprised of 10 turbines. This advice set out that the most significant effects would likely be landscape and visual impacts, with the impact on the Special Landscape Area being a key consideration. It was set out that the horizontal extent of the then proposed scheme was of concern. It was set out that the scheme was unlikely to be supported at the then proposed scale but a reduced scheme may be supported subject to concerns related to landscape and visual impact being addressed.
- 1.9 The application is supported by an Environmental Impact Assessment Report (EIAR) and EIAR Further Environmental Information (EIAR FEI), the contents of which has been informed through an EIA Scoping exercise in spring 2021 with the Scottish Government's Energy Consents Unit in consultation with other consultees including the Council. The EIAR contains chapters on: EIA Methodology; Project Description; Policy Framework; Carbon Balance; Socio-economics; Traffic and Transport; Noise; Landscape and Visual Impacts; Cultural Heritage; Ecology; Ornithology; Hydrology, Hydrogeology, Geology and Peat; Shadow Flicker and Safety; and Infrastructure. The application is also accompanied by a Planning Statement, Design and Access Statement and Pre-Application Consultation Report.
- 1.10 Since the Planning Authority were initially consulted on the application, the applicant submitted Further Environmental Information (FEI) detailing changes to the scheme in response to the objection from Scottish Environment Protection Agency. This included:
 - Relocating Turbine 1 - 61m north-east of its originally proposed location with modifications to the associated infrastructure); and
 - Relocating Turbine 4 - 32m north of its originally proposed location with modifications to the associated infrastructure).

2. SITE DESCRIPTION

- 2.1 The site is located on Cawdor Estate, with some elements of access infrastructure lying on the Lethan Estate. The site is approximately 7km north-east of Tomatin and west of the B9007 which runs roughly north, east from Duthil to Logie. The western shore of Lochindorb is approximately 8.6km to the east of the development. The site is accessible directly from the B9007 public road via the access to the operational wind farm.
- 2.2 The site predominately consists of upland moorland. The topography varies across the site between 301m to 550m above ordnance datum (AOD). The application boundary covers an area of site size is approximately 591.5ha, however the built development covers an area of 52.38ha.
- 2.3 There are a number of watercourses which run across the site. With the most prominent being the Rhilean Burn, Coachan Tom nan Clach, Allt Carm am t-Sean-Liathanaich and Allt am t-Slugain Mhoin. There are some areas of Ground Water Dependent Terrestrial Ecosystems (GWDTEs) within the site, but these are limited.
- 2.4 The bedrock within the site boundary is comprised primarily of psammite and semipelite formations overlain with peat. The peat depths on the site vary between 0m-4m of deep peat. Most of the site infrastructure, including turbines, are located on areas of between 0-2m depths of peat.
- 2.5 The site is located in within the Drynachan, Lochindorb and Dava Moor Special Landscape Area. It is also in proximity of the following designated landscapes, as listed below:
- Cairngorms National Park, approximately 4.5km to the south-east;
 - The Cairngorm Mountain National Scenic Area, approximately 16km to the south-east of the application site at its closest point.
- There area number of Gardens and Designed Landscapes beyond 15km from the application site boundary including those at Cawdor Castle; Castle Grant; Relugas; Dalcross Castle; Culloden House and Leys Castle.
- 2.6 The Monadhliath Wild Land Area is approximately 15km to the south west of the application site and the Cairngorms Wild Land Area is approximately 24.2km to the south east of the application site.
- 2.7 The site is located some distance from any nature conservation designations. The nearest sites are the Kinveachy Forest Special Protection Area and Site of Special Scintific Interest which is located between 15-20km from the application site boundary. A variety of habitats are present around the site. The EIAR investigated the potential impact of the proposals on pine marten, water vole, otters, wildcats and bats. The site and surrounds have been surveyed for breeding birds and transient birds.
- 2.8 The key recreational interests in this area include mountaineering, walking, cycling and birding. There are a number of tourist and cycle routes in the area,

including the popular Dava Way and the Speyside Way.

- 2.9 When assessing a wind turbine proposal, consideration of similar developments in proximity of the proposal for cumulative effects is required. The list below sets out the operational / under construction, consented and in planning projects that the applicant took into consideration in their cumulative assessment, dated April 2022. This assessment was based on a 40km study area with turbines of a tip height above 50m. The following list provides details of these developments, including the number of turbines and approximate blade tip height and distance to their site boundaries, from that of the proposed development. Those highlighted with an asterisk are outwith the Highland Council area:

Operational and Under Construction

- Berry Burn: 29 turbines, 100m maximum tip height, 21.19km distant*
- Paul's Hill: 28 turbines, 99.5m maximum tip height, 24.73km distant*
- Dunmaglass: 33 turbines, 110m maximum tip height, 25.13km distant
- Farr: 40 turbines, 102m maximum tip height, 12.42km distant
- Glen Kyllachy: 20 turbines, 110m maximum tip height, 12.58km distant
- Hill of Glaschyle: 12 turbines, 99.5m maximum tip height, 23.95km distant*
- Moy: 20 turbines, 126.5m maximum tip height, 6.90km distant
- Tom Nan Clach: 13 turbines, 125m maximum tip height, 0.38km distant
- Aberarder: 12 turbines, 130m maximum tip height, 24.21km distant

Consented

- Cairn Duhie Variation: 20 turbines, 110m tip height, 11.74km distant
- Clash Gour: 48 turbines, 130-180m maximum tip height, 18.63km distant. This application has been approved by Scottish Ministers since the applicant's assessment.*

In Planning (Application or Appeal)

- Lethan: 17 turbines, 185m maximum tip height, 4.28km distant
- Cairn Duhie Re-Design: 10 Turbines, 149.9m maximum tip height and 11.74km distant (THC objected, PLI underway)

Since the application was submitted, the Ourack Wind Farm has been submitted as an application to Scottish Ministers. It comprises 18 turbines at 180m maximum blade tip height and is approximately 15.44km distant.

3. PLANNING HISTORY

- | | | | |
|-----|------------|---|--|
| 3.1 | 30.08.2010 | 09/00439/FULIN - Construction of wind farm comprising 17 wind turbines, associated access tracks and infrastructure, 2 x temporary construction compounds and 2 x temporary borrow workings | Planning Permission Granted (following appeal) |
|-----|------------|---|--|

3.2	28.10.2016	15/03286/FUL - Erection of 13 wind turbines, including site tracks, crane hardstanding, 80m permanent anemometer mast, substation compound, temporary construction compound & provision for 3 onsite borrow pits (Tom nan Clach Wind Farm)	Planning Permission Granted (following appeal)
3.3	30.05.2018	18/01894/FUL - Erection of temporary 69m high meteorological mast	Planning Permission Granted
3.4	29.09.2020	20/01784/FUL - Removal, upgrading and formation of tracks	Planning Permission Granted
3.5	14.05.2021	21/01829/SCOP - Tom Nan Clach Wind Farm Extension - Erection and Operation of a Wind Farm comprising of up to 8 Wind Turbines with a maximum blade tip height 149.9m, access tracks, borrow pits, substation, control building, battery storage array and ancillary infrastructure	Scoping Response Issued

4. PUBLIC PARTICIPATION

4.1 Advertised: Section 36 Application

Date Advertised: The Strathspey and Badenoch Herald, The Inverness Courier and Edinburgh Gazette 07.04.2022, 15.04.2022 and 16.12.2022

Representation deadline: 16.01.2023

Timeous representations to The Highland Council: 1 Objection, 0 Support

Timeous Representations to Scottish Government's Energy Consents Unit: 0 Objections, 0 Support

4.2 Material considerations raised are summarised as follows:

- Impact on the Drynachan, Locindorb and Dava Moors Special Landscapae Area;
- Visual impact on the setting of Lochindorb;
- Impact on setting of Lochindorb Castle Scheduled Monument; and
- Impact on Lochindorb as a tourist asset.

4.3 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

Consultations undertaken by The Highland Council

- 5.1 **Carrbridge Community Council** do not object to the application. It declares an interest in the application as it is in receipt of community benefit funds. It highlights that there is a split in opinion on such proposals due to the impact of community benefit and the visual and environmental impacts in an area of natural beauty and amenity value.
- 5.2 **Cawdor and West Nairnshire Community Council** do not object to the application. It has some concerns over the impact on natural beauty of the area but appreciates the interest in, and need to develop, wind power as an alternative to fossil fuels.
- 5.3 **Cromdale and Advie Community Council** did not respond to the consultation
- 5.4 **Dalnain Bridge Community Council** did not respond to the consultation
- 5.5 **East Nairnshire Community Council** did not respond to the consultation
- 5.6 **Grantown on Spey Community Council** did not respond to the consultation
- 5.7 **Strathdearn Community Council** did not respond to the consultation
- 5.8 **Access Officer** does not object to the application. He requests a condition to secure a Outdoor Access Management Plan.
- 5.9 **Development Plans Team** highlighted the relevant policy considerations including the Highland-wide Local Development Plan, Inner Moray Firth Local Development Plan, Inner Moray Firth Local Development Plan 2, and the Onshore Wind Energy Supplementary Guidance. It noted that the Council are working with NatureScot on production of a Landscape Sensitivity Appraisal for this area.
- 5.10 **Environmental Health** do not object to the application. It has highlighted that the proposal will be 25dB LA90 or less at any noise sensitive location. As a result, there would be no significant cumulative impacts from this development. Due to the remote nature of the site, that construction work could progress outwith the normal hours of 0800-1900 and 0800-1300 on a Saturday, subject to best practice measures being employed on site. The submission of a construction noise impact assessment as part of any construction environment management document which will be submitted is requested. A dust management plan to be submitted as part of any construction environment management document will also be required. It has been confirmed that there are no private water supplies hydrologically linked to the application site.
- 5.11 **Flood Risk Management Team** do not object to the application and have no further comments.
- 5.12 **Forestry Officer** does not object to the application, noting that there are no significant areas of trees or woodland on the site.
- 5.13 **Transport Planning Team** do not object to the application. It highlights the applicants proposed remedial works on the road network which include works at

the A95 / A938 junction and upgrades to the site access to accommodate the larger loads proposed through this application. It requests the submission of a construction traffic management plan to be secured by condition. This should include the provision of a wear and tear agreement for the local road network under Section 96 of the Roads (Scotland) Act 1984 (As Amended).

Consultations Undertaken by the Energy Consents Unit

- 5.14 **Dava Moor Residents Association** object to the application (as per representation sent to the Planning Authority as summarised in section 4.2 above). It raises concerns in relation to landscape and visual impact; the setting of Lochindorb Castle; and the amenity value of Lochindorb as a tourist asset. It considers that by increasing the density and spatial extent to any degree of wind energy development will consolidate the negative visual amenity of the operational Tom Nan Clach Wind Farm.
- 5.15 **Aberdeen Airport** do not object to the application. It notes the application site is outwith its consultation zone.
- 5.16 **British Horse Society** do not object to the application. It highlights that projects such as that proposed by the application is an opportunity to improve connections and enhance countryside access. It expects that the applicant will work with the local horse riding community to ensure road safety during the construction of the application.
- 5.17 **British Telecom** do not object to the application. It does not consider the proposal will cause interference with BT's current or presently planned radio networks.
- 5.18 **Crown Estates Scotland** do not object to the application. No assets of the Crown Estate Scotland are affected by the proposal.
- 5.19 **Fisheries Management Scotland** do not object to the application. It recommends that the Findhorn DSFB and Findhorn, Nairn & Lossie Rivers Trust are consulted on specific measures.
- 5.20 **Highlands and Islands Airports Limited** do not object to the application. It sets out that the proposal would not infringe the safeguarding criteria for Inverness Airport.
- 5.21 **Historic Environment Scotland** do not object to the application. It has identified significant adverse effects on Lochindorb Castle Scheduled Monument. It considers that the setting of the castle would be adversely affected. It has highlighted that the existing development has a significant adverse impact on the setting of Lochindorb Castle when viewed from the Lochside Road. It considers that the increase of turbines in this location is likely to further and substantially increase the adverse effects already experienced. It considers that the proposed development would the proposal would affect the understanding, appreciation and setting of the scheduled monument in its setting by drawing the eye away from the bowl in which the castle sits to the hills beyond. However, it goes on to suggest the proposal would not compete with the castle in terms of scale and

dominance. It highlights that turbines 5 and 7 are the most problematic in terms of impact on the setting as they appear closer and separate from the rest of the scheme.

- 5.22 **Ironside Farrar (Peat Landslide Hazard Risk Assessment Checking Report)** highlights that the applicant should make some minor revisions to its Peat Landslide Hazard Risk Assessment to ensure it addressed the track to the western part of the site; provide the probing locations for peat depths on the existing access track and the new sections of the track toward T3-T5; and calculate landslide susceptibility for the area west of the access track.
- 5.23 **Joint Radio Company** do not object to the application. It has assessed the proposal against the radio link infrastructure present in the area and it does not conflict with the radio links utilised by Scottish Hydro or Scotia Gas Networks.
- 5.24 **Marine Scotland Science** do not object to the application. It advises that the applicant should follow its guidelines on preparing an integrated water quality and fish population monitoring programme.
- 5.25 **Ministry of Defence - Defence Infrastructure Organisation** do not object to the application. It highlights that the development is located within a Low Flying Area and that aviation safety lighting is required to mitigate the risk to aviation safety. It requests that a scheme for aviation lighting is secured by condition and that prior to erection of any turbines commencing that the Ministry of Defence is informed of all infrastructure and cranes to be used during construction.
- 5.26 **National Air Traffic Control Services** do not object to the application. It notes that the proposal does not conflict with the safeguarding criteria for air traffic.
- 5.27 **NatureScot** do not object to the application. It does not consider that the proposal will result in adverse effects on the integrity of the Cairngorms National Park or the objectives of the designation. It does however highlight that if this proposal and Lethan Wind Farm are approved there would be a significant adverse cumulative effect on two of the special qualities of the Cairngorms National Park (Wildness and Surrounding Hills). It does not consider there would be a significant impact on landscape character or visual impact. It sets out that limiting the height of the turbines to 149.9m limits the visual impact.
- It considers it unlikely that the proposal will have a significant effect on the qualifying interests of any European designated sites.
- 5.28 **Royal Society for the Protection of Birds** do not intend to comment on this application.
- 5.29 **Scottish Environment Protection Agency** do not object to the application following further information and site layout changes being made related to the developments impact on peat. It originally sought further information and objected on the grounds of impacts of the proposal on peatland and the water environment. The layout was modified through the EIAR FEI to relocate two turbines away from deeper areas of peatland. It is now content with the layout of the development. It requests a condition to secure that the crossing of the Allt Carn an t-Seanliathanaich is a single span bridge and that all other crossings are bottomless

culverts. Further it requests conditions to secure borrow pit restoration at the end of the construction phase, decommissioning and restoration plans for the site, a habitat management plan and adherence with SEPA's good practice measures.

