Agenda Item	**6.1**
Report No	**PLS-46-23**

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 23 August 2023

Report Title: 21/05946/S36: Fred Olsen Renewables

Land 4700M NW Of Gamekeepers Cottage, Nairn

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Lethen Wind Farm - Erection and Operation of a Wind Farm for a period of 35 years, comprising of 17 Wind Turbines with a maximum blade tip height 185m, access tracks, borrow pits, substation, energy storage facility, control building, meteorological mast and ancillary infrastructure

Ward: 18 – Nairn and Cawdor

Development category: National Development (Section 36 Application)

Reason referred to Committee: National Development (Section 36 Application)

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 AN 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 Lethen Wind Farm and associated infrastructure. The application is for 17 wind turbines to be operated for a 35 year period, with all turbines having a maximum blade tip height of 185m. Based on the power rating of the proposed turbines the proposal has a maximum generating capacity of 102MW.

1.2 Key elements of the development, as described and assessed within the proposals and the Environmental Impact Assessment Report (EIAR) and Further Environmental Information (EIA FEI) include:

- 17 wind turbines of 185m height to blade tip (capable of generating approximately 6MW each), with internal transformers;
- Battery Energy Storage System (10MW generating capacity);
- turbine foundations;
- hard standing;
- 3 potential borrow pits
- substation and control building;
- 14.5km of new on site access tracks;
- 10 water course crossings; and
- underground cabling.

1.3 The proposed development will access the public road network via an existing access track constructed for the operational Tom Na Clach Wind Farm, which joins the local road network on the B9007. The preferred access strategy proposes that the port of entry for abnormal loads would be into Inverness Harbour, via the A9 to north of Aviemore, A95 to Dulnain Bridge, then westbound on the A938 and northbound on the B9007, with this routing also to be followed for all other construction related traffic.

1.4 A micro-siting allowance of 50m has been assumed by the applicant for the turbine locations, to accommodate unknown ground conditions. A micro-siting limit of no more than 50m can be conditioned. 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 Permission is sought to operate the windfarm for a 35 year period. 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 18 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. These events took place in August and September 2021 at village halls in Carrbridge and Lethen. 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 April 2020. At the time of the advice being sought, the proposal comprised of 23 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, as well as impacts on the historic environment. It was explained that should an application be made, it was unlikely that the Council would support the development proposal.

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 was initially consulted on the application, the applicant submitted Further Environmental Information (FEI) detailing response to the objections received from consultees. This notably included addressing changes the cumulative baseline, notably the Tom na Clach Wind Farm Extension, as well as the provision of updated visualisations and further peat related information. No fundamental changes were made to the development proposal.

2. SITE DESCRIPTION

2.1 The nearest main settlement is Grantown-on-Spey, located approximately 10km to the south east. The nearest roads are the B9007 that passes along the eastern boundary of the site and the A939, 5km further to the east and the A940, 7km to the north east.

2.2 The site is located in an area of open moorland, bounded to the east by the B9007 and to the west by the Leonach Burn, beyond which lies further moorland and Tom nan Clach Wind Farm which lies around 5km on more elevated ground further west.

The northern site boundary extends just beyond the established Tom nan Clach Wind Farm access track, with the application site's southern boundary following the broad alignment of a secondary southern existing access track. The site comprises an area of approximately 1,458 hectares (ha) of land and varies in topography, which when viewed in the landscape context, this moorland forms a broad bowl, being bounded by rising ground to the south and west, with the moorland appearing to flow down towards Lochindorb to the east.

2.3 At the more detailed site level, the northern part of the site is bound by the B9007 road to the east with the road being at a level of around 310m Above Ordnance Datum (AOD). From the road looking west the ground initially falls by around 50m to around 260m AOD at the Tomlachlan Burn which runs centrally through the site. The ground then rises back up to the west to around 320m AOD, before dropping slightly to 300m AOD along the western site boundary.

2.4 The southern part of the site is more screened from the B9007 roadside by the presence of rising ground and the eastern bluff of Carn nan Clach Garbha, which rises to around 420m AOD; beyond which the site levels again fall centrally within the site to a low point of around 290m AOD, with the ground gradually rising again slightly to the west and south to around 310m AOD, and to 360m AOD respectively.

2.5 There are a number of other watercourses which run across the site, all of which feed the River Findhorn which is a popular salmon and sea trout. The most prominent are the Tomlachlan Burn and Leonach Burn, the latter of which forms the western boundary of the site along with its tributary Allt a' Choire Odhair Bhig.

2.6 The bedrock within the site boundary is comprised primarily of psammite and sempipelite formations overlain with peat. The peat depths on the site vary between 0m to 3m. Most of the site infrastructure, including turbines, are however proposed to be located on shallow areas of peat of between 0 and 0.5m in depth. The proposed borrow pits are situated on western slopes within the site in areas not visible from the B9007, with one within the high point to the north west between turbines T4 and T6, and the other two on the southern bluff, close to the existing southern site access, part of which would be upgraded and extended to serve as a secondary site construction access.

2.7 The site is distant from nearby settlements and has a rural character with the nearby B9007, A939 and A940 being important transitional routes for the communities of Nairn and Forres, crossing the Dava Moor to join the A9 at Aviemore, with the A939 also forming part of the promoted 'Highland Tourist Route'. The site itself is also located close to Lochindorb Castle, which is a site of historical significance and is of recreational interest situated 3km to the east. Popular activities include water sports, fishing, and photography. Other key recreational interests in this area include mountaineering, walking, cycling, and birding. Current habitat use of the site and surrounding area is grouse moorland with some sheep grazing and as such, large areas of blanket and modified bog habitats have been actively drained, patches of heather are periodically burned and a low level of predator control is undertaken.

Environmental Designations and Habitats

2.8 The site does not form part of any statutory or non-statutory designated site for nature conservation. The nearest sites include the Allt a'Choire Special Area of Conservation (SAC), Site of Scientific Special Interest (SSSI), and Geological Conservation Review (GCR) site; and the Cain nan Tri-tighearnan SSSI, situated around 5km the west, with their qualifying interests (blanket bog and geological) remaining unaffected. The River Spey SAC is also located within 5km, however the proposed development site is not within its catchment. In terms of ornithological designations, there are several more distant sites with potential connectivity within a 25km radius. Of which, the six SPAs located within 10km to 20km of the site were scoped in for further assessment in the EIAR and subject to a shadow Habitats Regulations Assessment (HRA), with its qualifying interest being Capercaillie. These SPAs include: Darnaway and Lethen; Anagach Woods; Kinveachy Forest; Craigmore Wood; Abernethy Forest; and Cairngorms.

2.9 The habitats across the site have the potential to support protected species. The EIAR investigated the potential impact of the proposal on bats, otter, water vole, and deer. The site and surrounds have been surveyed for breeding birds and transient birds, with 26 protected bird species and/or birds of conservation concern being recorded in the vicinity, with potential impacts on 15 species taken forward within the EIA for further assessment.

2.10 The dominant habitats present across the site are identified as wet dwarf shrub heath and dry modified bog, with the site layout largely avoiding areas of blanket bog which is more extensive to the north west of the site near turbine T4.

Landscape Designations, Wild Land and Landscape Character

2.11 The site is not located within any international landscape designation. The nearest proposed turbine is situated 2.8km from the Cairngorms National Park (CNP) located to the south. Within the CNP there are two National Scenic Areas (NSA), with the Cairngorms Mountains NSA being located 19.5km to the south having been scoped into assessment within the EIAR. The proposal is also sufficiently distant from any Wild Land Areas and Gardens and Designed Landscapes, with the potential for any significant impacts on these interests having been scoped out / not been considered further within the EIAR.

2.12 The site is also located centrally within the regional Drynachan, Lochindorb and Dava Moor Special Landscape Area (SLA). This landscape comprises high rolling moorland, which has a consistency of character derived from gentle gradients, limited relief, and management of much of the area as grouse moor. Although this moorland is not as extensive as other moorlands further north, it is valuable for being located mid-way between a number of settlements and for being easily accessible via several roads which pass through the area. Elements of human intervention are evident within this landscape, most obviously in the form of tracks, fences, muirburn patterns and fencing. However, it retains a strong sense of tranquillity as well as some wildness qualities, which are emphasised by an almost complete absence of built structures. The landscape's special qualities are 'A Sense of Solitude, Views over Heather Moorland, and Big Skies' with further detail

being set out within the SLA's citation.

2.13 The site is situated centrally within the Open Rolling Upland Landscape Character Type (LCT). The key characteristics of this area include its high, rolling moorland with gentle gradients forming a simple, rolling landscape of heather moorland and grassland, with few plantations or structures. It is described as providing a contrasting setting for the occasional farmed valleys at the margins and close to roads. The general lack of modern structures (pylons, wind turbines, masts and houses) is noted in its description, particularly in the central area close to roads and the Dava Way, from where most people experience the area. Due to the openness of this landscape, views to commercial wind energy development in neighbouring areas to the east are however possible. Elevated, open and expansive views across the landscape, and long distance views from the edge of the plateau to the north and south are also a key characteristic, as is a sense of remoteness from lack of roads and built development, coupled with abandoned buildings, rail lines and historic roads.

Built Heritage

2.14 Within the site boundary there is one Scheduled Monument (Alltlaoigh Farmstead), with a further 45 non-designated assesses having been recorded in the EIAR with these features including shooting butts and a boundary dyke. Within 5km of the site boundary, there are a further 7 Scheduled Monuments located to the north and east, including Lochindorb Castle, as well as a cluster of 6 Listed Buildings to the north. Within a 5km to 10km radius there a further 4 Scheduled Monuments and 4 Listed Buildings, including the Category A Listed Ardclach Bell Tower.

Cumulative Development

2.15 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 October 2021. This was based on a 45km 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. Since the application was received, an extension to Tom nan Clach Wind Farm has since been submitted with the Council having raised no object to that proposal. This has therefore been added to the list with the cumulative impacts with Lethen Wind Farm being considered within the applicant's EIAR FEI, with its cumulative assessment 'cut off' date being 13 May 2022.

2.16 Other recent additions include: a) the submission of an application for Ourack Wind Farm which is currently pending consideration; b) Berry Burn Extension being consented; c) Clash Gour Wind Farm being consented; and d) Rothes III being consented. Given the time that has elapsed since the submission of Lethen, and that it has already been subject to one round of EIAR to update the cumulative position, it is considered that sufficient information is contained within the Ourack EIAR to inform the Council's assessment of the cumulative assessment of both schemes. That said, should the application be subject to further determination

proceedings it is envisaged that a further cumulative update would be provided in due course.

Site	Blade tip height of Turbines	No. of Turbines	Distance and Direction from the Proposed Development
Operational			
Tom nan Clach	125m	13	3 km W
Moy	125.6m	20	7 km W
Hill of Glaschyle	100m	12	13 km NE
Berry Burn	104m	29	15 km NE
Paul's Hill	100m	28	17 km NE
Farr	101m	40	17 km SW
Rothes I	99.5m	28	26 km NE
Rothes II	15x125m 3x110m	18	27 km NE
Dunmaglass	120m	33	31 km SW
Corriegarth	120m	20	37 km SW
Consented / Under Construction			
Cairn Duhie	110m	20	6 km NE
Clash Gour	130m-180m	48	13 km NE
Glen Kyllachy	110m	20	17 km SW
Berry Burn Extension	149.9m	9	17 km NE
Aberarder	130m	12	28 km SW
Paul's Hill II	1 x 134m 5 x 149.9m	6	20 km NE
Meikle Hill	126.5m	6	25 km NE
Rothes III	17 x 225m 8 x 200m 3 x 149.9m	28	27 km NE

Kellas	110m	4	27 km NE
Hunt Hill	67m	3	32 km NE
In Planning			
Tom nan Clach Ext. (THC No Objection)	149.9m	7	3 km W
Cairn Duhie Revised Scheme (THC Objection)	149.9m	16	6 km NE
Ourack (THC Pending Consideration)	180m	18	11 km E
Corriegarth II (THC No Objection)	149.9m	16	37 km SW

3. PLANNING HISTORY

3.1	26.02.2020	20/00923/PREMAJ - Lethan Wind Farm - Proposed Wind farm, likely to be a Section 36 application to the Scottish Government	Pre App Response Issued
3.2	09.02.2021	21/00666/SCOP - Lethen Wind Farm - EIA scoping request for the erection and operation of a wind farm, comprising up to 20 wind turbines with a maximum blade tip height of 185m and ancillary infrastructure	Scoping Response Issued

4. PUBLIC PARTICIPATION

4.1 Advertised: Section 36 Application

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

Date EIA FEI Advertised: Strathspey and Badenoch Herald 14.06.2022 and Edinburgh Gazette 15.07.2022

Representation deadline: 17.08.2022

Timeous representations to The Highland Council: 2 Objection, 0 Support

Timeous Representations to Scottish Government's Energy Consents Unit 11 Objections, 7 Support

4.2 Material considerations raised are summarised as follows:

- Adverse landscape impact on the Drynachan, Locindorb and Dava Moors SLA, with its principal protected elements being entirely lost, thereby undermining all other SLAs in Highland;
- Adverse landscape impact on the Open Rolling Uplands LCT;
- Adverse landscape and visual effects from the northern boundary of the Cairngorms National Park, particularly from EIAR LVIA Viewpoint 4 (Creag Ealraich);
- Cumulative landscape and visual impact with other wind farms;
- Not reflective of the pattern of wind farm development in the area, and lack evidence of any alternative sites considered outwith SLAs;
- Disputed accuracy of the LVIA visualisation produced;
- Impact on setting of Lochindorb Castle Scheduled Monument and resultant adverse socio-economic impacts related to this tourist asset and others;
- Road safety; driver distraction due to scale of turbine and close proximity to the B9007;
- Construction traffic routing, ensuring avoidance of trips though Ferness;
- The proposed recreational access north of Lochindorb does fails to mitigate the impact on this asset, with views created towards the castle in this direction potentially being backdropped by other wind farm proposals;
- Recreational access management plan related concerns to ensure landowner is bound to maintain public access rights with parking and access tracks to be maintained / repaired to an acceptable standard;
- Limited public engagement;
- Ecological impact of the development is uncertain;
- Support for community wealth building; assisting to address local fuel poverty; improving energy efficiency; and positive economic benefits including the developer's commitment that at least 30% of the works would be procured locally;
- Support expressed for increasing renewable energy generation, and specifically in this locality;
- Support for turbines enhancing the visual appearance of the grouse moors;

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

5.1 **Dulnain Bridge Community Council** (**Host - Southern area of the site)** - did not respond to the consultation.

5.2 **East Nairnshire Community Council (Host - Northern area of the site)** - did not respond to the consultation.

5.3 **Carrbridge and Vicinity Community Council** does not object to the applicant and has a neutral stance as opinions within the community are split. Concerns raised include the loss of habitat, biodiversity, impacts on surface water and adverse effect to the surrounding nature both physically and visually, with the area being greatly valued by walkers, bikers, naturalists and photographers. The popularity of

Lochindorb is primarily its isolation and this would be destroyed by the proposal. Support for a carbon neutral environment is also expressed, along with community benefits arising from the scheme, including the prospect of subsidised local energy costs which would help to tackle fuel poverty.

5.4 **Cawdor and West Nairnshire Community Council** do not object to the application. It has a number of concerns over the siting of the turbines and the impact this would have on the scenic landscape, but appreciate that this will likely be taken into account by the developers and planning officials.

5.5 **Cromdale and Advie Community Council** support the application. It is in favour of the short and long term opportunities it would bring to the area.

5.6 **Grantown on Spey and Vicinity Community Council** object to the application. It objects on the same grounds as the 'Dava Moor Residents Association (refer to summary provided at Section 4.2 of this report). It reiterates two fundamental concerns: the effect on the Drynachan, Lochindorb and Dava Moors SLA; and the negative impact on tourism in the area and consequences for businesses in Grantown.

5.7 **Strathdearn Community Council** did not respond to the consultation.

5.8 **Access Officer** does not object to the application. He states that public access is taken on the existing tracks on site, as shown by patters of use on foot and by bike. If gates were accessible, he considers horse riders would also use the tracks. He highlights that the sites management may change post any forthcoming consent, thereby making the outline plan provided redundant to some extent. A revised Recreational Access Management Plan (RAMP) is requested to be secured by condition.

5.9 **Environmental Health** do not object to the application. It has highlighted that the proposal will be 35dB LA90 or less at any noise sensitive location. It confirms that the applicant's assessment concludes that there would be no significant cumulative impacts from this development, in combination with the nearby wind farms of Cairn Duhie and the Tom nan Clach Extension. It is recommended that to limit cumulative noise impacts, a condition be put in place to restrict noise levels to 2dB above predicted levels as per EIA Table 10-12. Due to the remote nature of the site, a construction noise assessment has been scoped out. The expectation is still however that the developer will employ the best practical means to reduced construction noise. It has been confirmed that there are no private water supplies hydrologically linked to the application site.

5.10 **Flood Risk Management Team** do not object to the application and have no further comment.

5.11 **Forestry Officer** does not object to the application as there are no impacts on existing trees and woodland.

5.12 **Historic Environment Team** object to the application. It advises that the proposal adversely impacts on the setting of the scheduled monument of Lochindorb Castle. There is also a significant adverse impact on the scheduled farmstead of Alltlaoigh.

No issues are raised in regard to impacts on the setting of listed buildings in the wider area. Lochindorb Castle stands out as a highly sensitive receptor due to its secluded setting and its accessibility and amenity value. The potential impact on this iconic Highland castle is considered to be significant. The application has not satisfactorily demonstrated that it would have an acceptable impact on the historic environment and therefore it does not accord with HwLDP Policy 57 Natural, Built and Cultural Heritage, or the Highland Historic Environment Strategy, specifically Strategic Aim 16. The wind farm's layout and design at the proposed location cannot be supported.

5.13 **Landscape Officer** does not object to the application, however, raises significant concerns. These relate to the applicant's underassessment of impacts in terms of landscape character; key routes including the A939 and the B9007; as well as the development having a significant adverse impact on the integrity of the Drynachan, Lochindorb and Dava Moors Special Landscape Area.

5.14 **Transport Planning Team** do not object to the application. It highlights that the assessment provided by the applicant does not address the physical characteristics of the road network or whether it can safely accommodate development and construction traffic, without the detriment to either the structural integrity of the road or existing road users. It believes impact on some sections of the local road network could be significant, in particular at more rural locations and on the final approaches to the site, for example on the B9007. It however advises that such matters could be addressed by way of conditions requiring: a Construction Traffic Management Plan; the submission of a Road Mitigation Schedule of Works and Transport Report setting out the proposed advanced road improvement works to affected routes; and the provision of a wear and tear legal agreement under Section 96 of the Roads (Scotland) Act 1984 (as amended).

Consultations Undertaken by the Energy Consents Unit

5.15 **Finderne Community Council** object to the application. Whilst outwith the Community Council's boundary, it previously expressed concerns with wind farm extensions in the surrounding natural area. Concerns include visual impact, loss of dark skies, impacts on biodiversity, ornithology, moorland management changes resulting in more frequent wildfires, and adverse tourism impacts with the proposal making the area less attractive for visitors. It expresses a preference for offshore wind energy. It also requests the avoidance of visible aviation lighting and that any wind farm access tracks create circular routes for recreational users, linking to existing hill tracks.

