Agenda Item	**7.1**
Report No	**PLS-17-24**

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 30 April 2024

Report Title: 22/05289/S36: Ourack Wind Farm LLP

Land 4KM East of Dava Station House, Grantown-on-Spey

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Ourack Wind Farm - Erection and operation of a wind farm comprising 18 wind turbines of up to 180m to blade tip height, battery energy storage system, control building, substation, access tracks, three borrow pits, cabling, off-site road improvements on the A939 at Castle Grant and Dava Bridge and ancillary infrastructure.

Ward: 20 - Badenoch and Strathspey

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 NO OBJECTION** to the application, subject to the removal of turbine 17 and ancillary infrastructure 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 Ourack Wind Farm and associated infrastructure. The application is for 18 wind turbines to be operated for a 35 year period, with all turbines having a maximum ground to blade tip height of 180m. The proposal is expected to generate approximately 105 MW of power depending on the turbine model chosen, plus up to 50 MW of battery energy storage. This proposal falls under the provisions of the Electricity Act and is classed as National Development by National Planning Framework 4 (NPF4) due to the generating capacity being in excess of 50 MW.

1.2 Key elements of the development include:

- The erection and operation of up to 18 Wind Turbine Generators (WTG) with a maximum blade tip height of 180m with an approximate aggregated capacity of 105MW.
- Crane hardstanding, foundations and associated laydown areas for each wind turbine.
- Upgrades to existing site entrance junction on the A940, including vegetation clearance, and upgrades to the existing track leading from the junction into the site.
- Offsite road improvements, specifically on the A939 at Castle Grant and Dava Bridge.
- 16.7km of Internal access tracks to connect the wind turbines and other infrastructure to the site entrance.
- Five new watercourse crossings.
- Aviation lighting on four of the turbines.
- Battery storage and associated compound with control room, containerised storage modules and invertors/ transformers.
- Substation compound with control building and network operator building.
- Underground cabling.
- Anemometer mast (lattice structure, 112m in height).
- Three borrow pit search areas.
- Temporary site compounds, laydown and storage areas and associated construction infrastructure, including a concrete batching plant.

1.3 The grid connection from the on-site substation to the National Grid would be subject to a separate consent application by the network operator. Details of the grid connection are currently undefined, but it is understood that existing proximity to connections due to existing wind farms was a factor in the site selection and refinement process.

1.4 Access to the site will be via an existing access from the A940. The site entrance will intersect the Dava Way (Core Path BS05.01) which runs in a north-south direction adjacent to the A940 and A939. A Construction Traffic Management Plan (CTMP) will be prepared and agreed with the Council and Transport Scotland prior to works commencing. Access for the turbine components is proposed from the port at Invergordon or the Port of Inverness via the A9 and then the A95 trunk roads north of Aviemore, before turning off onto the B9102 and A939 through Grantown-on-Spey and then heading north up the A939 and onto the A940 at Dava.

1.5 In addition, there are two locations away from the main development site where consent is being sought for road improvement works to facilitate the delivery, maintenance and future decommissioning of the turbines:

- Road Improvement Site A is located on the A939 and encompasses the category C listed Dava Bridge. This works will temporarily lower the bridge parapet walls for the AIL delivery period and will be reinstated it following completion of AIL deliveries.
- Road Improvement Site B is located further south approximately 2km north of Grantown-on-Spey to the immediate west of the A939. The proposed bypass route at Castle Grant (EIAR Figure 3.17) and is approx. 400m in length, leaving the A939 to the west and re-joining to the north of East Lodge. The bypass is solely for the use of AILs and gates would be installed at the A939. A new, temporary, road would be laid from the western side of A939 up to the embankment at the Dava Way, with a 'cut' taken through the embankment. A new track would be laid to the west of the Dava Way which would then bear right before joining an existing farm track which leads back onto the A939. The bypass route bisects a raised section of the Dava Way and it is proposed that the embankment would be regraded either side of the 'cut' to a suitable gradient to enable all users to continue to use the core path unimpeded.

1.6 The applicant has requested a micro-siting allowance of 50m for site infrastructure (tracks, turbine locations, underground cables and crane hard standing areas) this is to avoid or minimise environmental or engineering constraints identified during pre-construction ground investigation or construction phase excavation works. The final design of the turbines (colours and finish), aviation lighting, substation, welfare and store buildings/compounds/ancillary electrical equipment, landscaping and fencing etc. are expected to be agreed with the Planning Authority and the Energy Consents Unit, by condition, at the time of project procurement. Whilst indicative drawings for these elements are set out in the application, turbine manufacturers regularly update the designs that are available, thereby necessitating the need for some flexibility in the approved design details.

1.7 Whilst public consultation for Section 36 applications is not mandatory, the applicant has undertaken the following public consultation. Due to the COVID-19 pandemic, the applicant was unable to hold on-site public consultation events. Online public events were held on 16 December 2020 and 13 January 2021. A third information session, organised in-person, took place on 8 September 2022 in Grantown-on-Spey. This provided follow up information from the first two sessions and updated information.

1.8 Feedback on the consultation events is contained within the submitted Pre-Application Consultation Report (PAC). The applicant has also developed a Community Development Strategy (CDS) to identify how some local needs can be met by the proposed community benefit package.

1.9 The applicant made use of the Council's Pre-Application Advice Service for Major Developments in 2019 (19/04309/PREMAJ). At the time of the advice being sought, the proposal comprised of 27 turbines. This advice set out that the most significant effects would likely be landscape and visual impacts. With the impact on the Drynachan, Lochindorb and Dava Moors Special Landscape Area being a key consideration, as well as impacts upon the Dava Way long distance route and the A939, A940 and B9007. NatureScot highlighted concerns relating to impacts upon the Cairngorms National Park and Wild Land Areas. Historic Environment Scotland highlighted potential concerns on the setting of heritage assets. SEPA outlined that peat would be a significant constraint on this site. Based on the 27 turbine scheme presented it was explained that should an application be made; it was unlikely that the Council would support that development proposal.

1.10 The application is supported by an Environmental Impact Assessment Report (EIAR) which includes chapters on Planning Policy; Socio-Economics, Geology, Hydrology and Hydrogeology, Landscape and Visual Impacts, Cultural Heritage, Access, Traffic and Transport, Air Quality, Noise and Vibration, Ecology and Ornithology, Shadow Flicker, Aviation, and other issues. The application is also accompanied by Technical Appendices, a Pre-Application Consultation Report, an EIA Non-Technical Summary (NTS), a Design and Access Statement and a Planning Statement (which has been updated to take account of NPF4).

1.11 The wind farm has an expected operational life of 35 years. The development would be decommissioned with above ground infrastructure being required to be removed and the ground reinstated. Decommissioning is expected to take approximately 18 months.

1.12 The applicant anticipates that the wind farm construction period will last 19 months. A Construction Environment Management Document (CEMD) will be in place during the construction phase. This would also include a programme of site reinstatement which would allow for the rehabilitation of disturbed areas as early as possible. The reinstatement would accord with the Habitat Management Plan and an Ecological Clark of Works would be in place to monitor the restoration. An outline CEMD has been submitted in support of the application.

1.13 Variations: No formal variations have been made to the application since submission, however, on the basis that the Council raise no objection, the applicant has provided their written agreement to the removal of turbine 17 (T17) and any associated infrastructure. The rationale for this is detailed later in this report.

2. SITE DESCRIPTION

2.1 The proposed wind farm is located approximately 10km north of Grantown-on-Spey, immediately east of Dava and the A939 and A940. The northern boundary of the site abuts the Moray Council administrative area, and the southern boundary is approximately 1.8km north of the boundary of the Cairngorms National Park

Authority. The main development site is approximately 762ha and comprises moorland with a small area covered by coniferous plantation woodland. The topography of the site rises to the south towards the National Park and rises towards the north-west and east. There are several small watercourses which cross the main development site. These generally flow in a northerly and westerly direction towards lower ground in Moray, they eventually join the River Findhorn which discharges into the Moray Firth. There is an existing access from the A940 which would be used as the point of access for construction, operation and decommissioning of the proposed development. The site entrance intersects with the Dava Way (Core Path BS05.01) which runs in a north to south direction adjacent to the A940 and A939. Two further public rights of way bisect the site. The closest properties to the proposed turbines are No. 1 and 2 Station Cottage, which are located 4,076m and 4,070m from T3 and T9, respectively.

2.2 As detailed in section 1, there are two locations away from the main development site where consent is being sought for road improvement works to facilitate the delivery, maintenance and future decommissioning of the turbines, these are referred to as road improvement Site A and Site B:

- Site A is located on the A939, encompassing the Category-C Listed Dava Bridge. A single residential property and farm buildings lie to the immediate north on the eastern side of the A939. A second residential property and Dava School House Hotel are located circa 150m to the north.
- Site B is located further south approximately 2km north of Grantown-on-Spey to the immediate west of the A939. The site area extends to approximately 4ha and encompasses agricultural land, part of the Dava Way and a section of farm track. The site lies within the National Park, with the portion between the A939 and the Dava Way also forming part of the Castle Grant Inventory Garden and Designed Landscape. The site incorporates some minor trees and shrubs immediately adjacent to the Dava Way and there is a cluster of more substantial trees immediately to the east/north-east of the site adjacent to the railway bridge over the A939.

Environmental Designations and Habitats

2.3 The proposed development is not located within any statutory sites designated for its ecological or ornithological importance. Moidach More Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) is located adjacent to the northern edge of a section of the site boundary. It has been designated primarily due to the importance of its blanket bog habitats and associated plant communities. However, the site has no hydrological connectivity with the Moidach More SAC and SSSI. Whilst birds are not among the primary reasons for the designation the presence of breeding waders (including golden plover and dunlin) is mentioned in the SSSI citation.

2.4 The River Spey SAC, designated for freshwater invertebrates, salmon, sea lamprey and otters, is situated within 3km of the main development site but does not have hydrological connectivity with the site. The Anagach Woods Special Protection Area (SPA) and the Darnaway and Lethen Forest SPA are approximately 10 km from, both designated for breeding capercaillie. The Lower Findhorn Wood SAC and SSSI, designated for various types of woodland, is located approximately 9km north

of the site, along the banks of the River Findhorn.

2.5 The habitats across the site have the potential to support protected species. The EIAR investigated the potential impact of the proposal on bats, badger, pine marten, otter, red squirrel, water vole, wildcat and deer. The study area, as a whole, supports a relatively diverse breeding bird assemblage reflecting the range of habitat types present. The bird species recorded are broadly representative of the region and the main habitat types within the survey area. The potential impacts on 19 avian species are reported in the EIAR.

2.6 The dominant habitats present across the wind farm site are identified as blanket bog, dry dwarf shrub heath and wet dwarf shrub heath.

Landscape Designations, Wild Land and Landscape Character

2.7 The site is not located within any international landscape designation. The nearest proposed turbine is situated 2.1km from the Cairngorms National Park (CNP) located to the south. This site is protected for its scenic value, reflected by its range of Special Landscape Qualities (SLQs) identified for this designation. A total of 20 SLQs (from a list of 42) have been selected for assessment within the EIAR. Road improvement Site B crosses the western edge of Castle Grant Garden and Designed Landscape (GDL) but is located approx. 7.3km from the nearest turbine. In addition, Relugas GDL of is located approx. 9.1km from the nearest turbine. The proposal is sufficiently distant from any Wild Land Areas with the potential for any significant impacts on these interests having been scoped out / not been considered further within the EIAR.

2.8 The site is wholly located within the eastern part and close to the northern boundary of the Drynachan, Lochindorb and Dava Moors 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 midway between several settlements and for being easily accessible via several roads which pass through the area. Key characteristics are the homogeneity of this area, its sense of spaciousness, wide views, and sparse human presence. 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.

2.9 The Special Landscape Qualities are identified as:

- SLQ 1) A Sense of Solitude, Views over Heather Moorland, and Big Skies.
- SLQ 2) Expansive views and broad panoramas across open, rolling moorland and vast skies instil a boundless sense of scale and space, enhanced by the consistency of moorland cover and landform character.
- SLQ 3) A narrow, deep section of the Findhorn river valley at Streens offers enclosed and intimate relief in contrast to the elevated and exposed moorland. Elsewhere, valleys frame views to Lochindorb.