- 5.30 **Scottish Water** do not object to the application. It can not confirm if the site can be served by the water or waste water network in the area. It sets out that the site is not within any Scottish Water drinking water catchments or water abstraction sources.
- 5.31 **Scotways** do not intend to submit a full response to the application. It has highlighted that its objection to the original Tom Nan Clach Wind Farm, where it raised concerns related to impact on landscape and damage to the recreational value of the area, remain valid for the turbines proposed through this application.
- 5.32 **Transport Scotland** do not object to the application. It sets out that it is satisfied with the findings of the Transport Assessment and requests conditions to secure: an assessment of the abnormal loads on the trunk road network along with any mitigation measures required; and quality assured traffic management to be undertaken.
- 5.33 **Cairngorms National Park Authority** do not object to the application. However, should the proposed Lethan Wind Farm be consented prior to Tom Nan Clach Wind Farm Extension then it would object to the application on the grounds of cumulative impact.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- 28 - Sustainable Design
- 29 - Design Quality & Place-making
- 30 - Physical Constraints
- 31 - Developer Contributions
- 51 - Trees and Development
- 52 - Principle of Development in Woodland
- 53 - Minerals
- 54 - Mineral Wastes
- 55 - Peat and Soils
- 56 - Travel
- 57 - Natural, Built & Cultural Heritage
- 58 - Protected Species
- 59 - Other important Species
- 60 - Other Importance Habitats
- 61 - Landscape
- 63 - Water Environment
- 64 - Flood Risk
- 66 - Surface Water Drainage
- 67 - Renewable Energy Developments
- 69 - Electricity Transmission Infrastructure
- 70 - Waste Management Facilities

71 - Safeguarding of Waste Management Sites

72 - Pollution

73 - Air Quality

77 - Public Access

78 - Long Distance Routes

Inner Moray Firth Local Development Plan 2015 (IMFLDP) and IMFLDP2

- 6.2 No policies or allocations relevant to the proposals are included in the adopted Local Development Plan. It does however, confirm the boundaries of the Special landscape Area within the plan's boundary.
- 6.3 The Inner Moray Firth Local Development Plan Proposed Plan was published in late 2022. This contained a number of general policies which are applicable including the policy on Biodiversity.

Onshore Wind Energy Supplementary Guidance, Nov 2016 (OWESG)

- 6.4 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. The document includes a Spatial Framework, which is in line with Table 1 of SPP. The document also contains the Loch Ness Landscape Sensitivity Study and the Black Isle, Surrounding Hills and Moray Firth Coast Caithness Sensitivity Study. The vast majority of the site is within a Group 3 area (Areas with potential for wind farm development). A small section in the sits within a Group 2 Area, due to areas of carbon rich soils being present within the site.
- 6.5 The Council have published in draft for a Landscape Sensitivity Study for the Dava and Monadhliath area following the new Landscape Sensitivity Appraisal Methodology by NatureScot. To date it has not been subject to public consultation. It does however set useful context for the landscape sensitivities in the area. It sets out for development in this area that:
- The sense of seclusion in the narrow upland valley assessment unit is already affected by Tom nan Clach Wind Farm;
 - There is scope for some additional turbines up to 149.9m to blade tip height, including extensions to operation wind farms in less pronounced and larger scale rolling hills which lie in the southwestern part of the Open Rolling Uplands assessment unit;
 - All wind turbine development should avoid significant adverse effects on views to and from Lochindorb and on the character of its setting; and
 - All development should be set well away from the low and diverse rocky hills either side of the B9007.

Other Supplementary Planning Policy Guidance

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

- Developer Contributions (November 2018)
- Flood Risk and Drainage Impact Assessment (Jan 2013)
- Green Networks (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Highland Renewable Energy Strategy and Planning Guidelines (May 2006)
- Onshore Wind Energy: Interim Supplementary Guidance (March 2012)
- Physical Constraints (March 2013)
- Special Landscape Area Citations (June 2011)
- Standards for Archaeological Work (March 2012)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

Policy Discussion Documents and 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. Until the replacement plan reaches Proposed Plan stage, it is not a material consideration in the determination of this application.
- 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 Planning Policy, Other National Guidance and Policy

- 7.3 Scottish Planning Policy and National Planning Framework 3 will be superseded on 13 February 2023, by National Planning Framework 4. This is also the date on which the response to this application requires to be submitted to the Energy Consents Unit. While the following section highlights the contents of Scottish Planning Policy and National Planning Framework 3, it is here for context and completeness only due to the response to the application being considered prior to the formal adoption of National Planning Framework 4.
- 7.4 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.

- 7.5 SPP sets out 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).
- 7.6 Paragraph 170 of SPP sets out that areas identified for wind energy development should be suitable for use in perpetuity. This means that even though a consent may be time limited, the use of the site for wind energy must be considered as, to all intents and purposes, a permanent one. This matter is considered in the Planning Appraisal - Other Material Considerations section of this report.

National Planning Framework 4

- 7.7 National Planning Framework 4 (NPF4) will form part of the Development Plan. The Revised Draft National Planning Framework 4 was published in November 2022 and will be adopted by Scottish Ministers on 13 February 2023. 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.
- 7.8 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 our 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 decisions 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.

7.9 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.

7.10 The policies in 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

7.11 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)
- Draft Scottish Energy Strategy and Just Transition Plan (January 2023)
- 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 (December 2022)
- 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 As explained, the application has been submitted to the Scottish Government for approval under Section 36 of the Electricity Act 1989 (as amended). Should Ministers approve the development, it will receive deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended). While not a planning application, the Council processes S36 applications in the same way as a planning application as a consent under the Electricity Act will carry with it deemed planning permission.

8.2 Schedule 9 of The Electricity Act 1989 contains tests in relation to the impact of proposals on amenity and fisheries if the applicant is a licence holder. It is understood that the applicant is not a licence holder for this site. These tests should:

- Have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and

Reasonably mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

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

Planning Considerations

8.3 The key considerations in this case are:

- a) Development Plan
- b) Onshore Wind Energy Supplementary Guidance
- c) National Policy
- d) Energy and Economic Benefit
- e) Construction
- f) Roads, Transport and Access
- g) Water, Flood Risk, Drainage and Peat
- h) Natural Heritage (including Ornithology)
- i) Built and Cultural heritage
- j) Design, Landscape and Visual Impact (including Wild Land Areas)
- k) Noise and Shadow Flicker
- l) Telecommunications
- m) Aviation
- n) Other Material Considerations

Development plan/other planning policy

- 8.4 The Development Plan comprises the adopted Highland-wide Local Development Plan (HwLDP), Inner Moray Firth Local Development Plan (IMFLDP), all statutorily adopted supplementary guidance and from 13 February 2023, National Planning Framework 4. 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

- 8.5 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 that 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 aim of SPP, and the 2022 Onshore Wind Energy Policy Statement, to achieve the right development in the right place; it is not to allow development at any cost.

Inner Moray Firth Local Development Plan (IMFLDP)

- 8.6 The IMFLDP does not contain land allocations related to the proposed development. It confirms the boundaries of Special Landscape Areas within the plan area. HwLDP Policies 28, 57, 61 and 67 seek to safeguard these regionally important landscapes. The impact of this development on landscape is primarily assessed in the Design, Landscape and Visual Impact (including Wild Land) section of this report
- 8.7 The IMFLDP is under review and is at Proposed Plan stage. As this is the case the Inner Moray Firth Local Development Plan Proposed Plan (IMFLDPPP) can be given weight in the determination of applications, albeit not the same weight which would be given to the adopted development plan as it still requires to be subject to examination.
- 8.8 The IMFLDPPP contains policies on Nature Protection, Preservation and Enhancement (Policy 2). This sets out that major development will only be supported where it is demonstrated that the proposal will conserve and enhance biodiversity within and adjacent to a site. This is similar to the approach taken in National Planning Framework 4 and will be considered in the relevant sections of this report. The IMFLDPPP also sets out that developers will be required to demonstrate that adequate capacity to serve the proposal exists or can be created by a programmed improvement or via direct developer provision or funding. Where this is appropriate, the need for enhancements to infrastructure

will be highlighted in this report.

Onshore Wind Energy Supplementary Guidance (OWESG)

- 8.9 The Council's OWESG 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.
- 8.10 The OWESG contains a Spatial Framework for wind energy as required by SPP. Most of the site area falls within an area identified as Group 3 - Areas with Potential for Wind Farm Development. There are some areas within the site identified as Group 2 Areas due to carbon rich soils being present.
- 8.11 Further, 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 criterion will be particularly useful in considering visual impacts, including cumulative impacts. An appraisal of how the proposal meets with the thresholds set out in the criteria is included in Appendix 3 of this report.
- 8.12 In time the Dava Moor and Monadliath Landscape Sensitivity Appraisal will become an adopted part of the OSWESG. However, at this point while providing useful guidance it does not hold weight in the decision making process. Reference will however be made to it in the relevant sections of this report, where appropriate.

National Policy

- 8.13 SPP sets out continued support for onshore wind. 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 environment must be regarded as compatible goals. The planning system has a significant role in securing appropriate protection to the natural and historic environment without unreasonably restricting the potential for renewable energy. National policies highlight potential areas of conflict but also advise that detrimental effects can often be mitigated or effective planning conditions can be used to overcome potential objections to development.
- 8.14 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; the peat environment, noise and shadow flicker; and cumulative impact. Several 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 HwLDP Policy 67 (Renewable Energy). A failure against one criterion does not necessarily mean

that a development fails, as all criteria must be given consideration.

- 8.15 Scottish Planning Policy 2014 (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.
- 8.16 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. It is however noted that these targets have been superseded by the provisions of The Climate Change Act 2019 (As Amended).
- 8.17 National Planning Framework 4 will supersede Scottish Planning Policy on 13 February 2023 and form part of the Development Plan. Draft National Planning Framework 4 was published in November 2021 with the subsequent revised draft laid before the Scottish Parliament on 08 November 2022. It was approved by Scottish Parliament on 13 January 2023.
- 8.18 The spatial strategy reflects existing legislation in setting out that decision making requires 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 need to be provided and the assets that should be protected to ensure they continue to benefit future generations. To that end, the Spatial Priorities support the planning and delivery of sustainable places, where we reduce emissions, restore and better connect biodiversity; create liveable places, where we can all live better, healthier lives as well as create productive places, where we have a greener, fairer and more inclusive wellbeing economy.
- 8.19 It is anticipated that national developments, which include Strategic Renewable Electricity Generation developments of over 50MW such as that proposed through the application combined with the original wind farm, will assist in the delivery of the Spatial Strategy and Spatial Priorities for the north of Scotland. 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 as well as to stimulate investment in natural and engineered solutions to climate change. This aim, which will clearly require a balancing exercise, is not new and is reflected throughout the document.

- 8.20 Specific to this proposal, as well as the support in Policy 1 (significant weight will be given to the global climate and nature crisis when considering development), Policy 11 of Revised Draft NPF4 supports all forms of proposals for renewable, low-carbon and zero emission technologies including wind farms. However, any project identified as a national development requires to be considered at a project level to ensure all statutory tests are met, as set out in Annex 1 of the draft NPF4. This includes consideration against the provisions of the Development Plan, of which National Planning Framework 4 is a part.
- 8.21 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 7 – Historic assets and places
 - Policy 11 – Energy
 - Policy 22 – Flood risk and water management
 - Policy 23 – Health and safety
 - Policy 25 – Community wealth benefits
 - Policy 33 – Minerals
- 8.22 It is not intended to give detailed consideration of all of the above policies in this report, but those set out above are those considered most pertinent to consider for this proposal. The weight to be given to each individual policy and consideration is a matter for the decision maker.
- 8.23 Draft Revised NPF4 states that development proposals for wind farms should only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities, as set out in Policy 11 c). The policy goes on to state that significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets, similar to the existing provisions of Scottish Planning Policy and as illustrated in very many appeal and s.36 application decisions, while identifying impacts, including cumulative impacts, that must be suitably addressed and mitigated against i.e. That significant weight should be given to such targets etc. is consistent with the approach taken by the Planning Authority). These considerations are not a policy test and relate to matters of: 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.

- 8.24 In Policy 11e) ii, 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. This matter is considered in the Design, Landscape and Visual Impact section of this report. It is noted that the concept of windfarms which only have localised impacts as being more likely to be acceptable is not new and is also reflected in many decisions. Revised Draft NPF4 now reflects that, but still requires judgment to be applied.
- 8.25 Policy 4 (Natural Places) sets out that development proposals for onshore wind energy, by virtue of type, location or scale that have an unacceptable impact on the natural environment will not be supported. This again reflects existing policy. In a shift in policy, revised Draft NPF4 sets out that where development proposals affect local landscape designations (i.e. a Special Landscape Area) they will only be supported if:
- i. Significant adverse effects on the integrity of the area or qualities which it has been identified; or
 - ii. Any significant adverse effects on the integrity of the area are clearly outweighed by benefits of at least local significance.

This will be an important consideration given the position of the development within the Drynachan, Lochindorb and Dava Moor Special Landscape Area.

Onshore Wind Energy Policy Statement (2022) and Draft Energy Strategy and Just Transition Plan (2023)

- 8.26 The Onshore Wind Energy Policy Statement supersedes the previously adopted Onshore Wind Energy Policy Statement which was published in 2017. The document sets out a clear ambition for onshore wind in Scotland and for the first time sets a national target for a minimum level of installed capacity for onshore wind energy, 20GW. This is set against a currently installed capacity of 8.7GW. Therefore a further 11.3GW of onshore wind requires to be installed to meet the target. It is however acknowledged that targets are not caps. In delivering such a target Scotland would play a significant role in meeting the requirement of 25-30GW of installed capacity across the UK identified by the Climate Change Committee
- 8.27 To deliver the ambition, a sector deal for onshore wind energy is being progressed. The detail of this is yet to be published.
- 8.28 Like the previous iteration of the Onshore Wind Energy Policy Statement, the document recognises that balance is required and that no one technology can allow Scotland to reach its net zero targets. The document is clear that in achieving a balance, environmental and economic benefits to Scotland must be maximised. In taking this approach, this echoes Scotland's Third Land Use Strategy
- 8.29 The document recognises that there may be a need to develop onshore wind energy development on peat. While peatland is present on the site, it is considered that appropriate mitigation has been applied by design and peat management can be secured by condition.