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 **Cairngorms National Park Authority** object to the application. It considers that

the proposed development conflicts with the National Park Partnership Plan (NPPP) 2017 – 2022, Policies 1.3 and 3.3a, which seek to conserve and enhance the Special Landscape Qualities (SLQs) of the park, with the development giving rise to significant effects on the landscapes both cultural and natural, dark skies and wildness SLQs. It also advises that should Lethan Wind Farm and Tom Nan Clach Wind Farm Extension be consented, it objects to the application on the grounds of cumulative impact.

5.19 **Crown Estates Scotland** do not object to the application. No assets of the Crown Estate Scotland are affected by the proposal.

5.20 **Findhorn District Salmon Fisheries Board** do not object to the application. Its previous concerns have been addressed with their being a commitment to establish a monitoring plan to ensure no detriment to fish populations, their habitat and water quality of the burns draining from the development site. It looks to assist in delivering this monitoring plan.

5.21 **Highlands and Islands Airports Limited** do not object to the application. It sets out that after reviewing the EIA FEI, it has no further comments to make.

5.22 **Historic Environment Scotland** object to the application. It has identified significant adverse effects on Lochindorb Castle Scheduled Monument which is of national importance as one of the most distinctive and historically significant medieval castles in Scotland. Measures to facilitate views of the caste from the creation of a western path near the loch are also not considered to make any significant contribution to the understanding, appreciation or experience of the monument's setting. In considering the cumulative effects with the proposed Tom nan Clach Extension Wind Farm, it advised that significant cumulative effects are likely. In relation to NPF4 Policy 7, Part (h)(iii) it also clarifies that the applicant's assertion that climate emergency and support for further renewable capacity and security constitute 'exceptional circumstances' is not accepted by HES, with NPF4 having been prepared in the full knowledge of these matters.

5.23 **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.

5.24 **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.

5.25 **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. It is content that this monitoring programme can be secured by condition.

5.26 **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.

5.27 **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.

5.28 **NatureScot** do not object to the application. It does not consider that the proposal would result in adverse effects on the integrity of the Cairngorms National Park or the objectives of the designation. It does however consider the proposals to result in significant adverse effects on three Special Landscape Qualities (SLQs) of the Park, namely: dark skies SLQ within close proximity of the proposal around the rim of the CNP as a result of the turbine lighting; wildness SLQ within close proximity along the margins of the CNP as a result of the turbine lighting; and Landscapes both cultural and natural SLQ from the Cromdale Hills as a result of the proposal blurring the distinction between these two key underpinning characteristics. The significant effects on the Landscapes both cultural and natural SLQ are considered to extend well within the interior of the CNP (at around 18km from the proposal) across popular and well visited areas of the park. It also sets out that if Tom nan Clach Extension Wind Farm and Lethen Wind Farm are approved, there would also be a significant averse cumulative effect on the Wildness and Surrounding Hills SLQs of the CNP, experienced along the ridgeline of the surrounding hills, which form the northern extents of the park where these SLQs are well expressed.

In terms of landscape character, it agrees with the LVIA that there would be significant adverse effects on the host Landscape Character Type (LCT) 291 Open Rolling Upland, as well as on LCT 286 Narrow Wooded Valley – Moray and Nairn, with the landscape being of high sensitivity to this proposal. Visual amenity impacts are also found to generally be as described in the LVIA, with notable significant adverse effects being notably from VPs 1 and 4 within the CNP and are vantage points to appreciate the Drynachan, Lochindorb and Dava Moors SLA. In terms of the pattern of wind farm development to date, Lethen is described as comprising taller turbines which are more dispersed, with these having a greater prominence in views from the CNP.

It advises that no natural heritage interests of international importance would be adversely affected. It also finds that the proposal will not have any significant adverse effect on the conservation status of any protected bird species and that a Species Protection Plan for breeding birds can be conditioned. Other protected species interests including otters, water voles, and bats on site; for which Species Protection Plans are proposed, the detail of which requires to be informed through further survey work (updated otter surveys and pre-start surveys), with additional mitigation required due to moderate to high bat activity, including conditions: apply a 50m buffer from blade tips to key habitat features including watercourses; applying a turbine blade pitch control system, known as feathering, to reduce blade rotation speeds while idling to reduce collisions; and post construction monitoring.

It also considers that the provisions set out within the outline Habitat Management Plan are unlikely to adequately compensate for the likely loss and damage to peatland habitats, with larger and/or additional restoration areas being advised, with additional measures to safeguard these habitats in the longer term.

5.29 **Royal Society for the Protection of Birds** do not object to the application. It encourages further consideration of compliance with NFP Policy 3 to ensure

proposals conserve and enhance biodiversity. It agrees with the EIAR findings in relation to Capercaillie SPAs. It questions if curlew and golden plover would return to pre site construction levels. It welcomes the blanket bog and wet heath restoration partially for the benefit of upland breeding waders through the Habitat Management Plan (HMP), but notes the selected area is surrounded by turbine and infrastructure, and therefore additional areas of blanket bog/wet heath restoration is advised to be undertaken in areas at least 500m from turbine infrastructure and forestry, managed for the benefit of breeding waders, increased biodiversity and carbon storage. It also welcomes provisions to manage heather habitat for the benefit of breeding raptors and notes that the Species Protection Plans and pre-construction surveys require to be conditioned.

5.30 **Scottish Environment Protection Agency** do not object to the application. This is subject to conditions requiring: a finalised Peat Management Plan demonstrating micrositing to further minimise peat disturbance; use of floating tracks; micrositing to avoid deeper areas of peat; adherence to finalised Habitat Management Plan to restore at least 94.3ha of land, as well as ditch blocking in other parts of the site; adherence to watercourse crossing design details, the EIARs Schedule of Environmental Commitments, the outline Environmental Management Plan; borrow pit reinstatement; and a finalised Decommissioning and Restoration Plan.

5.31 **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.

5.32 **Transport Scotland** do not object to the application. It requests conditions to secure: prior approval of the proposed route for abnormal loads on the trunk road network along with any mitigation measures required; quality assured traffic management to be undertaken; and the provision of a Construction Traffic Management Plan.

6. DEVELOPMENT PLAN POLICY

6.1 The following documents comprise the adopted Development Plan are relevant to the assessment of the application.

National Planning Framework 4 (2022)

6.2 The NPF4 policies of most relevance to this proposal include:

National Development 3 (NAD3) - Strategic Renewable Electricity Generation and Transmission Infrastructure
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 13 – Sustainable transport
Policy 22 – Flood risk and water management

Policy 23 – Health and safety
Policy 25 – Community wealth benefits
Policy 33 – Minerals

Highland Wide Local Development Plan (HwLDP) (2012)

6.3 28 - Sustainable Design
29 - Design Quality and Place-making
30 - Physical Constraints
31 - Developer Contributions
53 - Minerals
55 - Peat and Soils
56 - Travel
57 - Natural, Built and Cultural Heritage
58 - Protected Species
59 - Other important Species
60 - Other Importance Habitats
61 - Landscape
62 - Geodiversity
63 - Water Environment
64 - Flood Risk
66 - Surface Water Drainage
67 - Renewable Energy Developments
68 - Community Renewable Energy Developments
69 - Electricity Transmission Infrastructure
72 - Pollution
73 - Air Quality
74 - Green Networks
77 - Public Access
78 - Long Distance Routes

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

6.4 No policies or allocations relevant to the proposals are included. It does, however, confirm the boundaries of the Special landscape Area within the plan's boundary.

Inner Moray Firth Local Development Plan - Proposed Plan (2022)

6.5 This contained a number of general policies which are applicable including Policy 2 - Nature Protection, Preservation and Enhancement.

Onshore Wind Energy Supplementary Guidance (OWESG) (2016)

6.6 The Onshore Wind Energy Supplementary Guidance (OWESG) provides additional guidance on the principles set out in HwLDP Policy 67 for renewable energy developments. The Guidance sets out the Council's agreed position on onshore wind energy matters, and, although reflective of Scottish Planning Policy at the time of its adoption prior to the adoption of NPF4, the document remains an extant part of the Development Plan and is therefore a material consideration in the determination of onshore wind energy planning applications. Nevertheless, the Spatial Framework included in the document is no longer relevant to the assessment of applications as in effect, the policies of NPF4 (specifically Policy 11,

Energy) removes Group 2 Areas of significant protection from consideration by effectively making all land in Scotland either Group 1 Areas where wind farms will not be acceptable, or Group 3, Areas with potential for wind farm development.

6.7 The OWESG also contains the Loch Ness Landscape Sensitivity Study, the Black Isle, Surrounding Hills and Moray Firth Coast Sensitivity Study, and, the Caithness Sensitivity Study. Although the proposed site falls out with this study area, the adjacent Landscape Character Area (LCA) BL10: Tom nan Clach, Lochindorb to Airdrie Mill, South of River Findhorn, provides useful context.

Other Highland Council Supplementary Guidance

6.8 Developer Contributions (Mar 2018)
Flood Risk and Drainage Impact Assessment (Jan 2013)
Green Networks (Jan 2013)
Highland Historic Environment Strategy (Jan 2013)
Highland's Statutorily Protected Species (Mar 2013)
Highland Renewable Energy Strategy and Planning Guidelines (May 2006)
Physical Constraints (Mar 2013)
Roads and Transport Guidelines for New Developments (May 2013)
Special Landscape Area Citations (Jun 2011)
Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

Emerging Highland Council Development Plan Documents and 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 post National Planning Framework 4.

7.2 The Highland Council also has further advice on the delivery of major developments in a number of documents, which include the Construction Environmental Management Process for Large Scale Projects; and, The Highland Council Visualisation Standards for Wind Energy Developments.

Draft Landscape Sensitivity Study for the Dava and Monadliath area (Nov 2021)

7.3 The Council has published in draft a Landscape Sensitivity Study for the Dava and Monadliath area following the new Landscape Sensitivity Appraisal Methodology by NatureScot. To date it has not been subject to public consultation and does not form part of the adopted development plan. It is however a useful other material consideration as it provides useful context for the landscape sensitivities in the area.

Other National Guidance and Affected Development Plans

7.4 Onshore Wind Energy Policy Statement (2022)
Draft Energy Strategy and Just Transition Plan (2023)
Scottish Energy Strategy (2017)

2020 Routemap for Renewable Energy (2011)
Energy Efficient Scotland Route Map, Scottish Government (2018)
Siting and Designing Wind Farms in the Landscape, SNH (2017)
Assessing Impacts on Wild Land Areas, Technical Guidance, NatureScot (2020)
Wind Farm Developments on Peat Lands, Scottish Government (2011)
Historic Environment Policy for Scotland, HES (2019)
PAN 1/2011 - Planning and Noise (2011)
PAN 60 – Planning for Natural Heritage (2008)
Circular 1/2017: Environmental Impact Assessment Regulations (2017)
The National Park Partnership Plan 2022-2027 (NPPP), CNP (2017)
Cairngorms Local Development Plan 2021, CNP (2021)

8. PLANNING APPRAISAL

8.1 This application has been submitted to the Scottish Government 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). Although not a planning application, the Council processes S36 applications in a similar manner given that planning permission may be deemed to be granted.

8.2 Schedule 9 of The Electricity Act 1989 contains considerations in relation to the impact of proposals on amenity and fisheries. These considerations mean the developer requires to:

- 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 It should be noted that for applications under the Electricity Act 1989 that the Development Plan is just one of a number of considerations, and therefore Section 25 of the Town and Country Planning (Scotland) Act 1997 which requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise, is not engaged. That said, the application still 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

8.4 The key considerations in this case are:

a) Compliance with the Development Plan / Other Planning Policy
b) Energy and Economic Benefits
c) Construction
d) Roads, Transport and Access
e) Water, Flood Risk, Drainage and Peat

f) Natural Heritage (including ornithology)
g) Built and Cultural Heritage
h) Design, Landscape and Visual Impacts (including on Wild Land Areas)
i) Noise and Shadow Flicker
j) Telecommunications
k) Aviation
l) Other Material Considerations

Development Plan / Other Planning Policy

8.5 The Development Plan comprises National Planning Framework 4 (NPF4), the adopted Highland-wide Local Development Plan (HwLDP), the adopted Inner Moray Firth Local Development Plan (IMFLDP), and all statutorily adopted supplementary guidance.

National Policy

8.6 National Planning Framework 4 (NPF4) forms part of the Development Plan and was adopted in February 2023. It comprises three parts:

- Part 1 – sets out an overarching spatial strategy for Scotland in the future and includes six spatial principles (just transition / conserving and recycling assets / local living / compact urban growth / rebalanced development / rural revitalisation. Part 1 sets out that there are eighteen national developments to support the spatial strategy and regional spatial priorities, which includes single large scale projects and networks of smaller proposals that are collectively nationally significant.
- 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. This part of the document should be taken as a whole in that all relevant policies should be applied to each application.
- Part 3 – provides a series of annexes that provide the rationale for the strategies and policies of NPF4. The annexes outline how the document should be used, and set out how the Scottish Government will implement the strategies and policies contained in the document.

8.7 The Spatial Strategy sets out that we are facing unprecedented challenges and that we need to reduce greenhouse gas emissions and adapt to future impacts of climate change. It sets out that that Scotland's environment is a national asset which supports out economy, identity, health and wellbeing. It sets out that choices need to be made about how we can make sustainable use of our natural assets in a way which benefits communities. The spatial strategy reflects legislation in setting out that 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.

8.8 The proposed development is of national importance for the delivery of the national Spatial Strategy, whereby in principle support for the development is established. As the proposed development would be capable of generating over 50 MW, it is of a type and scale that constitutes NPF4 National Development 3 - Strategic Renewable Electricity Generation and Transmission Infrastructure.

8.9 At the national level, NPF4 considers that Strategic Renewable Electricity Generation and Transmission Infrastructure will assist in the delivery of the Spatial Strategy and Spatial Priorities for the north of Scotland, and that Highland can continue to make a strong contribution toward meeting Scotland's ambition for net zero. Alongside these ambitions, the strategy for Highland aims to protect environmental assets as well as to stimulate investment in natural and engineered solutions to address climate change. This aim is not new and will clearly require a balancing exercise to be undertaken, which is reflected throughout NPF4.

8.10 NPF4 Policies 1, 2, and 3 now apply to all development proposals Scotland-wide, which means that significant weight must be given to the global climate and nature crises when considering all development proposals, as required by NPF4 Policy 1. To that end, development proposals are to be sited and designed to minimise lifecycle greenhouse gas emissions, as far as is practicably possible, in accordance with NPF4 Policy 2, while contributing to the enhancement of biodiversity, as required by NPF4 Policy 3.

8.11 Specific to this proposal, Policy 11 of NPF4 also supports renewable, low-carbon and zero emission technologies including wind farms. However, any project identified as a national development still requires to be considered at a project site specific level, to ensure all statutory tests are met, as set out in Annex 1 of the NPF4. This includes consideration against the provisions of the entirety of the Development Plan, of which NPF4 is a part thereof.

8.12 Complementing those policies is NPF4 Policy 4 Natural Places. It sets out that development proposals, by virtue of type, location, or scale that have an unacceptable impact on the natural environment, will not be supported. The policy goes on to clarify what that means for different designations. It sets out that proposals with likely significant effects on European sites (SACs or SPAs) require appropriate assessment, and that development proposals that will affect a National Park, NSA or SSSI shall only be supported where: i) the objectives of designation and the overall integrity of the areas will not be compromised; or ii) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. This is an important consideration, most notably due to the proximity and potential impact of the development in relation to the Cairngorms National Park.

8.13 Similarly, sites designated in Development Plans for local nature conservation or Special Landscape Areas (SLAs) are protected in NPF4 Policy 4 unless the development will not result in significantly adverse effects on its qualities or its integrity, or, these effects are clearly outweighed by social, environmental, or economic benefits of at least local importance. In this case the site is located centrally within the middle of the Drynachan, Lochindorb and Dava Moor SLA, with

the development's theoretical visibility extending across part of the Findhorn Valley and the Wooded Estates SLA to the north. In terms of the social and economic benefits of the proposal, NPF4 Policy 11 part c) offers support to schemes where community socio-economic benefits are maximised, with NPF4 Policy 25 enabling support to be given to schemes which contribute towards a local or regional wealth building strategy or have an element of community ownership.

8.14 The most significant policy change for Natural Places introduced by NPF4 Policy 4 is with regard Wild Land Areas (WLA). This policy now states that renewable energy developments that support national targets will be supported in WLAs and that buffer zones around WLAs will not be applied, so that effects of development outwith WLAs will not be a significant consideration. The site itself is not located within, or near to any WLAs, with any distant visibility being limited; thereby no further consideration of WLA interests is warranted.

8.15 NPF4 Policy 7 Historic Assets and Places is intended to protect and enhance historic environment assets, enabling positive change. Policy outcomes include ensuring the historic environment is valued, whilst supporting the transition to net zero, as well as recognising the social, environmental and economic value of the historic environment to our economy and cultural identity. In this case the main historic assets that would be impacted include the scheduled monuments of Lochindorb castle, located out with the site to the east, and the Alltlaoigh Farmstead located within the site. Policy 7 part a) requires proposals with potential significant impacts to be appropriately assessed; with part h) ii) setting out that development proposals will only be supported where significant adverse impacts on the integrity or setting of a scheduled monument are avoided. Part h) iii) of this policy also enables 'exceptional circumstances' to be demonstrated to justify the impact on a scheduled monument and its setting, and where impacts on the monument or its setting have been minimised.

8.16 NPF4 Policy 11 part e) sets out the additional project design and mitigation requirements for energy proposals. This includes a broad range of matters akin to those to be assessed under HwLDP Policy 67. This includes consideration of the landscape and visual impacts and advises that where impacts are localised and / or appropriate design mitigation has been applied such effects will generally be considered acceptable. Members will be aware that the concept of wind energy developments that have only localised impacts as being more likely to be acceptable is not new and is also reflected in previous Highland Council decisions. However, the landscape and visual impacts of a proposal of this scale and height remains challenging to be entirely contained, as reflected in the significant adverse impacts identified by the applicant's EIA and within the landscape and visual section of this report. The adopted NPF4 reflects a stronger presumption in favour of all national scale energy developments, however, judgment still requires to be applied at the project and site specific level to ensure proposals do not have unacceptable environmental, landscape and visual impacts, even if the contribution to national renewable energy targets is considerable.

8.17 On that point it is noted that both legislation and planning law indicate that where there may be incompatibility between NPF4 and the Local Development Plan (LDP) (HwLDP, IMFLDP, and Highland Council Supplementary Guidance) published prior to NPF4, then the more recent document shall prevail. Notwithstanding however,

in instances of incompatibility, this requirement may not eliminate the provisions of the LDP in their entirety whilst these documents remain an extant part of the adopted Development Plan. That means that the Council may wish to still give considerable weight to the provisions of its LDP over national policies where there is strong justification for doing so, such as where the Council feels that LDP policy is better equipped to respond to local matters of importance or site-specific conditions for example.

Highland wide Local Development Plan

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

8.19 It is here where the policy conflict between HwLDP 67 and NPF4 Policy 11 would appear most pronounced; whereby support for wind farm development has until now been more qualified in the LDP, which gives greater weight to protecting landscape and natural resources, NPF4 on the other hand appears to give tacit support for renewable energy projects even at the expense of certain landscape and natural resources, with the exception of National Parks and NSAs, particularly where energy contributions are at a national development scale, by treating the twin climate and biodiversity crises, and security of energy supply, with greater urgency.