- SLQ 4) Land management practices create distinctive abstract muirburn patterns, accentuated by ever-changing weather and light patterns.
- SLQ 5) 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.
- SLQ 6) Where buildings exist, these are of a distinctive estate character. Also building remains from preclearance farmsteads, with enclosures, head dykes and associated field systems and improved land form one of the few built and 'managed' elements within the landscape. These engender a strong atmosphere which can arouse contemplative emotions of past human endeavour and hardship.
- SLQ 7) The long, fairly straight routes through this landscape allow an easy appreciation of the openness and simplicity of the landscape. These are typically lined with permanent snow poles which serve to reinforce the impression that this is a landscape exposed to adverse weather.

2.10 Loch Ness and Duntelchaig SLA is outwith the blade tip ZTV and would have no view of the proposed development. The Cromarty Sutors, Rosemarkie and Fort George SLA is located to the northeast of the proposed development at beyond 25km distance. Viewpoint analysis from this area (Chanonry Point and the Black Isles, see Appendix 8.4) confirms that there would be no significant visual effects, whilst the proposed development would be partly screened or overlapped by other existing and consented wind farms in the distant views. As such these designations have been scoped out of the LVIA.

2.11 The SNH National Landscape Character Assessment, 2019 confirms that the main development site and road improvement Site A are located within an area of Open Rolling Upland that fringes the northern slopes and summits of the Strathdearn Hills along the CNP boundary, extending north for approximately 10km to areas of more enclosed forest and moorland with rolling farmland landscape character types beyond. Road improvement Site B lies within the Undulating Wooded Farmland Landscape Character Type and sits between Speyside to the south, the Cromdale Hills to the east and the Strathdearn Hills to the north.

Built Heritage

2.12 Twenty heritage assets have been identified within the main site boundary and a further three within the road improvement sites. Based on ZTV analysis, there are a further 27 designated heritage assets within the outer study boundary (10km). Within 5km of the site there is one category B and three category listed buildings. Within 5km – 10km there are three scheduled monuments, four category A and thirteen category B listed buildings, two Inventory Gardens and Designated Landscapes and one Inventory Historic Battlefield.

Cumulative Development

2.13 Appendix 1 of this report provides details of the operational / under construction, consented and in planning projects that the applicant took into consideration in their cumulative assessment, dated July 2022. This was based on a 45km study area

with turbines of a tip height above 50m. Since the application was received in October 2022, a 7 turbine extension to Tom nan Clach Wind Farm has been submitted with the Council having raised no object to that proposal and is currently with Scottish Minister for determination. This scheme was however captured within the recently refused Lethen Wind Farm EIAR / FEI and it is considered that sufficient information is contained within this to inform the Council's assessment of the cumulative assessment for Ourack Wind Farm. Other recent additions include consent for the re-design of Cairn Duhie Wind Farm, Clash Gour Wind Farm (within Moray) and Rothes III (within Moray) wind farms.

3. PLANNING HISTORY

3.1		23/02056/LBC Temporarily lowering of parapet wall to facilitate the delivery of wind farm components to the Ourack Wind Farm site	Pending Determination
3.2	26.02.2020	20/00082/SCOP: proposed development for 27 wind turbines, height tip greater than 180m	Scoping Response Issued
3.3	03.12.2019	19/04309/PREMAJ: Erection and operation of 27 wind turbines	Pre App Response Issued
3.4	12.02.2016	15/04548/SCOP: Erection of approx. 50 wind turbines	Scoping Response Issued

4. PUBLIC PARTICIPATION

4.1 Advertised: Section 36 Application

Date Advertised: Scotland Herald and Edinburgh Gazette on 11.11.2022, and Strathspey Herald on 10.11.2022 and 17.11.2022.

Representation deadline: 17.12.2022

Representations to The Highland Council:	4 objections (2 of which were late) 0 in support
Representations to Scottish Government's Energy Consents Unit.	36 objections 1 in support

4.2 Material considerations raised are summarised as follows:

Objection comments:

- Landscape and visual impacts, including, aviation lighting, cumulative effects and effects on the Drynachan, Lochindorb and Dava Moors Special Landscape Area and the Cairngorms National Park. Consider the turbines to be excessive in scale and will be unduly prominent.
- Impacts upon tourism and the Dava Way, the A939, and the Via Regia

heritage path, both during construction and operation of the scheme.
- Noise, pollution and traffic impacts. Concerned about the traffic movements through Grantown on Spey.
- Impacts upon private water supplies.
- Impacts upon archaeology.
- Impact upon residential amenity, concerns about the proposed access route.
- Disposal of equipment post decommissioning.
- Impacts from increased fire risks.
- Ecological impacts and impacts upon the SSSI designation.
- The technology is unreliable.
- Limited or no community benefits

Support Comment:
- Need to end reliance on fossil fuels.

4.3 All letters of representation received by the Council are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam . Those representations received by the Scottish Government's Energy Consents Unit can be accessed via www.energyconsents.scot It should be noted that some representations may have been submitted to both The Highland Council and Energy Consents Unit.

5. CONSULTATIONS

Consultations Undertaken by The Highland Council

5.1 **Cromdale and Advie Community Council (Host)** were consulted but did not respond.

5.2 **Grantown on Spey Community Council (Host Road Improvement Sites)** object to the application. It raises concerns with regards to the cumulative visual effect, especially along the historic old road from Strathspey over the Ourack; impacts of aviation lighting on the area and the traffic and long terms visual impact from the access through Grantown and the railway embankment by the West Lodge.

5.3 **Access Officer** does not object to the application. Raised concerns about the proximity of turbines 3, 9, 17 and 14 to existing public rights of way and the potential ice throw and lightening. Following further discussions and information, the Access Officer is content that the risk is very low at this site. The Access Officer has also welcomed the commitment to undertake a 'red specification survey' of the public rights of way affected by the development and the provisions of route enhancement measures. A finalised Access Management Plan (AMP) and the above measures will be secured by planning conditions and will be developed in conjunction with relevant neighbouring authorities and Dava groups. The AMP will also 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.

5.4 **Development Plans** do not object to the application. It outlines the applicable Development Plan policies and wider policy assessment.

5.5 **Environmental Health** do not object to the application, subject to conditions securing further details regarding noise emissions and mitigation measures relating to the concrete batching plan and compound generators which are to be sited at the temporary construction compound. In addition, planning conditions are recommended to secure the operational noise limits for the turbines, methods for dust suppression and a detailed private water supply monitoring and protection plan.

5.6 **Forestry Officer** does not object to the application. Within the site there is an area of commercial forestry adjacent to the A940 public road from Grantown to Forres. None of the existing woodland is listed on the Ancient Woodland Inventory and while some of the woodland closest to the A940 is recorded in the Native Woodland Survey of Scotland, it is listed as unidentifiable type. The applicant has confirms that 0.35ha of woodland would be removed and 20ha of native woodland planting is to be carried out. The indicative planting area is indicated on Indicative Habitat Management and Enhancement Areas (Figure 13.9). A condition is advised to secure this through a compensatory planting plan.

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

5.8 **Historic Environment Team** do not object to the application. It considers that the EIAR is acceptable, though it notes that additional sites within the inner study area have been identified since then and these are now recorded on the Highland HER. The new sites must be included in post consent surveys. Subject to the submission of a Programme of Archaeological Works, it is considered that any direct impacts will be limited to an acceptable range. This will be secured by a planning condition.

5.9 **Landscape Officer** does not object to the application. Subject to the removal of turbine 17, there are no outstanding concerns with regard to adverse impacts within the study area, or with particular reference to the Special Qualities of the Drynachan, Lochindorb and Dava Moors Special Landscape Area.

5.10 **Transport Planning Team** do not object to the application. In response to earlier comments, the applicant submitted a further Technical Note (March 2023), which confirmed that alternative routes were considered for accommodating the AIL turbine components. Subject to the following conditions, Transport Planning consider that the road network is capable of accommodating the development. Recommend conditions securing a Construction Traffic Management Plan (CTMP) and an AIL routing plan, this should include mitigation works for the AIL routing. As part of this and to minimise the recognised impacts upon Grantown on Spey, the developer is recommended to engage with the Local Community Council and appropriate business groups in Grantown. It shall also include whether there are any additional traffic management measures that would assist with maintaining reasonable levels of road safety during the construction phase at the 3 collision cluster locations on the A939 north of Grantown on Spey. Final details of the remote works at Castle Grant and Dava Bridge will be required. All permits and Structural Technical Approvals from the Roads Authority will be required and a formalised Wear and Tear agreement under Section 96 of the Roads (Scotland) Act 1984 shall be entered into. In addition, full details of the reconfigured residential refuse bin

stances at the proposed site access will be required.

Consultations Undertaken by the Energy Consents Unit

5.11 **Grantown on Spey Community Council (Host Road Improvement Sites)** submitted comments to THC but have also confirmed its objection to the ECU.

5.12 **Finderne Community Council** object to the application. It raises concerns about the industrialisation of relatively natural upland environment. It is also concerned about land management once an area is leased to a wind farm company and its ability to minimise wildfires.

5.13 **Aberdeen Airport** do not object to the application and confirms that the proposal does not conflict with its safeguarding criteria.

5.14 **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.

5.15 **Cairngorms National Park Authority (CNPA)** do not object to the application. Since the Scoping stage, the applicant has removed turbines closet to the Park boundary using the local landform of Carn Ruighe an Uain to screen the majority of the turbines locally. This has significantly reduced blade tip and hub height visibility directly across and down into the Park in the vicinity of Huntly's Cave. In terms of cumulative impact, it notes that the addition of Ourack Wind Farm would not significantly add to the existing level of effects, either alone or in combination with other existing or consented wind farms. Overall, the proposal would not compromise the integrity or objectives of the National Park. In relation to the vehicular access detour to avoid the listed gatehouse and bridge at Castle Grant on the A940 for abnormal load deliveries, it considers that the proposed bypass route would have localised impacts. However, subject to mitigation it will not have adverse impacts on the ecological, landscape and outdoor access interests of the site and wider area. It recommends planning conditions securing a detailed design for the bypass route, a finalised Access Management Plan, a Tree Survey and Tree Protection Plan and a Bypass Route Restoration and Landscape Plan. These details are to be agreed in writing with the CNPA.

5.16 **Civil Aviation Authority** (CAA) do not object to the application. Confirm that they are content with the reduced lit aviation lighting strategy of four cardinal turbines rather being lit rather than all 18 turbines. In addition, the CAA require a second 2,000 candela light on the nacelles of the above turbines to act as alternates in the event of a failure of the main light and that infra-red lighting shall be fitted to certain turbines. It also confirms that intermediate level 32 candela lights are not required to be fitted on the turbine towers.

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

5.18 **Dava Way Association** (DWA) do not object to the application. Request that a finalised Access Management Plan is secured by condition, this should run in tandem to a Landscape Plan for the Castle Grant works. At the main access site, the installation of staggered barriers is proposed. The DWA would prefer self-

closing farm gates either side of the windfarm access track. It is also open to pursuing other potential enhancements such as diversion of the Dava Way to avoid Dava, this will need to be pursued separately. The parking around the Dava settlement available to visitors is currently very limited, would support the retention of a section of the laydown area for visitor parking. This would need to be advanced with support from the Dava Residents Association.

5.19 **Findhorn, Nairn and Lossie Rivers Trust** do not object to the application. Support the applicant's commitment to a 50m buffer zone around rivers, the implementation of an adaptive water monitoring programme, the commitment to site the development on shallower areas of peat and its intention to implement a fish monitoring programme. Its asks to be consulted on the final design and location for the watercourse crossings. Timing of construction for the watercourses should also be considered and it is best to avoid spawning periods with late May to early October as the optimum time. However, in some locations this can be adapted, and the Trust would be happy to discuss each crossing in more detail during road construction phase. The Trust would also encourage the applicants to consider the use of riparian woodland going forward into the final habitat management and enhancement plan.