- 8.30 Benefits to rural areas, such as provision of jobs and opportunities to restore and protect natural habitats, are also highlighted in the document. The proposed development does lead to such benefits being delivered, however the scale of the benefits are not demonstrably greater than those one would expect on any such wind farm development of commensurate size prior to the advent of Revised Draft NPF4.
- 8.31 In relation to the impact of onshore wind in relation to landscape and visual amenity, the document sets out that to achieve the climate targets, and the ambition for the minimum installed capacity of 20GW by 2030, that the landscape will change. It however sets out that the right development happens in the right place.
- 8.32 Echoing the Revised Draft NPF4, the document sets out that significant landscape and visual impacts are to be expected that where the impacts are localised and / or appropriate mitigation has been applied the effects will be considered acceptable.
- 8.33 The role of Landscape Sensitivity Appraisals in considering wind energy proposals is promoted through the document. It is however noted that there is not an adopted Landscape Sensitivity Appraisal for the area subject to this application.
- 8.34 Finally, the document considers some of the wider benefits and challenges faced by in delivery of ambition and vision for onshore wind energy in Scotland. These include shared ownership, community benefit, supply chain benefits, skills development and financial mechanisms for delivery. Technical considerations are also highlighted, those relevant to this application have been considered and mitigation, where required has been secured by condition.
- 8.35 The Draft Energy Strategy and Just Transition Plan has been published for consultation. Ministers will likely give consideration to this document in their decision on the application, however limited weight can be applied to the document given its draft status. Unsurprisingly, the material on onshore wind in the document reflects in large part that contained in NPF4 and the Onshore Wind Energy Policy Statement 2022. Therefore, there is no further matters arising from the document to bring to the attention of Members in relation to this application.

Energy and Economic Benefit

- 8.36 The Council continues to respond positively to the Government's renewable energy agenda. Nationally, onshore wind energy in Quarter 3 of 2021 had an installed capacity of 8.670GW, with a further 6.5GW under construction or consented as of Quarter 1 of 2022. As of 1 September 2022, Highland onshore wind energy projects currently have an installed capacity of 2.53GW, there is a further 1.55GW of generation permitted but not yet built and 1.3GW currently under construction. Installed onshore wind energy developments in Highland therefore accounts for around 30.12% of the national installed onshore wind energy capacity. There is also a further 2GW of onshore wind farm proposals currently in planning pending consideration in Highland.

- 8.37 While The Highland Council has effectively met its own target, as previously set out in the Highland Renewable Energy Strategy, it remains the case that there are areas of Highland capable of absorbing renewable developments without significant effects.
- 8.38 Notwithstanding any 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, with the development having the potential to generate up to 31.5MW of electricity. Based on a typical capacity factor, the development is likely to generate 70,831MWh hours per year, the equivalent of powering approximately 17,429 homes.
- 8.39 Based upon a fossil fuel mix in the electricity grid, the applicant anticipates that 30,000 tonnes of carbon could be displaced by the development per year. There will however also be carbon losses as a result of the development, including those related to turbine manufacture and impact on peat. These losses would equate to a total of approximately 65,000 tonnes of carbon. As a result, the applicant anticipates that the estimated carbon payback period for the development would be approximately 2.2 years, again based on a grid mix (including both renewables and fossil fuels), with the proposal reported by the applicant to have an overall beneficial effect on climate change mitigation.
- 8.40 The proposed development anticipates a construction period of approximately 14 months and an operational period of 40 years. Such projects can offer investment/opportunities to the local, Highland, and Scottish economy, including businesses ranging across the construction, haulage, electrical and service sectors.
- 8.41 There is also likely to be some adverse effects caused by construction traffic and disruption, as well as some adverse economic impact that turbines may have on tourism. These adverse impacts are most likely to be within the service sector particularly during the construction phase when abnormal loads are being delivered to site.
- 8.42 The assessment of socio-economic impact offered by the applicant suggests a minor beneficial economic impact resulting from the development. It has identified that the capital cost of the development would be around £42.84m and of that £31.5m would be construction costs. Based on research undertaken by Renewables UK, approximately 12% of total capital construction costs are spent in the local area. Therefore, it is anticipated that between £3.78m and £5.14m will be spent in the local area during construction of the wind farm with between 33 and 46 Full Time Equivalent jobs created during construction. The proposed development would result in spend of between £12.4m-£21.8m in The Highland Council area during the operational phase, with 6-10.7 Full Time Equivalent direct jobs created. The applicant also notes that there will be economic benefits to the local community and economy arising from the community benefit fund proposed.

Construction

- 8.43 It is anticipated that the construction period for the development would take approximately 18 months. Construction will be scheduled from Monday to Friday 07:00 to 19:00 and Saturday 07:00 to 13:00. Environment Health is content with these hours but has suggested that given the remote nature of the site that construction noise is unlikely to be problematic.
- 8.44 The nature of the project anticipates the need for a Construction Environmental Management Document (CEMD), in association with the successful contractor engaged. This may be secured via condition and should include site-specific environmental management procedures which can be finalised and agreed through appropriate planning conditions. Such submissions are expected to be “plan based” highlighting the measures being deployed to safeguard specific local environmental resources and not simply re-state best practice manuals. 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.
- 8.45 In addition to the requirement for submission and agreement on a CEMD, the Council will require the applicant to provide a financial bond regarding final site restoration (restoration bond) in the event of non-wind turbine operation and to provide a Construction Traffic Management Plan (CEMP) for the use of the local road network.
- 8.46 Developers must 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 and not Planning.
- 8.47 The applicant has anticipated a micro-siting allowance of 50m. Micro-siting is acceptable, within reason, to address unforeseen onsite constraints. Anything in excess of 50m may have a significant effect on the composition of a development. Further if matters are identified during the application stage which require movement of infrastructure, it is considered that this is best addressed during the application stage rather than relying on micro-siting. A micro-siting limit of no more than 50m can be conditioned, with micro siting to avoiding any areas of deeper peat, any higher elevations of ground, watercourse buffers, Ground Water Dependent Terrestrial Ecosystems and cultural heritage assets.
- 8.48 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

- 8.49 The applicant has highlighted the expected impact of this development, particularly through the construction phase, with the Port of Entry likely to be the Port of Inverness. The EIAR reports that the proposed development would lead to a temporary increase in traffic volumes on the road network during the

construction phase. Traffic volumes would decrease considerably outside the peak period of construction. Statistically, the greatest impact would occur on the B9007, with an increase of 157.6% of HGV traffic on the route. However, this can be explained by the current low level of use of the route by HGVs. The peak construction period (month 7 of the construction programme) would see an increase of 34 HGV journeys to the site (17 inbound and 17 outbound) above baseline use. The study road network includes the following routes:

- The A9 (between Daviot and Grainish);
- The A95 (between Grainish and Dulnain Bridge);
- The A938 (to the east of Duthill); and
- The B9007 (between Duthill and the access to the site).

8.50 The route to site proposed between Inverness Harbour and the site via the A9, A95, A938 and B9007 to the site access was utilised in the construction of the operational Tom Nan Clach Wind Farm. The temporary increase in traffic on the road network can be comfortably accommodated within the operating capacity of the road network. However, the components are larger than those previously employed, and will likely need some accommodation works along the route, including at the junction of the A95 and A938 and provision of an upgraded site access. The details of these can be secured by condition. Further, the applicant proposes a range of mitigation such as the formation of a Community Liaison Group and the delivery of a Construction Traffic Management Plan. In principle this type of mitigation is accepted subject to detailed consideration of the plan in due course.

8.51 The Council Transport Planning Team, and Transport Scotland, have confirmed that development traffic can be accommodated on the road network, subject to conditions relating to the technical specification of the finalised site access junction, as well as the requirement for a legal agreement to address “wear and tear” provisions. These will be consistent with current best practice and need to highlight potential cumulative impacts arising with other major developments. The conditions are to secure:

- A Construction Traffic Management Plan for approval and implementation as agreed highlighting all mitigation / improvement works required for general construction traffic and abnormal load movements, including the timing of such works and appropriate reinstatement / restoration works.
- An un-laden trial run between the Port of Entry and the site access will be required in liaison with the police and both roads authorities.
- Structural assessment of bridges, culverts and any other affected structures along the route in consultation with the Council’s Structures Team.
- Community liaison to ensure the project construction minimises impact on the local community, that construction traffic takes place outwith peak times on the network, including school travel times, and avoids identified community events.

- All traffic management being undertaken by a quality assured contractor.

- 8.52 While no core paths are present directly through the application site or along the public road, the area is well used for recreational access to the outdoors.
- 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, including longer distance routes such as the Speyside Way and Dava Way. Where and when feasible however existing tracks 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.
- 8.54 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 will be required by planning condition. 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.

Water, Flood Risk, Drainage and Peat

- 8.55 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. 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 CEMD including the adoption of sustainable drainage principles, and measures to mitigate against effects of potential chemical contamination, sediment release and changes in supplies to Ground Water Dependent Terrestrial Ecosystems. This includes setbacks from water courses, employment of an Ecological Clerk of Works and undertaking a programme of baseline water quality and quantity monitoring surveys prior to construction, and thereafter during construction.
- 8.57 However, SEPA initially objected to the application due to a 50m buffer of all watercourses not being respected in the site layout. The applicant has however made modifications to the layout which has moved tracks away from the watercourses on site. With that said, there will be a requirement for a number of watercourse crossings. The crossing of the Allt Carn an t-Sean-liathanaich will require to be a single span bridge and the remainder will require to be bottomless culverts to meet with good practice and avoid restricting the flow of the

watercourses.

- 8.58 The site infrastructure is not considered to be at risk of flooding. Any watercourse crossings within the development will be regulated under SEPA's Controlled Activities Regulations (CAR) regime and will be designed to allow continuous flow. A detailed drainage strategy will be developed, details of which may be secured by condition to allow final assessment by SEPA and the Council's Flood Risk Management Team.
- 8.59 The wider site is home to potential Ground Water Dependent Terrestrial Ecosystems (GWDTEs), with much of the site being dominated by blanket bog, acid flush and dry heath. There are limited areas of Acid Grassland and Juniper Scrub. All of the site infrastructure avoids highly water dependent GWDTEs. The implementation of good construction practices will nevertheless be required to be implemented on site and a plan brought forward in the CEMD to ensure existing groundwater and surface water flow paths are maintained.
- 8.60 Deep peat, of more than 1 m, is present across much of the site. When originally submitted, SEPA raised objection over the impact of particular pieces of infrastructure, namely Turbines 1 and associated tracks, on deeper areas of peat. However, following discussions with the applicant, this infrastructure was moved to areas of shallower peat. With that said while moving turbine 1 has reduced the peat to be excavated by approximately 39%, the movement of turbine 4 to an area away from the watercourse, has resulted in the turbine being located in a slightly deeper area of peat and thus increased the extraction volume for turbine 4 by approximately 3%. No infrastructure is in areas where the average peat depth is greater than 2m. Overall, a total of 70,500m³ of peat was to be extracted prior to the layout changes requested by SEPA. This has now reduced to 60,200m³, equating to a reduction in peat disturbance of almost 15%.
- 8.61 A Peat Landslide Hazard and Risk Assessment has been submitted as part of the EIAR and have helped to inform the proposals. The applicant's risk assessment identifies that the site is of low risk to peat instability. The finalisation of these documents, will be secured through the CEMD condition.
- 8.62 A finalised Habitat Management Plan is proposed to be developed, based upon the outline Habitat Management Plan submitted as part of the EIAR. This will include areas of habitat restoration across the site. However, no biodiversity metric has been submitted by the applicant to demonstrate that there would be an overall enhancement to biodiversity across the site. This brings the application into conflict with both the IMLDPPP and NPF4. However, it is considered that there are opportunities across the site and the wider estate to provide biodiversity enhancements beyond the baseline conditions. This is however a matter for Scottish Ministers to consider in reaching a reasoned conclusion on the application.
- 8.63 There are no known private water supply within the vicinity of the application site which are hydrologically connected to the development.
- 8.64 Given the watercourses across the site, water quality will require to be managed through the construction, operation and decommissioning phases of the

development. This can be secured by condition, with the final scheme being developed in consultation with Council, SEPA, and relevant fishery boards.

Natural Heritage (including Ornithology)

- 8.65 The site does not overlap, or have connectivity to, any nature conservation designation. The applicant will have a good baseline of information of impacts of wind energy development on the ecology and ornithology of the site as a result of their involvement in the original Tom Nan Clach Wind Farm. A Habitat Management Plan was prepared and implemented as part of that consent. This involves regular monitoring and reporting of success or otherwise against the aims of the plan. While the group did not meet often in recent years due to the effects of the pandemic, quarterly meetings have now been re-established. This will benefit the development and delivery of the proposed development as a result of the
- 8.66 The site has been subject of an ecological survey, including a protected mammal survey. The desk study returned records of occasional use of the site by otter but no records of any other protected species. While this may be the case, the applicant has committed to undertaking pre-commencement surveys to confirm any presence on the site prior to development commencing. The most valued habitats on the site have been avoided by the site layout.
- 8.67 The site was also subject to bat surveys, with bat activity very low across the site with only 269 bat passes over 41 nights of survey. It is anticipated that the low level of bats is due to the lack of suitable habitats within the site.
- 8.68 In relation to ornithology, the applicant's assessment focussed on golden eagle, red kite and hen harrier. Other species were scoped out of the assessment due to their ecology, absence from or distance from the proposed development site. The EIAR considers the residual significance level of identified effects during construction, operation, and decommissioning, either individually or cumulatively, would not be significant, providing that the recommended mitigation measures are implemented.
- 8.69 Overall, it is recognised that there will be limited adverse impacts on natural heritage as a result of the proposed development both through the construction and operational phases of the development. There is, as with other successfully accommodated wind farm development in Highland, workable and practical mitigation that can be secured through planning conditions to minimise the environmental effects.

Built and Cultural heritage

- 8.70 The primary impact of the proposal on built and cultural heritage is the impact on Lochindorb Castle Scheduled Monument. While Historic Environment Scotland (HES) has not objected to the application, it has raised significant concerns over the impact of the siting of the development in views toward the castle from the shores of Lochindorb and the approach to Lochindorb Lodge. In particular HES, has highlighted the impact of the existing development on the setting of the Castle.