Area Local Development Plan

8.20 The Inner Moray Firth Local Development Plan (IMFLDP) does not contain land allocations related to the proposed development. They confirm the boundaries of Special Landscape Areas within these plan areas. 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 section of this report.

8.21 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.

8.22 IMFLDPPP Policy 2 Nature Protection, Preservation and Enhancement 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 NPF4 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)

8.23 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.

8.24 The OWESG approach and methodology to the assessment of proposals is applicable and is set out in the OWESG Para 4.16 - 4.17. It provides a methodology for a judgement to be made on the likely impact of a development on assessed "thresholds" in order to assist the application of HwLDP Policy 67. The 10 criteria are particularly useful in considering visual impacts, including cumulative impacts. An appraisal of how the proposal meets with the thresholds set out in the criteria is included in Appendix 3 of this report.

8.25 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, and in turn NPF4 Policy 11 part e). The 10 criterion will be particularly useful in considering visual impacts, including cumulative impacts. An appraisal of the proposed development against the thresholds set out in the criteria is included in Appendix 3 of this report.

8.26 The OWESG also contains the Loch Ness Landscape Sensitivity Study. Although the proposed site falls out with this study area, the adjacent Landscape Character Area (LCA) BL10: Tom nan Clach, Lochindorb to Airdrie Mill, South of River Findhorn, provides useful context for the landscape sensitivities in the area. In particular, this explains that most of the LCA lies within the Drynachan, Lochindorb and Dava Moors SLA with the south eastern edge of the LCA falling along the southeast shore of Lochindorb, the largest body of open water within the LCT. Key views are explained to be from the minor road on south eastern shore of Lochindorb, where iconic views of Lochindorb castle, backdropped by rolling upland are gained. Key routes are defined as the B9007: Following the line of the old Military Road north to south through the LCA; the A939; the A940; and the Dava Way following the disused railway line from Forres to Grantown. The only defined Gateway is at the 'A939 Milestone' (LVIA Viewpoint 8) when travelling south, a sense of entering a more remote and isolated moorland landscape.

8.27 The study also sets out that the nature of the landscape itself is not inherently incompatible with wind energy development, with susceptibility arising from the role of the LCA in the wider landscape and degree to which development would intrude; 1) the layered landscape when seen in more distant key views in the north; 2) on

the perception of the landscape and Key Qualities and Characteristics of the SLA. The high table-land of the area affords borrowed views to more distant hills while obscuring views of the inhabited shores of the firth, major transport corridors and conurbations. It is this perception of limitless horizons and apparent isolation which is highly valued in this LCA and SLA.

8.28 While the LCA itself is described as not prominent, the relatively low relief within the higher ground is explained to have limited potential to screen development, with the degree of landscape character sensitivity for this adjacent LCA being most susceptible to change for 'Large Scale Wind Farms', such as that proposed, scoring 1 from a scale of 1-4, with scope for medium to large wind energy developments being identified where proposals are: well designed and contained; where design respects spacing and scale of existing development pattern; where development would not detract from Key Characteristics and Special Qualities of the SLA; and where development respects borrowed views to more distant hills in the north. Particular sensitivities to change are identified in the SLA Citation.

Draft Landscape Sensitivity Study for the Dava and Monadliath area (Nov 2021)

8.29 The Dava Moor and Monadliath Landscape Sensitivity Appraisal (LSA) is intended to become an adopted part of the OWESG in the future. However, at this point while providing useful guidance, it does not hold significant weight in the decision making process. It again provides useful context for the landscape sensitivities in the area. Section 15 contains the Open Rolling Uplands Sensitivity Assessment. It sets out the operational and consented wind farms in this area, including Tom nan Clach and Cairn Duhie within Highland, as well as those located in Moray. The area is described as being bound by high hills to the north west which backdrop the Findhorn valley and the settled upland fringes and coastal plain. Its southern boundary is described as a band of craggier hills which abut the national Park west of the A939. In the area where Lethen Wind Farm is proposed, the study states:

"Lochindorb fills a narrow basin hemmed in by hills, its island castle a prominent feature. The large scale, generally simple landform and low vegetation cover of this AU, and particularly the expansive basins of Dava and Lochindorb experienced from the B9007 and A939, instil a sense of huge space. Extensive heather and grass moorland, bog and increasing areas of native woodland influence the naturalness associated with this landscape while the very sparse settlement in the area contributes to a feeling of isolation.

The Drynachan, Lochindorb and Dava Moors SLA covers a large part of this Assessment Unit and the southern part of this AU also borders the Cairngorms National Park. The cultural heritage and recreation/tourism importance of Lochindorb, further increases the value of this landscape."

8.30 Key cumulative landscape issues identified by the study and relevant to this proposal include:

- potential sequential cumulative effects on views from the A939 and the B9007 which provide dramatic approaches to the more settled lowlands in the Nairn area and to Moray and a rare experience of wildness for road users. The Tom nan Clach Wind Farm is set back from these roads although

the consented Cairn Duhie Wind Farm will be more intrusive;
- sequential and simultaneous visibility of multiple wind farm developments seen from the Dava Way;
- cumulative effects on the character and views from the Findhorn valley, further exacerbating adverse effects associated with the operational Tom nan Clach and consented Cairn Duhie Wind Farms; and
- cumulative effects on the character and views to and from Lochindorb further exacerbating the adverse effects of the operational Berry Burn and the consented Cairn Duhie Wind Farms.

8.31 The study's identified constraints include:

- the landscape setting, character and views to and from Lochindorb and its island castle;
- views from the B9007 and the A939 and effects on the sense of huge space, naturalness and seclusion which are also key qualities of the Drynachan, Lochindorb and Dava Moors SLA;
- the rim of small hills on the northern boundary of the Cairngorms National Park which are irregular and rocky and where wind turbines sited on or close-by would detract from their character and from views across the open and expansive moors of this AU; and
- the secluded and intimately scaled character of the Findhorn valley which could be further eroded by additional wind farm development visible on containing skylines.

8.32 Overall, the landscape is described has being of a high sensitivity to wind turbines >149.9m and a high-medium sensitivity to turbines 100-149.9m. For proposals in excess of 150m it guides that:

- this scale of turbine would contrast with smaller existing turbines if sited close by;
- they would overwhelm the limited vertical scale of the rolling hills which surround Lochindorb and lie on the edge of the Spey valley; and
- visible aviation lighting would likely diminish the appreciation of dark skies and perception of wildness associated with this landscape.

8.33 The study also reiterates that all wind turbine development should avoid significant adverse effects on views to and from Lochindorb and on the character of its setting. It also notes that all wind turbine development should be sited well away from the band of low and diverse rocky hills lying either side of the B9007. In terms of landscape value, it explains that for turbines >149.9m the integrity of moorland, sense of spaciousness and qualities of wildness which are key qualities of the SLA could be significantly diminished by turbines of this size.

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

8.34 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.

8.35 To deliver the ambition, a sector deal for onshore wind energy is being progressed. The detail of this is yet to be published. 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.

8.36 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 a peat management plan can be secured by condition.

8.37 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 adoption of NPF4.

8.38 Additionally, the document acknowledges that in order for Scotland to achieve its climate targets and the ambition for the minimum installed capacity of 20GW by 2030, the landscape will change, which relates the document to landscape and visual impacts. However, the OWEPS also sets out that the right development should happen in the right place. Echoing NPF4, the document sets out that significant landscape and visual impacts are to be expected and that where the impacts are localised and / or appropriate mitigation has been applied the effects will be considered acceptable.

8.39 The role of Landscape Sensitivity Appraisals in considering wind energy proposals is promoted through the document. This highlights the importance of applying those contained within the Council's OWESG when assessing applications.

8.40 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 could been secured by condition.

8.41 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 OWEPS. A fundamental part of the Strategy is expanding the energy generation sector. Overall, the draft Energy

Strategy forms part of the new policy approach alongside the OWEPS and NPF4 and confirms the Scottish Government's policy objectives and related targets reaffirming the crucial role that onshore wind and enabling transmission infrastructure will play in response to the climate crisis which is at the heart of all these policies.

Energy and Economic Benefit

8.42 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 8.67 GW, with a further 6.5 GW 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 2.53 GW with a further 1.55 GW of generation permitted but not yet built and 1.3 GW currently under construction. Installed onshore wind energy developments in Highland therefore accounts for around 30% of the national installed onshore wind energy capacity. There is also a further 2 GW of onshore wind farm proposals currently in planning pending consideration in Highland.

8.43 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.

8.44 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 anticipated to generate up to 102 MW of electricity (turbine model dependent), plus 10 MW of battery storage. Based on a typical capacity factor, the development is likely to generate approximately 261,200 MW hours per year, the equivalent of powering approximately 72,500 homes.

8.45 Based upon a fossil fuel mix in the electricity grid, the applicant anticipates that 109,000 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 201,000 tonnes of carbon over the project's lifetime. As a result, the anticipated that the estimated carbon payback period for the development would be approximately 1.8 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.

8.46 The proposed development anticipates a construction period of approximately 18 months and an operational period of 35 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. 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. There would also be longer term operational effects, with the EIA's Socio Economics, Tourism and Recreation assessment considering that there would be minor adverse effects for accommodation on the same estate, and it is noted that some people do visit Lochindorb castle for the views and landscape, and therefore it is possible that the change in the view from Lochindorb may mean that some people would be less inclined to visit.

8.47 The EIA considers therefore considered the effect on tourism to this attraction to be minor adverse and not significant. These findings are disputed as several representations were raised as to the economic impacts that turbines may have on tourism and specifically in relation to this historic attraction. While the Council's own experience has not shown significantly adverse effects from wind farm development on tourism thus far, there is little in the literature regarding the potential for a critical mass of development and to conclude whether there is indeed a tipping point where wind farm development will ultimately discourage tourism in Highland. The development's visual impact on recreational and visitor resources, although related, is a separate issue considered in more detail as a specific visual impact; similarly, the wind farm's impact on the setting of the scheduled monument is also assessed separately within this report.

8.48 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 was estimated to be £123 million. Based on research undertaken by BiGGAR Economics on behalf of RenewableUK in 2015, approximately 16% of total capital construction costs could be secured through Highland and Moray contracts. Therefore, it is anticipated in the order of £19.7m will be spent in Highland / Moray during the development and construction phase of the wind farm with 174 Full Time Equivalent job years created during construction in Highland / Moray.

8.49 For each operational year of the wind farm, the proposed development would generate approximately £0.7m Gross Value Added and 11 jobs within Highland / Moray. In EIA terms, the overall effect during construction is reported to be minor beneficial for the Highland / Moray economy and negligible in Scotland as a whole, and thereafter the operational effect would be negligible (beneficial) at both the regional and national levels.

8.50 In addition to the payment of annual non-domestic rates, the applicant also notes that there will be economic benefits to the local community and economy arising from the community benefit fund proposed. The potential community benefits associated with the scheme are estimated to be £0.51 million annually; £17.85 million over 35 year operational period sought. A 'Lethen Wind Farm Energy Efficiency Fund' (refer to EIA Appendix 13.1) is proposed to be established to direct the aforementioned community benefits to tackle fuel poverty in the local area. There are reported to be 800 homes within 10km of the site, of which 55% are regarded in the EIA to be in fuel poverty. A local based Community Energy Officer is proposed to be appointed to direct, and bid for additional sources of funding, to supporting energy efficiency measures and lower fuel bills for homeowners and properties within this local catchment. In time, it is envisaged that this funding is to be extended across a wider area. This is reported in EIA terms to have a moderate

and significant beneficial effect in the long term for the local area.

8.51 Prior to the publication of NPF4, Council policy and practice was for community benefit to be considered separately and outwith the planning application determination process. NPF4 Policy 25 Community Wealth Building has however introduced an avenue for planning support to be given to proposals which either: a) contribute to local or regional community wealth building strategies and are consistent with local economic priorities; or b) are linked to community ownership and management of land. In the absence of the Council having a Community Wealth Building Strategy in place, and no community ownership being proposed, the reported significant benefits reported in the applicant's EIA are disputed. The applicant's proposals simply look to maximise the benefit derived from the Scottish Government's recommended £5,000 per installed MW per annum, with the proposed development not offering any form of community ownership, which would have otherwise derived a consistent stream of funding to the communities in the area to deliver projects of benefit to the community. As such, the proposals can only receive limited support under NPF4 Policy 25, part a), and whilst the proposals are welcome as an innovative way to help tackle fuel poverty, the community wealth that could be created is regarded by Officers to be akin to, and not materially different from, other wind farm community benefit funding provisions pre the introduction of this NPF4 policy. A Community Wealth Building fund administered by the Council would be a preferred approach and details of that could be secured by condition.

Construction

8.52 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 18:00 and Saturday 07:00 to 13:00. Given the remote nature of the site construction noise is unlikely to be problematic. Developers must still 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.

8.53 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.

8.54 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.

8.55 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. A micro-siting limit of no more than 50m can be conditioned, with micro siting avoiding any areas of deeper peat, limit positioning turbines on higher elevations of ground, maintaining watercourse buffers, avoid Ground Water Dependent Terrestrial Ecosystems and cultural heritage assets.

8.56 Should the development be granted consent, the establishment of a Community Liaison Group would be conditioned 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

8.57 The applicant has highlighted the expected impact of this development, particularly through the construction phase, with the Port of Entry likely to be Inverness Harbour. The route to site proposed between Inverness Harbour and the site via the A9, A95, A938 through Dulnain Bridge and Duthil, and B9007 to the main site access, with this routing having previously been utilised in the construction of the operational Tom Nan Clach Wind Farm. The proposed routing for construction traffic would therefore avoid using the section of the A938 between the A9 at Carrbridge and Duthil. The existing Tom Nan Clach Wind Farm site access of the B9007 would be utilised and upgraded to serve the proposed development, with a secondary existing track access located further to south of the B9007 to be upgraded and extended to form a secondary construction site access to serve one of the two on site borrow pits and the southern proposed turbines.

8.58 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 827% 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 112 HGV journeys to the site per day (56 inbound and 56 outbound) above baseline use. Elsewhere on the road network the peak construction traffic from all types of vehicles would not exceed 30%, with the affected road network including:

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

8.59 Transport Planning had sought a cumulative assessment to consider the cumulative impact of developing both Lethen Wind Farm and the proposed extension to Tom nan Clach Wind Farm concurrently, however, the applicant has confirmed that a legal agreement for the shared site access restricts its use to one site to be built out at a time. This should also be secured by condition as the Council

are not party to this agreement. Since the application has been lodged, an application for the development of Ourack Wind Farm proposed further to the east has also been lodged, however the routing for that development is not proposed to utilised the B9007 with its intended abnormal load construction traffic being via the A9, A95 and A939 through Grantown-on-Spey, and other construction related traffic being dispersed across three potential routes, none of which would be via the B9007.

8.60 The EIA reports that the temporary increase in traffic on the road network can be comfortably accommodated within the operating capacity of the road network. However, the proposed turbine components are larger than those previously transported for Tom nan Clach Wind Farm and will likely need some accommodation works along the route. Transport Planning advise that in addition to the standard mitigation set out in the EIA, additional mitigation measures such as carriageway strengthening, carriageway widening, road safety improvements, junction upgrades and bridge strengthening may all need to be considered to offset any adverse transport impacts. This is not covered in sufficient detail within the submission, however, can be addressed by way of conditions requiring: the submission of a Construction Traffic Management Plan which notably restricts construction vehicle routing and include provision for reviewing bulk material quantities and should traffic volumes significantly increase incorporate revised mitigation measures; the submission of a Road Mitigation Schedule of Works and Transport Report setting out the proposed advanced road improvement works to affected routes, notably including the site access junction, bridge structures, and assessment of the B9007 to accommodate construction vehicles and where necessary, detail mitigation works such as road widening, verge strengthening, localised surface repairs or full width structural overlays; and the provision of a wear and tear legal agreement under Section 96 of the Roads (Scotland) Act 1984 (as amended). In principle, this type of mitigation is accepted subject to detailed consideration of the plan in due course.

8.61 The Transport Planning Team, and Transport Scotland, have confirmed that development traffic can be accommodated on the road network, subject to the aforementioned matters to be conditioned, as well as the requirement for a legal agreement to address “wear and tear” provisions. These would 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 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.

8.62 Representations to the application have also identified the potential road safety risk associated with driver distraction passing moving turbines in close proximity. Such concerns have not been raised by Transport Planning and the applicant's EIAR FEI references research undertaken which concludes that whilst the presence of turbines may slow traffic speed, there is no evidence to suggest that driver distraction occurs from the placement of turbines close to a road. The issue of the close proximity of turbines to the B9007 was raised with the applicant, particularly Turbine T3, however these concerns were principally landscape and visual related given the closest turbine's limited setback of 900m from the road (refer to LVIA VP1: B9007 near Lochindorb).

8.63 In relation to wider public recreational access, 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.

8.64 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.

8.65 To ensure access is provided throughout the construction period and that enhanced recreational access opportunities are provided during the operational phase, a finalised Recreational Access Management Plan (RAMP) can 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.

8.66 The Council's Access Officer has advised that the provisions of the RAMP should also include access enhancements to any existing fence or gate across paths or tracks. The proposal includes the suggested provision of a new path or paths from the roadside down to Lochindorb delivered by the applicant but further developed and maintained as a community project. Should the offsite paths materialise, and in time be extended via community funds arising from this development, this should link with the wind farm site, with path being 2m wide of floating construction with drainage. It is advised that any such path be in presented in the RAMP in the form of a red survey in the Upland Pathwork Construction Standards for Scotland guide, with the RAMP detailing the necessity to obtain subsequent planning permission.

Water, Flood Risk, Drainage and Peat

8.67 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.

8.68 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.

8.69 SEPA does not object to the application, which is subject to conditions being imposed including adherence to the mitigation outlined in the EIAR, including the works following the Outline Environmental Management Plan (EIAR Appendix 3.1) and the recommendations in the Watercourse Crossing Schedule (EIAR Appendix 9.1). There will be a requirement for new watercourse crossings, however, these are relatively small in scale. 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.

8.70 The wider site is home to potential Ground Water Dependent Terrestrial Ecosystems (GWDTEs), which are associated with acidic flushes and the watercourses which drain the proposed development area. The site infrastructure, including the new track layout, 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.

8.71 Deep peat, of more than 1m, is present across much of the site with much of the site being underlaid with Class 1 and 2 nationally important peatland habitat. The peat depths on the site vary between 0m to 3m. Most of the site infrastructure, including turbines, are however proposed to be located on shallow areas of peat of between 0 and 0.5m in depth. The exception to this is 1.5km of new access track which would be floated over deep peat located centrally within the site in the vicinity of turbines T7, T8, T9 and T12. Overall, a total of 12,600m3 of peat is to be extracted, all of which is to remain on site and be used as part of construction works reinstatement along the edges of access tracks, hardstanding, as well as being used in the compensatory peatland restoration outlined in the Habitat Management Plan (HMP) for the Proposed Development. 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.

8.72 There are no known private water supplies within the vicinity of the application site which are hydrologically connected to the development.

8.73 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)

8.74 The site does not overlap, or have connectivity to, any nature conservation designation. The exceptions to this are the several distant ornithological designations, of which, six Special Protection Areas (SPAs) are located within 10km to 20km of the site which were scoped in for further assessment in the EIAR and subject to a shadow Habitats Regulations Assessment (HRA), with their qualifying interest being Capercaillie. These SPAs include: Darnaway and Lethen; Anagach Woods; Kinveachy Forest; Craigmore Wood; Abernethy Forest; and Cairngorms.