5.20 **Highlands and Islands Airports Limited (HIAL)** do not object to the application subject to planning conditions, securing a Radar Mitigation Scheme, this will set out measures to mitigate the impact on the Primary Surveillance Radar at Inverness Airport. In addition, a planning condition is required to secure an Instrument Flight Procedures (IFP) Assessment which confirms whether or not an IFP scheme is required or not. If a scheme is required, then this shall be agreed with HIAL and the Civil Aviation Authority (CAA) and promulgated by National Aeronautical Information Services (NATS).

5.21 **Historic Environment Scotland** do not object to the application. It confirms that the effects on the setting of the category A listed buildings, Inventory Garden and Designed Landscape (GDL) and scheduled monuments in the vicinity would not be significant. In relation to Lochindorb Castle (SM1231) there will be no visibility of the turbines from the monument itself and very limited visibility of turbines in views towards the castle, as such it is content that the effect on the setting of the castle will not be significant. It also confirms that there will be no significant effects on the listed buildings at Castle Grant. Although the proposed turbine delivery route requires the construction of a small temporary bypass which potentially affects the very western edge of the Castle Grant Inventory GDL (GDL00092). It is content that the proposal would not significantly affect the GDL and the works are temporary so the existing character would be reinstated once the wind farm is constructed and the bypass dismantled.

5.22 **Ironside Farrar (Peat Landslide Hazard Risk Assessment Checking Report)** do not object to the application. This is following the submission of a Stage 2 Peat Landslide Hazard Risk Assessment Checking Report.

5.23 **Joint Radio Company** do not object to the application. It has assessed the proposal against the radio link infrastructure present in the area and it does not conflict with the radio links utilised by Scottish Hydro or Scotia Gas Networks.

5.24 **Marine Science Scotland** do not object to the application. It advises that a preconstruction fish population survey and a decommissioning/ restoration plan should be secured by planning conditions. In addition, it advises that the Allt Dearg which is a watercourse, which drains the northeast of the main site should be included within a Fish Monitoring Plan (FMP) and secured by a planning condition. 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.

5.25 **Ministry of Defence - Defence Infrastructure Organisation (MOD)** do not object to the application. It highlights that the development is located within a Low Flying Area and that aviation safety lighting is required to mitigate the risk to aviation safety. It requests that a scheme for aviation lighting is secured by condition and that prior to erection of any turbines commencing that the Ministry of Defence is informed of all infrastructure and cranes to be used during construction.

5.26 **Moray Council** do not object to the application. Consider that from the LVIA assessment the proposal would have very limited visual presence with Moray. It also notes that some of the delivery / construction route would be within the public road network within Moray, and asks for planning conditions regarding pre-commencement road surveys, Construction Traffic Management Plans be included and where appropriate Moray Council are consulted.

5.27 **National Air Traffic Control Services (NATS)** do not object to the application and confirm that this proposal does not conflict with its safeguarding criteria.

5.28 **NatureScot** do not object to the application subject to the recommended mitigation and planning conditions. It welcomes the amendments made to the wind farm layout since the Scoping stage which has notably improved the visual impacts of the proposal from the Cairngorms National Park (CNP). It confirms that the proposal will not have an adverse effect on the integrity or the objectives of the CNP.

In relation to Moidach More Special Area of Conservation (SAC), it advises that the proposal is likely to have a significant effect on the blanket bog, as such the Scottish Government, as competent authority, is required to carry out an appropriate assessment. However, it considers that subject to the approval and implementation of a Deer Monitoring Plan (DMP) adverse effects will be avoided. It also notes that the southeast corner of this SAC falls within the same estate ownership as this wind farm proposal and would therefore welcome consideration for positive biodiversity enhancement measures through the Habitat Management Plan (HMP).

In relation to the Anagach Woods Special Protected Area (SPA) and Darnaway and Lethen Forest SPA, it considers that the proposal is likely to have a significant effect on capercaillie linked to these SPAs. As such the Scottish Government, as competent authority, is required to carry out an appropriate assessment in view of the sites' conservation objectives for this qualifying interest. NatureScot consider that the development is a considerable distance from these SPAs, much of which is open hill ground and not favoured by capercaillie, so are unlikely to be affected by this proposal.

In relation to the River Spey SAC, the main turbine development lies within a different catchment, therefore there is no hydrological connectivity with this SAC.

An appropriate assessment is therefore not required. The southern section of road improvement, close to Castle Grant, may have some connectivity to an upper tributary of this SAC, but only at a distance of circa 2km, subject to a Pollution Prevention Plan (PPP) during the construction phase this SAC is likely to remain unaffected.

Given the dominance of priority peatland habitat on this site, it supports the proposal to compensate for the loss and damage through peatland restoration, this should be strengthened through the Habitat Management Plan (HMP). It also recommends that the HMP include specific management measures to benefit upland curlew.

In relation to golden eagle, hen harrier, merlin and short-eared owl, it considers that this proposal will not have an adverse impact on the conservation status of these raptor populations, however it recommends that a Breeding Bird Protection Plan during construction works is secured by condition.

In relation to water voles, it notes that blanket bog restoration area A in its current condition, supports good habitat, as such restoration may not necessarily be of benefit to water voles if ditches used by voles are to be blocked. NatureScot are content that the restoration of this area to be reviewed or surveyed in more detail, to instead maximise upland nature.

Pre-construction surveys will be required for all protected species previously found on the site, including the road upgrade works, in addition to Species Protection Plans (SPP). It also recommends that this includes other related activities, such as proposed restoration or enhancement works linked to the HMP.

5.30 **Royal Society for the Protection of Birds** do not object to the application and confirm that they will not be making any representations on this proposal.

5.31 **Scottish Water** do not object to the application. It cannot confirm if the site can be served by the water or wastewater 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 **Scotways** object to the application. Contact has been made back and forth between Scotways and the applicant. Concerned that the application does not include a complete baseline of rights of way and that there appears to be a presumption in the re-alignment of rights of way and / or established footpaths in order to secure consent for this proposed development. Also consider that T3, T9 and T17 are located in closer proximity than the 'equivalent to the height of the blade tip' to rights of way HB24 and HB25.

5.33 **Scottish Environment Protection Agency (SEPA)** do not object to the application, following the submission of a number of clarifications and the recommendation that a number of matters are secured by planning conditions. SEPA request a finalised Peat Management Plan, Habitat Management Plan, any groundwater dependant terrestrial ecosystem flush habitats located within 50m of development should be marked by the Ecological Clerk of Works (ECoW), a 50m buffer zone around all water bodies except in the vicinity of watercourse crossings, all water crossings shall be oversized bottomless culverts or single span bridges, development shall be carried out in accordance with the Borrow Pit Appraisal,

control on micro-siting allowances and a finalised Decommissioning and Restoration Plan.

5.34 **Transport Scotland** do not object to the application. It requests conditions to secure an updated assessment and prior approval of the proposed route for abnormal loads on the trunk road network along with any mitigation measures required; trial run of the abnormal load delivery; a quality assured traffic management to be undertaken; the provision of a Construction Traffic Management Plan; the sheeting of all vehicles carrying construction material; installation of wheel cleansing facilities and a decommissioning plan.

6. DEVELOPMENT PLAN POLICY AND OTHER MATERIAL POLICY CONSIDERATIONS

6.1 Appendix 2 of this report provides details of the documents which comprise the adopted Development Plan, including details of pertinent planning policies as well as adopted supplementary guidance, and other material policy considerations which are relevant to the assessment of the application.

7. PLANNING APPRAISAL

7.1 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 Section 36 applications in a similar manner given that planning permission may be deemed to be granted.

7.2 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.

7.3 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

7.4 The key considerations in this case are:

a) Compliance with the Development Plan / Other Planning Policy
b) Energy and Economic Benefits
c) Design, Landscape and Visual Impacts
d) Construction
e) Roads, Transport and Access
f) Water, Flood Risk, Drainage and Peat
g) Natural Heritage (including ornithology)
h) Built and Cultural Heritage
i) Noise and Shadow Flicker
j) Telecommunications
k) Aviation
l) Other Material Considerations

Development Plan / Other Planning Policy

7.5 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, including the Onshore Wind Energy Supplementary Guidance (OWESG).

7.6 Appendix 3 of this report provides an assessment of compliance with the Development Plan / Other Planning Policy.

7.7 In summary, the principle of wind farm development is established in national policy, with the proposed development being of national importance for the delivery of the national Spatial Strategy. 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. At the regional level, HwLDP also offers support for renewable development proposals where they are located, sited and designed such as they will not be significantly detrimental overall, individually or cumulatively with other developments. To inform this assessment, the OWESG 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.

Energy and Economic Benefits

7.8 The Council continues to respond positively to the Government's renewable energy agenda. Installed onshore wind energy developments in Highland account for around 30% of the national installed onshore wind energy capacity, with a substantial number of onshore wind farm applications pending consideration at present. 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 widespread effects.

7.9 The proposal has an approximate aggregated capacity of 105MW in addition to an indicative battery storage capacity of 50MW. Based on a typical capacity factor, this will be equivalent to powering 64,500 homes a year. Later in this report further visual impact mitigation will be outlined which will recommend the removal of one turbine (T17) from the scheme. If accepted by Ministers, this will reduce the energy yield by approx. 5.8MW. However, even with this reduction, the yield from this development would be considerable. Therefore, notwithstanding any significant impacts that this proposal may have upon the landscape resource, amenity and heritage of the area, the development could be seen to be compatible with Scottish Government policy and guidance and increase its overall contribution to the Government targets

7.10 There will also be carbon losses as a result of the development, including those related to turbine manufacture and impact on peat. The expected total net emissions of carbon dioxide (CO2) associated with the proposed development has a value of 194,203 tonnes of CO2. The maximum and minimum calculated values for CO2 emissions produced, reflecting different input scenarios, are 163,096 tonnes and 316,388 tonnes, respectively. The calculations of total CO2 emission savings and carbon payback time for the proposed development indicates the overall payback period would be between 1 to 2.2 years, when compared to the fossil fuel mix of electricity generation. This means that the proposed development is anticipated to take around 2.2 years to repay the carbon exchange to the atmosphere (the CO2 debt) through its construction. With the proposal reported by the applicant to have an overall beneficial effect on climate change mitigation.

7.11 The proposed development anticipates a construction period of 19 months (including reinstatement works) and 35 years of operation prior to decommissioning or repowering. Such a project can offer significant investment/opportunities to the local, Highland, and Scottish economy including businesses ranging across construction, haulage, electrical and service sectors. The application has been accompanied by a socio-economic, recreation, tourism and recreation assessment which looks at the construction, operational and decommissioning phases for the development. The socio-economic and labour market assessment uses two study areas, the Aviemore and Grantown-on-Spey Travel to Work Area which is referred to as the wider study area and the regional study area which encompasses the Highland Council and Moray Council administrative areas. The tourism and recreational study area assesses an area within a 15km radius of the site. The socio-economic impact offered by the applicant suggests that during the construction phase there will be a short term minor beneficial economic effect and

a short term minor adverse effect on tourism and recreation. During the operational phase the applicants anticipate long term minor beneficial economic effects and long term minor adverse effects on tourism and recreation.

7.12 The applicant has identified that the capital cost of the development is estimated to be £108 million. The applicant's assessment indicates that during the construction phase the development will result in 217 net temporary construction jobs within the wider study area. Furthermore, there will be 240 net temporary construction jobs within the regional study area.

7.13 Operation and maintenance spend is estimated to be up to £6.3 million, which excludes any community benefit payments and non-domestic rates. It is estimated that the regional study area could secure 23% of operation and maintenance contracts worth £1.3 million and Scotland could secure 43% of operation and maintenance contracts worth £2.5 million. As with the construction phase, the contract values awarded in each of the study areas represents an increase in turnover in those areas. The economic impact of the increase in turnover on employment is estimated to result in 37 PYE jobs in total, 8 within the regional study area and16 in Scotland.