- 8.71 Lochindorb Castle has a significant place in Scotland's history. Its location within a bowl in the landscape, aids in defining the setting of the Castle. The applicant has alluded to there being limited change to the setting of the Castle beyond the existing situation. However, the horizontal extent of wind energy development would be extended and the turbines will appear closer to the Castle in a number of views (particularly at the Lochside) due to their location and difference in scale to the operational development. With that said, the turbines do appear as a logical extension to the existing development and would predominantly affect views from the south eastern side of Lochindorb when travelling south. Given the way in which the turbines are set back and the position of the Castle in the loch, there is unlikely to be an effect on the setting when travelling on the B9007 as they will rarely be in the same field of view.
- 8.72 HES has suggested the impacts could be mitigated through removal of Turbine 5 and Turbine 7, as they appear closest to the Castle. The applicant has however said that they do not consider that would be warranted based on other consultee responses. It is considered that there would be benefit in removal of these turbines, not just in relation to the impacts on the setting of the Castle, but also in relation to visual impact. However, this is a matter which requires to be balanced against the energy and economic benefits arising from the development and potential removal of two turbines.
- 8.73 Overall, while there are concerns regarding impacts on the setting of Lochindorb Castle, it is considered that the areas in which the setting will be affected can be considered limited. However, any development beyond that proposed in the proposed development would have a much greater impact on the setting of the Castle as it may enclose the landscape bowl in which the castle sits to a point that its setting could no longer be appreciated.
- 8.74 Given the site is rich in cultural heritage, it is possible that here will be unknown archaeology across the site. As this is the case a condition will be applied to ensure a scheme for the investigation, recording and evaluation of any buried archaeology on the site should be secured by conditions should deemed planning permission be granted.

Design, Landscape and Visual Impact (including Wild Land Areas)

- 8.75 A total of 17 viewpoints (VP) 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 and road users. The expected bare earth visibility of the development can be appreciated from the figures with photomontages and wirelines contained within Volume 3 of the EIAR. The photomontages are considered to have been produced to a good standard.
- 8.76 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 within EIAR. This methodology has been used 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.

- 8.77 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.
- 8.78 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. In addition, the area is regularly frequented by cyclists. As such it is considered that road users are usually high sensitivity receptors, particularly through a landscape such as that where the proposed development is located.

Siting and Design

- 8.79 The site lies within the Drynachan, Lochindorb and Dava Moor SLA. The proposed turbine locations maintain a setback distance from the local road network of approximately 7km and they are remote from residential receptors, with the exception of Lochindorb Lodge. The applicant has identified that a local grid connection will be required, albeit that this connection does not form part of the planning application and would require its own assessment. That assessment must consider the cumulative effect of the grid connection with the wind farm development.
- 8.80 The applicant considers that the site is suitable for development due to it not being within an ecological designation, topographic containment of the landscape, distance from nearest properties, good access with a proven delivery route, option to utilise existing infrastructure, average wind speeds are high, and availability of grid connection. The applicant has stated that it is aware of the sensitivity of the site in landscape and visual terms and, as a result, the project went through several design iterations. The design process started with 10 turbines before reducing to 8 turbines at 149.9m to blade tip to address technical constraints and landscape and visual issues arising from the shore road around Lochindorb, Carn Glas Choire, the A9 and the B9007. A further reduction to 7 turbines was brought forward to address technical issues related to peat and ecology. Once a 7 turbine layout was reached a further 6 design iterations were progressed by the applicant seeking to address technical and visual amenity matters.
- 8.81 The applicant considers that the receptors at the following viewpoints were of highest sensitivity to change and as a result that is where the applicant focussed its sensitivity testing and design iteration work:
- VP2 – Carn Glas Choire;
 - VP5 – Minor Road north of Lochindorb;
 - VP6 – B9007 near Lochindorb;

- VP10 – River Findhorn Bridge (A9);
- VP14 and VP15 Shore Road Lochindorb.

It is considered that these viewpoints give a range of representative views from which the development can be presented to demonstrate both its significant and non-significant impacts as a result of siting and design.

- 8.82 The proposed development would closely associate with the operational Tom Nan Clach Wind Farm, which is some 24.9m smaller in its blade tip height at only 125m. It is however recognised that turbine technology has evolved significantly since the time that the original scheme was consented and then became operational. As a result, the change in turbine scales presented by this application is understood, but still requires careful consideration to ensure it presents as an appropriately scaled extension to the existing wind farm.
- 8.83 There are no other wind energy developments, currently operation or consented, in the immediate vicinity of the site but Cairn Duhie and Clash Gour, located to the north west, are consented albeit not yet built. Moy Wind Farm is operational and located to north but there are limited areas, other than where high elevations are reached, where the schemes would be intervisible. As a result, there is not a clear pattern of wind energy development in the area. Applications are currently under consideration for Lethan and Ourack wind farms which are located to the east of the application site.

Landscape Impact

- 8.84 There are several aspects to consider in determining whether this development represents an acceptable degree of impact on landscape character, including:
- impacts on the Landscape Character Type (LCT) as a whole and on neighbouring LCTs;
 - direct impacts on landscape designations; and
 - impacts on surrounding landscape designations.
- 8.85 The development lies within the Open Rolling Upland Landscape Character Type (LCT). This is a relatively large LCT and there is limited built development, other than the operational Tom Nan Clach, immediately next to the application site, and the more distant Moy wind farms. The presence of existing wind farms within the LCT reduces the susceptibility to change of this LCT, as does the visibility of more distant wind farms in the Monadhliaths. The magnitude of change in the landscape character of this LCT is somewhat reduced by the presence of existing wind energy development. The applicant has set out in its assessment of impact on the LCT that the relationship between the proposed development and existing development, as well as the surrounding topography, reduces the extent to which the development influences the wider LCT. As a result, the applicant has identified that there will be a significant effect on the LCT extending to 4-5km from the development. However, beyond such distances, there would be limited impacts. This is agreed. The applicant has not identified significant effects on any other surrounding LCT. This is accepted given the intervening topography and distance.

- 8.86 The draft Dava Moor and Monadliath Landscape Sensitivity Appraisal (LSA), identifies that the area of the Open Rolling Moorlands Assessment Unit in which the proposed development has reduced susceptibility to the scale of turbines proposed. It considers that turbines of between 100m-149.9m could related to the simple landform of the Assessment Unit, as the development sited away from the more complex landforms within the Assessment Unit. While the draft LSA highlights that there could be cumulative sequential effects experiences from the B9007 of development in this area with those consented developments of Cairn Duhie and Berry Burn, it is unlikely to be the case for this application due to the distances involved between the developments. The location of the turbines, which are largely backdropped by landforms in most views, is unlikely to affect the perceived scale of the basin around Lochindorb. No visible lighting is proposed, as a result, the impacts of the development will not stretch into hours of darkness.
- 8.87 The development is located within the Drynachan, Lochindorb and Dava Moor Special Landscape Area (SLA). The applicant has identified that there would be a significant effect on the “expansive views and broad panoramas” special quality of the SLA for an area in proximity to the proposed development. It does not consider that there would be a significant effect on this special quality in the wider SLA, nor does it consider there would be an effect on other special qualities. These findings are not disputed due to the way in which the development is relatively contained and associated with the existing Tom Nan Clach Wind Farm. However, it is considered that the effects on the “expansive views and broad panoramas” extend further than those identified by the applicant as the impacts are experienced on the track which rises up from Lochindorb to Carn Ruigh Chorrach. It is however accepted that the significant effects are slightly diminished with distance and are mitigated by the siting and design of the scheme.
- 8.88 As there have been significant effects identified on the qualities for which the development has been identified, despite their limited extent and mitigating factors, Policy 4d of Revised Draft NPF4 comes into consideration. This requires development to only be supported where any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance. These matters have been considered elsewhere in this report and while no benefits have been identified as locally significant, given the limited extent of the significant effects, the benefits in terms of renewable energy production and economic impact can be given some weight in the balancing exercise which requires to be undertaken. Further, it is not considered that the special quality of the SLA which is adversely affected could not continue to be experienced across the remainder of the SLA.
- 8.89 The Cairngorms National Park Authority has provided its own response on the application considering the proposal against the special qualities of the Cairngorms National Park. It concludes that individually, there is no likely significant impact on the special qualities of the National Park which would warrant objection to the application. It has however highlighted that cumulatively there would be impacts on the qualities of the Park were Lethen Wind Farm to be consented.
- 8.90 No other designated landscape will be affected by the proposed development.

8.91 The applicant has not identified any significant effects on the Cairngorms Wild Land Area located to the south of the application site. Given the distance from the Wild Land Area, and the position set out in Revised Draft NPF4 (that impacts on a wild land area from development outwith a wild land area will not be afforded significant weight in the decision making process), the applicant's assessment is accepted.

Visual Impact

8.92 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 are differences between the applicant's assessment and the appraisal undertaken.

8.93 The applicant's assessment draws upon the supportive elements of how the proposal could be viewed within the landscape. The ZTV demonstrates that the scheme will be extensively visible to the east of the site within 10km. To the west of the site, there is limited visibility due to topographical screening. Visibility is fragmented to the north east of the site and the topographical containment of the site limits visibility to the south from all but the highest elevations.

8.94 When considering the additional visibility of turbines beyond that experienced as a result of the operational wind farm there are limited new areas of visibility, with new areas of visibility limited to the lower slopes of hills between the site and the B9007 along with limited additional visibility on the slopes of hills which face toward the site to the south east of the development at between 20-30km distant. Where the development will be experienced in combination with the operational development, while not adding new areas of visibility, it will increase the intensity of turbines visibility.

8.95 Whilst a large-scale wind energy scheme would be expected to result in significant visual impact effects, the Council, through the OSWESG, also acknowledges that significant effects does not automatically translate to unacceptable effects. Following a review of the applicant's Landscape and Visual Impact Assessment (LVIA), there are limited areas of difference between officers and the applicant. For many of the receptors at the viewpoints which have been assessed, it is considered that the impact of the effect could be reduced through further mitigation by setting development back further behind landforms or removal of turbines, but this needs to be balanced against the benefits of the proposal in its current form. With that said, it is not considered that mitigation would change the visual impacts to a point where it would change the level of significance in EIA terms.

8.96 A summary of the applicant's assessment and the officer's appraisal of the assessment, which highlights the differences and any concerns with regard to visual impact, can be found in Appendix 2 of this report. The EIAR includes a visual impact assessment from each of the 17 viewpoints, with most viewpoints considered to be used by receptors of high sensitivity and susceptibility to wind

energy development, although it is acknowledged that not all receptors experiencing the development from all viewpoints would have a high sensitivity to the development. What follows is a summation of the visual impacts grouped by receptors. Consideration of each viewpoint based on the applicant's methodology is contained within Appendix 2 of this report.

- Impact on recreational users of the outdoors: The impact on recreational users of the outdoors has been assessed from VP2 (Carn Glad-Choire), VP3 (Ptarmigan Lodge), VP4 (Creagan a Chaise), VP7 (Geal Charn Mor), VP9 (Meall a' Bhuachaille), VP12 (Gorton Hill), VP14 (Shore Road Lochindorb), VP15 (Shore Road Lochindorb), VP16 (Creag Ealraich) and VP17 (Dava Way).

From the elevated viewpoints, it is considered that, with the exception of VP2, the receptors would not be significantly adversely affected. This is largely due to the distance from the development but also the relative containment of the development within the landscape. The development would extend the horizontal spread of wind turbines in the view but only marginally. With regard to VP2, the turbines will be more prominent and viewed at a distance of just 5.78km with significant proportions of four of the turbines visible. There will however be some screening provided by intervening topography. The applicant has assessed receptors at VP2 as being subject to significant adverse effects. This is not disputed.

The remainder of the elevated viewpoints are considered as not having a significant adverse impact on receptors by the applicant, and given the topographical screening, intervening distance, and the siting and design of the development reading as a logical extension of the original wind farm, despite the difference in scale of the turbines,

The applicants' assessment of impacts experienced by recreational users of the outdoors at lower elevations are however disputed. The applicant has not identified any significant adverse impacts on users of the Shore Road around Lochindorb (VP14 and 15) which is representative of visitors to Lochindorb, an area which is utilised for cycling, walking, camping and water sports. While the horizontal extent of the wind farm would only be subject to a modest increase of approximately 25%, the difference in scale between the existing and proposed turbines would be more noticeable. Based on the applicant's definition of magnitude of change this would lead to a "medium" magnitude of change rather than "medium-low" magnitude of change. Again, the location of the development in proximity of the existing wind farm is a mitigating factor. While there is a difference between officers and the applicant, this would unlikely change the overall EIA findings which would remain as not significant.

Users of the Dava Way, as represented by VP17, are unlikely to be subject to significant adverse effects given the limited open views toward the development and the distance from the development.

- Impact on road users: The impact on recreational users of the outdoors has been assessed from VP5 (Minor Road north of Drynachan), VP6 (B9007 near Lochindorb), VP8 (A9(T) North of Tomatin Junction), VP10 (A9(T) River Findhorn Bridge), VP11 (Blackfold, near Dochgarroch), VP13

(A939 at Milestone), VP14 (Shore Road Lochindorb), VP15 (Shore Road Lochindorb).

The applicant has not identified any significant adverse impacts on road users. This appears to be as a result of the sensitivity afforded to such receptors in the applicant's assessment. With that said, the applicant has differentiated in sensitivity of road-based receptors between those travelling across the Dava Moor, identifying that they would likely have a greater sensitivity to the development (medium-high) than users of the A9 (medium). Like with the recreational users of the outdoors, it is considered that the applicant has underplayed the magnitude of change for users of the local road network around Lochindorb. However, even when attributing a higher magnitude of change, it is considered that the overall findings of the EIA would not change from not significant to significant.

While the applicant's assessment has not captured the importance of the journey across the Dava Moor and the way in which one experiences travelling through such a remote and tranquil area, the presence of the existing Tom Nan Clach Wind Farm and the way in which the proposed development is sited and designed, allows for the experience to not be adversely affected more than that already experienced as a result of the operational wind farm.

- Residential receptors: there are limited residential receptors in proximity of the application site. The impact on recreational users of the outdoors has been assessed from VP1 (Balvraid Lodge), and VP11 (Blackfold, near Dochgarroch). There will not be visibility toward the development from within any nearby settlements. The applicant has not identified any significant adverse impacts on receptors at the assessed viewpoints. There is limited visibility for these viewpoints, as a result the applicant's assessment is accepted.