8.75 The habitats across the site also have the potential to support protected species. The EIAR investigated the potential impact of the proposal on bats, otter, water vole, and deer. The site and surrounds have been surveyed for other breeding birds and transient birds, with 26 protected bird species and/or birds of conservation concern being recorded in the vicinity, with potential impacts on 15 species taken forward within the EIA for further assessment.

8.76 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. Such mitigation measures include Species Protection Plans, the appointment of an ECoW, and implementation of a finalised Habitat Management Plan (HMP). Potential impacts have been mitigated by design, including a 50m setback of infrastructure from watercourses, with turbines being at least 81m from any forestry and watercourses showing bat activity levels assessed as being high risk, and turbines being sited at least 200m away from the northern sections of burns through the site where high bat activity was detected. Similarly, a buffer of 100m has been left between infrastructure and confirmed otter holts, with further monitoring for otter disturbance being required. These provisions are broadly accepted by NatureScot, with their recommended further mitigation measures expected to be endorsed by Scottish Ministers in applying conditions of any consent. This notably includes further provision to limit bat impacts through pitching of wind turbine blades out of the wind (feathering) to reduce rotation speeds when turbines are idling.

8.77 In relation to ornithology, the aforementioned SPA outer lying designations, the status of these sites means that the requirements of the Conservation (Natural Habitats, and c.) Regulations 1994 as amended (the ‘Habitats Regulations’) apply, with Scottish Ministers as the determining authority having to undertake an Appropriate Assessment. In this regard, NatureScot advise that although there is potential for significant effects on the Capercaillie population through commission risk and dispersing birds, the integrity of these sites would not be adversely affected

due to survey work undertaken by the applicant showing no signs of activity 1.5km of the wind farm site and habitat suitability for this species in the locality being poor.

8.78 For all other important Annex 1 bird species, the applicant's EIAR finds that the proposed development will not give rise to any significant effects with these findings not being contested by NatureScot or RSPB. That said, RSPB consider that there is little evidence to suggest that anticipated displaced breeding waders (curlew and golden plover) would recover to pre-construction levels during the wind farm's operational phase.

8.79 A finalised HMP is proposed to be developed, based upon the outline HMP submitted as part of the EIAR and updated in June 2023 (EIAR Appendix 8.3). This will include areas of habitat restoration across the site. In light of the adoption of NPF4, the Council had sought the applicant to provide a Biodiversity Net Gain (BNG) Assessment and a Biodiversity Enhancement Management Plan. Applicants were directed to use the Natural England metric, until such time that a Scottish metric is implemented. The Council's expectation was set out that every major / national development project should be delivering at least 10% BNG, with this being the benchmark which has been applied previously for other types of major / national developments.

8.80 In response, the applicant's April 2023 Planning Statement Addendum sets out that the initial outline HMP already made provision to undertake peatland restoration over 94.3ha, comprising 38.5ha of modified bog and 55.8ha of modified and degraded wet heath, with management measures to be deployed. It is the applicant's view that this constitutes significant biodiversity enhancement. Subsequently, the applicant re-engaged with the landowner to explore opportunities for further habitat enhancement, with the June 2023 amended outline HMP now making provision for 733ha of peatland habitat restoration, including 665ha of ditch blocking (increased from 94.3ha) as well as 68ha of peat hag reprofiling due to take place onsite and beyond the application site boundary within the landowner's wider estate. A further 163ha to the south of the application site is also being set in the outline HMP for raptor management to promote heather growth.

8.81 NPF4 Policy 3b states that "development proposals for national, major, or for development that requires an EIA will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. Although NPF4 does not stipulate which particular assessment method(s) should be used, in the absence of a biodiversity metric to demonstrate overall enhancement to biodiversity, this makes it challenging to assess conformity with NPF4 Policy 3. However, it is considered that there are opportunities across the site and the wider estate to provide significant biodiversity enhancements beyond the baseline conditions. This is a matter for Scottish Ministers to consider in reaching a reasoned conclusion on the application, and in considering the need to secure biodiversity enhancement through planning condition and / or legal agreement.

8.82 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

8.83 The primary impact of the proposal on built and cultural heritage is the impact on Lochindorb Castle Scheduled Monument. Historic Environment Scotland (HES) object to the application, as does the Council's Historic Environment Team with it also identifying a significant adverse impact on the scheduled farmstead of Allt Laoigh.

8.84 Lochindorb Castle has a significant place in Scotland's history. It is an early and particularly large example of enclosure castle, with considerable potential to contribute to the study of medieval domestic and defensive architecture in Scotland. Its significance is enhanced by its unusual and dramatic location in a loch on a remote moor, and by its strong associations with several pivotal figures in Scottish and English history. The castle lies in the centre of a loch which sits in a large depression in the landscape with higher land surrounding it. This means that there is a relatively short distance to the horizon in almost all directions. These effects combine to create a topographic bowl, which is perceived to enclose the landscape features within it. The result of this is the castle is well-hidden from most directions until this topographic bowl is entered. Lochindorb Castle is described by HES as striking in its conspicuousness as a large and monolithic human-made structure appearing as a dominating presence within this secluded landscape.

8.85 HES consider that the proposal would impact on both the enclosed nature of the topographic bowl in which the castle stands, as well as the relatively featureless nature of this landscape. Positioned behind the hills immediately west of the loch, HES note that the turbines would alter the sense of the castle's enclosure, drawing the eye away from the bowl and the castle to the landscape beyond, undermining the castle's contained and secluded setting.

8.86 HES continue by explaining that the setting of the castle would be adversely affected, with the castle being currently unchallenged as the key human made element in this landscape. The proposed turbines would be visible from the loch-side road when looking west, and visible for most or all of the stretch of road from the north end of the loch to Lochindorb Lodge. Moving along the road in both directions, the turbines would stand in the hills backdropping Lochindorb Castle, creating a constant and distracting presence in this key aspect of the setting. This impact raises issues in the national interest with the proposed development affecting the integrity of the setting of the monument.

8.87 HES also highlight that design changes made to the scheme's layout ahead of the application's submission have increased the impact on the setting of the castle. Particular concerns are expressed with four turbines, T10 through to T14, which are advocated for removal, albeit that this may still not reduce impacts to an acceptable degree. Measures to facilitate views of the castle from the creation of a western path near the loch are also not considered by HES to make any significant contribution to the understanding, appreciation or experience of the monument's

setting.

8.88 Whilst impacts on the setting of scheduled monuments are a matter for HES and the Scottish Government as decision maker to consider, it is considered that the proposals do adversely affect the integrity of the setting of Lochindorb Castle. There is also a significant adverse impact on the scheduled farmstead of Alltlaoigh, albeit that this is of secondary importance, with the impact on the farmstead not meriting detailed considered of HES which has only provided its assessment in relation to Lochindorb.

8.89 For Lochindorb, the areas in which the setting will be most affected is from the local road around the perimeter of its loch. From the B9007 traveling north at locations where most people would experience views down towards the castle, the proposed wind farm would be well screened by intervening topography with Lethen not competing in the view (refer to Heritage Viewpoint 6, EIAR Figure 6.65). From this point however, the castle's setting would be significantly diminished by the consented Clash Gour Wind Farm should this be built out.

8.90 For users of the loch and its surrounding road, the EIAR reports that views toward the castle up and down the length of the shore road would still be understandable and appreciable, with the introduction of Lethen Wind Farm reported to result in a moderate (significant) adverse setting impact. These findings are contested. It is considered that from the surface of the loch and its shore road, views towards the castle are regarded to be of a very high sensitivity, and that the development would have a high magnitude of change, resulting in a major and significant effect, impacting on the integrity of the castle's setting (refer to Heritage Viewpoints 2, 3, 4, 5 and particularly 9. as well LVIA Viewpoint 6 – Shore Road, Lochindorb).

8.91 It could be argued that there is already wind farm development in this view, with the consented Tom nan Clach Wind Farm, and its proposed extension being visible, potentially distracting elements. Their combined magnitude of change is however incomparable with the proposed larger and significantly closer Lethen turbines which would have a far greater impact on setting, particularly with the proposed Lethen turbines also having a considerably greater horizontal spread. The degree of distraction cause from the moving blades of large scale turbines in close proximity would interrupt the ambiance created by the ruin and diminish its experiential, ethereal qualities. The castle, the loch and the wider landscape is not just about built heritage and setting, but also a matter of history, folklore and legend. Lochindorb was after all the stronghold of the infamous Wolf of Badenoch, Alexander Stewart, who in an act of revenge against the church for supporting his estranged wife, ransacked Forres before burning Elgin cathedral to the ground in 1390. This drama provides more the sense of place and has a defining effect on the experience of Lochindorb.

8.92 In assessing the proposals against NPF4 Policy 7, part h) the proposal is found to be contrary to section ii) with significant adverse impacts on the integrity of setting of Lochindorb castle scheduled monument having not been avoided. In relation to part iii) of this policy, no exceptional circumstances have been demonstrated to justify the impact and the impacts on the monument's setting have not been minimised, which would require substantial amendments to be made to the scheme such as the deletion of several turbines and / or reducing their scale. In turn, the

proposal is found to be contrary to HwLDP Policy 57 Natural, Built and Cultural Heritage, and Historic Environment Policy for Scotland.

8.93 In considering the proposal's impacts on other designated heritage assets, the applicant's EIAR also identifies moderate and significant adverse impacts on the Allt Laoigh scheduled farmstead, located 1.2km to the south of the nearest turbine, and on the scheduled Dunearn Hill Fort, located 2.9km to the north of the nearest turbine. Assessment of impacts on these assets lies with HES, however their response solely focuses on their primary concern, the setting impacts on Lochindorb castle. In the absence of specialist advice from HES on these other scheduled assists, the applicant's findings are not contested, that these assets' key landscape relationships would still be appreciable and that there would not be an adverse effect upon the integrity of the assets' setting.

8.94 Given the site is rich in cultural heritage, it is also possible that here will be unknown archaeology across the site. As this is the case a condition could be applied to ensure an archaeological watching brief or scheme for the investigation, recording and evaluation of any buried archaeology on the stie should be secured by conditions should deemed planning permission be forthcoming.

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

8.95 A total of 16 viewpoints (VP) across a 45km 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 2 of the EIAR, and the EIA FEI.

8.96 Following the submission of the EIAR and undertaking a review of the LVIA, concerns were raised in relation to the quality of the baseline photography for certain viewpoints which was undertaken in poor weather conditions, with the resultant photomontages produced being of insufficient quality for assessment. The EIA FEI therefore provided updated photomontages for select viewpoints. A series of cumulative wireframes to show the proposed Tom nan Clach Extension have also been provided within the EIA FEI, with other replacement photomontages having been provided to ensure that all existing turbines are re-rendered and orientated to face the viewer, with all site infrastructure now been modelled into the updated visualisations. It has subsequently been possible to complete an assessment of the application.

8.97 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.

8.98 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.

8.99 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

8.100 The site lies centrally within the Drynachan, Lochindorb and Dava Moor SLA, with the site being located just over 1km from the Cairngorms National Park boundary. EIAR Para 2.3.5 sets out the applicant's site selection process and the technical / environmental factors considered. This references visibility within 'sensitive areas' but does not define these. It also states international or national statutory designations for landscape or nature conservation within or in close proximity to the site. Regionally important SLAs and proximity to built heritage are notable omissions as a constraint in the applicant's site selection process.

8.101 The proposed turbine locations also proposed a very limited setback from the local road network with the closest turbine being 900m from the B9007. EIAR Para 2.3.11 explains that in relation to site selection, the planning history of wind farm applications in the vicinity of sites is considered to examine the planning sensitivities and any precedents set for each proposed site. The closest wind farm to the site is Tom Nan Clach Wind Farm, with it, and its proposed extension, maintaining a 7km setback from the local road network. This prevailing setback is not however been maintained for other consented wind farms in the locality, with Cairn Duhie Wind Farm situated around 6km further to the north to be sited adjacent to the A939. The closest turbine is however at least 2km from the nearest residential receptor located to the north of the site, with a limited number of properties being located within 5km.

8.102 The applicant considers that the site is suitable for development due to it not being within a natural heritage designation, topographic containment of the landscape, distance from nearest properties, good access with a proven delivery route, option to utilise existing infrastructure, and average wind speeds being high. In devising a site layout, the applicant's EIAR states that they have sought to minimise effects on the Cairngorms National Park (CNP), as well as limit turbines within the eastern extent of the site closes to the B9007 and Lochindorb castle.

8.103 In terms of the prevailing pattern of consented and operational wind farms in the vicinity, Tom nan Clach is situated on higher ground 3km to the west of the site, beyond which also lies Moy Wind Farm, both of which lie on the edge of and partly within boundary of the Drynachan, Lochindorb and Dava Moor SLA. Cairn Duhie and Clash Gour, located to the north west, are consented albeit not yet built and

are located out with the aforementioned SLA. The consented pattern of wind energy development in the area therefore avoids developing within the SLA with the exception of its western extremities.

8.104 Applications are also currently under consideration for the redesign of Cairn Duhie Wind Farm for a slightly reduced number, but larger turbine at up to 149.9m in height that the Council has objected to. The southern extension of Tom nan Clach Wind Farm is also pending consideration for turbines of up to 149.9m which the Council has not objected to. Ourack Wind Farm is also now proposed within the eastern extent of the SLA, located around 10km east of Lethen and located further to the north. Ourack would have a similar limited setback from the CNP boundary and proposes a similar number and height of turbines to Lethen (18 turbines at up to 180m), with this application pending consideration by the Council. The SLA is therefore under considerable cumulative pressure from wind energy development.

8.105 Lethen Wind Farm would sit centrally within the SLA within a broad shaped moorland basin. It would predominantly be viewed extending approximately 5km to the south, 10km to the north west and 20 km to the north, north east and south east. Beyond these distances visibility is intermittent with visibility from the Moray coastline and within the Cromdale Hills to the south east and within the more elevated parts of the Cairngorms.

8.106 At close range, most people would experience the wind farm from the B9007 when travelling across the exposed open Dava moor which connects the CNP and the A9 with Nairn and Forres, represented by VP3 (B9007 near Lochindorb), and from the A839 – VP8 (A939 at Milestone). People travelling along the shore road around Lochindorb castle, VP6 (Shore Road Lochindorb) would also have close range visibility looking towards the castle in western views, with users of the Dava Way VP7 (Dava Way) experiencing a similar angle of view. Nearby road users and remote residential properties to the north would also have close range visibility, VP13 (Minor Road near Dunearn Fort). Particularly due to the proposed scale of turbines, the wind farm would also be experienced in views form elevated ground to the south and south east, notably from VP1 (Carn Glas-choire), VP11 (Creagan a Chaise) and VP12 (Meall a'Bhuachaille Cairn), representative of more distant views from on the boundary of, and within, the CNP.

8.107 The project has been through several design iterations. The design process started with 36 turbines before reducing to 17 turbines to address technical constraints and landscape and visual issues arising from the CNP, Lochindorb castle and other nearby scheduled monuments. In terms of the scale of turbines selected, any smaller turbines are reported to be highly unlikely to be available at a competitive price by the time the wind farm is to be constructed. That said, officers are aware of several other wind farm schemes still being consented and built out with turbines of <150m to blade tip height, such as those proposed for the extension to Tom Nan Clach Wind Farm. With Lethen's proposed turbines being up to 185m in height, the proposed development's turbines would therefore be some 35m taller than the proposed additional turbines for the extended Tom Nan Clach and some 60m, or approximately 50%, taller than the operational Tom Nan Clach turbines which have a blade tip height of 125m, and are comparably well set back from the roadside and situated at a higher elevation up on the hills. The height of turbines proposed therefore appear to be driven by anticipated market availability, rather than derived

through LVIA or based on respecting the landscape capacity of the selected site.

8.108 The applicant has identified that a grid connection will be required and has applied for a substation, however, the likely form, direction or length of connection is not reported, with there being no obvious grid infrastructure in the immediate area. Any such connection would however be the subject of a separate application and consenting process, requiring its own assessment. That assessment must consider the cumulative effect of the grid connection with the wind farm development.

8.109 In terms of design of the other infrastructure on the site (control building / substation, tracks and borrow pits, these have generally been sited with those elements of greatest visual impact set back from the road and with the borrow pit locations being on westward slopes. A noticeable change would however be the increase in width of the existing Tom Nan Clach Wind Farm access track to accommodate the turning circles of larger turbine components, as would be the upgrade of the secondary access track. The detailed design of track access and key supporting infrastructure could however be secured by conditions.

Landscape Impact

8.110 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.

8.111 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 Wind Farm, and the more distant Moy Wind Farms. While the large scale and generally simple landform would generally be less susceptible to wind farm development, particularly given there are already wind farms in the vicinity, these characteristics also contribute to the perception of wildness. The setting of Lochindorb which is valued for its cultural heritage and for tourism and recreation, and the proximity of the secluded intimately scaled Findhorn valley increases susceptibility. Given the height of the proposed turbines at 185m to blade tip, they would be likely to contrast with the smaller turbines of existing Tom Nan Clach Wind Farm. They would also overwhelm the limited vertical scale of the rolling hills which surround Lochindorb and lie on the edge of the Spey valley.

8.112 The applicant has set out in its assessment of impact on the host LCT that the surrounding topography, reduces the extent to which the development is visible from the adjacent landscapes. The location is described as an ‘elevated upland bowl’ which is visually contained. As a result, the applicant has identified that there will be a significant adverse effects on the LCT extending to just 3km from the development to the west, with impacts being contained by the elevated hills which host Tom Nan Clach Wind Farm, with the proposed development also being described in the EIAR as having a strong influence out to a distance of 6km to the south and east. Moderate but not significant LCT effects are reported in the EIAR

out to 10km to the east however, this is regarded by the applicant to be a low scale of change, across medium portion of the overall view. These findings to the south and east are contested, with officers regarding them to have been under assessed, with significant effects on the LCT expected to occur out to around 12km.

8.113 Views from VP16 (Summit of the Knock of Braemoray) are described in the LVIA as 'low scale of change, across a small to medium portion of the overall view' and states that due to the back clothing of the development and the intervening distance from the development, that a low magnitude of change and a moderate and not significant effect would occur. Although it is recognised that expansive views are available from this location, there remains a lack of cohesion with the local combination of topography and landscape character. The existing, and proposed turbines at Tom Nan Clach appear rationally positioned on the more distant skyline while the proposed development dominates the limited extent of the lower, more open moorland contained by the surrounding rolling upland summits. The turbines seem disproportionate in size and in extent of array. The lack of continuity in the character of development between Tom Nan Clach and the proposed development reduced the legibility of the landscape character. Within a relatively confined high moorland, combining turbines within the broad lower bowl of the landscape as well as on the rim of that bowl undermines the design rational and results in an unsympathetic spread of development over the LCT. Significant effects should therefore be regarded as extending as far north-east as Viewpoint 16, where views are available.