7.14 The effect of introducing NPF4 Policy 11 c) relating to the need for energy development to maximise socio-economic benefits of which community benefit forms a part, means that this is now material to the determination of an application. Additionally, NPF4 Policy 25 provides support for development that is consistent with local economic priorities and where they contribute to local and/or regional community wealth building strategies. The Council is currently in the process of developing its priorities, along with partners, through the Highland Outcome Improvement Plan and the work on production of a community wealth building strategy that is under way. This work will set a strategic framework along with identifying many of the local priorities and projects to promote and encourage economic activity and retain wealth within the Highland area. The ongoing Local Place Plans initiative will likely identify other opportunities. While many opportunities are likely to be identified locally, there will be a need to consider the opportunities available from a strategic perspective to ensure that communities across all of Highland benefit.

7.15 The applicants have developed a Community Development Strategy and area committed to working with communities to deliver the following:

- Community Benefit Fund - this will £5,000 per installed MW, indexed linked for the lifetime of the windfarm.
- Shared Ownership – Up to 5% will be available in line with the guidance set out in the Scottish Government's Shared Ownership of Renewable Energy Developments.
- Local employment opportunities during construction and operation. Including advertising contract opportunities locally and meeting with suppliers to share local contacts and networks.
- The developer is also engaging with the local community and Dava Way Association to provide improvements in the area. This includes the provision of four new parking spaces for users of the Dava Way, the provision of

walkways which are suitable for all users at the Castle Grant bypass location, re-surfacing of a section in the vicinity of the main construction works, the provision of surface materials to support Dava Way maintenance work and the provision of a shelter and picnic tables.

7.16 In terms of Business Rates, these are collected centrally by the Scottish Government and then redistributed. Based on the current rates (revaluations take place every three years), a 100MW wind farm would have a rateable value of £1.95m (for an unaccredited wind farm with a 35% load factor). The Uniform Business Rate is approximately £0.5m for estimating liability. The annual Business Rate liability for a 100MW wind farm would be circa. £1m.

Design, Landscape and Visual Impacts

7.17 A total of 24 viewpoints (VP) across a 45km study area (EIAR Figure 8.1) have been assessed in relation to landscape and visual impacts. 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 ZTV to Blade Tip with Viewpoint Locations (EIAR Figure 8.2). Sufficient information has been provided to undertake an assessment of landscape and visual impact and the quality of the visual information provided is acceptable. However, it is considered that some of the images were washed out such as VP7 (A939 Layby near Lochnellan), but were sufficient for this assessment. VP10 (A940 Carnach) was dominated by vegetation, but there would appear other locations on this road which would have provided a more open view. However, this VP is located within Moray Council, who have raised no concerns with the LVIA or any specific VPs. As such, it is not considered appropriate for Highland Council to provide any definitive stance on this particular viewpoint.

7.18 The methodology for the Landscape and Visual Impact Assessment (EIAR Appendix 8.1) follows that set out in Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA 3). As set out at GLVIA Para 3.32 “LVIA should always clearly distinguish clearly between what are considered to be significant and non-significant effects.” The EIAR states that the threshold for both landscape and visual impact is for a negligible or minor level of effect this is generally taken as not significant, and a moderate or major/substantial level of effect is generally taken as significant. Any exceptions to this are required to be clearly explained as part of the assessment. This approach is in line with the approach taken by Highland Council in the identification of significant effects.

7.19 EIAR Technical Appendix 8.1 details the methodology used in visual representation. 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.

7.20 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. 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, Design and Layout Evolution

7.21 The site lies just within the eastern part and abuts the northern boundary of the Drynachan, Lochindorb and Dava Moor SLA. In addition, the nearest turbine is located 2.1km from the Cairngorms National Park boundary (CNP). EIAR Chapter 3 sets out the applicant's site selection process and the technical / environmental factors considered. From this it is noted that impacts upon the SLA and CNP are among the main drivers in the evolution of the schemes design and layout.

7.22 In terms of the prevailing pattern of operational / consented or under construction wind farms in the vicinity. Tom nan Clach Wind Farm is located approximately 18.3km to the west, beyond which also lies Moy Wind Farm, both of which are located on the edge of and partly within boundary of the Drynachan, Lochindorb and Dava Moor SLA. Within Moray there are wind energy developments to the north and east, these include Berry Burn (2km distant), and Pauls Hill (3.9km distant). The consented schemes of Cairn Duhie (and design variation) are some 6.5km to the northwest and Clash Gour (Moray area) is located 1.5km to the north, both are just located out with the aforementioned SLA.

7.23 The consented pattern of wind energy development in the area has avoided developing within the SLA with the exception of its western extremities, with Tom nan Clach and Moy Wind Farms. In addition, since the submission of Ourack Wind Farm, a 7 turbine extension to Tom nan Clach Wind Farm to the west has been submitted with the Council having raised no object and is currently with Scottish Minister for determination. The drive to protect the integrity of the SLA can be seen with Lethen Wind Farm which was to be sited centrally within the SLA (some 11.5km to the west of the application site) having been recently refused, with the Council raising substantial concerns of its impacts across the central area of the SLA. In contrast Ourack Wind Farm is to be sited within the eastern part of the SLA, abutting its northern boundary. The Strathdearn Hills rise to the south towards the National Park and the north west and east, which provides visual containment as demonstrated by the blade tip ZTV (EIAR Figure 8.2). Its set back position within the eastern part of the SLA also limits its influence on the central area of the SLA around Lochindorb.

7.24 In relation to siting and the local road network within the SLA, Tom Nan Clach Wind Farm and its proposed extension provides a 7km setback from the local road network. However, in marked contrast the recently refused wind farm at Lethen had a very limited setback with the closest turbine being only 900m from the B9007. Although just to the north of the SLA, the consented Cairn Duhie Wind Farm (and re-design) also breaches the setback distance achieved by Tom Nan Clach as it is sited directly adjacent to the A939. In contrast Ourack Wind Farm will be set back from the local road network (junction of the A940 and the A939) by around 4km. This reduces the impacts and visibility from the local roads, such as the A95, A939

and the B9007.

7.25 In line with the EIA and Onshore Wind Energy Supplementary Guidance (OWESG) requirements, the applicant has illustrated and explained the steps, rationale, and influences for the evolution and design of the site. Chapters 3 and 8 of the EIAR provides an overview of how the design of the scheme has evolved, in terms of turbine numbers, layout and reduction in the site area. The potential landscape and visual impacts on receptors and how the development would relate to the existing landscape character, designations, other wind farm schemes, and ecological matters (in particular peat) were key elements in the schemes design evolution. This process involved:

- A 27 (180m to tip) turbine scheme which was presented in 2019 (20/00082/SCOP and 19/04309/PREMAJ).
- In response to pre-application advice, a further landscape design review was undertaken in 2020 and presented at the public consultation events in 2020/2021. Key design considerations sought to minimise visibility from sensitive receptors and viewpoints within the CNP by clustering turbines in an area contained by surrounding topography (Strathdearn Hills) at the north eastern corner of the site. This resulted in a 50% decrease in the site area and a greater separation distance to the CNP boundary. Protecting the integrity of the Drynachan, Lochindorb and Dava Moors SLA was also a central driver with the design strategy seeking to respond to the sensitivities identified such as the 'undifferentiated moorland landscape, characterised by expansive horizons and broad panoramas'; 'sense of isolation, extensive panoramas and impression of wildness' and 'protection from fragmentation and disruption of wide and uncluttered horizontal views. Containment was also sought to screen views from the wider area of the SLA to the west and minimise setting effects on heritage receptors including Lochindorb Castle.
- This resulted in a reduction in the turbine numbers to 18 and limiting their spread to land east of the Via Regia Heritage Path and containing the development within a smaller area in the eastern part of the SLA. It also sought to minimise visibility from Lochindorb to the west.
- A final further refinement in the siting of the turbines was to reduce impacts upon peat and watercourses.

7.26 The EIAR contends that the resulting layout which is presented in the current submission is the best viable option with respect to environmental constraints and civil engineering feasibility.

Recommended Mitigation

7.27 Whilst acknowledging the positive work that the applicants had undertaken in relation to impact upon the CNP and SLA, during the assessment of the application, Planning Officers sought to further reduce the landscape and visual impacts of the proposed development. Concerns were raised in relation to turbine 17, which was sited 40m above the other turbines. This resulted in the hub height breaching the horizon, affecting scale and was unduly dominant in several of the VPs. Concerns were raised about the visibility of the access track along the southern boundary from T18 past T14 to T17 and the use of visible aviation lighting. Although the

applicants secured a mitigation version with the CAA, four (reduced from 18) cardinal turbines are still required to be lit with visible lighting. There is currently no visible aviation lighting in the locality, although this will alter if the consented Clash Gour and Rothes III are constructed. Officers requested that the applicants investigate all options to reduce this impact including any potential emerging technology.

7.28 Following discussions, the applicant has provided written confirmation that they are willing to delete T17 and associated infrastructure from the scheme. This commitment is welcomed as the design and composition of the development would be improved. This improvement is particularly noticeable in closer viewpoints. In relation to the remaining part of the access track, the applicant is also committed to minimising its impact and measures such as bunding on the downside of the track which could provide screening can be secured through a post construction restoration plan.

7.29 Officers also noted that T17 was one of the four turbines which were to be lit with visible aviation lighting. With the removal of T17, T13 is required to be lit, this turbine sits lower within the landscape. The commitment to remove the highest and most prominent turbine will have positive effect for receptors at a number of viewpoints.

Ancillary Infrastructure

7.30 The applicant has identified that a grid connection will be required and has applied for a substation. The substation (indicative design Figure 3.14) will be a single storey, pitched roofed building and the battery energy storage compound (indicative design Figure 3.15) will contain single storey containers. Both compounds have been located together and are set low down in the wind farm site which will reduce their visibility from the surrounding areas. The final design and external material palette and the compounds and perimeter fencing can be secured by condition. Connection to the grid from the substation will 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.

7.31 The final colour/finish on the turbines can be secured by a planning condition. The cables from the turbines to the substation will be grounded. It is hoped that the turbine transformers can be housed internally within the turbine towers, which reduces clutter and creates a simpler site image. However, if this is not practical following the turbines procurement process, the design for any external transformers can be secured by condition.

7.32 In terms of design and mitigation measures for the other infrastructure on the site. The outline CEMD includes a commitment to the removal and reinstatement, of the temporary construction compounds / laydown areas. Where the proposed access requires the upgrading of existing tracks, the route design and construction methods would allow for digging up and reinstatement of parts of the existing tracks that deviate from the new line to avoid the creation of ‘dual tracks’ and / or redundant tracks, unless these can be incorporated into plans for passing places etc. On completion of site construction, the site entrance and access tracks would

be cleared of any construction signage and verges restored.

7.33 Up to three borrow search areas (Figure 3.1) are included in the application. However, it is anticipated that most of the required rock will be sourced from borrow pit 1. Any borrow pits would be restored, with steep faces backfilled/ re-profiled to match the surrounding topography, and disturbed surfaces would be covered with soil and re-seeded / re-turfed or left as exposed rock outcrops. The proposed compensatory tree planting required to offset the loss of trees from the upgrade works at the sites main access would also be integrated with the reinstatement plans for borrow pit 1 and connected to existing trees at Aittendow.

7.34 In relation to the works at Castle Grant, the Cairngorm National Park Authority considers that although the proposed bypass route would have localised impacts, subject to mitigation it will not have adverse impacts on the landscape of the site or wider area. It recommends that a Bypass Route Restoration and Landscape Plan is secured by a planning condition.

Landscape Impact

7.35 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.

7.36 The development lies within the Open Rolling Upland Landscape Character Type (LCT). This is a relatively large LCT that borders the northern slopes and summits of the Strathdearn Hills, which broadly follow the Cairngorms National Park (CNP) boundary. This LCT extends north from the Cairngorms National Park boundary for approximately 10km and extends just over 30km east to west. This extensive open moorland area is interrupted by low hills, some like Knock of Braemoray are separate to the main Strathdearn Hill grouping which enclose the southern and eastern boundaries of this area, others such as Carn Tiribeg and related hills and ridges subdivide the moorland into separate areas. The Open Rolling Upland LCT is largely uninhabited but is and crossed by roads including the A939 Highland Tourist Route, B9007, the Old Military Road heritage path and the Dava Way. The majority of this LCT is designated at a local level by THC as the Drynachan, Lochindorb and Dava Moors SLA. The setting of Lochindorb which is valued for its cultural heritage and for tourism/ recreation is a key feature in this LCT and the SLA.