8.97 When considering visual impact, it is important to consider the cumulative impact with other consented and proposed (application stage) developments. For the most part there will not be an inter-relationship between the proposed development and those consented and operational schemes, other than Tom Nan Clach Wind Farm which has been considered as part of the individual appraisal above. There will however be some sequential impacts as one travels through the local road network, albeit there is areas of respite between the developments. However, it is anticipated that the Lethen Wind Farm and Ourack Wind Farm will have much greater cumulative impact with the proposed development. This is a result of the close proximity of the schemes. In particular, the cumulative impact of Lethen Wind Farm and the proposed development will be stark when experienced from the road network around Lochindorb and from the hills which form the edge of the National Park. The proposed development would, in some respects, become a more recessive feature given the scale and prominence of the proposed Lethen development. However, the proposed development may also become more obvious in the landform as the eye is drawn to a much larger, linear cluster of wind farms which would be present.

8.98 In considering the individual impacts of the development, officers gave consideration to a reduction in scale of the scheme to remove visibility of turbines

from the A9 in vicinity of Tomatin and push back the turbines further from Lochindorb. However, this was discounted due to time impact this would have on the delivery of the benefits in terms of energy production and economic development which could be born out of the scheme.

- 8.99 It is clear from the EIAR and the Design and Access Statement that the applicant has tried, where possible, to reduce any potential landscape and visual effects through the proposed design and layout of the turbines. It is considered that in doing so they have created a wind farm which appears to be appropriately designed for the landscape it would sit within and takes account of visual features of the area.

Noise and Shadow Flicker

- 8.100 It is not anticipated that noise or shadow flicker would be a significant issue as a result of this development due to the distance between it and noise sensitive (non-involved) properties. The Planning Authority would expect that a condition restricting operational noise levels to no more than 2dB above predicted levels as per EIAR Table 8.5, be applied. Given the proximity of the operational Tom Nan Clach Wind Farm development, it is considered appropriate to seek a cumulative noise mitigation and management scheme if an issue arises. By taking this approach, the Planning Authority will retain effective control over the potential noise impacts and have a suitable avenue for investigation should any noise complaints arise from the development. In terms of shadow flicker, it is not anticipated that this will be an issue for this development either individually or cumulatively given the location of the development in relation to properties.

Telecommunications

- 8.101 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

- 8.102 There are no unresolved objections with regard to aviation interests, with no outstanding concerns being raised. Should the proposal be granted permission, a condition can be applied to secure suitable mitigation in terms of infrared aviation lighting only and notification to the appropriate bodies of the final turbine positions.

Other material considerations

- 8.103 The applicant has sought permission to operate the windfarm for 35 years. As with any wind farm, the Planning Authority would request that any forthcoming permission includes a clear description of development which specifies the precise number of turbines to be developed, the maximum blade tip height, the rotor diameter and includes details of all associated ancillary infrastructure with such matters not be left to planning conditions, which could lead to scope for further redesign or re-powering without requiring a full fresh consent.

- 8.104 At the end of its operational life, usual decommissioning and restoration requirements should therefore be secured. If the decision is made to decommission the wind farm, all components, track access and associated infrastructure requires to 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. It would be expected that any new tracks or areas used for constructing the wind farm would be reinstated to the approximate pre-development condition, unless otherwise agreed with the Planning Authority.
- 8.105 The requirements to decommission 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 deliver a 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.
- 8.106 A finalised Decommissioning and Restoration Plan (DRP) for the site. reflecting best practice measures at its time of preparation, would also be required. The finalised DRP would be expected to be submitted to and approved in writing by the Planning Authority in consultation with NatureScot and SEPA no later than 12 months prior to the final decommissioning of the site. The detailed DRP would then be implemented within 18 months of the final decommissioning of the development unless otherwise agreed in writing with the Planning Authority.
- 8.107 Given the complexity of major developments, and to assist in discharge of conditions, the Planning Authority seek 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.
- 8.108 Highland Council policy and practice is for community benefit considerations to be undertaken as a separate exercise and generally parallel to the planning process.

Matters to be Secured by Legal Agreement

- 8.109 A wear and tear agreement for the impact on the local road network and a decommissioning and restoration financial guarantee can be secured by condition therefore no further legal agreements are required should consent be granted.

9. CONCLUSION

- 9.1 The Scottish Government gives considerable commitment to renewable energy and encourages planning authorities to support the development of wind farms where they can operate successfully and be situated in appropriate locations. The project has potential to contribute to addressing the climate emergency through additional renewable energy production. However, as with all applications, the benefits of the proposal must be weighed against potential drawbacks and then

considered in the round, taking account of the relevant policies of the Development Plan, which from 13 February 2023, includes NPF4.

- 9.2 There has been only one objection to the application and no objections from statutory consultees following submission of further environmental information or subject to conditions.
- 9.3 Without doubt, the turbines proposed will increase the visibility of wind energy development in the area local to the wind farm site, in an area which is identified as a Special Landscape Area. However, the turbines are well sited adjacent to the operational Tom Nan Clach Wind Farm and despite the turbines being larger than those in the operational development, do not appear out of scale from most views. In close proximity, such as where views are afforded toward the development from the shores of Lochindorb, the difference in scale of the turbines will be more noticeable. However, it is not considered that this would have such an effect that the turbines would have an adverse impact that the scheme would be considered unacceptable. It is considered that the proposal is also consistent with the findings of the draft Dava Moor and Monadliath Landscape Sensitivity Appraisal.
- 9.4 The impacts on the setting of Lochindorb Castle Schedule Monument, have raised concerns due to the cumulative impact with the existing operational wind farm. While the impact on setting will be intensified beyond the baseline, it is not considered that the effect on setting is significantly different than that already experienced. Historic Environment Scotland did not object.
- 9.5 The Council has determined its response to 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. Considering the proposal against the provisions of the Revised Draft NPF4 and the adopted Development Plan, the proposal can be considered to benefit from in principle support. The localised effects are considered to be outweighed by the contribution the development would make toward tackling climate change. The development also contains proposals for habitat management, which could, if appropriately conditioned, lead to biodiversity enhancement. Given the above analysis, the application is, on balance, considered acceptable in terms of the Development Plan and national policy and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: If an objection is raised to the proposal, the application will likely be subject to a Public Local Inquiry. Further if the Scottish Ministers chose not to give effect to the conditional raise no objection, then it would also likely be subject to a Public Local Inquiry.
- 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**

Subject to the above, it is recommended to **RAISE NO OBJECTION**, to the application, subject to the following conditions and reasons.

Conditions to be attached to any Section 36 consent which may be approved

Annex 1

ELECTRICITY ACT 1989 AND TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 CONSENT AND DEEMED PLANNING PERMISSION FOR THE CONSTRUCTION AND OPERATION OF TOM NA CLACH EXTENSION WIND POWERED ELECTRICITY GENERATING STATION

Part A

Section 36 Consent and Deemed Planning Permission

The Scottish Ministers, in exercise of the powers conferred by section 36 of the Electricity Act 1989 and section 57(2) of the Town and Country Planning (Scotland) Act 1997 hereby:

- i. consent, subject to conditions set out in paragraphs 1 to 4 of Annex 1 Part C below, to the construction and operation of the Tom Na Clach Extension wind powered electricity generating station, as described in Annex 1 Part B below; and
- ii. direct, subject to the conditions set out in paragraphs 5 to 32 of Annex 1 Part C below, that planning permission for the development shall be deemed to be granted. The consent hereby granted will last for a period of 40 years from the earlier of:
 - i. the date when electricity is first exported to the electricity grid network on a commercial basis from the last of the wind turbines constructed as part of the development; or
 - ii. the date falling 18 months after the date electricity is exported to the grid on a commercial basis from any of the wind turbines constructed as part of the development.

The Scottish Ministers direct that section 58(1) of the Town and Country Planning (Scotland) Act 1997 is not to apply with regard to the deemed planning permission, and that planning permission is to lapse on the expiry of a period of 5 years from the date of this direction, unless the development

to which the permission relates is begun before the expiry of that period.

Part B

Description of the Development

The Development shall comprise of a wind power powered electricity generating station known as Tom Na Clach Extension Wind Farm, in the planning jurisdiction of Highland Council. The Tom Na Clach Extension Wind Farm and related ancillary development shall be comprised of:

- 7 wind turbines of 149.9m height to blade tip (capable of generating approximately 4.5 MW each), with internal transformers;
- Substation and control building;
- Battery Energy Storage System;
- Turbine foundations;
- Hard standing;
- 3.99km of new on site access tracks;
- 4 No. Water course crossings;
- Underground cabling; and
- Reopening of the borrow pit used for the operational Tom Na Clach Wind Farm.

All as more particularly shown on plan reference 'Figure 3.0 Site Layout'

1. The consent is for a period of 40 years from the date of Final Commissioning. Written confirmation of the date of Final Commissioning shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after the event.

Reason: To define the duration of the consent.

2. (1) The Commencement of the Development shall be no later than five years from the date of this consent, or in substitution, such other period as the Scottish Ministers may hereafter direct in writing.

(2) Written confirmation of the intended date of Commencement of Development shall be provided to the planning authority and Scottish Ministers no later than one calendar month before that date.

Reason: To avoid uncertainty and ensure that the consent is implemented within a reasonable period.

3. This consent may not be assigned without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignation of the consent (with or without conditions) or

refuse assignation as they may, in their own discretion, see fit. The consent shall not be capable of being assigned, alienated or transferred otherwise than in accordance with the foregoing procedure. The Company shall notify the Planning Authority in writing of the name of the assignee, principal named contact and contact details within 14 days of written confirmation from the Scottish Ministers of an assignation having been granted.

Reason: To safeguard the obligations of the consent if transferred to another company.

4. In the event of any breach of health and safety or environmental obligations relating to the Development during the period of this consent, the Company will provide written notification of the nature and timing of the incident to the planning authority, including confirmation of remedial measures taken and / or to be taken to rectify the breach, within 24 hours of the incident occurring.

Reason: To keep the Scottish Ministers informed of any such incidents which may be in the public interest.

5. In the event that any wind turbine installed and commissioned fails to produce electricity on a commercial basis to the public network for a continuous period of 6 months, then unless otherwise agreed in writing with the Planning Authority, after consultation with the Scottish Ministers and NatureScot, such wind turbine will be deemed to have ceased to be required. If deemed to have ceased to be required, the wind turbine and its ancillary equipment will be dismantled and removed from the site by the Partnership within the following 6 month period, and the ground reinstated to the specification and satisfaction of the Planning Authority after consultation with the Scottish Ministers and NatureScot.

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

6. In the event of the Development, not generating electricity on a commercial basis to the grid network for a continuous period of 12 months from 50% or more turbines installed and commissioned from time to time, the Company must immediately notify the Planning Authority in writing of that situation and shall, if the Planning Authority, in consultation with the Scottish Ministers, direct decommission the Development and reinstate the site to the specification and satisfaction of the Planning Authority. The Planning Authority shall have due regard to the circumstances surrounding the failure to generate and shall take the decision on decommissioning following discussions with the Scottish Ministers and other such parties as the Planning Authority consider appropriate.

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.

Siting and Design Details

7. (1) No development shall commence unless and until full details of the proposed wind turbines hereby permitted, including each turbine number and specific height of that turbine, have been submitted to and approved in writing by the Planning Authority. These details shall include:
- a) the make, model, design, direction of rotation (all wind turbine blades shall rotate in the same direction), power rating, sound power level and dimensions of the turbines to be installed, and
 - b) the external colour and/or finish of the wind turbines to be used (including towers, nacelles and blades) which shall be non-reflective, pale grey semi-matte.
- (2) No wind turbines shall have any text, sign or logo shall be displayed on any external surface of the wind turbines, save those required by law under other legislation.
- (3) Thereafter, the wind turbines shall be installed and operate in accordance with these approved details and, with reference to part (b) above, the wind turbines shall be maintained in the approved colour, free from rust, staining or discolouration until such time as the wind farm is decommissioned.
- (4) All cables between the turbines and between the turbines and the control building on site shall be installed and kept underground.

Reason: To ensure the Planning Authority is aware of the wind turbine details and to protect the visual amenity of the area.

8. No anemometer, power performance mast, switching station, transformer building or enclosure, ancillary building or above ground fixed plant shall display any name, logo, sign or advertisement (other than health and safety signage) unless and until otherwise approved in writing by the Planning Authority.

Reason: in the interests of the visual amenity of the area.

9. (1) No development shall commence on the sub-station unless and until final details of the external appearance, dimensions, and surface materials of the substation building, associated compounds, construction compound boundary fencing, external lighting and parking areas have been submitted to, and approved in writing by, the Planning Authority.
- (2) The substation building, associated compounds, fencing, external lighting and parking areas shall be constructed in accordance with the details approved under paragraph (1).

Reason: To safeguard the visual amenity of the area.

Commissioning

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(1) The Development will be decommissioned and will cease to generate electricity by no later than the date thirty five years from the date of Final Commissioning. The total period for restoration of the Site in accordance with this condition shall not exceed three years from the date of Final Decommissioning without prior written approval of the Scottish Ministers in consultation with the Planning Authority.

(2) No development shall commence unless and until a decommissioning, restoration and aftercare strategy has been submitted to, and approved in writing by, the Planning Authority (in consultation with NatureScot and SEPA). The strategy shall outline measures for the decommissioning of the Development and restoration and aftercare of the site, and shall include proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions.

(3) Not later than 2 years before decommissioning of the Development or the expiration of this consent (whichever is the earlier), a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted for the written approval of the Planning Authority in consultation with NatureScot and SEPA. The detailed decommissioning, restoration and aftercare plan shall provide updated and detailed proposals, in accordance with relevant guidance at that time, for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include (but is not limited to):

a) site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);

b) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;

c) a dust management plan;

d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;

e) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;

f) details of measures for soil storage and management;

g) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;

h) details of measures for sewage disposal and treatment;

i) temporary site illumination;

j) the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;

k) details of watercourse crossings; and

l) a species protection plan based on surveys for protected species (including birds) carried out no longer than eighteen months prior to submission of the plan.

(4) The Development shall be decommissioned, the site restored and aftercare undertaken in accordance with the approved plan.