8.114 The LVIA is unclear on severity of effects on this LCT in the northern part of the visibility spread. Officers have identified significant effects in this direction extending to the vicinity of VP8 (A939 at Milestone). The development would be seen from within the host LCT but from a perspective of having lately emerged from the Steep Wooded Valley. The turbines would appear in an irregular array, backdropped by rising hills and above a layered view of differing generations of forestry and woodland situated within the moorland at a range of distances from the viewpoint. This juxtaposition allows the trees to act as scale reference for the turbines, such that their full scale is apparent, which in turn may be seen to have a diminishing effect on both the height of the rising hills of that skyline and their distance from the viewer. The Key Characteristics for this LCT recognise the existence of views to existing wind development, but also calls attention to the 'General lack of modern structures (pylons, wind turbines, masts and houses), particularly in the central area close to roads' and this characteristic would be significantly diluted by the introduction of the proposed development. This is assessed as representing a medium magnitude of change and a moderate major effect which should be regarded as significant. This effect would extend to around 12km from the development, where there is appropriate visibility

8.115 The applicant regards the impact on the host LCT to result in a change of its character from 'Open Rolling Upland', to one which could be described as 'Open Rolling Upland with Wind Farms'. The applicant describes that wind energy would not become the single dominant characteristic. Officers however consider that existing characteristics of this LCT would be significantly diminished, with it no longer being capable of being described as a simple rolling landscape which is

generally absent of built modern structures, particularly in the central area close to roads and the Dava Way from where people most experience the area.

8.116 For the surrounding other LCT within the study area, the EIAR LVIA reports that with the exception of LCT 286 (Narrow Wooded Valley - Moray and Nairn) significant adverse indirect effects are unlikely to occur across any other LCT. These findings are not disputed by officers. For LCT 286, indirect significant adverse effects are expected to occur out to approximately 5km to the north of the proposed development where there would be extensive theoretical visibility of the proposal which is best represented by VP13 (Minor Road, near Dunearn Fort). Beyond this distance there are fewer areas where visibility would occur due to existing woodland cover, however, officer point out that woodland cover could change in future, which could extend the development's indirect impacts.

8.117 The draft Dava Moor and Monadliath Landscape Sensitivity Appraisal (LSA) identifies that the Open Rolling Uplands Assessment Unit, in which the proposed development is located, as large scale, being a generally simple landform with low vegetation cover. It explains that the expansive basins of Dava and Lochindorb, which are experienced from the B9007 and A939, instil a sense of huge space. Extensive heather and grass moorland, bog and increasing areas of native woodland influence the naturalness associated with this landscape while the very sparse settlement in the area contributes to a feeling of isolation. The cultural heritage and recreation/tourism importance of Lochindorb, further increases the value of this landscape. The draft LSA explains that the area is faced by cumulative landscape pressure and that development constrains include: preserving the landscape setting, character and views from Lochindorb; views from the B9007 and A939 and effects on the sense of huge space, naturalness and seclusion; and protecting views from the rim of small hills on the northern boundary of the CNP where wind turbines sited on or close-by would detract from their character and from views across the open and expansive moors. Overall, the landscape is described has being of a high sensitivity to wind turbines >149.9m such as those proposed, with this scale of development anticipated to: contrast with existing turbines nearby; overwhelm the limited vertical scale of the rolling hills which surround Lochindorb and lie on the edge of the Spey valley; and diminish the appreciation of dark skies and perception of wildness associated with this landscape due to the requirement for visible aviation turbine lighting.

8.118 In summary, the draft LSA guides that: all wind turbine development should avoid significant adverse effects on views to and from Lochindorb and on the character of its setting; that all wind turbine development should be sited well away from the band of low and diverse rocky hills lying either side of the B9007; and turbines of the scale proposed would affect the integrity of moorland, sense of spaciousness and qualities of wildness which are key qualities of the Drynachan, Lochindorb and Dava Moor Special Landscape Area (SLA), which is assessed further below.

8.119 The development is located centrally within the Drynachan, Lochindorb and Dava Moor Special Landscape Area (SLA). The Council has 27 SLAs which have been identified as regionally important landscape resources to be protected, enhanced and promoted for their enjoyment. The applicant has described the proposal as having a direct, localised and significant effect on a very small part of the moorland fabric. Indirect significant adverse impacts are also recognised as previously

described for the affected LCTs which are covered by the SLA, with such are found to extend 5km to the north and east, for a limited distance to the south where the SLA meets the CNP and 3km to the west. Overall, the applicant considers that the proposal would not prevent an understanding or appreciation of the underlying landscape of the SLA or its special qualities. The applicant's assessment is strongly disputed by officers.

8.120 The assessment of effects on the SLA in the LVIA is brief and focuses on the more readily quantifiable aspects of the designation, looking at extent of effect on character in the far western part, and the degree to which visual effects are limited. In breaking down the SLA in this way, the essential qualities and values of the SLA are lost or disregarded.

8.121 The Overview in the SLA citation (assessment of Highland Special Landscape Areas page 134) states that 'Although this moorland is not as extensive as other moorlands further north, it is valuable for being located midway between a number of settlements and for being easily accessible via several roads which pass through the area…..It retains a strong sense of tranquillity as well as some wildness qualities, which are emphasises by an almost complete absence of built structures.'

8.122 The value of the SLA lies in its small extent, its accessibility, its absence of structures and its ability to deliver a high moorland experience which would more usually be associated with more extensive tracts of moorland, within easy reach of some of the Highland region's densest population centres and to incorporate a secluded loch landscape which enhances the moorland image of isolation and tranquillity and creates an immensely strong sense of place.

8.123 The relatively compact nature of the SLA means that its integrity is readily threatened by developments which diminish its Key Characteristics and Special Qualities. The proposed development particularly stands to impinge the following key landscape and Visual Characteristics:

- Bullet 3 'strong horizontal composition of elements is dominated by the sky and moorland, and a simple prominent skyline in between. Occasional foci do exist, however, such as small craggy hills, lochans and lodges.'

- Bullet 8 'The limited network of public roads through the area, lack of habitation and other built features and open character convey a sense of remoteness and isolation. This is reinforced by the notable consistency of this character through its extent. There is a strong sense of tranquillity in many parts of this landscape.'

- Bullet 10 'Lochindorb stands out as a major tract of open water in the area…. And has the added interest if a ruined castle on an island in the middle. The Loch has low lying shores and is fringed with pockets of sheltered pastoral farmland, offering a pleasant contrast to the dominant surrounding moorland.'

8.124 These paint the picture of a simple and uninterrupted moorland skyline in a remote setting, within which is held a compact and secluded loch landscape. This is reinforced by the Special Quality:

- Bullet 4 ‘The limited extent of tree cover and human habitation creates a simple yet powerful moorland image of tranquillity, simplicity and isolation which is emphasized by Lochindorb and its ruined castle.’

8.125 It is further underlined by the Sensitivity to Change:

- Bullet 1 ‘The undifferentiated moorland landscape, characterised by expansive horizons and broad panoramas may be diminished by further features which break up the composition’; and

- Bullet 2 ‘The sense of isolation, extensive panoramas and impression of wildness could be compromised by the introduction of further buildings or structures.’

8.126 Whilst it is recognised that turbines have already been consented within the boundary of the SLA at Tom Nan Clach and Moy, and close to the boundary at Cairn Duhie, there have generally been at a distance from the central area where the high moorland can be experienced from the public road network. The introduction of 17 turbines of this scale in close proximity to the main route by which people experience many of these qualities, must erode the integrity of the designated area, reducing the very qualities which are highly valued by both local people and visitors to the area and constituting a significant adverse effect to the integrity of the designation and the strong sense of place.

8.127 In assessing the acceptability or otherwise of the development’s impact on the integrity of the SLA, NPF4 Policy 4 part d ii) explains that where such impacts occur, proposals will only be supported where any such 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 officers consider that such at least local benefits could occur for any national development, and that insufficient safeguards are provided by NPF4 to protect Highland’s regionally important landscapes. The landscape character and SLA impacts of the proposal do not weigh in favour of development but these must however be considered in the round, and are just part of the key determining matters for this application. For example, 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.

8.128 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 (CNP). It concludes that the proposed development conflicts with the National Park Partnership Plan (NPPP) 2017 – 2022, Policies 1.3 and 3.3a, which seek to conserve and enhance the Special Landscape Qualities (SLQs) of the park, with the development giving rise to significant effects on the landscapes both cultural and natural, dark skies and wildness SLQs. It also advises that should Lethan Wind Farm and Tom Nan Clach Wind Farm Extension be consented, it objects to the application on the grounds of cumulative impact.

8.129 NatureScot do not object to the application on the basis that it does not consider that the proposal would result in adverse effects on the integrity of the Cairngorms National Park or the objectives of the designation. It does however advise that the

proposal would result in significant adverse effects on three Special Landscape Qualities (SLQs) of the Park, namely:

- dark skies SLQ within close proximity of the proposal around the rim of the CNP as a result of the turbine lighting;
- wildness SLQ within close proximity along the margins of the CNP as a result of the turbine lighting; and
- landscapes both cultural and natural SLQ from the Cromdale Hills as a result of the proposal blurring the distinction between these two key underpinning characteristics.

8.130 The significant effects on the landscapes both cultural and natural SLQ are considered to extend well within the interior of the CNP (at around 18km from the proposal) across popular and well visited areas of the park. It also sets out that if Tom nan Clach Extension Wind Farm and Lethen Wind Farm are approved, there would also be a significant averse cumulative effect on the Wildness and Surrounding Hills SLQs of the CNP, experienced along the ridgeline of the surrounding hills, which form the northern extents of the park where these SLQs are well expressed.

8.131 Although NatureScot has not objected, it considers that the proposal would give rise to significant adverse impacts on the SLQs of the park, which has led to an objection from the CNPA. The applicant's assessment highlights that 95% of the CNP would not have theoretical visibility of the proposed development and other than from the ridge which marks the boundary of the CNP, visibility elsewhere is restricted to a small number of highpoints within the landscape, the vast majority of which lie beyond 15 km of the site. The EIAR explains that significant visual effects were identified for the two accessible viewpoints at the boundary of the CNP, namely VP1 (Carn Glas-choire) and VP4 (Creag Ealraich), with significant visual effects also experienced at VP9 (Gordon Hill) however this is more remote, without a marked footpath and accessed through dense heather. The applicant's assessment also does not identify any significant indirect landscape character impacts. Overall, the applicant finds that there is not considered there would be any significant effects on any of the special landscape qualities of the CNP as a result of the proposed development.

8.132 Having considered both consultees responses, examined the extent of likely significant landscape effects and appraised the applicant's LVIA's assessment of designated and protected landscapes, on balance, it is considered that whilst there may be adverse impacts on the aforementioned SLQs of the park, and most probably to a greater degree than that suggested by the applicant, the magnitude of change and the extent to which significant impacts will be experienced is unlikely to be so severe to warrant objection on this matter in isolation.

8.133 The magnitude of change arising from the proposed development would vary from: the appearance of turbines at relatively close proximity to the northern border of the park; to the presence of turbines set within a low point in the moorland landscape within mid and longer range elevated high summits within the central areas of the park. Due to the disparate nature of these small areas of close range intervisibility, as evidenced by the ZTV mapping, whilst localised significant effects may occur, sequential effects when moving across any summits would be minimal. This is

anticipated to lead to localised significant major effects close to the northern boundary of the park, with no significant impacts occurring further in within the park at elevated ground. The applicant considers the overall effect on the park to be not significant. Whilst officers have identified that some localised significant effects may occur, overall, the applicant's reported impacts on the integrity of the park as a whole are not contested; aligning with NatureScot's stance of raising no objection.

8.134 No other designated landscape will be affected by the proposed development.

8.135 The applicant has not identified any visibility from the nearest Wild Land Area (WLA) being Area 20 Monadhliath, located around 19km to the south west of the proposed development. The Cairngorms WLA Area 15 is also located 20km to the south, within the CNP. Given the limited visibility and the separation distance no significant impacts are anticipated. This is not contested by officers given that NatureScot previously advised that WLA assessments for this proposal were not required, and that the position set out in NPF4 makes clear that 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.

Visual Impact

8.136 Visual impact is considered with the aid of the criterion set out in Section 4 of the OWESG, with assessment against the criterion and a view taken as to whether the threshold set out in the guidance is met or not, contained in Appendix 3. 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.

8.137 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 within 5km in all directions, with visibility beyond that distance being concentrated largely further out to the north and east, and from higher ground to the south.

8.138 When considering the additional visibility of turbines beyond that experienced as a result of the operational and consented wind farm development, as well as the proposed Tom Nan Clach extension (which the Council did not raise any objection to) Lethen would introduce new areas of visibility principally in close proximity on the B9007 to the east, south east, and further south across the CNP. 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.

8.139 Whilst a large-scale wind energy scheme would be expected to result in significant visual impact effects, the Council, through the OWESG, 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 from the B9007 or removal of turbines, but this needs to

be balanced against the benefits of the proposal in its current form and the applicant had made clear to officers that it had no intention of making any amendments to the scheme.

8.140 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. The EIAR includes a visual impact assessment from each of the 16 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. Whilst the applicant has identified the proposed development to give rise to 7 significant visual effects within a 9km radius, officers have identified one additional significant visual effect, namely for users of the A939 at VP8 (A939 at Milestone) at a distance of around 7km from the nearest turbine. 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.

Impact on Recreational Users of the Outdoors

8.141 The impact on recreational users of the outdoors has been assessed from VP1 (Carn Glas-choire), VP4 (Creag Ealraich), VP5 (Meall a' Bhreacraibh), VP6 (Shore Road Lochindorb), VP7 (Dava Way), VP9 (Gorton Hill), VP10 (Beinn Mhor), VP11 (Creagan a Chaise), VP12 (Meall a'Bhuachaille Cairn), VP14 (Ardclach Bell Tower), and VP16 (Summit of the Knockof Braemoray).

8.142 From the elevated viewpoints, it is considered that receptors would be significantly adversely affected within a radius of generally 9km. This is largely due to the distance from the development but also the inability to contain the number and scale of turbines within the open landscape with containment being better to the west and south of the site where such mid range impacts either to not occur or are isolated. The exceptions to this are hill summits VP1 and VP4 on the boundary of the CNP where major adverse visual impacts would occur. Receptors across elevated ground further to the south west would also be adversely effected, but such effects are mitigated by distance where the development would extend the horizontal spread and influence of wind turbines in the view.

8.143 In many of the views the wind farm would appear to contrast in scale with the smaller turbines of Tom nan Clach Wind Farm with these being on more elevated ground and being sky lining in character on the horizon. In many views, the majority of Lethen is viewed as being backclothed against a dark moorland landscape which emphasises the scale and presence of the wind turbines, but when seen with of Tom nan Clach appear of a different design and character.

8.144 From a lower elevation, the proposed development would have a dominating impact for recreational users of the Lochindorb shore road (VP6), an area which is utilised for cycling, walking, camping and water sports. Here the horizontal extent of the wind farm would be substantial, with the difference in scale between the existing and proposed turbines at Tom nan Clach being evident. Based on the applicant's definition of magnitude of change this would lead to a "major" magnitude of change rather than the "high-medium" magnitude reported by the applicant. Although this

difference between officers and the applicant is unlikely change the overall EIA findings this is a key design viewpoint for this scheme.

8.145 In terms of other recreational impacts, users of the Dava Way, as represented by VP7, were considered unlikely to be subject to significant adverse effects given the limited open views toward the development and the distance from the development. This is however a 'solus' assessment of the proposed development, which would be one of many to be experienced along this route which cumulatively would amount to having a moderate but significant impact as explained further below.

Impact on Road Users

8.146 The impact for users of the road network has been assessed from VP2 (Minor Road north of Drynachan), VP3 (B9007 near Lochindorb), VP6 (Shore Road Lochindorb), VP8 (A939 at Milestone), VP13 (Minor Road, near Dunearn Fort), and VP15 (Lymore on the A939).

8.147 The applicant has identified significant adverse impacts for road users of the Lochindorb shore road, the B9007 and the minor road to the north of the site (VP13). These are reported to be major for the B9007 for a distance of 2.9km northbound as you travel level with the development and 4.3km southbound with a greater impact on the southern approach. The extent of southbound impacts may however change overtime as forestry plantation would be subject to periodic felling. The applicant's assessment has also 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. Although the applicant has suggested that effort has been made to set turbines back from this road, where the wind farm would be experienced by road users this would undoubtably dominate views from this route and for some road users may well find this experience overwhelming. This is a key determining matter with the siting of the wind farm in such close proximity to this route showing little regard to this inevitable major impact.

8.148 The applicant's assessment also fails to identify that the visual impact of the proposed development would also be significant for users of the A939 (Milestone VP) where southbound users would have uninterrupted views of the development in the open moorland for a 2.8km stretch when exiting woodland at Ferness. This is a promoted tourist route which is of high sensitivity. This route allows one to appreciate the sites wider context, with the wind farm being located within an expansive simple landform, with gentle hills surrounding the wind farm site, forming a perimeter around the upland plateau. These characteristics result in the site being less susceptible to change, but also contributes to the perception of wildness associated with this landscape and its designation as an SLA. It is considered that both the sensitivity and magnitude of change has been underplayed by the applicant, and given the limited separation distance and strong influence the wind farm would have on the view, a major to moderate level of effect would occur which would be significant. The cumulative effects of Tom nan Clach's extension would reduce the separation distance between the two wind farm clusters, and Tom nan Clach's turbines would appear of a contrasting scale.

8.149 Major impacts are also reported for a short stretch on the local road at VP13 in close proximity to the development. Aforementioned impacts for the Lochindorb

shore road are also contested by Officers to be major.

Residential Receptors

8.150 There are limited residential receptors in proximity of the application site, with properties between 2 to 5km away from the closest turbine being located to the north, represented by VP13 (Minor Road, near Dunearn Fort). There will also be limited visibility toward the development from within any nearby informally recognised settlements, with at worst minor and not significant effects occurring for receptors in and around Dava, situated 7.3km to the east north east. There is also theoretical visibility from Ferness situated 7.7km to the north, however properties here would not have any view due to intervening substantial areas of woodland.

8.151 For more remote properties situated closer to the site, the applicant has identified significant adverse impacts on the following 5 individual residential receptors:

- Banchor (3.2km to the north north west);
- Refouble (2.9km to the north east);
- Drumlochan (3.6km to the north east);
- Milltown (3.8km to the north east); and
- Lochindorb Lodge (3.2km to the east).

8.152 A further significant adverse effect is reported for Dunearn Lodge (2.5km to the north north east) a shooting and fishing lodge which is the property of Lethen Estate and is financially involved in the development. The applicant's assessment for residential receptors is accepted. Given the separation distance to all affected properties, the development would not give rise to effect that would make these properties unattractive places to live, albeit that the wind farm would have an adverse effect on residential amenity.

Cumulative Visual Impacts

8.153 When considering visual impact, it is important to consider the cumulative impact with other consented and proposed (application stage) developments. There will be some sequential impacts as one travels through the local road network, albeit there are areas of respite between the developments. It is anticipated that Tom nan Clach Wind Farm extension, the redesigned scheme for Cairn Duhie Wind Farm and Ourack Wind Farm, if all consented, would result in a cumulative impact with the proposed development. This is a result of the close proximity of the schemes. In particular, the cumulative impact will be stark when experienced sequentially from the road network around Lochindorb and from the hills which form the edge of the CNP.