7.37 The landscape character of the Open Rolling Upland LCT is described further within the NatureScot 2019 Landscape Character Assessment. Key characteristics are:

- “High, rolling moorland with gentle gradients and limited relief in the west becomes hillier in the eastern reaches.
- Simple, rolling landscape of heather moorland and grassland, with few plantations or structures, and the contrasting setting it provides for the occasional farmed valleys at the margins and close to roads.

- Interest provided by occasional natural and built point features in the simple landscape, such as lochans, summits, small farms, stone bridges, crofts and abandoned shielings.
- General lack of modern structures (pylons, wind turbines, masts and houses), particularly in the central area close to roads and the Dava Way, from where most people experience the area. However, due to the openness of this landscape there are views to commercial wind energy development in neighbouring areas to the east.
- Elevated, open and expansive views across the landscape, and long-distance views from the edge of the plateau to the north and south. Difference in extent and focus of views between east and west.
- Sense of remoteness from lack of roads and built development, coupled with abandoned buildings, rail lines and historic roads."

7.38 The Council's Onshore Wind Energy Supplementary Guidance (OWESG) guidance also includes a Landscape Sensitivity Appraisal for the Black Isle, Surrounding Hills and Moray Firth Coast. Although the site is located outwith the study area, the appraisal does relate to part of the same host landscape of Open Rolling Upland as defined by the SNH Landscape Character Assessment, 2019. The nearest subdivision of Open Rolling Upland documented within the Landscape Sensitivity Appraisal is: BL10: Tom nan Clach, Lochinorb to Aidrie Mill, south of River Findhorn. Key views are outlined as being 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, A939; A940; and the Dava Way which follows the disused railway line from Forres to Grantown. The only defined Gateway is at the 'A939 Milestone' when travelling south, a sense of entering a more remote and isolated moorland landscape.

7.39 Although the draft Dava Moor and Monadhliath Landscape Sensitivity Appraisal (LSA) is not yet adopted it also provides useful context when assessing the landscape sensitivities in the area. Section 15 of the Appraisal contains the Open Rolling Uplands Sensitivity Assessment. The LSA guidance indicates that turbines over 150m in height are likely to contrast with smaller turbines within existing wind farms if sited close by. They would also overwhelm the limited vertical scale of the rolling hills which surround Lochindorb and lie on the edge of the Spey valley. Lighting of turbines would also be likely to diminish the perception of wildness associated with this landscape (impacts from aviation lighting will be discussed later in this report).

7.40 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 the band of smoother hills which lie on the southern edge of this appraisal unit to the east of the A939 are also important in providing a backdrop to the Spey valley and large wind turbines sited in this area could be prominent when seen from the A95 and recreational routes and may adversely affect some of the special qualities of the Cairngorms National Park. The guidance also identifies potential cumulative landscape issues such as the effects on the character and views to and from

Lochindorb and the sequential cumulative effects on views from the A939, B9007, A95 and the Dava Way.

7.41 The EIAR considers that the construction phase will result in localised direct landscape effects on the site and its component landscape elements. To allow for the construction of the access tracks, areas of hardstanding, compounds, turbine foundations and borrow pit excavation, removal of moorland vegetation and coniferous forestry will be required but these are considered to be of Low sensitivity. Some of the works would be temporary such as the construction compounds and would be reinstated post construction.

7.42 In terms of operational effects, the proposal would introduce additional new energy development at foot of the Strathdearn Hills. As noted above there is limited built development, however there are several operational and consented wind farms within this LCT. The operational schemes are Berry Burn located 2km to the northeast, Pauls' Hill located 4km to the east (both within Moray Council area) and Tom nan Clach approximately 18km to the west. Consented wind farms are Berry Burn extension located 4km to the northeast, Pauls' Hill II located 6km to the east (both in Moray), Cairn Duhie/variation, approximately 6.5km to the northwest and Clash Gour (Moray area) is located 1.5km to the north. As shown in EIAR Figure 8.11b Berry Burn, Paul's Hill wind farms and the southwest cluster of Clash Gour are grouped around the eastern and northern edges of Strathdearn Hills in this area.

7.43 As such the pattern of development is generally seeking to avoid the highest summits whilst taking advantage of the landform screening provided for by layers within the landform. It is largely contained within the eastern areas and within the Strathdearn Hills, thus maintaining the sense of space across the remaining moorland. The applicant sets out that Ourack Wind Farm follows this pattern of development and its relationship with the topography. Through the design process since the scoping stage the reduction in turbine numbers has resulted in the development being contained to the east of the Via Regia footpath and thus visually pushed back into the foot of the hills. Consequentially, the applicant argues this allows a greater part of the moorland in this area to remain as the larger space or dominant landscape characteristic, with the moorland extending into the far distance to the southwest and west. The proposal also avoids the highest summits and associated ridges in the area. For instance, it would not affect the hill profile of Knock of Braemory (outwith THC area) or its appearance in the landscape as a landmark feature. This is illustrated by VP9 (A939 near Aitnoch) in which the proposed development would appear to the right of the Knock of Braemoray and subservient in terms of height and mass.

7.44 The ability of the landscape to accommodate the development without undue consequences (landscape susceptibility) is assessed by the applicant to be medium-low. Its ability to accommodate the proposed development is due to the large extensive scale of the landscape, the simple land cover, lack of settlements and the presence of other wind farm developments, but it is noted that the sensitive aspects of the LCT is its wild and remoteness. In terms of landscape value, when considering landscape condition, recreational interests, and designation the landscape value of the site and immediate surroundings is assessed as of High to Medium value. Overall, the assessment of Medium-Low susceptibility and the High

- Medium value, principally in respect of the Drynachan, Lochindorb and Dava Moors SLA, the applicant contends that the overall sensitivity of the Open Rolling Upland LCT to the proposed development is assessed as High – Medium. Overall, the EIAR reports that the proposed development would have a significant effect on the LCT at distances of between 2-6km from the proposed turbines. No other LCTs within the study area would be significantly affected by the proposal.

7.45 The applicant's reported level of impact on the LCT is broadly agreed with and the Council's Landscape Officer has no objection. The ZTV indicates that there would be no or very limited theoretical visibility from the 'A939 Milestone' which is defined as a gateway feature in the OWESG. Another important and sensitive feature outlined in the OWESG and the draft Dava Moor and Monadhliath Landscape Sensitivity Appraisal is that wind turbine development should avoid significant adverse effects on Lochindorb and on the character of its setting. Unlike the recently refused wind farm at Lethen, Ourack is set further to the east so will not result in adverse impacts upon Lochindorb. Overall, whilst officers recognised that there will be a zone of significant effects upon the LCT, these are relatively localised when considering the extensive character type as a whole.

7.46 As detailed above the site is located within the eastern part and abuts the northern boundary of the Drynachan, Lochindorb and Dava Moors SLA and would directly affect part of the Open Rolling Upland LCT which underpins the SLA. A number of the VPs are from within the SLA and are representative of the views obtained from VP1 (CNP boundary - the Via Heritage path), VP3 (Shenvault), VP5 (Dava Way), VP7 (A939) and VP13 (B9007) and views obtained from summits to the south west - VP14 (CNP boundary - Creag Ealraich) and VP19 (CNP boundary - Carn Glas Choire) and west VP21 (Carn nan Tri-tighearnan). Impacts upon the SLA was identified as a key constraint by officers at the pre-application stage. Several public representations have also raised concerns about the proposals impact on the SLA.

7.47 The overview in the SLA citation (assessment of Highland Special Landscape Areas) states that:

'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 midway between a number of settlements and for being easily accessible via several roads which pass through the area…..key characteristics are the homogeneity of this area, its sense of spaciousness, wide views, and sparse human presence…it retains a strong sense of tranquillity as well as some wildness qualities, which are emphasises by an almost complete absence of built structures.'

7.48 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 following are considered to be key landscape and Visual Characteristics relevant to this development:

- '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.'
- '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.'

- '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.'

7.49 These key characteristics are promoted by a series of Special Landscape Qualities (SLQ). The following SLQs have been considered further in the applicants LVIA assessment.

- SLQ 1) A Sense of Solitude, Views over Heather Moorland, and Big Skies.
- SLQ 2) Expansive views and broad panoramas across open, rolling moorland and vast skies instil a boundless sense of scale and space, enhanced by the consistency of moorland cover and landform character.
- SLQ 7) The long, fairly straight routes through this landscape allow an easy appreciation of the openness and simplicity of the landscape. These are typically lined with permanent snow poles which serve to reinforce the impression that this is a landscape exposed to adverse weather.

7.50 The applicant considers that there will be no significant effects on the other SLQs. These include impacts upon a narrow, deep section of the Findhorn River valley at Streens and Lochindorb (SLQ3). The applicant has excluded this SLQ as both of these areas are outwith the blade tip ZTV and neither they, nor views towards Lochindorb would be affected by the proposed development.

7.51 These special landscape qualities outlined above are further underlined by the SLAs Sensitivity to Change. In particular, 'The undifferentiated moorland landscape, characterised by expansive horizons and broad panoramas may be diminished by further features which break up the composition'; and 'The sense of isolation, extensive panoramas and impression of wildness could be compromised by the introduction of further buildings or structures.

7.52 The EIAR identifies that there would be a significant effect on three (SQ1, 2 and 7) of the seven SLQs of the Drynachan, Lochindorb and Dava Moors SLA. The relevant SLQs principally relate to perceptions of a "sense of solitude" (SLQ 1); "broad panoramas … vast skies … boundless sense of scale and space" (SLQ 2) and "openness and simplicity" (SLQ 7).

7.53 **SLQ 1) A Sense of Solitude, Views over Heather Moorland, and Big Skies**

- As experienced from the A939/B9007 – minor to negligible effects (not significant.
- Dava Way- moderate (**significant**) effects.
- Via Regia / HB25 – major to moderate (**significant**) effects.

As noted above and demonstrated on the ZTV, there would be very limited visibility of the proposed development from the A939 as illustrated in VP7 (layby near Lochnellan) and VP9 (near Aitnoch). The scheme is set back from the local road

network and over the land form, which emphasises its elevated nature of the area. This is also the case for the B9007 (VP13 near Carn nan Clach). As detailed above, this is similar with Tom Nan Clach Wind Farm and proposed extension which provides a 7km setback from the local road network. However, this is in marked contrast the recently refused wind farm at Lethen and the consented Cairn Duhie Wind Farm (and re-design) just to the north of the SLA which is sited directly adjacent to the A939. Significant effects on the Dava Way are acknowledged and these would extend between 1km to 4km from the site, with significant effects on the Via Regia/ HB25 within 2km.

7.54 **SLQ 2) Expansive views and broad panoramas across open, rolling moorland and vast skies instil a boundless sense of scale and space**

- As experienced from the A939/B9007 – minor to negligible effects (not significant.
- Dava Way- moderate to minor (not significant) effects.
- Via Regia/ HB25 – substantial to major (**significant**) effects.

Being set back from transport routes again aids with retaining a sense of scale and space. However, as detailed above and Appendix 5 of this report, the composition of the scheme is adversely affected by T17 due to its prominence in the landform and it being at odds with the horizon in a number of the VPs, such as VP2 (north of Dava), VP7 (A939 near Lochnellan) and VP9 (A939 near Aitnoch). This effects the vast skies and boundless sense of scale and space which are important qualities within the SLA. As detailed above the applicant has agreed to remove T17. Although the application will still have significant impacts upon the SLA as summarised above, the overall composition of the scheme has a greater respect for the SLQs of the SLA. In addition, removal of T17s associated track will reduce the direct effect on the moorland (e.g. as perceived from VP3 (Shenvault) and VP5 (Dava Way).