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

11

The Company shall, at all times after the Date of First Commissioning, record information regarding the monthly supply of electricity to the national grid from the site as a whole and electricity generated by each individual turbine within the Development and retain the information for a period of at least 12 months. The information shall be made available to the Planning Authority within one month of any request by them. In the event that:

a) any one or more of the wind turbine generators hereby permitted cease to export electricity to the grid for a continuous period of 6 months, unless otherwise agreed in writing with the Planning Authority, then a scheme shall be submitted to the Planning Authority for its written approval within 3 months from the end of that 6 month period for the repair or removal of those turbines. The scheme shall include either a programme of remedial works where repairs to the relevant turbine(s) are required, or a programme for removal of the relevant turbine(s) and associated above ground works approved under this permission and the removal of the turbine foundations to a depth of at least 1 metre below ground and for site restoration measures following the removal of the relevant turbine(s). The scheme shall thereafter be implemented in accordance with the approved details and timetable;

b) 6 or more of the wind turbine generators hereby permitted cease to export electricity to the grid for a continuous period of 12 months, unless otherwise agreed in writing with the Planning Authority, then a scheme shall be submitted to the Planning Authority for its written approval within 3 months of the end of that 12 month period for either the repair of those

turbines, including a programme of remedial works, or decommissioning of the development in accordance with Condition 11. The approved scheme shall then be implemented in accordance with the programme contained therein.

12 . (1) No development shall commence unless and until a bond or other form of financial guarantee in terms reasonably acceptable to the Planning Authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations referred to in Condition 11 is submitted to the Planning Authority.

(2) The value of the financial guarantee shall be agreed between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations referred to in condition 11,

(3) The financial guarantee shall be maintained in favour of the Planning Authority until the date of completion of all decommissioning, restoration and aftercare obligations referred to in Condition 11.

(4) The value of the financial guarantee shall be reviewed by agreement between 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 decommissioning, restoration and aftercare obligations and best practice prevailing at the time of each review.

Reason: to ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the Company.

13 . (1) The wind turbines hereby permitted, shall be erected in the locations shown on Figure 3.0

(2) Wind turbines, buildings, masts, 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 ECoW, micrositing is subject to the following restrictions:

a) the wind turbines and other infrastructure hereby permitted may be microsited within 50 metres save that no wind turbine or other infrastructure may be micro-sited to less than 50 metres from surface water features.

(3) A plan showing the final position of all wind turbines buildings, masts, areas of hardstanding, tracks and associated infrastructure forming part of the Development shall be submitted to the Planning Authority within one month of the completion of the Development works. The plan shall also specify areas where micrositing has taken place and, for each instance, be accompanied by copies of the Environmental Clerk of Works ("ECoW") or

Planning Authority's approval, as applicable.

Reason: To enable necessary minor adjustments to the position of the wind turbines and other infrastructure to allow for site-specific conditions while maintaining control of environmental impacts and taking account of local ground conditions.

Construction Phase and Access

14 (1) No development shall commence unless and until a scheme for the working and restoration of each borrow pit has been submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA). The scheme shall include:

a) detailed working method statement based on site survey information and ground investigations;

b) details of the handling of any overburden (including peat, soil and rock);

c) drainage measures, including measures to prevent surrounding areas of peatland, water dependant sensitive habitats and Ground Water Dependent Terrestrial Ecosystems (GWDTE) from drying out;

d) a programme of implementation of the works described in the scheme; and

e) details of the reinstatement, restoration and aftercare of the borrow pit(s) to be undertaken at the end of the construction period, including topographic surveys of pre-construction profiles and details of topographical surveys to be undertaken of the restored borrow pit profiles.

(2) The approved scheme shall be implemented in full.

Reason: To ensure that excavation of materials from the borrow pits is carried out in a manner that minimises the impact on road safety, amenity and the environment, and to secure the restoration of borrow pits at the end of the construction period.

15 Blasting shall only take place on the site between the hours of 07.00 to 19.00 on Monday to Friday inclusive and 07.00 to 13.00 on Saturdays, with no blasting taking place on a Sunday or on a Public Holiday.

Reason: To ensure that blasting activity is carried out within defined timescales to control impact on amenity.

16 (1) No development shall commence unless and until the terms of appointment of an independent Ecological Clerk of Works ("ECoW") by the Company have been submitted to, and approved in writing by the Planning Authority (in consultation with NatureScot and SEPA). The terms of appointment shall:

a) Impose a duty to monitor compliance with the ecological, ornithological

and hydrological commitments provided in the Environmental Impact Assessment Report May 2022 and the Construction Environmental Management Plan, Peat Management Plan, Habitat Management Plan, Species Protection Plan, Bird Protection Plan, Water Quality Management Plan and other plans approved in terms of the conditions of this permission ("the ECoW Works");

b) Advise on micro-siting proposals issued pursuant to Condition 14;

c) Require the ECoW to report to the nominated construction project manager any incidences of non-compliance with the ECoW Works at the earliest practical opportunity and stop the job where any breach has been identified until the time that it has been reviewed by the construction project manager; and

d) Require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW Works at the earliest practical opportunity

(2) The ECoW shall be appointed on the approved terms during the establishment of the Habitat Management Plan and throughout the period from Commencement of Development to completion of post construction restoration works".

(3) No later than eighteen months prior to decommissioning of the Development or the expiry of the Section 36 consent (whichever is the earlier), details of the terms of appointment of an ECoW by the Company throughout the decommissioning, restoration and aftercare phases of the Development shall be submitted for the written approval of the Planning Authority.

(4) The ECoW shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the Development.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development during the decommissioning, restoration and aftercare phases.

17

No development shall commence unless and until a Construction Method Statement ("CMS") has been submitted to and approved in writing by the Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved CMS, subject to any variations approved in writing by the Planning Authority. The CMS shall include:

a) details of the phasing of construction works;

b) the formation of temporary construction compounds, access tracks and any areas of hardstanding;

c) details of the temporary site compound including temporary structures/buildings, fencing, parking and storage provision to be used in

- connection with the construction of the development;
- d) the maintenance of visibility splays on the entrance to the site;
 - e) the method of construction of the crane pads and turbine foundations;
 - f) the method of working cable trenches;
 - g) the method of construction and erection of the wind turbines;
 - h) a dust management plan;
 - i) pollution prevention and control statement: protection of the water environment, bunding of fuel storage areas, surface water drainage, sewage disposal and discharge of foul drainage;
 - j) details of water crossings;
 - k) temporary site illumination during the construction period;
 - l) details of the proposed storage of materials and soils and disposal of surplus materials;
 - m) details of timing of works;
 - n) details of surface treatments and the construction of all hard surfaces and access tracks between turbines and between turbines and other infrastructure;
 - o) details of routeing of onsite cabling;
 - p) details of emergency procedures and pollution response plans;
 - q) siting and details of wheel washing facilities;
 - r) cleaning of site entrances, site tracks and the adjacent public road and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the road;
 - s) details and a timetable for post construction restoration/reinstatement of the temporary working areas, and the construction compound;
 - t) working practices for protecting nearby residential dwellings, including general measures to control noise and vibration arising from on-site activities, shall be adopted as set out in British Standard 5228 Part 1: 2009;
 - u) location of fencing to be erected around Milton Township and the associated rig and furrow;
 - v) areas on site designated for the storage, loading, off-loading, parking and manoeuvring of heavy duty plant, equipment and vehicles;
 - w) details of the excavation, use and subsequent restoration of the

approved borrow pits;

x) a Site Waste Management Plan to include details of measures to be taken during the construction period to minimise the disturbance of soil and peat;

y) site specific details for management and operation of any concrete batching plant (including disposal of pH rich waste water and substances); and

z) details of watercourse crossings.

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Statement and supplementary information which accompanied the application, or as otherwise agreed, are fully implemented.

18 . No development shall commence unless and until a Construction Environmental Management Plan ("CEMP") outlining site specific details of all on-site construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling, has been submitted to and approved in writing by the Planning Authority. The CEMP shall include:

a) a peat management plan including peat slide hazard and risk assessment and emergency plans for peat slide;

b) a species protection plan;

c) a bird protection plan; and

d) a water quality management plan.

The Development shall be implemented thereafter in accordance with the approved CEMP unless otherwise approved in advance in writing by the Planning Authority.

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Impact Assessment Report March 2022 which accompanied the application, or as otherwise agreed, are fully implemented.

19 . Construction work which is audible from any noise-sensitive receptor shall only take place on the site between the hours of 0700 to 1900 on Monday to Friday inclusive and 0700 to 1300 on Saturdays, with no construction work taking place on a Sunday or on a Public Holiday. Outwith these specified hours, construction activity shall be limited to concrete pours, wind turbine erection and delivery, maintenance, emergency works, dust suppression, and the testing of plant and equipment.

Reason: In the interests of amenity to restrict noise impact and the protection of the local environment.

20 . No development shall commence unless and until a Traffic Management Plan ("TMP") has been submitted to and approved in writing by the Planning Authority. The approved TMP shall be carried out as approved in accordance with the timetable specified within the approved TMP. The TMP shall include proposals for:

a) the routing of construction traffic and traffic management including details of the capacity of existing bridges and structures along the abnormal load delivery route and a risk assessment;

b) scheduling and timing of movements;

c) the management of junctions to and crossings of the public highway and other public rights of way;

d) any identified works to accommodate abnormal loads (including the number and timing of deliveries and the length, width and axle configuration of all extraordinary traffic accessing the site) along the delivery route including any temporary warning signs;

e) temporary removal and replacement of highway infrastructure/street furniture;

f) details of all signage and lining arrangements to be put in place and the reinstatement of any signs, verges or other items displaced by construction traffic;

g) banksman/escort details;

h) a procedure for monitoring road conditions and applying remedial measures where required as well as reinstatement measures; and

i) a timetable for implementation of the measures detailed in the TMP;

j) Provisions for emergency vehicle access; and

k) Identification of a nominated person to whom any road safety issues can be referred.

Reason: In the interests of road safety and to ensure that abnormal loads access the site in a safe manner.

21 . No development shall commence on site until a detailed scheme for the following mitigation (including scale plans as necessary), inclusive of timescales for delivery has been submitted to, and approved in writing by, the Planning Authority, in consultation with the Roads Authority and Transport Scotland:

i. A detailed design of the main site access junction onto the B9007

- public road.
- ii. A detailed scheme for the modifications required to the A95 / A839 junction to accommodate the delivery of turbine components.

Unless otherwise agreed with the Council, the proposed mitigation works shall be subject to a combined Stage 1/Stage 2 Road Safety Audit in accordance with the Design Manual for Roads and Bridges. Thereafter the upgrades and other work approved under parts i-iv above shall be completed to the satisfaction of the Planning Authority and the Roads Authority before commencement of construction, or as otherwise agreed in writing with the Planning Authority.

Reason: In order to secure a proportionate level of road mitigation works to safeguard the local road network and local communities due to the increased numbers of HGV and workers traffic which will be generated

- 22 .
- No development shall commence unless and until an Access Management Plan ("AMP") has been submitted to and agreed in writing by the Planning Authority. The AMP should ensure that public access is retained in the vicinity of the Tom Na Clach Extension Wind Farm during construction, and thereafter that suitable public access is provided during the operational phase of the wind farm. The plan as agreed shall be implemented in full.

Reason: In order to safeguard public access both during and after the construction phase of the development.

Natural Heritage

- 23 ..
- Floating roads shall be installed in areas where peat depths are in excess of 1 metre. Prior to the installation of any floating road, the detailed location and cross section of the floating road to be installed shall be submitted to and approved in writing by the Planning Authority. The floating road shall then be implemented as approved.

Reason: To ensure peat is not unnecessarily disturbed or destroyed.

- 24 .
- (1) No development shall commence unless and until a Habitat Management Plan ("HMP"), which will include the mitigation measures described within the Environmental Impact Assessment Report March 2022, has been submitted to, and approved in writing by the Planning Authority in consultation with NatureScot, and SEPA,

(2) The HMP shall set out proposed habitat management of the site during the period of construction, operation, decommissioning, restoration and aftercare, and shall provide for the maintenance, monitoring and reporting of habitat on site and ensure that biodiversity enhancement of 10% above the existing baseline is achieved and there is no conflict with the aims of the Tom Nan Clach Wind Farm HMP.

(3) The HMP shall 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 shall be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Commissioning and submitted for the written approval of the Planning Authority in consultation with NatureScot and SEPA.

(4) Unless and until otherwise agreed in advance in writing with the Planning Authority, the approved HMP (as amended from time to time) shall be implemented in full.

Reason: In the interests of good land management and the protection of habitats.

25

No development shall commence unless and until surveys have been carried out at an appropriate time of year for the species concerned, by a suitably qualified person, comprising:

a) otter surveys at watercourses and adjacent suitable habitats and within a 250m radius of each wind turbine and associated infrastructure;

b) water vole surveys at watercourses and adjacent suitable habitats up to 200m upstream and downstream of watercourse crossings;

c) pine marten surveys at suitable habitats prior to tree felling, vegetation removal and dismantling of log and rubble piles;

d) red squirrel surveys at suitable habitats prior to tree felling, vegetation removal and dismantling of log and rubble piles;

e) bat surveys between May and September to include surveys at all structures within 30m of proposed works;

e) breeding bird surveys, particularly for wader and raptors, of any land upon which construction takes place, plus an appropriate buffer as agreed with the ECoVV to identify any species within disturbance distance of construction activity (only required if construction work is carried out during the bird breeding season from 15 March to 31 August inclusive);

f) electrofishing surveys of all watercourses on the site.

g) badger and wildcat surveys at suitable habitats and within 30m of each wind turbine and associated infrastructure.

The survey results and any mitigation measures required for these species on site shall be set out in a species mitigation and management plan, which shall inform construction activities. No development shall commence unless and until the plan is submitted to and approved in writing by the Planning Authority and the approved plan shall then be implemented in full.

Reason: In the interests of nature conservation.

26 . No development shall commence unless and until the Company has secured the full implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation ("WSI") which has been submitted to and approved in writing by the Planning Authority. This written scheme shall include the following components:

a) an archaeological evaluation to be undertaken in accordance with the agreed WSI; and

b) an archaeological recording programme the scope of which will be dependent upon the results of the evaluation and will be in accordance with the agreed WSI.

Reason: To protect and/or record features of archaeological importance on this site.

27 No development shall commence unless and until the Company has appointed an independent and suitable qualified geotechnical engineer as a Geotechnical Clerk of Works ("GCoW"), the terms of whose appointment (including specification of duties and duration of appointment) shall be approved by the Planning Authority. The terms of the appointment shall impose a duty to monitor compliance with the Peat Management Plan referred to at condition 19(a).