8.154 The sequential cumulative effects are acknowledged in the applicant's LVIA as being significant for users of the A939, A940, the B9007, the Lochindorb shore road and the Dava Way. Such effects are described to be for short sections of these routes only, with the applicant's assessment also considering such effects arising due to wind farms which have been consented post the applicant's EIAR, notably including Clash Gour, Berry Burn Extension and Rothes III. Given the scale and prominence of the proposed Lethen development, the nearby proposed Tom nan Clach Wind Farm extension, in some respects, would comparably become a more

recessive feature. The proposed development may also make other surrounding and more distant wind farm clusters more obvious in the landform, as the eye is drawn towards the closer much larger Lethen and Ourack turbines which would be comparably more prominent in views across the Dava, when viewed from elevated ground to the south and south east, including from the CNP. Such cumulative 'in combination' visual effects from summits whilst standing in one location are considered to be greater than assessed in the applicant's EIAR and EIAR FEI, although it is acknowledged that the applicant's assessments do not capture the latest cumulative position and notably does not capture Ourack Wind Farm. In may be that this would need to be considered in any future Public Local Inquiry proceedings.

8.155 In the interim, officers requested additional ZTV mapping to be provided by the applicant for Ourack Wind Farm 22/05289/S36 to help assess these in combination and sequential effects. The Figure C, Rev 2, dated 06 June 2023 (Cumulative ZTV – Ourack with Lethen Wind Farm) indicates area where both wind farms schemes would be theoretically seen both individually and concurrently. This confirms potential visibility of either scheme across almost all of the SLA, and when travelling along the B9007, the A940 and the Dava Way where wind farm development would be apparent either side of these routes. To help understand the extent of theoretical visibility and how much of either wind farm would be seen, officers have assessed the wireframes and visualisations produced for Ourack Wind Farm alongside the corresponding ones taken for Lethen notably from the following locations, albeit that it should be noted that not all viewpoint representative locations precisely match:

Ourack (VP)	**Lethen (VP)**
North	
4 (Knock of Braemoray)	16 (Summit of the Knock of Braemoray)
10* (A940 Carnach)	N/A - No corresponding VP
South (CNP)	
14** (Creag Ealraich)	4 (Creag Ealraich)
16 (Creagan a Chaise)	11 (Creagan a Chaise)
19* (Carn Glas-choire)	1 (Carn Glas-choire)
22 (Meall a'Bhuachaille Cairn)	12 (Meall a'Bhuachaille) Cairn)
23 (Strathy Nethy Path)	N/A - No corresponding VP
East	
5 (Dava Way (South of Dava))	7 (Dava Way)

7* (A939 Layby near Lochnellan)	N/A - No corresponding VP
13** (B9007 near Carn nana Clash Garbha)	3 (B9007 near Lochindorb)
West	
21* (Cairn nan Tri-tighearnan)	5 (Meall a' Bhreacraibh)
NOTE: * Ourack EIAR Para 8.5.26 reports significant cumulative effects with other wind farms, including, but not limited to Lethen. **Ourack EIAR Table 8.5 reports significant cumulative effects specifically due to in combination effects with Lethen.	

8.156 As these do not provide 360 degree panoramas and not all Ourack VPs capture both wind farm proposals, updated wider panorama wireframes or use of the Council's Panoramic Viewer would be advantageous to ratify these findings, again with this expected to be revisited through any possible further Public Local Inquiry proceedings. The Council's cumulative assessment for each viewpoint is report is detailed within Appendix 2, with significant in combination effects being identified for Lethen VP1 (Carn Glas-choire), VP3 (B9007 near Lochindorb), VP4 (Creag Ealraich), and VP7 (Dava Way), broadly corresponding with the findings reported within the LVIA cumulative assessment undertaken for Ourack Wind Farm.

8.157 In considering the individual impacts of the development, officers gave consideration to no reduction in scale of the scheme to push back the turbines further from Lochindorb castle or the B9007. This coupled with the sites central positioning within the SLA raised significant concern which were well expressed and documented from the outset to the developer through the Councils major pre-application advice service.

8.158 It is reported in the EIAR that the applicant has attempted, where possible, to reduce potential landscape and visual effects through the proposed design and layout of the turbines. This has not however gone far enough and has not resulted in a well-designed scheme, as evidenced by the number and widespread resultant significant adverse landscape and visual effects. Such effects are not sufficiently mitigated, or localised, and arise due to the proposed wind farm being inappropriately sited within a regionally important landscape resource, as well as due to the scheme's poor relationship with the visual receptors and features of the area. A further contributing factor to this is the excessive scale of proposed turbines, with theses being substantially larger than those existing and proposed for the nearby Tom nan Clach Wind Farm, and the scheme's resultant aviation lighting requirements which are assessed in further detail below.

Aviation Lighting (Hours of Darkness)

8.159 The turbines will require to be lit for aviation safety on account of being over 150 metres in height so an assessment of the development's visual impact in the hours

of darkness is required. The applicant has specified that visible peripheral lighting of medium intensity 2,000 candela, dropping to 200 candela when viewed from distances of 5km or more in clear conditions, will be installed on 5 turbines, the hubs of cardinal Turbines T1, T3, T14, T15 and T17. Consequently, any lighting scheme will extend the development's impacts into the hours of darkness. There are no operational wind farms with aviation lighting in the LVIA study area. Consented / under construction lit turbines include those at Clash Gour and Rothes III. Other wind farm turbines proposed to be lit which are at the application stage include those at Ourack.

8.160 The site and surrounding area is largely void of any light pollution at present with darks skies being a SLQ of the CNP and in addition, there is a the Dark Sky Park situated to the south east of the Cromdale Hills between Glenlivet and Tomintoul which extends south eastwards to the Ladder Hills. Existing light sources are limited to isolated properties, farm buildings and distant larger settlements such as Grantown-on-Spey, as well as intermittent transient light sources such as vehicles passing through the area.

8.161 Discounting landcover, the ZTV Figure 6.25 and the EIAR LVIA explains that the aviation lighting will be visible from all selected representative viewpoints with lighting experienced most intensely from nearby receptors and higher ground, with night time photomontages having been undertaken for close in VP3 (B9007 near Lochindorb), VP6 (Shore Road Lochindorb), as well as from the slightly more distant VP8 (A939 at Milestone).

8.162 Aviation lighting will disrupt the sense of remoteness experienced during hours of darkness from locations across the area. While during the day one's eye would be drawn to the moving blades of the turbines, in hours of darkness one's eye would be drawn toward the red aviation lighting, which can flatten a sense of distance in the darker landscape. Depending on the position of the receptor to the lighting, the lights may appear to flash as a result of the turning of the turbine blades, passing between the light and the viewer. This may be a visually confusing effect for the receptor unless they were aware of the reason for the lights, while in hours of darkness one does not have the benefit of being able to relate the lighting to a landform.

8.163 These effects would be significant within the host LCT 291 Open Rolling Upland, and within the adjacent LCT 286 Narrow Wooded Valley - Moray and Nairn. For the Host LCT the magnitude of change in hours of darkness being reported to be medium, resulting in a major to moderate impact within a 6km radius. For the adjacent LCT, the magnitude of change would be slightly reduced to medium to low, resulting in a Moderate but significant impact. Although these LCTs are generally dark and an unlit landscape, they are characterised has having some large forestry blocks which tend to obscure or partly obscure light sources, with parts of the LCTs also being at a lower elevation than the proposed horizontal angle of the focused light beam which is expected to be zero degrees, reducing the light intensity across much of the lower areas, albeit that light will still be reflected off passing turbine blades. That said, on elevated ground, long the ridges and summit of hills, the light intensity would vary between ≤2000 / 1500 candela during periods of poor visibility (<5km). Notwithstanding these effects however, the applicant's findings are not contested.

8.164 Lighting of the turbines would also extend the development's significant adverse impacts on the characteristics and special qualities of the host SLA, with this not being identified in the applicants EIAR. Although dark skies are not specifically referenced in the SLA citation, lit turbines in this landscape must impact upon "A Sense of Solitude, Views over Heather Moorland, and Big Skies".

8.165 NatureScot also consider the proposals to result in significant adverse effects on three Special Landscape Qualities (SLQs) of the Park, namely: dark skies SLQ within close proximity of the proposal around the rim of the CNP as a result of the turbine lighting; wildness SLQ within close proximity along the margins of the CNP as a result of the turbine lighting. The applicant's LVIA points out that the aforementioned Dark Sky Park within the CNP is where people would tend to visit to best appreciate these qualities and that the proposed development would not be visible from there. The applicant's assessment also concludes that those locations within the CNP where the lighting would be seen are restricted to isolated high points, generally beyond 15km from the site, where in many cases visitors are highly unlikely to be present during periods of low light due to the challenges in securing safe access. This judgement is also informed with regard to the findings of the Reporters at the Crystal Rig IV Wind Farm Inquiry that they found it 'difficult to detect' a test light at 200 candela at a distance of 17km, a distance less than the majority of the locations where visibility of the lights would be seen for this project.

8.166 Localised significant adverse lighting impacts are still however reported to occur, and the applicant has acknowledged that significant adverse lighting effects would arise at 5 of the representative viewpoints, namely VP1 (Carn Glas-choire), VP3 (B9007 near Lochindorb), VP4 (Creag Ealraich), VP13 (Minor Road, near Dunearn Fort) and VP16 (Minor Road, near Dunearn Fort), which includes locations from the boundary of the CNP, and out to a distance of 8.4km when viewed from the north, owing to the landscape having very few light sources and a backdrop of a dark landform. This is considered as an under assessment, with additional hours of darkness significant impacts are likely to occur.

8.167 As recognised by the applicant, such significant lighting impacts would be most severe for users of the B9007 where a major effect would occur. Owing to the limited separation distance, lighting will be clearly visible, with the added element of intermittency of the light as blades move past the tower and nacelle lights. It is often the case that blades reflect the red glow of hub lights, extending the visibility from a point of light to a moving reflection of light. In an environment where there are typically no lights above the road level, such an impact should have been mitigated by design / maintaining a greater separation distance from the road, particularly given that the closest turbine to the road T3 is to be lit.

8.168 The applicant's assessment of lighting effects for users of the Lochindorb shore road is contested. Owing to only two hub lights being visible from VP3 (Shore Road Lochindorb), this is assessed by the applicant has having a low magnitude of change resulting in no significant effect. Given the limited separation distance of around 4.7km, it is argued that the number of lights visible is not the most important factor. In this view any visible aviation lighting would be immediately obvious, against a dark sky and partially against the heather clad dark hills. The lights would be clearly noticeable and would form an easily identifiable component in the view, leading to a

medium magnitude of change. The sensitivity of this receptor is also regarded by officers to be very high, as this is reported to be a location used by photographers to take in the Lochindorb castle in evening photography. As such any visible turbine lighting is regarded have at least a moderate and significant level of effect.

8.169 The applicant's assessment of lighting effects for users of the A939 is also contested. For VP8 (A939 at Milestone) the hours of darkness photomontage show that three lit turbines would be visible at a distance of 6.9km. This is described in the LVIA as a "noticeable change to the view during dark sky hours that would occur in a part of the landscape with no other existing light sources". The magnitude of change is however assessed by the applicant as low, as this change is described to be mitigated by transient light sources from vehicles using this road. It is questioned whether such vehicle lights would mitigate this change, particularly when vehicles lights would be concentrated on the road. Given that such hours of darkness effects would also arise when the road would be quieter and may often occur when there are no other vehicles on the road, this is not considered to represent the worst case scenario. Given the length of the route affected, and the intervening distance, turbine lighting would be clearly noticeable and would form an easily identifiable component in the view with any intermittency of passing blades drawing the eye. As such, officers consider the magnitude of change to be medium. With the A939 also being a recognised tourist route it is also regarded to be of high sensitivity, which would result in a moderate and significant level of effect.

8.170 Major to moderate significantly adverse effect during the hours of darkness is also reported in the EIAR to occur for the residential properties of Dunearn Lodge (which is financially involved in the development), and Banchor, a single storey cottage located 3.2km to the north north west. These impacts are however reported not to be overbearing, which is not contested. The EIAR LVIA also reports aviation lighting visibility for Lochindorb Lodge. Whilst some of the lights would be obscured by the property's surrounding woodland, where visibility does occur, these impacts would be significant, aligning with the findings of the impact expected to be experienced along the Lochindorb shore road.

8.171 The presence of any visible aviation lighting is of concern, particularly when this is seen intermittently due to passing blades, with these additional visual impacts having been effectively designed out by the consented wind farm schemes in the locality which has very limited sources of light pollution. Planning conditions could be applied to potentially limit the duration of these effects should Primary Surveillance Radar (PSR) or the use of aircraft installed Electronic Conspicuity (EC) equipment mitigation measures become widely available across the UK, and can be deployed at reasonable cost, as is now the case elsewhere in Europe. The prospect of this however remain uncertain at the present time.

Noise and Shadow Flicker

8.172 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 residential properties, with their being no properties within 2km of the nearest proposed turbine. The Planning Authority would still 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, and its proposed extension, 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

8.173 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

8.174 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 aviation lighting and notification to the appropriate bodies of the final turbine positions. Visible aviation lighting is anticipated to be required for cardinal turbines T1 and T3 located to the north, and T14, T15 and T17 to the south with their hubs to fitted with 2,000 candela lights capable of being dimmed to 10% intensity when visibility exceeds 5km in fair weather conditions.

Other Material Considerations

8.175 The applicant has sought permission to operate the windfarm for 35 years. As with any wind farm, it is requested that any 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 being left to planning conditions, which could lead to scope for further redesign or re-powering without requiring a full fresh consent.

8.176 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 Council's approach requires that, while foundations can remain, exposed concrete would 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.

8.177 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.

8.178 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.

8.179 Given the complexity of major developments, and to assist in the satisfaction and compliance with 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.

Matters to be Secured by Legal Agreement

8.180 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 provision of renewable energy generation. In this regard it is anticipated to contribute an additional 102 MW of installed capacity, plus 10 MW of battery storage which would make a meaningful contribution toward addressing climate change. The applicant has also stated overall net benefits in terms of carbon reduction and peatland restoration, with additional peatland restoration having recently been proposed to deliver meaningful enhancement. 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 includes NPF4, as well as all other material considerations.

9.2 There have been 13 objections to the application and 7 representations in support. This is regarded to be a low level of public representation to a proposal of this scale. The host community councils did not provide any consultation responses to the application. In the surrounding area, Grantown on Spey and Vicinity Community Council and Finderne Community Council object to the application, whilst Cromdale and Advie Community Council expressed their support. Objections have been received from the Cairngorm National Park Authority (CNPA), Historic Environment Scotland and from the Council's Historic Environment Team. Other statutory consultees did not raise any objection following submission of further environmental information, and subject to the application of planning conditions.

9.3 The site lies centrally within the Drynachan, Lochindorb and Dava Moor Special Landscape Area (SLA) and is located just over 1km from the Cairngorms National

Park boundary. Without doubt, the turbines proposed will substantially increase the visibility and presence of wind energy development in an area of Highland which is identified to be protected and enhanced as a Special Landscape Area (SLA). This regionally important landscape resource has not informed the applicant's site selection process. The relatively compact nature of the SLA means that its integrity is readily threatened by wind farm developments around and within its periphery. In choosing to locate a wind farm of the scale envisaged centrally within this SLA, and in such close proximity to main routes by which people experience many of this landscape's special qualities, this erodes its strong sense of place which is highly valued by both local people and visitors to the area. The development affects the integrity of this SLA to the extent where its qualities would be significantly diminished to an unacceptable degree. In determining this application, the decision is therefore to either have a wind farm landscape, or to have a SLA; you cannot have both.

9.4 Coupled with the SLA impacts, the proposal has been found to give rise to significantly adverse landscape character impacts out to a distance of 12km. Significantly adverse impacts on certain special qualities of the Cairngorm National Park have also been identified, with views from its north periphery being altered with the proposal representing what would be the most prominent wind farm array in close proximity, breaking the prevailing pattern of wind farm development in this locality. Such significant impacts would occur both during the day and in hours of darkness, with visible turbine aviation lighting being required.

9.5 From a visual amenity perspective, whilst the turbines would be sited remotely and would not have any visibility from large settlements, they would be located exceptionally close to the B9007, as well as the A939, which cross the Dava, and critically, in the immediate vicinity of the Lochindorb shore road. The applicant has under valued the importance of these routes and the transitional experience they provide for users experiencing this remote landscape whilst traveling between the A9 and costal settlements of Nairn and Forres. Owing to the turbines being poorly sited in the landscape, the scale of the proposal, and their proximity to sensitive receptors, the wind farm would give rise to 8 identified significantly adverse visual effects across a radius of around 9km. These effects would be experienced from the aforementioned routes, from the hills on the northern periphery of the Cairngorms National Park, on the minor road near Dunearn Fort to the north, and more distantly from the summit of Knock of Braemory where one can appreciate the moorland setting of Lochindorb looking south. Such impacts would occur into hours of darkness due to the visible aviation lighting requirements.

9.6 Cumulative sequential impacts of the development in combination with those consented and proposed including, but not limited to, Tom nan Clach extension, Cairn Duhie (including its redesign), Clash Gour and Ourack are also of concern, and are found to be significant for recreational users of the Dava Way. Visual amenity from 6 remote residential properties located at a distance between 2km and 5km from the nearest turbine would also be significantly adversely affected, with these visual amenity impacts also expected to occur during hours of darkness for 3 properties where turbine lighting would be an obvious feature in resident's views.

9.7 It is reported in the EIAR that the applicant has attempted, where possible, to reduce potential landscape and visual effects through the proposed design and layout of the turbines. This has not however gone far enough and has not resulted in a well-designed scheme, as evidenced by the number and wide spread significant adverse landscape and visual effects. Such effects are not sufficiently mitigated, or localised, and arise due to the proposed wind farm being inappropriately sited within a regionally important landscape, as well as due to the scheme's poor relationship with the visual receptors and features of the area. A further contributing factor to this is the excessive scale of proposed turbines, with these being substantially larger than those existing and proposed for the nearby Tom nan Clach Wind Farm, and the scheme's resultant aviation lighting requirements. These findings are consistent with the guidance set out within the draft Dava Moor and Monadliath Landscape Sensitivity Appraisal, as well as the adjacent Onshore Wind Energy Supplementary Guidance (OWESG) Loch Ness Landscape Sensitivity Study, with the proposal being assessed by officers to fail 9 of the 10 criteria thresholds set out in the Council's OWESG.

9.8 The impacts on the setting of Lochindorb Castle Schedule Monument have also raised objections from Historic Environment Scotland (HES) and the Council's Historic Environment Team. Whilst impacts on the setting of scheduled monuments are primarily a matter for HES as specialist advisor and the Scottish Government as the decision maker to consider, officers are aligned with HES's assessment; that the proposals adversely affect the integrity of the setting of Lochindorb Castle. For users of the loch and its surrounding road, views towards the castle are regarded to be of a very high sensitivity. The introduction of the proposed large scale wind turbines would have high magnitude of change, resulting in a major and significant effect, impacting on the integrity of the scheduled monument's setting.

9.9 Officers have assessed this application principally against the policies set out in NPF4 and the Development Plan, including Policy 67 (Renewable Energy) of the Highland wide Local Development Plan (HwLDP) with its eleven tests which are expanded upon within the OWESG. This policy also reflects policy tests of other policies in the HwLDP, for example Policy 28 (Sustainable Design). The proposal can be considered to benefit from in principle support as a National Development prescribed by NPF4, owing to the contribution the development would make toward tackling climate change. In this case, such a contribution would however come at a considerable cost. Owing to the poor siting and design of the proposal, the extent of resultant landscape and visual effects, as well as the built heritage impacts, which are deemed unacceptable.