7.55 **SLQ 7) The long, fairly straight routes through this landscape allow an easy appreciation of the openness and simplicity of the landscape**

- As experienced from the A939/B9007 – minor to negligible effects (not significant.
- Dava Way- moderate to minor (not significant) effects.
- Via Regia/ HB25 – substantial to major (**significant**) effects

As noted previously in relation to SLQ1 and 2 there would be very limited visibility of the proposed development from the A939 or the B9007. Adverse effects are predicted from the Dava Way and significant effects from the Via Regia/HB25 are predicted within 2km.

7.56 As detailed above the consented pattern of wind energy development in the area has avoided development within the SLA with the exception of development in its western extremities (Tom nan Clach; awaiting decision from Scottish Ministers for this extension and Moy Wind Farms). The drive to protect the integrity of the SLA can be seen with the refusal of Lethen Wind Farm which was to be sited centrally

within the SLA. In contrast Ourack Wind Farm is to be sited within the eastern part of the SLA, abutting its northern boundary and benefits from visual containment.

7.57 Due in part to the restricted visibility from key routes across the wider part of the SLA and the design changes made since the Scoping stage the proposed development would not significantly affect the integrity of the SLA or its central SLQ's associated with Lochindorb and Lochindorb Castle. This is evident from analysis of the ZTV and from VPs such as VP13 (B9007). It is also noted that in VP14 (CNP Boundary – Creag Ealraich) there is no view of Lochindorb with the turbines in 50mm and 75mm photomontages, with this only being experienced in wider angle of views. The avoidance of Lochindorb and central influence within the SLA is a key reason why this site is more suitable than Lethen Wind Farm.

7.58 Overall, the Council's Landscape Officer considers that subject to the removal of turbine 17, there are no outstanding concerns with regard to adverse impacts within the study area, or with particular reference to the Special Qualities of the Drynachan, Lochindorb and Dava Moors SLA.

7.59 Within 15km of the site there are two further SLAs which considered by the applicant in its LVIA. These are the Findhorn Valley and the Wooded Estates and the Spey Valley SLA both are situated within Moray. Moray Council have no objection to the application and consider that the proposal would have very limited visual presence with Moray.

7.60 In summary, in assessing the acceptability or otherwise of the development's impact on the SLAs, NPF4 Policy 4d explains that where such impacts occur, proposals will only be supported where any such significant adverse effects are clearly outweighed by social, environmental or economic benefits of at least local importance. The SLA and the landscape composition impacts of the proposal do not weigh in favour of development, but the severity and acceptability of these must be carefully considered in the round and are just some, albeit important, key determining factors for this application.

7.61 At a national level, although the wind farm itself is not located within the Cairngorms National Park (CNP) design changes outlined above have reduced theoretical visibility of the turbines from across the CNP. A number of VPs are from within the CNP boundary (VPs 1, 6, 11, 12, 14, 16, 18, 19, 22, 23, 24). The applicant's assessment has concluded that there would be no significant effect on the CNP, its SLQ, or its integrity, including many of the main landscape attractions of the CNP, which are encapsulated in the SLQ descriptions. However, a number of third parties have raised the impacts upon the CNP in their objections to the scheme.

7.62 The Cairngorms National Park Authority have no objection and consider that the removal of turbines closest to the CNP boundary since the Scoping stage has allowed the local landform of Carn Ruighe an Uain to screen the majority of the turbines locally. This has significantly reduced visibility across and down into the Park in the vicinity of Huntly's Cave. In terms of cumulative impact, it notes that the addition of Ourack Wind Farm would not significantly add to the existing level of effects, either alone or in combination with other existing or consented wind farms. Overall, it considers that the proposal would not compromise the integrity or objectives of the CNP.

7.63 NatureScot similarly consider that the reduction in turbine numbers since the Scoping stage has had the positive effect of significantly reducing visibility directly across and down into the CNP. Although it acknowledges that there will be some limited visibility of turbines within the CNP around Cottartown, and along the west facing upper slopes and summits of the Cromdales it is not considered to have significant adverse effects on the SLQs. In terms of cumulative effects, whilst it notes that this scheme will intensify the existing wind turbine grouping around Berryburn/Pauls Hill, Clash Gour and wider afield including Rothes, it agrees with the conclusions of the EIAR that there will not be significant effects on the special landscape qualities. Officers do not contest the applicant's reported impacts on the integrity of the CNP and concur with the above consultees stance of raising no objection.

7.64 The nearest Wild Land Area (WLA) are WLA Area 15: The Cairngorms which is just over 20km to the south of the main site and WLA 20: Monadhliath located nearly 30km away to the southwest. Given the limited visibility and the separation distance no significant impacts are anticipated and are not considered further within the EIAR. This is accepted, 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

7.65 The Council considers visual impact using the criterion set out in Section 4 of the OWESG, with assessment against the criterion and view as to whether the threshold set out in the guidance is met or not (see Appendix 6 to this report). The OWESG criterion is a useful tool to inform wind farm design and to generally guide development to appropriate places. The OWESG criterion are not however absolute policy requirements, with these reflecting the time of the OWESG's publication which pre-dates NPF4.

7.66 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 tightly contained by the Strathdearn Hills to the south, east and north east. Beyond the boundary with the CNP at just over 2km distance to the south, visibility is more fragmented.
- To the north the ZTV extends across the open moorland but would in reality is likely to be contained by the forestry north of Shenvault, Berry Burn, Lurg and Bantrack, beyond this point the ZTV becomes very fragmented.
- To the north west and west the ZTV is limited by Carn Enev, the Knock of Braemoray to between 4-6km from the proposed development. This creates a break in the ZTV coverage along the A940. This includes residential properties along the A940 and at Dava.
- To the south west there is theoretical visibility at between 5-10km distance along the eastern flanks of Craig Tiribeg and the layby off the A939 at Lochnallan. On the western side of Craig Tiribeg the Lochindorb area is screened and the ZTV is fragmented and limited to the low hills with rocky

outcrops along the northern boundary of the CNP.

7.67 When considering the additional visibility of turbines, beyond that experienced as a result of the consented and operational wind farms, there are limited new areas of visibility. The EIAR identifies new areas of wind farm blade tip ZTV coverage for the proposed development affecting Glen Tulchan and within the CNP, the area around Cottartown, Castle Grant GDL, Grantown-on-Spey and Speyside as well as an area to the east of Carrbridge at around 20km. It is also acknowledged that where the development will be experienced in combination with the operational development then although it won't add to new areas of visibility, it will increase the intensity of wind energy development.

7.68 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 the assessment of officers and that of the applicant. The scheme has gone through substantial revision since the scoping and pre-application stages. However, as identified above and in Appendix 5, the scheme would further benefit from the deletion of T17 and associated infrastructure, to which the applicant has agreed.

7.69 A summary of the applicant's assessment and officer appraisal of this assessment, which highlights the differences and any concerns with regard to visual impact, can be found in Appendix 5. The EIAR includes a visual impact assessment from each of the 24 viewpoints, with most viewpoints considered to be used by receptors of high sensitivity and susceptibility to wind energy development, although it is acknowledged that not all receptors experiencing the development from all viewpoints would have a high sensitivity to the development. What follows is a summation of the visual impacts grouped by receptors. Consideration of each viewpoint based on the applicant's methodology is contained within Appendix 5 of this report.

Impact on Recreational Users of the Outdoors

7.70 The impact on recreational users of the outdoors has been assessed from:

- VP1 (Cairngorms National Park: Nearest point on track at northern boundary)
- VP2 (Dava Way, North of Dava)
- VP3 (Shenvault)
- VP4 (Knock of Braemoray)
- VP5 (Dava Way, South of Dava)
- VP6 (Cairngorms National Park: Auchnagallin)
- VP8 (Bantrach)
- VP11 (Cairngorms National Park: Cromdale Outdoor Centre)
- VP12 (Cairngorms National Park: Grantownon-Spey)
- VP14 (Creag Ealraich)
- VP16 (Cairngorms National Park: Cromdale Hills, Creagan a' Chaise)
- VP18 (Nethy Bridge)
- VP19 (Cairngorms National Park: Carn Glas Choire)

- VP20 (Ben Rinnes)
- VP21 (Carn nan Tri-tighearnan)
- VP22 (Cairngorms National Park: Meall a' Bhuachaille Cairn)
- VP23 (Strath Nethy Path), and
- VP24 (Cairngorms National Park: Ptarmigan).

7.71 The following significant visual effects are outlined in the EIAR:

- The Dava Way: For 3.5km between Bantrach and Fox Hill to the south of the Knock of Braemoray, and for approximately 1km of the route near Drumguish.
- Via Regia Heritage Path: Around 6.5km of the route would be significantly affected between VP1 on the CNP boundary and VP3 at Shenvault, noting the screening effects of forestry to the north of Shenvault and a further 2km would be significantly affected between the Falls of Feakirk and Bantrach. These effects would be experienced at distances of between 2-5.5km distance from the proposed development and the movement of the turbine blades would be clearly visible.
- Loan Road Heritage Path: For 3km, near the Hill of Glaschyle Wind Farm.
- HB25 Right of Way: For 4km along the southern site boundary.
- No significant visual effects on views from recreational and tourist destinations. However, there would be a significant effect on the views from the summit of Knock of Braemoray (VP4).

7.72 Whilst the localised impacts upon the Dava Way are recognised, the applicant is committed to providing mitigation and enhancement measures, as outlined above these include re-surfacing works, visitor parking, a shelter and picnic benches. These and any other relevant restoration and enhancement measures could be secured by condition and developed in conjunction with the other Local Authorities, the Access Officer and the Dava Way Association and Residents Association.

Impact on Road Users

7.73 The impact for users of the road network has been assessed from the

- **A939:** VP7 (A939 Layby near Lochnellan), VP9 (A939 near Aitnoch), VP15 (Cairngorms National Park: A939 near Lynemore), VP17 (Cairngorms National Park: A939 near Lynebreck).
- **A940:** VP10 (A940 Carnach),
- **B9007**: VP13 (B9007 near Carn nan Clach Garbha),
- **A95**: VP12 (Cairngorms National Park: Grantown-on-Spey),
- **Other roads:** VP8 (Bantrach), VP11 (Cairngorms National Park: Cromdale Outdoor Centre).

7.74 The views from these routes would be experienced transiently by road users (mainly drivers and passengers, and cyclists) who would experience the wind farm as part of the changing sequence of views experienced from the road. The severity and extent of significant impacts has however been contained through the

applicant's irritative design process since the scoping and pre-application stages. The application is also supported by a series of sequential views (EIAR Appendix 8.4).

7.75 The following significant visual effects are outlined in the EIAR:

- **A939**: One section of the road between the consented Carn Duhie Wind Farm and Aitnoch, affecting approximately 1.5km of the route when traveling south east bound towards the development.
- **A940**: The vast majority is outwith the blade tip ZTV (EIAR Figures 8.6a-b) and further screened by localised landform, buildings and / or roadside vegetation. Whilst the additional effect of the development on this road would not be significant, there may be some significant effects with Cairn Duhie Wind Farm. However, the proposed development would not affect the 'key gateway' identified by THC's Landscape Sensitivity Appraisal at the A939 / A940 junction travelling south as the proposed development would not be visible from this part of the route.

7.76 In addition, for the B9007 despite there being limited blade tip ZTV coverage along the route, cumulative significant effects for users on the B9007 were identified in the EIAR with Lethen Wind Farm; however, this would no longer occur as Lethen has since been refused.

Residential Receptors

7.77 The visual effects likely to be experienced from settlements include consideration of residential areas, the public realm and public open spaces within the settlement boundaries that would be frequented by people. The sensitivity of residential receptors is assessed as High in the EIAR. As demonstrated by the blade tip ZTV, there are no settlements (as listed in the Highland wide Local Development Plan) within 10km of the proposed development which would have view of the turbines. As such the EIAR contends that there would be no significant effects on the views from any of the settlements within the study area, including Grantown-on-Spey (VP12).

7.78 The closest group of properties at Dava will have no view of the proposed turbines although there may be partial views of the proposed access off the A939. In particular, the EIAR references Station House, Woodside Cottage and the School House. Views of the construction works and infrastructure from Woodside Cottage and the School House are likely to largely be screened from view and not significant. In relation to Station House (approximately four properties) the EIAR reports that views of the site access and construction works would be screened by the mature plantation trees, although residents would see construction works and traffic at the site entrance and access road, including upgrades to part of the existing track and related construction activity when exiting and entering their properties. It is likely that the level of effect would be High - Medium and the level of effect could range up to Substantial to Major depending on the activity and would be significant. The nature of the effects would be direct and temporary and could range from negative through to beneficial (upgrade to existing road and reinstatement / enhancement works).