Reason: To ensure a satisfactory level of environmental protection.

Aviation

28 . No turbine shall be erected until a scheme for aviation lighting for the wind farm consisting of Ministry of Defence accredited infra-red aviation lighting has been submitted to and approved in writing by the Planning Authority in consultation with the MoD. The turbines shall be erected with the approved lighting installed and the lighting shall remain operational throughout the duration of the permission.

For the avoidance of doubt if the scheme includes visible aviation lighting for reasons of aviation safety, the scheme shall be supported by an assessment of impact of visible aviation lighting in hours of darkness.

No lighting other than that described in the scheme may be applied at the Site, other than as required for health and safety, unless otherwise approved in advance and in writing by the planning authority.

Reason: In the interests of aviation safety.

29 . No development shall commence unless and until the Company has provided the Planning Authority, Ministry of Defence, Defence Geographic Centre and National Air Traffic Services ("NATS") with the following information, and has provided evidence to the Planning Authority of having done so:

- a) the date of the expected commencement of each stage of construction;
- 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 wind turbines and masts in latitude and longitude.

Reason: In the interests of aviation safety.

Water and Drainage

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

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

Monitoring

- 31 . There shall be no Commencement of Development until the planning authority has approved in writing the terms of appointment by the Company of an independent and suitably qualified environmental consultant to assist the planning authority in monitoring compliance with the terms of the deemed planning permission and conditions attached to this consent ("PMO") for the period between commencement of development and completion of post-construction restoration works. The terms of appointment shall;

- a. Impose a duty to monitor compliance with the terms of the deemed planning permission and conditions attached to thereto;
- b. Require the PMO to submit a quarterly report to 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 terms of the terms of the deemed 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 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.

- 32 . No development shall commence on site until the membership of a Local Liaison Group including representatives of the applicant, the contractor who are constructing the proposed development, the community council's affected by transportation of turbine components and representatives of The Highland Council, has been agreed in writing by the Planning Authority.

Reason: To effectively control the impacts of this development in the interests of amenity.

- 33 No development shall commence until a detailed scheme for all water course crossings has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. For the avoidance of doubt the scheme shall include provision for single span bridge crossing of the Allt Carn an t-Sean-liathanaich and that all other watercourse crossings are provided bottomless culverts. Thereafter the approved scheme shall be implemented prior to operation of the development.

Reason: in the interest of protection of the water environment and to mitigate against flood risk.

- 34 . The rating level of noise emissions from the combined effects of the wind turbines comprising the Tom Na Clach Extension wind farm, when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to these conditions at any dwelling which is lawfully existing or has planning permission at the date of this permission and:

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

(b) No electricity shall be exported until the wind farm operator has submitted to the planning authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the planning authority.

(c) Within 21 days from receipt of a written request from the planning authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the planning authority to assess the level of noise emissions from the wind farm at the complainant's property in accordance with the procedures described in the attached

Guidance Notes. The written request from the planning authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the planning authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

(d) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the planning authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limits set out in the Tables attached to these conditions or approved by the planning authority pursuant to paragraph (f) of this condition shall be undertaken at the measurement location approved in writing by the planning authority.

(e). Prior to the submission of the independent consultant's assessment of the rating level of noise emissions pursuant to paragraph (g) of this condition, the wind farm operator shall submit to the planning authority for written approval a proposed assessment protocol setting out the following:

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

ii. A reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the information provided in the written request from the planning authority under paragraph (c), 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 emissions shall be undertaken in accordance with the assessment protocol approved in writing by the planning authority and the attached Guidance Notes.

(f). Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the planning authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The rating level of noise emissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the planning authority for the complainant's dwelling.

(g). The wind farm operator shall provide to the planning authority the

independent consultant's assessment of the rating level of noise emissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the planning authority made under paragraph (c) of this condition unless the time limit is extended in writing by the planning authority. All data collected for the purposes of undertaking the compliance measurements shall be made available to the planning authority on the request of the planning authority. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the planning authority with the independent consultant's assessment of the rating level of noise emissions.

(h). Where a further assessment of the rating level of noise emissions from the wind farm is required pursuant to Guidance Note 4(c), 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 (d) above unless the time limit has been extended in writing by the planning authority.

Table 1 —Noise limits expressed in dB LA90,10minute as a function of the measured wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

Location	Easting	Northing	Noise Limits (dB La90)
Ballachrochin	284705	836821	37
Balvraid Lodge	282934	831420	29
Daless	286062	838501	34
Quilichan	285458	837820	35
Ruthven	281700	833091	29

Guidance Note 1

(a) Values of the LA90,10 minute noise statistic should be measured at the complainant's property, 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 in accordance with the procedure specified in BS4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in

accordance with Guidance Note 3.

(b) The microphone should 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 Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should 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 Company shall submit for the written approval of the Planning 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 LA90,10 minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.

(d) To enable compliance with the conditions to be evaluated, the Company shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, such as direct measurement at a height of 10 metres, this wind speed, averaged across all operating wind turbines, and corrected to be representative of wind speeds measured at a height of 10m, shall be used as the basis for the analysis. It is this 10 metre height wind speed data, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter.

(e) Data provided to the Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.

(f) A data logging rain gauge shall be installed in the course of the assessment of the levels 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).

Guidance Note 2

(a) The noise measurements shall be made so as to provide not less than 20 valid

data points as defined in Guidance Note 2 (b)

(b) Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (d) of the noise condition, but

excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1. In specifying such conditions the Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.

(c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90,10 minute noise measurements and corresponding values of the 10- minute 10- metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the 10- metre height mean wind speed on the Xaxis. 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) should be fitted to the data points and define the wind farm noise level at each integer speed.

Guidance Note 3

(a) Where, in accordance with the approved assessment protocol under paragraph (d) of the noise condition, 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 is to be calculated and applied using the following rating procedure.

(b) For each 10 minute interval for which LA90,10 minute data have been determined as valid in accordance with Guidance 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, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.

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

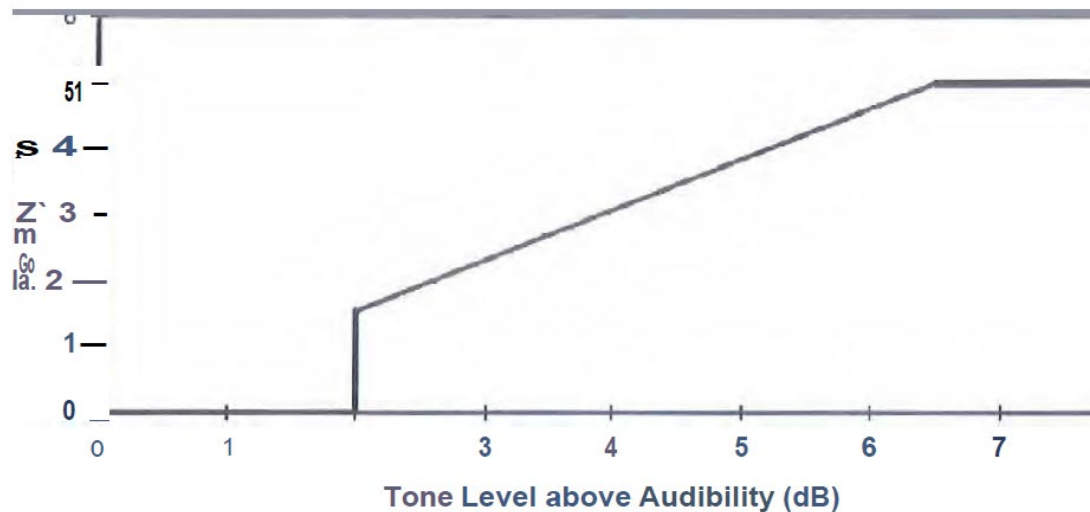
(d) The tone level above audibility shall be plotted against wind speed for each of the 2 minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be used.

(e) A least squares "best fit" linear regression line 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 at 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 Guidance Note 2.

(f) The tonal penalty is derived from the margin above audibility of the tone according

to the figure below.



Guidance Note 4

(a) If a tonal penalty is to be applied in accordance with Guidance 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 Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Planning Authority in its written protocol under paragraph (d) of the noise condition.

(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 Guidance Note 2.

(c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (e) of the noise condition, 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 Company 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:

(e) Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range requested by the Planning Authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise condition.

(f) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

$$= 10 \log[10^{L_2} - 10^{L_3}]$$

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

(h) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note 3 above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then the development fails to comply with the conditions.

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

Signature: David Mudie
Designation: Area Planning Manager South
Author: Simon Hindson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Layout Plan

Appendix 2 – Visual Assessment Appraisal (Operational only)

Viewpoint	Applicant / THC	Sensitivity	Magnitude of Change	Level of Effect	THC Notes
VP1 – Balvraid Lodge (4.07km)	Applicant	Medium-high	Negligible	Not Significant	Representative of views experienced by residential receptors. There is limited views toward the turbines from this location due to topographic and forestry screening. T5 is the only tip that would be perceptible from this VP. Removal of the turbine would remove all visibility of the development from this location.
	THC	Medium-high	Negligible	Not Significant	
VP2 – Carn Glas Choire (5.78km)	Applicant	Medium-high	Medium-low	Significant	Representative of views experienced by recreational users of the outdoors on the edge of the Cairngorms National Park. Not as contained by landform as the original scheme with T1, T2, T3, and T6 extending out. T5 is a bit problematic due to its prominence but T2 and T6 more of an issue from here due to the horizontal extent it creates.
	THC	Medium-high	Medium-low	Significant	
VP3 – Ptarmigan Lodge (32.53km)	Applicant	Medium-high	negligible	Not Significant	Representative of views experienced by recreational users of the outdoors. While T5 appears as an outlier from this view the impact of the development is mitigated by distance.
	THC	Medium-high	negligible	Not Significant	
VP4 – Creagan a Chaise, Hills of Cromdale (25.83km)	Applicant	Medium-high	Low	Not Significant	Representative of r views experienced by ecreational users of the outdoors. The design of the development does not appear as cohesive as from other views with T5 appearing as an outlier and T1 & 2 appearing to be lower down the hill than others within the scheme.
	THC	Medium-high	Low	Not Significant	
VP5 – Minor Road north of Drynachan (5.61km)	Applicant	Medium	Medium-low	Not Significant	Representative of views experienced by road users. T5 sits with original scheme. T2 and 6 appearing outwith the extent of the existing range of visible turbines and somewhat incongruous.
	THC	Medium	Medium-low	Not Significant	
VP6 – B9007 near	Applicant	Medium - high	Medium-low	Not Significant	Representative of views experienced by road users. T5 sticks up above other turbines, Horizontal extent is increased moderately

Viewpoint	Applicant / THC	Sensitivity	Magnitude of Change	Level of Effect	THC Notes
Lochindorb (7.97km)	THC	Medium - high	Medium	Not Significant	beyond baseline and as a result it is considered that the magnitude of change would be medium not medium-low as proposed by the applicant. If further north on the route, one would be looking directly at the scheme and there may be a greater effect.
VP7 – Geal Charn Mor, Monadhliath (22.01km)	Applicant	Medium - high	Low	Not Significant	Representative of views experienced by recreational users of the outdoors. Only tips of turbines would be visible with the exception of T5 but that could be considered in context of existing scheme.
	THC	Medium - high	Low	Not Significant	
VP8 – A9 north of Tomatin Junction	Applicant	Medium	Low	Not Significant	Representative of views experienced by road users. T5 is prominent on the skyline and does not appear related to the rest of the development.
	THC	Medium	Low	Not Significant	
VP9 – Meall a' Bhuachaille (25.99km)	Applicant	Medium - high	Negligible	Not Significant	Representative of recreational users of the outdoors. Only tip of turbine 5 but that could be considered in context of existing scheme.
	THC	Medium - high	Negligible	Not Significant	
VP10 – A9 River Findhorn Bridge (7.21km)	Applicant	Medium	Low	Not significant	Representative of views experienced by road users. The proposed development sits in the context of the existing operational wind farm, albeit T5 is prominent on the skyline and does not appear related to the rest of the development.
	THC	Medium	Low	Not significant	
VP11 – Blackfold, near Dochgarroch (27.16km)	Applicant	Medium / Medium-low	Negligible	Not significant	Representative of views experienced by residential receptors. Given the intervening distance it is not considered that receptors here would be adversely affected.
	THC	Medium / Medium-low	Negligible	Not significant	

Viewpoint	Applicant / THC	Sensitivity	Magnitude of Change	Level of Effect	THC Notes
VP12 – Gorton Hill (15.21km)	Applicant	Medium-high	Low	Not significant	Representative of views experienced by recreational users of the outdoors. T5 is more prominent than the remainder of the development. The difference in scale of the turbines may be noticeable from this location.
	THC	Medium-high	Low	Not significant	
VP13 – A939 at Milestone (12.85km)	Applicant	Medium	Low	Not Significant	Representative of views experienced by road users. The development extends the horizontal array of turbine development beyond the baseline with T5, T6 and T7 not appearing as part of a cohesive grouping of turbines.
	THC	Medium	Low	Not Significant	
VP14 - Shore Road Lochindorb 1 (11.65km)	Applicant	Medium-high	Medium-low	Not Significant	Representative of views experienced by road users and recreational users around Lochindorb. Extends the scheme horizontally resulting in a medium rather than medium-low magnitude of change. However, it is considered a logical design and contained by landforms either side. Here T5 holds the scheme together and if removed would make T7 very problematic as an outlier from the remainder of the development.
	THC	Medium-high	Medium	Not Significant	
VP15 - Shore Road Lochindorb 1 (11.23km)	Applicant	Medium-high	Medium-low	Not Significant	Representative of views experienced by road users and recreational users around Lochindorb. Same effects as at VP14. Extends the scheme horizontally resulting in a medium rather than medium-low magnitude of change. However, it is considered a logical design and contained by landforms either side. Here T5 holds the scheme together and if removed would make T7 very problematic as an outlier from the remainder of the development.
	THC	Medium-high	Medium	Not Significant	
VP16 – Creag Ealraich (8.57km)	Applicant	Medium-high	Low	Not Significant	Representative of views experienced by recreational users of the outdoors. The development appears appropriately sited and designed from this viewpoint.
	THC	Medium-high	Low	Not Significant	
VP17 – Dava Way (14.56km)	Applicant	Medium-high	Low	Not Significant	Representative of views experienced by recreational users of the outdoors. The proposed horizontal extent of wind energy development is extended by the proposed development but due to intervening distance this is not considered problematic.
	THC	Medium-high	Low	Not Significant	

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

Turbines are not visually prominent in the majority of views within or from settlements/key locations or from the majority of its access routes.