9.10 Schedule 9 of the Electricity Act sets out what an applicant shall do in relation of the preservation of amenity. It is considered that the proposal has had insufficient regard to the desirability of preserving natural beauty or protecting the setting of historic interests and has not done what is reasonable to mitigate the effects on the natural beauty of the countryside or on built heritage. This is by virtue of the location, setting and design of the wind farm, resulting in landscape and visual impacts which cannot be accommodated. Officers are also not satisfied that environmental effects of this development can be addressed by way of mitigation.

9.11 Given the above analysis, the application is considered to be contrary to the Development Plan, national policy and is unacceptable 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.

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 AN OBJECTION**, to the application for the following reasons:

1. The application is contrary to Policy 67 (Renewable Energy), Policy 57 (Natural, Built and Cultural Heritage), Policy 61 (Landscape), and Policy 28 (Sustainable Design) of the Highland wide Local Development Plan, the Onshore Wind Energy Supplementary Guidance, and NPF4 Policy 4 (Natural Places) and Policy 11 (Energy) as the development would have a significantly detrimental landscape impact on the integrity of the Drynachan, Lochindorb and Dava Moors Special Landscape Area, as well as on the underlying Open Rolling Uplands Landscape Character Type; and due to having significant adverse impact on special qualities of the Cairngorm National Park. The application fails to preserve amenity under Schedule 9 of the Electricity Act, as it has insufficient regard to preserving natural beauty of the countryside and does not reasonably mitigate the effect of the proposals. This is by virtue of the location, siting and design with the proposed development with it dominating views within and across this moorland area, its cumulative impact, and visible aviation lighting requirements.

2. The application is contrary to Policy 67 (Renewable Energy)), Policy 57 (Natural, Built and Cultural Heritage), and Policy 28 (Sustainable Design) of the Highland wide Local Development Plan, the Onshore Wind Energy Supplementary Guidance, and NPF4 Policy 11 (Energy) as the development would have significantly detrimental visual impacts, which are not localised and / or appropriately mitigated by design, as experienced by road users, including tourists, residents, and recreational users of the outdoors particularly from representative viewpoints: VP1 (Carn Glas-choire), VP3 (B9007 near Lochindorb), VP4 (Creag Ealraich), VP6 (Shore Road Lochindorb), VP7 (Dava Way), VP8 (A939 at Milestone), VP9 (Gorton Hill), VP13 (Minor Road, near Dunearn Fort), and VP16 (Summit of the Knockof Braemoray). The application fails to preserve amenity

under Schedule 9 of the Electricity Act, as it has insufficient regard to preserving natural beauty of the countryside and does not reasonably mitigate the effect of the proposals. This is due to the design, scale and location of the proposed development, its cumulative impact, and visible aviation lighting requirements.

3. The application is contrary to Policy 67 (Renewable Energy), Policy 57 (Natural, Built and Cultural Heritage), and Policy 28 (Sustainable Design) of the Highland wide Local Development Plan, the Onshore Wind Energy Supplementary Guidance, NPF4 Policy 7 (Historic Assets and Places), NPF4 Policy 11 (Energy) and the Historic Environment Policy for Scotland, as the development would have significant adverse impacts on the integrity and setting of Lochindorb scheduled monument. The application fails to preserve amenity under Schedule 9 of the Electricity Act, as it has insufficient regard to preserving the historic built environment and does not reasonably mitigate the effect of the proposals. This is due to the design, scale and location of the proposed development, its cumulative impact, and visible aviation lighting requirements.

Signature:	David Mudie
Designation:	Area Planning Manager South
Author:	Peter Wheelan
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Location Plan - EIAR Figure 1.1
	Plan 2 – Site Layout Plan - EIAR Figure 1.2
	Plan 3 – Typical Turbine Elevation - EIA Figure 3.2

Appendix 2 – Visual Assessment Appraisal

			Proposed Development			Combined Developments		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility / value of the view)	Magnitude of Change (Scale of Change / Extent / Duration)	Level of Effect (Magnitude of change / Sensitivity of Receptor)	Significance (Major and Major / Moderate are Significant. Moderate may be significant)	Magnitude of Change	Level of Effect	Significance
VP1 – Carn Glas-choire (5.8 km)	App	High	High to Medium	**Major to Moderate**	**Significant**	No cumulative 'in combination' significant effects reported for any viewpoint.		
	THC	High	High to Medium	**Major**	**Significant**	High to Medium	**Major**	**Significant**
	Taken form the boundary of the CNP and representative of walkers. Existing and consented wind farms are visible in the same direction of view but are substantially further set back towards the distant horizon. The proposed turbine spacing is irregular, with clusters of turbines not following any clear pattern, with the wind farm appearing to be split in to two arrays. The turbines do however sit at a low level and are contained on the plateau, appearing to have a regular height. Given the uniformity in scale, it is agreed that the proposal to read as a single group, albeit that this remains sensitive to change such as through turbine micrositing. Given the close proximity, large scale and horizontal spread of the turbines, THC consider the level of effect to be major with the wind farm having a strong influence on the view. In combination effects would also be significant with the addition of Ourack Wind Farm, increasing the prominence of wind farm development in the expanding cluster of wind farm development further to the north east.							
VP2 – Minor Road north of Drynachan (6.8 km)	App	Applicant considers no detailed assessment is required due to lack of potential for significant effects.						
	THC	Medium	Very Low	Minor	Not significant	No notable cumulative impact arising from this specific proposed development.		
	Turbine blades visible above intervening topography, however, these are limited in number and scale.							
VP3 – B9007 near Lochindorb (0.9 km)	App	High to Medium	Very High	**Major**	**Significant**	No cumulative 'in combination' significant effects reported for any viewpoint, however, sequential cumulative effects for short sections of this route are reported.		
	THC	High	Very High	**Major**	**Significant**	Very High	**Major**	**Significant**
	THC are in broad agreement with the App's LVIA, albeit that receptors at this VP are considered to be of high sensitivity, rather than high to medium. This route is a minor road used by tourists as well as the coastal towns of Nairn and Forres, providing a more direct							

			Proposed Development			Combined Developments		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility / value of the view)	Magnitude of Change (Scale of Change / Extent / Duration)	Level of Effect (Magnitude of change / Sensitivity of Receptor)	Significance (Major and Major / Moderate are Significant. Moderate may be significant)	Magnitude of Change	Level of Effect	Significance
	route to and from the A9 via Carrbridge. It is often used by recreational users, campervans, traveling at slower speed to enjoy views of the expansive landscape with the VP being located within an SLA. The VP is taken near to the proposed wind farm's site entrance, just before a long fast straight section of the road which when travelling south dips down and there is good road intervisibility to see any oncoming traffic which encourages you to travel at greater speed past the site. Despite the occasional opportunity to overtake along this stretch, many road users opt to stop or slow down to enjoy the open views across the expansive, uninhabited moorland. The value of the view is regard to be high with receptors being of high sensitivity to change. Here the turbines will dominate the western side of the route, filling a partly contained shallow basin shaped landscape which is to a certain extent contained by rising ground to the south, west and north west. The turbines would spread across the base of this shallow basin which is intersected by the road. THC agree that the wind farm dominate this route, predominantly southbound, with the northbound impact being much shorter in duration. The scale of turbines will be stark. Turbine T3 is noticeably closer to the VP and the road, resulting it being overly dominant and of a contrasting scale to the other turbines. THC raise significant concern with the proposed 900m separation distance proposed for this turbine. For users of the B9007, sequential cumulative effects would also occur, particularly northbound, with wind farm development either side of this road with the consented Clash Gour Wind Farm and planned Ourack Wind Farm being around 10km to the east in the direction of Lochindorb. The visualisations in the EIAR FEI have been amended and now show the proposed access tracks between turbines and areas of hard standing which at this distance would be noticeable, e.g. for T5 which is on east facing gently sloping ground. This updated visual gives a better impression of the land use change with turbines of this scale requiring substantial tracks and laydown areas. The existing overrun area at the site access has a partly gravel and grass appearance which is much less visually intrusive than the narrower asphalt section, albeit that it still causes an adverse visual effect.							
VP4 – Creag Ealraich (3.8 km)	App	High	High	**Major**	**Significant**	No cumulative 'in combination' significant effects reported for any viewpoint.		
	THC	High	High	**Major**	**Significant**	High	**Major**	**Significant**
	Taken form the boundary of the CNP and representative of walkers. THC are in broad agreement with the App's LVIA. Higher numbered turbines (T10 – T17) are noticeably closer to the viewer and are more dominant. T12, T15 and T16 are particularly							

			Proposed Development			Combined Developments		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility / value of the view)	Magnitude of Change (Scale of Change / Extent / Duration)	Level of Effect (Magnitude of change / Sensitivity of Receptor)	Significance (Major and Major / Moderate are Significant. Moderate may be significant)	Magnitude of Change	Level of Effect	Significance
	problematic as these are situated with open water in the foreground which draws the eye, with these turbines appearing as outlier and extending the horizontal spread of turbines which in this direction of view is at present almost entirely wind farm free. Panning round in the view further east, Lethen would be seen in combination with Cairn Duhie Wind Farm, as well as the larger cluster of consented and proposed wind farms including Ourack Wind Farm filling gaps and dips in the topography as turbines begin to continuously stretch across the northern horizon with moving turbines becoming a more prominent ever present feature in the landscape.							
VP5 – Meall a' Bhreacraibh (11.9 km)	App	Applicant considers no detailed assessment is required due to lack of potential for significant effects						
	THC	High	Very Low	Minor	Not significant	No notable cumulative impact arising from this specific proposed development.		
	Limited scope for effects due to Tom nan Clach being located in the foreground and most proposed turbines being screened by intervening topography.							
VP6 – Shore Road Lochindorb (4.7 km)	App	High	High to Medium	**Major to Moderate**	**Significant**	No cumulative 'in combination' significant effects reported for any viewpoint, however, sequential cumulative effects for short sections of this route are reported.		
	THC	Very High	High	**Major**	**Significant**	High	**Major**	**Significant**
	The shore road has several laybys and picnic spots which overlook the loch. The best of these are north of Loch Lodge close to the VP. The view takes in the ruined castle with is just cut off THC's visuals but can be appreciated in the NS baseline photography. Note that the THC 75mm photomontages are also not cantered on the closest and most prominent cluster of 3x turbines, being T11, T13 and T15. In THC's visualisations these turbines appear over to the left hand side of the view, but will in fact be seen within the focus of the view, the castle, particularly in laybys and sequential roadside views located slightly further to the south closer to the castle. The VP represents views for those approaching from the north east, where the Grantown Road (A940/A939) connects with the loch when travelling south. From here the view of the turbines will be to the south west, with the turbines and moving turbine blades potentially affecting late afternoon / winter sunset photography over the loch. The most dominant turbines are the cluster of T11, T13							

			Proposed Development			Combined Developments		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility / value of the view)	Magnitude of Change (Scale of Change / Extent / Duration)	Level of Effect (Magnitude of change / Sensitivity of Receptor)	Significance (Major and Major / Moderate are Significant. Moderate may be significant)	Magnitude of Change	Level of Effect	Significance
	and T15, as well as T10 and T12. The others are comparably more recessive in view, with T14 and T9 being slightly higher / more in view with T14's hub being problematic as it appears above the horizon. The rest of the turbines read as being more distant and screened by intervening topography, however this may change as one moves along the shore road further to the south. The turbines of Tom nan Clach are clearly visible and were noticeable from the lochside when travelling along this route. The influence of these existing wind turbines is however relatively minor and insignificant in comparison, with these being much smaller / distant and on the horizon. This differs from the proposal which will have a far greater influence and appearing at a contrasting scale. As you travel south towards the castle the spacing of the 5 most dominant problematic turbines may improve, however, regardless of their spacing, their introduction results in a high magnitude of change, and would have a major impact on this VP, sequential loch side views and would seriously adversely affect the castle's setting. This major impact would also be experienced when travelling southbound from the north east down to the loch side with this road's alignment being directly towards the wind farm.							
VP7 – Dava Way (7.5 km)	App	High	Medium to Low	Moderate	Not Significant	No cumulative 'in combination' significant effects reported for any viewpoint, however, sequential cumulative effects for short sections of this route are reported.		
	THC	High	Medium to Low	Moderate	Not Significant	Medium to Low	**Moderate**	**Significant**
	VP is taken from beyond the forestry block heading south just beyond where there is an interpretation board about South Dava. As you exit the forestry the view opens up and your eye is drawn towards the site in the distance where you can appreciate several folds in the landscape. This view will be for a relatively short section of the route and is at almost a 90 degree angle from the alignment of the Dava Way. The turbines of Tom nan Clach are on the horizon and the proposed turbines will be clearly visible but settled down in the landscape with their hubs being below the horizon and much of the towers being hidden by the intervening landform. That said the character of the back clothed Lethen turbines contrast and overlaps with the existing and proposed in planning Tom nan Clach turbines. Should the Lethen proceed along with in planning applications the influence of wind energy development when traveling this route would intensify. The combined in combination and sequential effect of the proposal with Tom nan Clach Extension to the east, Cairn Duhie redesign and recently consented wind farms in Moray to the north, as well as the proposed Ourach Wind Farm to the east would collectively have a significant visual effect.							

			Proposed Development			Combined Developments		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility / value of the view)	Magnitude of Change (Scale of Change / Extent / Duration)	Level of Effect (Magnitude of change / Sensitivity of Receptor)	Significance (Major and Major / Moderate are Significant. Moderate may be significant)	Magnitude of Change	Level of Effect	Significance
VP8 – A939 at Milestone (6.9 km)	App	Medium	Medium	Moderate	Not Significant	No cumulative 'in combination' significant effects reported for any viewpoint, however, sequential cumulative effects for short sections of this route are reported.		
	THC	High	High to Medium	**Major to Moderate**	**Significant**	High to Medium	**Moderate to Major**	**Significant**
	Although this is a transient view, it is from a promoted tourist route (Highland Tourist Route: Aberdeen to Inverness) and is therefore regarded by THC to be of high sensitivity. For southbound road users, the viewpoint is located beyond existing woodland where views open up and are orientated towards the site as the land falls to the west. The wind farm's composition from this VP is poor, lacking balance with a large cluster of turbines in the centre of the site which would add significant weight and draw the eye. The nearest T1 appears overly dominant and excessively high. The large gap in the layout is evident making it unclear of the more distant southern turbines are part of this wind farm cluster as they appear recessive and of a contrasting scale. This VP allows one to appreciate the sites wider context, with the wind farm being located within an expansive simple landform, with gentle hills surrounding the wind farm site, forming a perimeter around the upland plateau. These characteristics results in the site being less susceptible to change, but also contributes to the perception of wildness associated with this landscape and its designation as an SLA. THC consider that both the sensitivity and magnitude of change has been underplayed by the applicant, and given the limited separation distance and strong influence the wind farm would have on the view, a major level of effect would occur. The cumulative effects of Tom nan Clach's extension would reduce the separation distance between the two wind farm clusters, and Tom nan Clach's turbines would appear of a contrasting scale.							
VP9 – Gorton Hill (9.0 km)	App	High	Medium to Low	**Moderate**	**Significant**	No cumulative 'in combination' significant effects reported for any viewpoint.		
	THC	High	Medium	**Moderate**	**Significant**	Medium	**Moderate**	**Significant**
	The existing turbines of Tom nan Clach, in the EIAR FEI THC Visuals only, have now been re-rendered and re-orientated to face the viewer; these are more distant in the view but in the NS visuals appear to be in cloud cover with the proposed turbines being noticeably							

			Proposed Development			Combined Developments		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility / value of the view)	Magnitude of Change (Scale of Change / Extent / Duration)	Level of Effect (Magnitude of change / Sensitivity of Receptor)	Significance (Major and Major / Moderate are Significant. Moderate may be significant)	Magnitude of Change	Level of Effect	Significance
	brighter. The horizontal spread of predominantly back clothed turbines (T12 through to T17) results in little separation between the wind farm and Tom nan Clach, causing juxtaposed pattern of development with the existing character being sky lining. The proposed horizontal spread also prevents respite in wind turbines in view, with proposed turbines being obviously larger in scale.							
VP10 – Beinn Mhor (8.6 km)	App	High	Low	Moderate	Not Significant	No cumulative 'in combination' significant effects reported for any viewpoint.		
	THC	High	Medium to Low	Moderate	Not Significant	Medium to Low	Moderate	Not Significant
	THC are in broad agreement with App's LVIA. The higher numbered turbines T12, T16, T17 and T18 are however found to elevate the magnitude of change, with these being closer to the viewpoint, larger in scale contrasting with Tom nan Clach, being back clothed and filling the vista between the intervening topography. The hill in the centre of the view (Cam Sgriob) also splits the wind farm into two, with the more distant turbines further to the east appearing smaller in scale. Concerns are also raised with T3 which appears as a clear outlier lacking containment, with it drawing the eye and it being situated too close to the B9007. There is also potential for cumulative effects with Ourack Wind Farm from this summit.							
VP11 – Creagan a Chaise (19.8 km)	App	High	Low	Moderate	Not Significant	No cumulative 'in combination' significant effects reported for any viewpoint.		
	THC	High	Medium to Low	Moderate	Not Significant	Medium to Low	Moderate	Not significant.
	THC are in broad agreement with App's LVIA. Tom nan Clach is however skylined, or at least rolling over the horizon, with Lethen being fully backdropped, meaning that the two developments don't have the same typical relationship to the landscape, as referenced in Criterion 6 of OWESG. Additional cumulative in combination effects with Ourack Wind Farm due to increased horizontal spread of wind farm from this panorama.							
VP12 – Meall a'Bhuachaill	App	High	Low to Very Low	Minor	Not Significant	No cumulative 'in combination' significant effects reported for any viewpoint.		
	THC	High	Low to Very Low	Minor	Not Significant	Medium to Low	Moderate	Not significant.