7.79 Significant temporary visual effects are also predicted from the proposed road improvement works at Road Improvement Site B (Castle Grant) during construction, on the views from three residential properties (Greengates, Lynemacgregor Cottage and Auchnafearn).

7.80 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 construction of the wind farm would have an adverse effect in the short term on residential amenity. Consideration on other matters such as noise is assessed in other sections in this report.

Cumulative Effects

7.81 In addition to the above, it is important to consider the context of the development in combination with other windfarm developments and assess the likely cumulative effects. Of particular importance is how wind energy developments relate to each other in design and relationship to their surroundings; their frequency when moving through the landscape, and their visual separation to allow experience of the character of the landscape in between. A number of representations have raised concern with the cumulative impacts of the scheme.

7.82 In this instance, cumulative impacts of the proposed development in combination with existing wind farms has been found to give rise to a limited number of significant cumulative visual effects, over and above the significant effects identified in the 'solus' assessment. All of the VPs which are predicted to experience significant effects (VP1, 2, 3, 4, 5, 8 and 9) all include cumulative visibility of other wind farm development, notably from combinations of the proposed development with the existing Berry Burn and Hill of Glaschyle wind farms, the consented Berry Burn Extension and Cairn Duhie; and the Cairn Duhie variation and Clash Gour wind farms (the latter of which have since been consented).

7.83 In addition to these seven viewpoints, Ourack would also make a significant contribution to cumulative visual effects at VP7. This would occur in combination with the Cairn Duhie. Significant cumulative effects are also predicted at VPs 10, 13, 14, 19 and 21, however, this is not considered to be due to the addition of the proposed development, but due to other schemes in the vacinity. However, it must be noted that Lethen Wind Farm has since been refused which does assist the cumulative context from some of these VPs. However, the in-planning Tom nan Clach extension will also feature within the cumulative context if consented.

7.84 From the majority of VPs, there is sufficient visual separation and contrast to allow the development to be perceived as a different and separate wind farm, appearing in a different landscape layer, for example VP20 (Ben Rinnes), and at a different scale. However, from some VPs there is potential for the scheme to visually merge with the consented Clash Gour Wind Farm, such as VP8 (Bantrach), and VP10 (A940 Carnach).

Aviation Lighting (Hours of Darkness)

7.85 The turbines will require to be lit for aviation safety on account of being over 150 metres in height. Consequently, any lighting scheme will extend the development's impacts into the hours of darkness. The applicant's assessment is detailed in EIAR Appendix 8.3 and supported by visualisations at three VPs all along the A939. There are no operational wind farms with aviation lighting in the LVIA study area. Consented lit turbines will be at Clash Gour and Rothes III.

7.86 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 4 cardinal turbines (T2, T9, T17 and T18). Historical meteorological observations suggest that good visibility is likely to occur for approximately 85% of the time. The design of aviation warning lights will be specified to limit the light emission to a narrow horizontal beam and a tight spectrum. This is defined as an angle of between 0° (horizontal) to +3°.

7.87 The EIAR identifies significant effect on the views from within a reduced area of the Open Rolling Uplands LCT, which is also overlapped by the Drynachan, Lochindorb and Dava Moors SLA. This would affect walkers, at night, on up to three recreational routes, including part of the Dava Way, and the summit of the Knock of Braemoray.

7.88 The presence of any visible aviation lighting was of concern to officers, particularly when this is seen intermittently due to passing blades, with these additional visual impacts having been effectively designed out by the operational wind farm schemes in the locality which has very limited sources of light pollution. Officers requested that the applicant look at any bespoke mitigation measures for the scheme, including emerging technology. 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 remains uncertain at the present time and the applicants did not think this was a viable option. However, Scottish Ministers may wish to look at this matter further.

7.89 Officers also noted that T17 was one of the four turbines which were to be lit with visible aviation lighting. With the removal of T17, T13 is now one of the four turbines required to be lit, however, this turbine sits lower within the landscape. The commitment to remove the highest and most prominent turbine will have positive effect at a number of VPs. Within the CNP the number of visible aviation warning lights would reduce at

- VP1: Cairngorms National Park Boundary: Nearest point on track at northern boundary – reduced from 3 lit turbines to 2 lit turbines visible.
- VP18: Cairngorms National Park: Castle Roy north of Nethy Bridge – reduced to no lit turbines.
- VP23. Cairngorms National Park: Strath Nethy Path – reduced from 2 lit turbines to 1 lit turbine.
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7.90 Elsewhere, there would be a further reduction to the number of lights visible at two viewpoints:

- VP7: A939 Layby near Lochnellan (located within the Drynachan, Lochindorb and Dava Moors SLA) - reduced from 1 lit turbine to no lit turbines.
- VP20: Benn Rinnes (located in the designated Ben Rinnes SLA) - reduced from 1 lit turbine to no lit turbines.

7.91 Whilst public representations have raised the issue of aviation lighting, the Councils Landscape Officer, NatureScot, Moray Council nor the Cairngorms National Park have raised no objection to the scheme. With the removal of T17, the proposed lighting strategy is found to be acceptable.

Construction

7.92 It is anticipated that the construction period for the development will take approximately 19 months (which includes reinstatement works). Given the nature of the project anticipates the need for a Construction Environmental Management Document (CEMD), in association with the successful contractor engaged. This should include site-specific environmental management procedures which can be finalised and agreed through appropriate planning conditions. An outline CEMD has been submitted in support of the application. In addition, due to the scale of the development SEPA would control pollution prevention measures relating to surface water run-off via a Controlled Activities Regulations Construction Site Licence.

7.93 The applicant is committed to ensuring that best practice mitigation measures are adopted to manage noise emissions during construction, including restrictions on construction working hours. The EIAR states that construction is likely to be scheduled from Monday to Friday 07:00 to 19:00 and Saturday 07:00 to 13:00 or 08:00 to 14:00, but states that no working will be allowed on Sundays or Public Holidays without prior agreement from the local authority. The exact construction hours can be secured through the final CEMD. However, developers still have to comply with reasonable operational practices with regard to construction noise so as not to cause nuisance. Section 60 of the Control of Pollution Act 1974 sets restrictions in terms of hours of operation, plant and equipment used and noise levels etc. and is enforceable via Environmental Health and not Planning. Transport Scotland have also recommended that they are consulted on construction hours and highlight the policy of Police Scotland in relation to the abnormal loads and travel during peak hours.

7.94 Environmental Health are content that given the distance from receptors the construction noise associated with the turbines is unlikely to be significant. In relation to the main temporary construction compound, Environmental Health have requested a planning condition which requires a further detailed noise assessment / mitigation measures for the proposed concrete batching plant and compound generators. In addition, operating times and the duration of their use on site is requested. In relation to the access works and construction traffic there is some potential for disturbance. The site access road will be approximately 150m from the nearest houses and the construction compound about 200m. However, the

construction noise assessment has demonstrated that noise levels from the access road works would be within permitted limits given that this noise would reduce as work on the track moves away from the houses. Noise levels at properties adjacent to the Castle Grant Road works will be slightly higher but again should be of a relatively short duration so Environmental Health have no objection. As indicated above full details of noise suppression measures and hours of construction will be controlled through the final CEMD.

7.95 The EIAR has outlined mitigation measures in relation to the suppression of dust. Environmental Health are content subject to the implementation of these details. This can be secured via the CEMD.

7.96 In addition to the requirement for the submission and agreement of 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 (CTMP) to manage impacts upon the local road network.

7.97 The applicant has anticipated a micro-siting allowance of 50m for site infrastructure (tracks, turbine locations, underground cables and crane hard standing areas). Any movements from the consented locations would be subject to approval by the Environmental Clerk of Works (ECoW), this can be secured by a planning condition. SEPA are content with this allowance but request a condition requiring a finalised post-consent layout be submitted once detailed ground investigations have been undertaken and before construction works commence. This should demonstrate how any newly collected information has been used to inform the proposed layout and minimise impacts on features such as deep peat, GWDTE, watercourses and other sensitivities.

7.98 Several representations raise concerns with regards to private water supplies in the area being affected by the development. This is considered further in the 'Water, Flood Risk, Drainage and Peat' section of this report.

7.99 Should the development be granted consent, it is recommended that the establishment of a Community Liaison Group is conditioned to ensure that the community council and other stakeholders are kept up to date and consulted before and during the construction period. This will include dates for the blasting of the proposed borrow pit near Aittendow.

Roads, Transport and Access

7.100 Chapter 10 of the EIAR, assesses the expected impact of this development, particularly through the construction phase. The EIAR details that general construction traffic is envisaged to access the site from the trunk road network via the A939 from the north and the south and from the A940 from the north. Access for turbine components is proposed from the Port of Invergordon or the Port of Inverness, via the A9 and then the A95 trunk roads just north of Aviemore, before turning off onto the B9102 and A939 through Grantown-on-Spey, and then heading north up the A939 and onto the A940 at Dava. The route is shown in Appendix 10.1 of the EIAR.

7.101 The main site access will be via an existing access from the A940 which is situated to the north of the A939 / A940 junction near Dava. The existing access junction will be widened, with visibility enhanced through tree felling along the eastern edge of the A940 and a new road through the forest plantation, including an internal perpendicular junction providing local access to the nearby residential properties. During the construction period, the new and upgraded road will include a managed intersection with the Dava Way and a granular track running alongside the access route, on the current alignment of the Dava Way which will be segregated from the wind farm access route via a verge / pedestrian barrier. The existing track will then continue eastwards past Aittendow towards the main site. As previously described, there are also two identified locations for road improvement works remote from the main wind farm site: Road Improvement Site A - Dava Bridge, and Site B - the proposed bypass route at Castle Grant and Road Improvement.

7.102 The EIAR reports that the proposed development would lead to a temporary increase in traffic volumes on the road network during the construction phase. EIAR Appendix 10.4 details the average daily traffic movements for delivery (HGV and abnormal loads movements) and staff for the anticipated 19 month construction programme. The peak traffic movements for deliveries are identified to be between months 12 and 14, with average daily delivery movements of between 133 and 146. There is with a notable drop off in daily traffic flows outside of this peak period. Up to 60 staff are anticipated to be onsite during construction, which equates to a daily total of 32 staff movements.

7.103 Thirteen traffic count sites as detailed in EIAR Chapter 10 Table 10.6. Statistically, the greatest impact would occur on the A939 (count site 11 near main development site), with an increase of 1217% of HGV traffic on the route. However, this can be explained by the current low level of use of the route by HGVs. Of the 13 count sites, 6 count sites do not exceed a 30% increase in HGV movements, these include the B9092 to the west of Nairn, the A96 east of Nairn towards Forres and A95 at Dulnain Bridge. Seven sites exceed a 30% increase in HGV movements, these include the A939 to the south of Nairn, Grantown on Spey, A95 to the south and east of Grantown on Spey, A940 to the north of the main site access and the A939 to the south of Dava. When all vehicle types are factored in, only count site 11 (A939) has an increase of above 30%. Third party representations have highlighted concerns regarding the level of traffic and the transport implications of the proposed development, particularly on Grantown on Spey. The EIAR indicates that there would be a 160% increase in HGVs, but when all vehicle types are factored in there will be a 5% increase in overall traffic movements.

7.104 As detailed above, there are three months during the construction phase which will experience the peak of these daily traffic movements. Outside of this peak there is a notable drop in traffic movements. It must also be noted that the anticipated breakdown of how the predicted construction traffic will utilise these routes won't be known until the arrangements for suppliers of plant, equipment and the workforce have been established. Therefore, the assessment work done in the submission has assumed that 100% of all predicted construction-related traffic will make use of each proposed access route. The applicants are committed to developing a finalised Traffic Management Plan, which will include details of the route condition survey undertaken along the delivery route to the site entrance.