As demonstrated by the ZTV and the visual impact assessment contained within the EIAR the turbines would not be visually prominent in the majority of views within or from main settlements, key locations or access routes within the study area.

There would be greater effects from some of the closer range viewpoints which are located in proximity of the development. It is not however, considered that the scheme would result in encirclement of these routes or lead to the perception that one is travelling through or toward an area dominated by wind energy development. There is however a risk if other development is brought forward in the area that Lochindorb itself may be perceived as being encircled by wind energy development.

The proposed development is considered to generally meet the threshold of Criterion 1, however it is acknowledged that there are some localised sections of the routes around Lochindorb where it is not met.

Criterion 2 is related to the extent to which the proposal reduces or detracts from the transitional experience of key Gateway Locations and routes.

Wind Turbines or other infrastructure do not overwhelm or otherwise detract from landscape characteristics which contribute the distinctive transitional experience found at key gateway locations and routes.

The applicants' assessment has concluded that there are no key gateways or important areas of landscape transition identified in the EIAR. As such the proposed development would not detract significantly from any locations which may be considered important gateways.

The roads across the Dava Moor are however considered by the Council to be part of a transition and journey through tranquil and remote areas. The siting, location and design of the proposed development is unlikely to reduce or detract from the transitional experience of this route beyond the effect of the operational Tom Nan Clach Wind Farm.

The proposed development meets the threshold of Criterion 2.

Criterion 3 is related to the extent to which the proposal affects the fabric and setting of valued natural and cultural landmarks

The development does not, by its presence, diminish the prominence of the landmark or disrupt its relationship to its setting.

There will be effects on the Special Landscape Area, however due to the siting and design of the development it is not likely to extend beyond the baseline of wind energy development comprising of the operational Tom Nan Clach Wind Farm.

There would be impacts on the setting of Lochindorb Castle, which is a scheduled monument. Rather than being a new impact it is considered that the impact is a result of the operational development and is therefore the intensification of an existing impact.

As with any scheme of this nature and scale, there will be significant effects, however, considering the existing baseline, the effects are considered to be acceptable. The proposed development meets the threshold of Criterion 3 with some localised impacts.

Criterion 4 is related to the extent that the amenity of key recreational routes and ways is respected by the proposal.

Wind Turbines or other infrastructure do not overwhelm or otherwise significantly detract from the visual appeal of key routes and ways.

It is not considered that the proposed development would significantly impact the visual appeal of key recreational routes and ways, however there would be some localised effects on routes around Lochindorb and for routes of recreational users of the outdoors across Lochindorb. The visual effects are not considered significant and would not dominate or overwhelm the key focus or attractions along these routes. It is considered that the criterion is met.

Criterion 5 is related to the extent to which the proposal affects the amenity of transport routes.

Wind Turbines or other infrastructure do not overwhelm or otherwise significantly detract from the visual appeal of transport routes.

The location and topography allows for significant the screening from the main transport routes within the study area. However, there will be views toward the scheme when travelling on the minor roads around Lochindorb and the B9007. It is considered that there would be sequential impacts, from these routes. Although visual effects are identified within the EIAR from these routes with views of the development on the hills, these are not considered to overwhelm or otherwise significantly detract from the visual appeal of transport routes from most viewpoints beyond the existing baseline of development in the form of Tom Nan Clach Wind Farm.

The criterion is met for the routes as a whole but there will be localised effects

Criterion 6 is related to the degree to which the proposal fits with the existing pattern of nearby wind energy development.

The proposal contributes positively to existing pattern or objectives for development in the area.

There is not a clear pattern of wind energy development in the area, either in terms of location or scale of development.

The criterion is met.

Criterion 7 relates to the extent to which the proposal maintains or affects the spaces between existing developments and/ or clusters

The proposal maintains appropriate and effective separation between developments and/ or clusters.

However, if the Lethen Wind Farm is consented this may have an adverse effect in combination with the proposed development when considered against this criteria as it may make the proposed development appear closer to the loch side.

The criterion is met.

Criterion 8 relates to the extent that the proposal maintains or affects receptors' existing perception of landscape scale and distance.

The proposal maintains the apparent landscape scale and/or distance in the receptors' perception.

It is considered that the proposed development would not adversely affect the receptors' existing perception of landscape scale and distance, being located within a suitably large scale landscape and designed to appear as a logical extension to the existing wind farm, set back from the defining edges of the narrow valleys which bound the host LCT. From the majority of the viewpoints there will not be an effect on the perception of scale and distance given the close relationship between the existing and proposed development despite the changes in scale. As such the criterion is met.

Criterion 9 is related to the extent to which the landscape setting of nearby wind energy developments is affected by the proposal.

The proposal relates well to the existing landscape setting and does not increase the perceived visual prominence of surrounding wind turbines.

The proposal relates well to the existing landscape setting of Tom Nan Clach Wind Farm and does not significantly increase the perceived visual prominence of surrounding wind

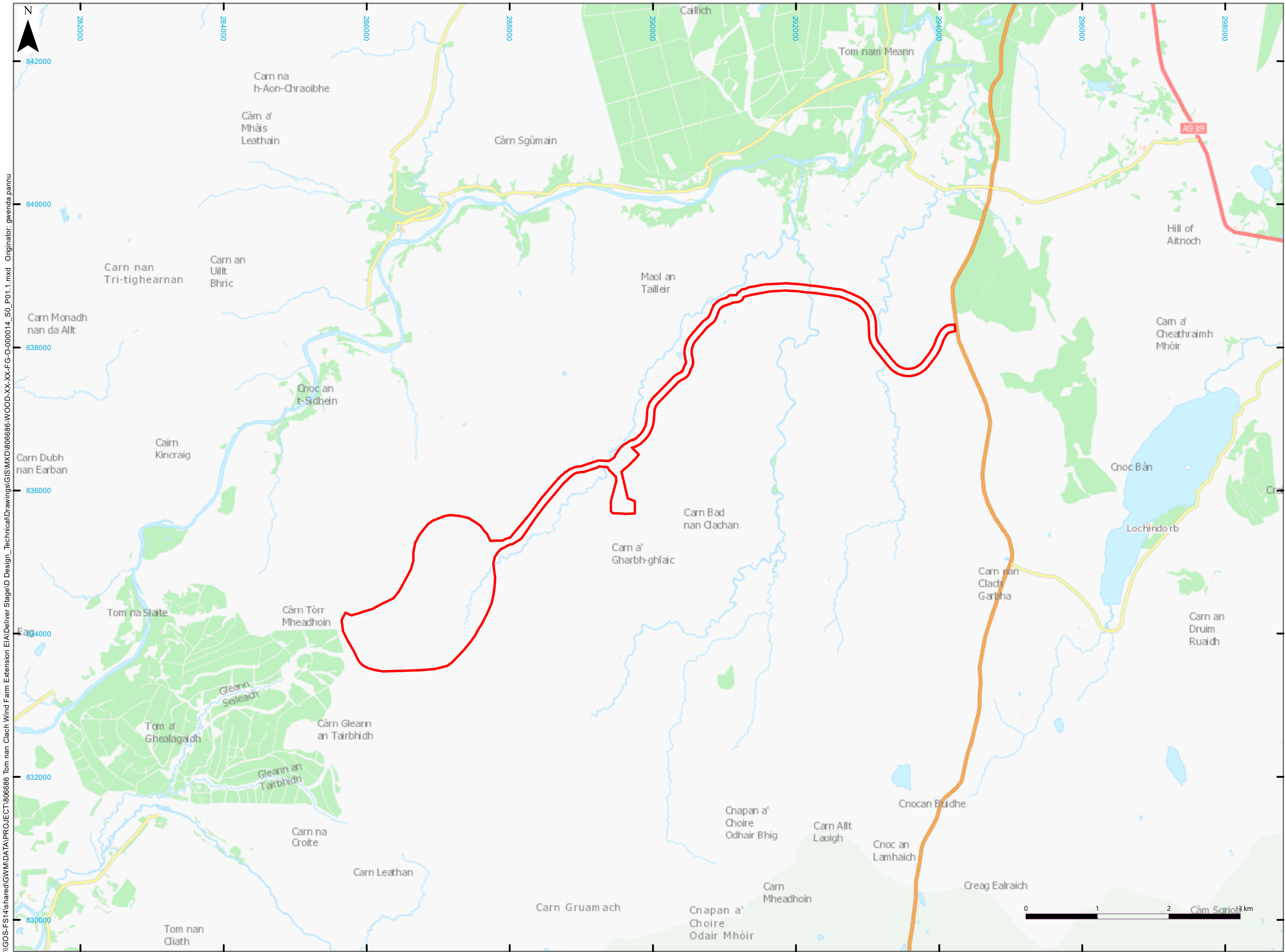
turbines. The perception of landscape scale and distance is respected from most viewpoints and the turbines do not overwhelm the view. It is considered that the LCT has the capacity to absorb the proposed turbines given their relationship with the operational wind farm and the scale of the turbines. The threshold is met.

Criterion 10 is related to distinctiveness of landscape character.

Integrity and variety of Landscape Character Areas are maintained.

There will be some localised adverse effects on the host LCT (Upland Rolling Moorland), however these effects are not considered to significantly affect key characteristics of the LCT or the experience from within the LCA. Furthermore, the interplay of different LCAs which come together to form the local composite landscape character would not be undermined by the proposed development interrupting the relationship between them.

The criterion is met.



Legend:

- Site boundary

Title:
Proposed Development Site Location

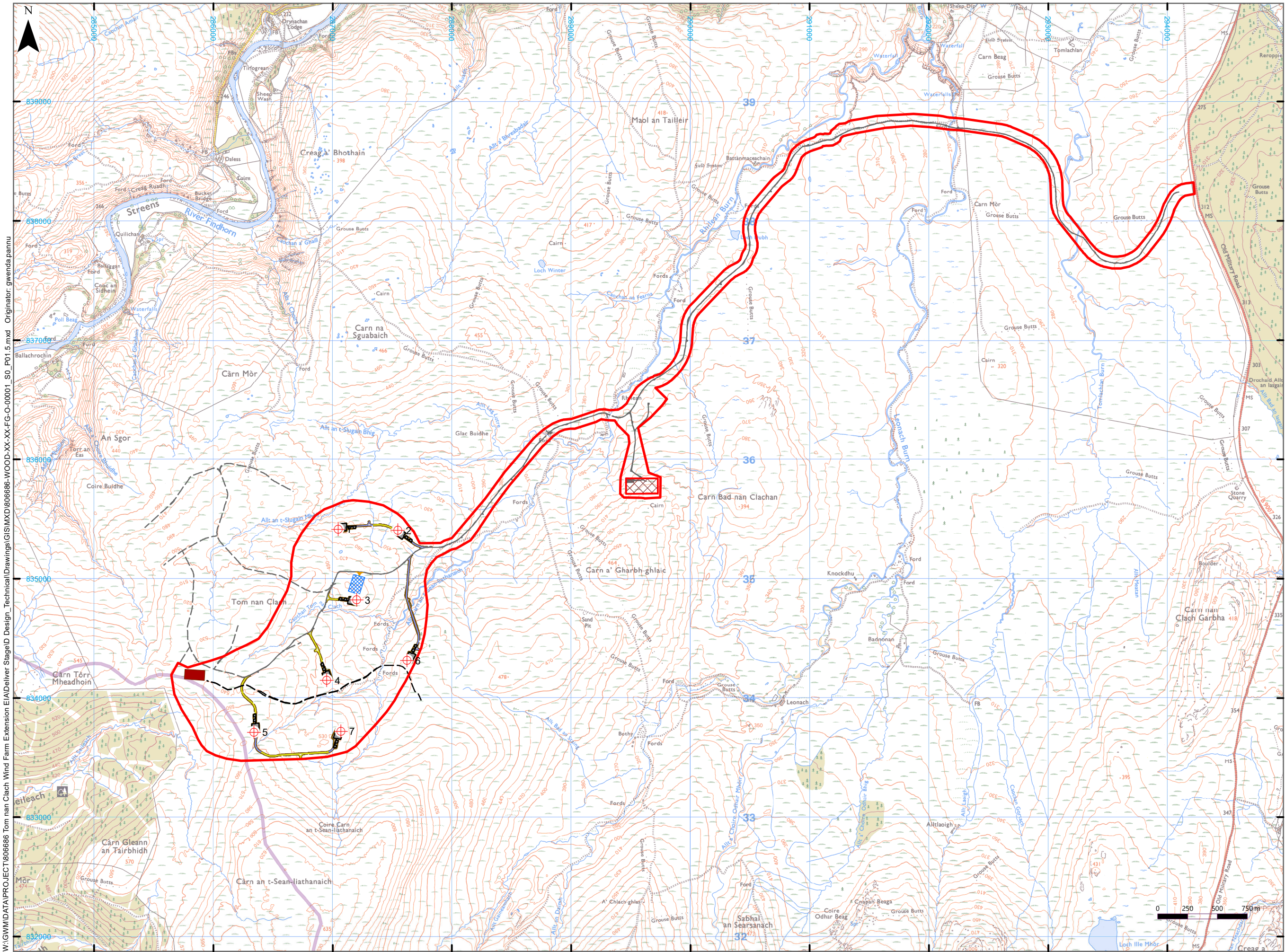
Project:
Tom na Clach Wind Farm Extension

Source:
Contains OS data © Crown copyright and database rights 2020

Client:
Infinergy

Drawn by: panng	Checked: hughg
Date: February 2022	Figure: 1.0
Scale: 1:50,000	Revision No: P01.1

Figure 3.0: Site Layout



- Legend:**
- Site boundary
 - + Turbine location
 - Indicative Borrow Pit
 - Proposed Substation
 - Track to Construction Compound V2
 - TNCX Crane Pads
 - Construction_Compound V2
 - Existing Access Tracks
 - Existing 33kV Cable Route
 - Existing Internal Tracks
 - TNCX Access Tracks Floating New
 - New Access Tracks
 - TNCX Earthworks New

Title:
Site Layout

Project:
Tom na Clach Wind Farm Extension

Source:
© Crown copyright and database rights 2019 Ordnance Survey 0100031673

Client:
Infinergy

Drawn by: panng	Checked: hughg
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Date: February 2022	Figure: 3.0
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Scale: 1:30,000	Revision No: P01.5
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