			Proposed Development			Combined Developments		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility / value of the view)	Magnitude of Change (Scale of Change / Extent / Duration)	Level of Effect (Magnitude of change / Sensitivity of Receptor)	Significance (Major and Major / Moderate are Significant. Moderate may be significant)	Magnitude of Change	Level of Effect	Significance
e Cairn (23.3 km)	THC are in broad agreement with App's LVIA. Additional cumulative in combination effects with Ourack Wind Farm due to increased horizontal spread of wind farm from this panorama.							
VP13 – Minor Road, near Dunearn Fort (2.9 km)	App	High to Medium	High	**Major**	**Significant**	No cumulative 'in combination' significant effects reported for any viewpoint.		
	THC	High to Medium	High	**Major**	**Significant**	THC are in broad agreement with App's LVIA.		
	THC are in broad agreement with App's LVIA. This VP is taken from a minor road which is not a promoted route with views towards the site being for a short stretch of the route. It is not particularly representative of views from the nearby Dunearn Fort (Scheduled Monument 2470) which is located on nearby elevated ground. There is also a grouping of farm residential buildings nearby at Dunearn Lodge with some windows and an outlook towards the site with this receptor likely to experience similar views. The EIAR FEI THC Visuals indicate a substantial amount of visibility into the site construction compound, and possibly of the substation, control room and battery storage compound which would be unsightly in this view. There is natural regeneration occurring and on moorland between the viewpoint and the development, which seemed to be set fair to provide some screening over a relatively short timescale. This would not obscure the whole development, but would be likely to provide some screening of the access tracks and substation/compound. How effective this may be however is unclear and cannot be relied upon.							
VP14 – Ardclach Bell Tower (8.0 km)	App	High	Medium to Low	Moderate	Not Significant	No cumulative 'in combination' significant effects reported for any viewpoint.		
	THC	High	Medium	Moderate	Not Significant	THC are in broad agreement with App's LVIA.		
	THC are in broad agreement with App's LVIA that no significant effects would arise from this receptor. This is a relatively small, but attractive historical attraction. Access is limited with no parking provision, indicating that this Historic Environment Scotland site unlikely to attract a significant number of visitors. The existing tower's relationship to the river to the south is some what affected by intervening trees and an existing overhead line. Tom nan Clach is obvious on the horizon looking south which is the focus of the view overlooking extensive forestry. The proposed turbines will however be much larger with their hubs on the skyline. Intervening individual							

			Proposed Development			Combined Developments		
Viewpoint	App / THC	Sensitivity of the Receptor (Susceptibility / value of the view)	Magnitude of Change (Scale of Change / Extent / Duration)	Level of Effect (Magnitude of change / Sensitivity of Receptor)	Significance (Major and Major / Moderate are Significant. Moderate may be significant)	Magnitude of Change	Level of Effect	Significance
	trees in the view help screen the extent of visual impact from where photography has been taken from and if you stand slightly to the western side of the tower more of the turbines hubs and blades would be visible, as per the applicant's wireframe. At 8km these turbines will have a moderate, but not significant effect with the turbines having a repetitive spacing pattern and broadly consistent height when viewed from this direction.							
VP15 – Lymore on the A939 (16.6 km)	App	Applicant considers no detailed assessment is required due to lack of potential for significant effects.						
	THC	High	Very Low	Minor to negligible	Not significant	Very Low	Minor to negligible	Not significant
	Limited number and scale of blade tips visible on the horizon.							
VP16 – Summit of the Knock of Braemoray (8.4 km)	App	High	Medium	**Major to Moderate**	**Significant**	No cumulative 'in combination' significant effects reported for any viewpoint.		
	THC	High	Medium	**Major to Moderate**	**Significant**	Medium	**Major to Moderate**	**Significant**
	THC are in broad agreement with App's LVIA. Not the most impressive summit but the focus of the view is entirely towards Lochindorb with the THC 75mm and 50mm visuals being centred just to the west of the loch. The terrain to the hill is a rough track from a short south bound roadside layby with the decent being directly towards the proposed site. From here the partial containment of the landform surrounding the site can be appreciated but the turbines scale would result almost all hubs and blades being visible within the focus of the view. It is apparent that the 5 turbines closest to the loch (T11, T13, T14, T16 and T17) lack containment / screening from intervening topography, with these turbines appear closer to Lochindorb caste and therefore encroach upon its setting with the loch being the central focus of the view. There are other turbines in Moray surrounding the summit which are closer and result in a degree of cumulative encirclement. The baseline photography in the EIAR FEI is much improved from the EIAR.							
Note – The text in bold indicates a significant effect has been identified.								

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 within the study area.

In terms of access routes, it is regarded the access routes to the coastal settlement of Nairn and Forres would however be the subject of significant adverse effects with turbines being prominent from the B9007 and A939 as communities cross the Dava moor to connect with the A9. Given the close proximity to these routes, and with should all of the wind farm schemes in planning be consented, this would result in the encirclement of these routes or lead to the perception that one is travelling through or toward an area dominated by wind energy development.

The proposed development is considered to generally meet the threshold of Criterion 1 given it separation from settlements, however, it has been identified that certain access routes would be significantly affected.

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 OWESG contains the Loch Ness Landscape Sensitivity Study. Although the proposed site falls out with this study area, the adjacent Landscape Character Area (LCA) BL10: Tom nan Clach, Lochindorb to Airdrie Mill, South of River Findhorn, provides useful context for the landscape sensitivities in the area. In particular, key views are explained to be from the minor road on south eastern shore of Lochindorb, where iconic views of Lochindorb castle, backdropped by rolling upland are gained. Key routes are defined as the B9007: Following the line of the old Military Road north to south through the LCA; the A939; the A940; and the Dava Way following the disused railway line from Forres to Grantown. The only defined Gateway is at the ‘A939 Milestone’ (LVIA Viewpoint 8) when travelling south, a sense of entering a more remote and isolated moorland landscape.

The roads across the Dava moor are 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 would significantly detract from the transitional experience of these routes beyond the effect of any existing or consented wind farm to date. Receptors at the defined gateway where one enters the moorland southbound on the A939, and those travelling on

the B9007 would be overwhelmed. Users of the Dava Way would also be adversely impacted, as would people, including tourist, visiting Lochindorb.

The criterion is not met.

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 integrity of the SLA would be detrimentally affected, with a wind farm development of this scale, located in the centre of this regional landscape resource, undermining its Key Characters and Special Qualities.

There would be significant adverse impacts on the setting of Lochindorb Castle, which is a scheduled monument. The proposal would intensify the impact of existing and proposed extended Tom nan Clach wind farm, to a point where this would detrimentally affect its setting.

As with any scheme of this nature and scale, there will be significant effects, however, considering the existing baseline, and the design ethos of wind farm development in this wider area, the effects are not considered to be acceptable.

The proposed development does not meet the threshold of Criterion 3 with major significant impacts which have not been sufficiently mitigated by design.

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.

The proposed development would significantly impact upon routes around Lochindorb. The turbines would dominate and overwhelm the key focus of this attractions along these routes. Such effects would occur at nearby summits and along the shore road. Users of the Dava Way would also be significant effected if other consented and proposed wind farms are developed, resulting in combination and sequential effects.

The criterion is not 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.

Given the scale and number of turbines proposed, the location and topography allows for limited screening from the main transport routes within the study area. There will be major significant adverse effects when travelling on the minor roads around Lochindorb, the B9007 and A939. These are considered to overwhelm or otherwise significantly detract from the visual appeal of transport routes beyond the existing baseline of development which generally been set back from such transportation routes.

The criterion is not met.

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.

In terms of the prevailing pattern of consented and operational wind farms in the vicinity, Tom nan Clach is situated on higher ground 3km to the west of the site, beyond which also lies Moy Wind Farm, both of which lie on the edge of and partly within boundary of the Drynachan, Lochindorb and Dava Moor SLA. Cairn Duhie and Clash Gour, located to the north west, are consented albeit not yet built and are located out with the aforementioned SLA. The consented pattern of wind energy development in the area therefore avoids developing within the SLA with the exception of its western extremities. To date wind farm development has also been further set back from the CNP, and as a result, Lethen's larger and closer turbines would have a greater visual influence from the CNP.

The criterion is not met.

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

---

Insufficient separation is proposed with Tom Nan Clach Wind Farm, and whilst Lethen would read as a stand along wind farm of a different scale and location. In many views, particularly from the north east, east and south east, the development's positioning within a broad bowl means that its design characteristics are of back clothed turbines. This contrasts with the elevated skylining pattern of wind farm development existing and proposed for Tom nan Clach, giving raise to in-combination significant adverse landscape and visual effects.

The criterion is not 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 adversely affect the receptors'

existing perception of landscape scale and distance. Although located within a large scale landscape, it would not appear as a logical extension to existing wind farm development, and would adversely impact upon the scale of the host SLA, its strong horizontal composition and the overall dominance of the uninterrupted moorland landscape.

The criterion is not 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 poorly to the existing landscape setting of Tom Nan Clach Wind Farm and significantly increases the perceived visual prominence of wind turbines when viewed from elevated ground in the surrounding area. The existing, and proposed turbines at Tom Nan Clach generally appear rationally positioned on the more distant skyline while the proposed development dominates the limited extent of the lower, more open moorland contained by the surrounding rolling upland summits. The turbines seem disproportionate in size and in terms of the extent of the proposed array.

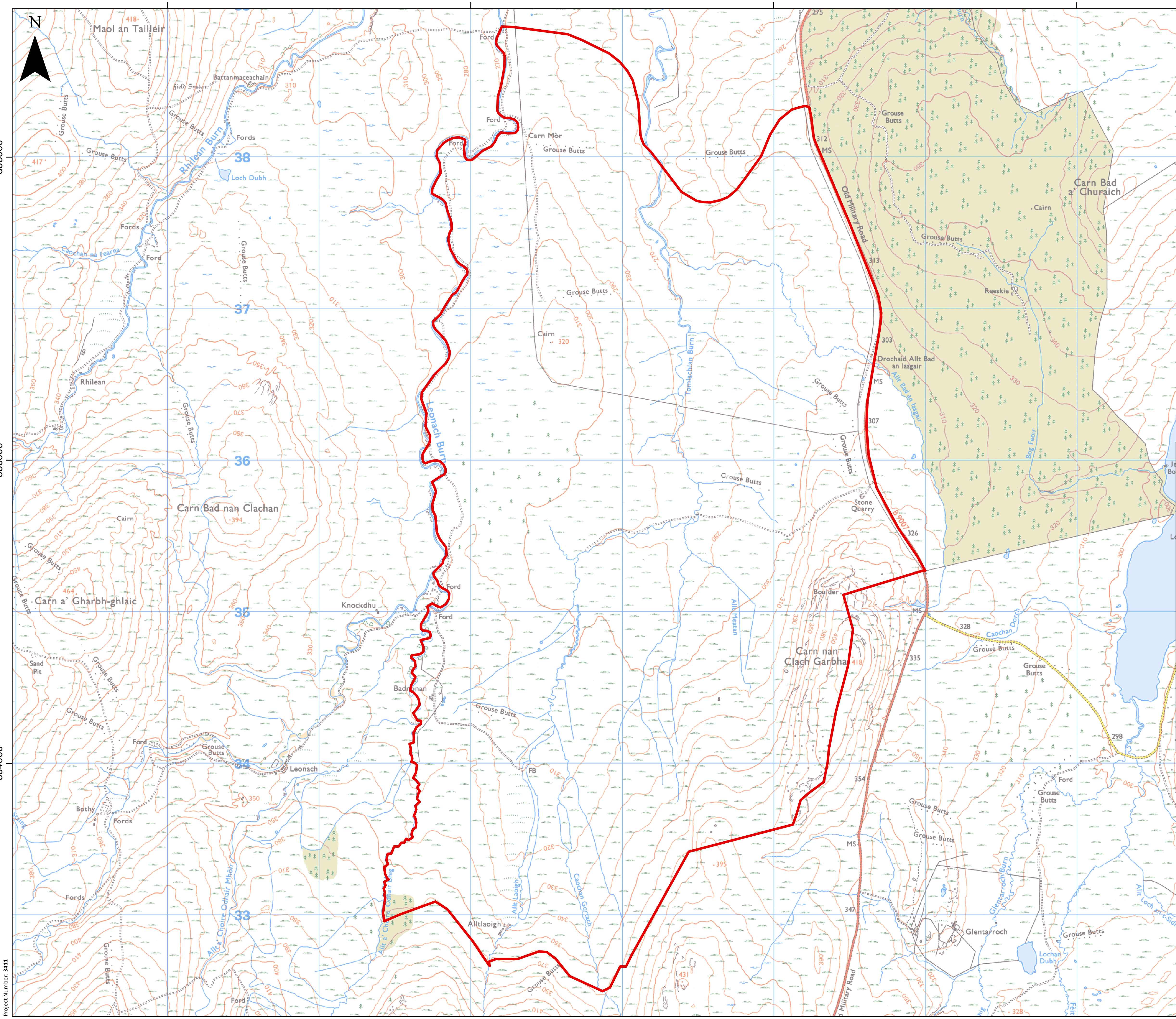
The threshold is not met.

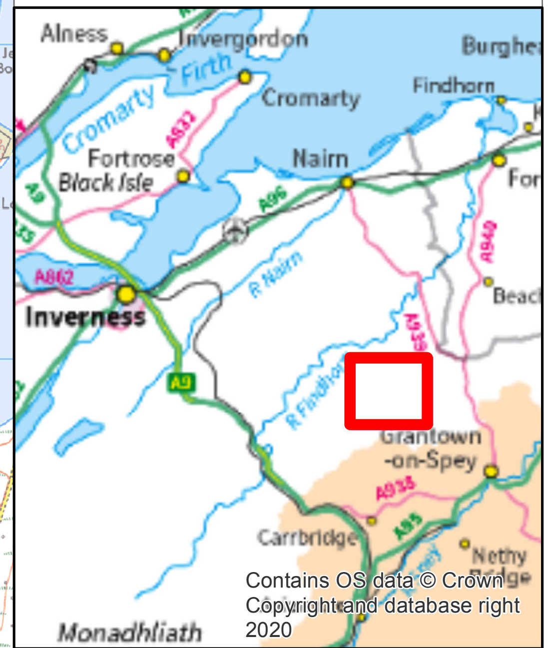
Criterion 10 is related to distinctiveness of landscape character.

Integrity and variety of Landscape Character Areas are maintained.

There will be significant adverse effects on the host LCT (Open Rolling Upland). These are reported in the EIAR to extend to 6km to the south and east; however, this contested and is regarded by officers to be an underestimate. Such effects are regarded to extend to double this distance to around 12km from the development, where there is visibility. The Key Characteristics for this LCT recognise the existence of views to existing wind development, but also calls attention to the ‘General lack of modern structures (pylons, wind turbines, masts and houses), particularly in the central area close to roads’ and this characteristic would be significantly diluted by the introduction of the proposed development.

The criterion is not met.





KEY

Site Boundary

0 0.7 1.4 km

Scale 1:24,000 @ A3

Fred. Olsen Renewables

ITPENERGISED
Earth. Smart. Solutions

Lethen Wind Farm
Environmental Impact Assessment Report

Figure 1.1

Site Location

Date: 11/10/2021	Drawn by: SM	Checked by: AH	Version: V2

Project Number: 3411

290000 292000 294000 296000

838000 836000 834000

N

KEY

- Site Boundary
- T01 Turbine Location
- Hardstanding
- Substation, Control Room & Energy Storage Facility
- Construction Compound
- Meterological Mast
- Borrow Pits
- Existing Access Track
- Existing Access Track to be Upgraded
- New Access Track
- New Ancillary Access Track

Turbine	Easting	Northing
T01	292594	837820
T02	292949	837488
T03	293538	837541
T04	292315	837034
T05	293164	836834
T06	292461	836523
T07	292803	836222
T08	292178	835859
T09	292312	835392
T10	293288	835421
T11	293665	835121
T12	291882	834796
T13	292921	834660
T14	293596	834527
T15	291981	834304
T16	292481	834044
T17	293032	834026

0 0.75 1.5 km

Scale 1:25,000 @ A3

Fred. Olsen Renewables

ITPENERGISED Earth. Smart. Solutions

Lethen Wind Farm
Environmental Impact Assessment Report

Figure 1.2

Site Layout

Date:	Drawn by:	Checked by:	Version:
10/11/2021	SM	AH	V1

Project Number: 3411

292000 294000 296000 298000

838000

836000

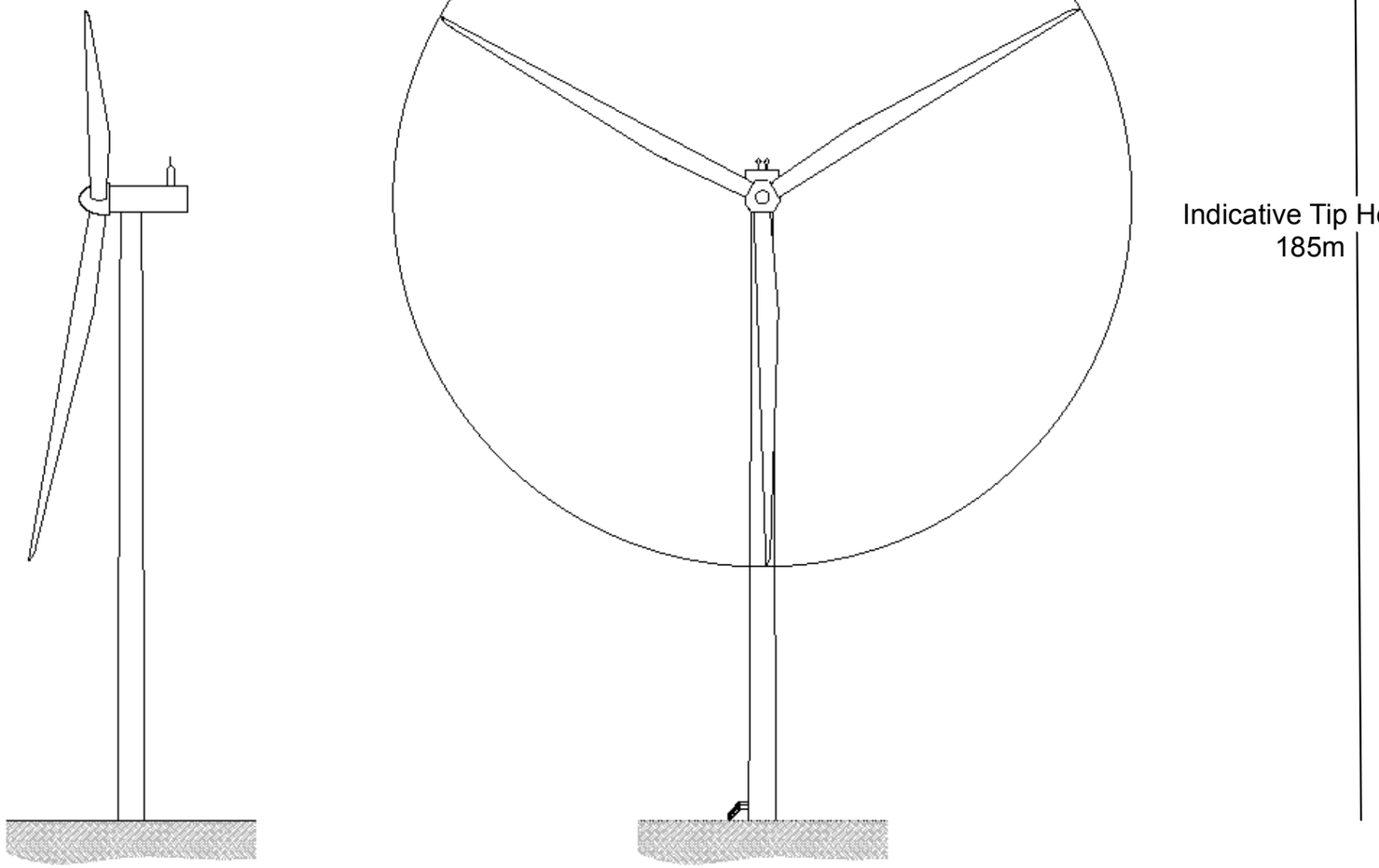
834000

N

Indicative Rotor Diameter
150m

Indicative Hub Height
110m

Indicative Tip Height
185m



KEY

Note: Drawing not to scale.

Wind turbine elevation is indicative and may vary based on final turbine model selection.

Fred. Olsen Renewables

ITPENERGISED
Earth. Smart. Solutions

Lethen Wind Farm
Environmental Impact Assessment Report

Figure 3.2

Typical Turbine Elevation

Date:	Drawn by:	Checked by:	Version:
23/11/2021	SM	AH	V1

Project Number: 3411