Where required, the applicant will enter into an agreement under Section 96 of the Roads (Scotland) Act 1984.

7.105 The Transport Planning Team, and Transport Scotland, have confirmed that development traffic can be accommodated on the road network, subject to several conditions as well as the requirement for a legal agreement to address “wear and tear” provisions. In addition, subject to conditions around the Castle Grant bypass, the Cairngorms National Park Authority have no objection. Similarly, Moray Council have no objection but notes that some of the delivery/construction route would be within the public road network within Moray, and asks for conditions regarding pre-commencement road surveys, Construction Traffic Management Plans be included and where appropriate Moray Council are consulted. The recommended conditions are to secure:

- A finalised and updated Abnormal Loads Assessment.
- Details of any accommodation measures required for the abnormal loads, including the removal of street furniture, junction widening, traffic management.
- Final design details for the remote works at Castle Grant and the Dava Bridge. The Cairngorms National Park Authority have also requested that the final details of the Castle Grant bypass are secured by a planning condition.
- All traffic management being undertaken by a quality assured contractor.
- 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. It should also look in more detail at the potential issues at the 3No. collision cluster locations on the A939 north of Grantown and whether there are any additional traffic management measures that would assist with maintaining reasonable levels of road safety during the construction phase of this development.
- All vehicles transporting construction material to and from the proposed development should be sheeted.
- Details of wheel washing facilities to be agreed.
- 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.
- Details of the reconfigured residential refuse bin stances at the proposed site access to be agreed.
- Community liaison - In relation to mitigating the impacts upon Grantown on Spey, Transport Planning consider that the CTMP and AIL routing should be developed in discussion with the Local Community Council and appropriate business groups in Grantown. This is to get a clear understanding of how those businesses make use of and rely on the B9102 and A939 through the

town, with traffic management measures for the AIL movements developed to ensure that any disruption to those businesses is minimised. This could include agreeing times of day and days of the week when such AIL movements should not be run through the centre of Grantown. It should also involve the local community, to ensure that construction traffic takes place outwith peak times on the network, including school travel times, and avoids identified community events.

7.106 In terms of wider public access, the LVIA section outlines the predicted impacts upon public rights of way. The applicant has also submitted an outline Access Management Plan; however, it is short on detail and Scotways have maintained its objection and consider the baseline information to be insufficient and the proximity of several turbines to the public access routes. The Councils Access Officer also originally raised concerns about the proximity of turbines 3, 9, 17 and 14 to existing public rights of way and the potential ice throw and lightening. Following further discussions and the submission of information, the Access Officer is content that the risk is very low and acceptable at this site with their objection having been removed.

7.107 The Access Officer has also welcomed the commitment to undertake a 'red specification survey' of the public rights of way affected by the development and the provisions of route enhancement measures previously outlined in this report. A finalised Access Management Plan (AMP) and enhancement measures can be secured by condition and will be developed in conjunction with relevant neighbouring authorities and Dava groups including the Residents Association to ensure that the visitor parking is not used by vehicles overnight. The AMP will also 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. Further details about the potential staggered barriers where the Dava Way interacts with the construction road will be required, this is also pointed out by the Dava Way Association.

7.108 In relation to the impacts upon the Dava Way at the Castle Grant bypass, the applicant is committed to providing walkways that are designed to include suitable gradients and features for disabled users and include wheelchair access. The Cairngorms National Park Authority have no objection subject to conditions securing a finalised Access Management Plan, and a Bypass Restoration and Landscape Plan.

Water, Flood Risk, Drainage and Peat

7.109 The results of the applicant's assessment are outlined in Chapters 7 of the EIAR. Mitigation by design has been used as far as practical, for instance the use of buffers from watercourses and the avoidance of deep peat. In addition, the applicant is committed to providing a finalised Construction Environment Management Document (CEMD) which will ensure that potential sources of pollution on site can be effectively managed throughout construction. The CEMD will ensure the agreement of construction methodologies with statutory agencies following appointment of the wind farm contractor and prior to the start of development or works.

7.110 To protect the water environment several 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 and sediment release. An Ecological Clerk of Works (ECoW) will be employed by the developer and will undertake a programme of baseline water quality and quantity monitoring surveys prior to construction, and thereafter during construction. SEPA will control pollution prevention measures relating to surface water run off via a CAR construction site licence.

7.111 A 50m buffer has been applied to watercourses with the exception of the five proposed watercourse crossings, this is supported by SEPA and the Findhorn, Nairn and Lossie Rivers Trust. However, SEPA have requested that a condition secures this buffer from water bodies except in the vicinity of the watercourse crossings. In addition, it has requested that the watercourse crossings are oversized bottomless culverts or single span bridges designed to accommodate the 1 in 200 year peak flow with an allowance for climate change and allow fish and mammal passage, this will be secured by a planning condition. In addition, The Findhorn, Nairn and Lossie Rivers Trust have also requested they are consulted on the final design and location for the watercourse crossings. The Trust also requests that timings for the construction of the watercourses should also be considered to avoid spawning periods with late May to early October as the optimum time.

7.112 In relation to groundwater dependant terrestrial ecosystem (GWDTE), SEPA are content that many of the potential GWDTE habitats are not actually groundwater dependant in this setting, and for those that are suitable construction practices can minimise impacts to acceptable levels. As such, SEPA have no objection, but request that a condition is attached ensuring that any flush habitats located within 50m of development are marked by the ECoW, the hydrological pathways to these habitats is maintained during construction and that good practice measures are implemented.

7.113 The applicant has carried out a risk assessment of private water supplies in the area and identified three supplies which could be affected by construction work. However, the assessment confirms that measures will be put in place to minimise the likelihood of these supplies being adversely affected and proposes a regular water monitoring program prior to and during construction. Environmental Health have no objection by recommend that a final water monitoring and protection plan is secured by a condition. This should include full details of the mitigation measures, details of the proposed monthly water monitoring program, details of a program of daily or weekly visual checks to ensure supplies are no being put at risk from site works and details of an investigation and intervention strategy in the event that an adverse impact on any water supply is identified.

7.114 The peat depths on the site vary between 0m to 5.6m. Most of the site infrastructure, including turbines, are however proposed to be located on shallow areas of peat of between 0 and 0.9m in depth. The exception is turbines T1, T3, T7 and T9 which will be located on peat over 1m in depth. Overall, a total of 64,508m^3 of peat is to be extracted, with this to be re-used for onsite restoration. SEPA originally requested further information to demonstrate that appropriate steps have been taken to ensure that the layout put forward minimised peat disturbance, the

applicants responded with a revised Peat Management Plan and peat depth analysis. In summary:

- Turbine 1 - located in an area of approximately 1.3m of peat but has been previously micro-sited away from deeper peat in excess of 2.5m.
- Turbine 3 - located in an area of approximately 1.6m of peat but has been previously micro-sited away from deeper peat in excess of 2m.
- Turbine 7 – located in an area of approximately 2.6m of peat. This turbine could be micro-sited to the east and onto shallower peat. The applicant contends that further movement of this turbine would have adverse operational impacts on T7 and T11.
- Turbine 9 - located in an area of approximately 1.1m of peat but has been previously micro-sited away from deeper peat in excess of 2m.

7.115 The total length of the new cut access tracks on site would be 12.5km. The excavated tracks would be located on an average peat depth of 0.22m. It is anticipated that 2.13km of floating tracks would be required, which would generate no surplus peat. Based on these clarifications, SEPA have withdrawn its objection but requests a condition securing a finalised PMP, which shall follow best practice, further reduce peat disturbance and carbon loss and provide final calculation for the volumes of peat which will be disturbed, demonstrating that no waste peat will be generated by the development.

7.116 As identified in the Natural Heritage section of this report, habitat creation and enhancement for bog habitats is proposed under a Habitat Management Plan. A Peat Landslide Hazard and Risk Assessment has been submitted as part of the EIAR and have helped to inform the proposals. The assessment concludes that there is a negligible to low risk of peat instability over most of the site although some areas of medium and high risk have been identified. For these areas, a hazard impact assessment was completed which concluded that, subject to micro-siting and the employment of appropriate mitigation measures, all these areas can be considered as an insignificant risk. Ironside Farrar have reviewed the information and are content with the risk assessment.

7.117 To minimise the volume of imported material brought onto the site, and any associated environmental impact, onsite borrow pits are proposed, these will be used to source stone for infrastructure construction including access tracks and hardstanding. Three borrow pits are included in the application, one at the western extent of the site and two search areas to the eastern end of the site. The application is supported by a Borrow Pit Appraisal (BPA), SEPA are content that they are a significant distance from watercourses, are not on deep peat or impact potential GWDTE, but requests that implementation of the BPA is secured via a planning condition.

Natural Heritage (including ornithology)

7.118 The EIAR Chapter 13 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. The applicants are committed to ensuring that

construction practices will be in line with best practise guidance. In particular, effective fire prevention and control measures are in place and always followed to minimise the risk of wildfire during the works. Environmental protection measures would be fully detailed in the final CEMD/CEMP, Peat Management Plan (PMP), Species Protection Plans (SPPs) and Site Restoration Plan (SRP). All works will be overseen by an ECoW. The applicant is also committed to undertaking ongoing monitoring during the operational period of the wind farm, this will include the monitoring of birds, deer and fish and aquatic habitats.

7.119 The proposed development is not located within any statutory sites designated for its ecological or ornithological importance. The Moidach More SAC and SSSI is located adjacent to the northern edge of a section of the site boundary. It has been designated primarily due to the importance of its blanket bog habitats however, the development site has no hydrological connectivity with the designations. The European status of this site 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. NatureScot advise that subject to the approval and implementation of a Deer Monitoring Plan (DMP) adverse effects will be avoided and it offers no objection. It also notes that the southeast corner of this SAC falls within the same estate ownership as this wind farm proposal and would therefore welcome consideration for positive biodiversity enhancement measures through the final Habitat Management Plan (HMP).

7.120 The River Spey SAC, designated for freshwater invertebrates, salmon, sea lamprey and otters, is situated within 3km of the main development site but does not have hydrological connectivity with the site. As such, NatureScot advise that an appropriate assessment is not required. However, NatureScot have stated that the southern section of road improvement, close to Castle Grant, may have some connectivity to an upper tributary of this SAC, but only at a distance of approx. 2km, subject to a Pollution Prevention Plan (PPP) during the construction phase this SAC is likely to remain unaffected.

7.121 In relation to water voles, NatureScot note that blanket bog restoration area A in its current condition, supports good habitat, as such restoration of this area may not necessarily be to the benefit to water voles if ditches used by voles are to be blocked. As such it is content that the restoration of this area could be reviewed or surveyed in more detail and used instead to maximise breeding/foraging location for curlews. In relation to other protected species, NatureScot advise that pre-construction surveys will be required for all protected species previously found on the site, including the road upgrade works, in addition to species protection plans.

7.122 In relation to ornithology, the Anagach Woods Special Protection Area (SPA) and the Darnaway and Lethen Forest SPA are approximately 10km distant. Both are designated for breeding capercaillie. Again, it will be for the Scottish Ministers to undertake an Appropriate Assessment. However, NatureScot consider that the development is a considerable distance from these SPAs, much of which is open hill ground and not favoured by capercaillie, so are unlikely to be affected by this proposal.

7.123 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 contested by NatureScot or RSPB. However, NatureScot recommend that a Breeding Bird Protection Plan during construction works is secured by condition.

7.124 A finalised HMP is proposed to be developed and expand on the outline HMP submitted in support of the application. The outline HMP includes the following mitigation and enhancement measures.

- Area A of blanket bog enhancement (re-wetting, burning and grazing controlled) outside of the proposed wind turbine area = c. 142 ha.
- Area B of blanket bog enhancement (re-wetting, burning and grazing controlled) within the wind turbine area = c. 167 ha.
- Area of native woodland planting (suitable mix of native species with a high proportion of Scots pine to increase suitability for capercaillie) = c. 20 ha.
- Area of long-rotation muirburn (management focus on protecting and improving habitat for breeding hen harrier and merlin) = c. 178 ha.

7.125 Given the dominance of priority peatland habitat on this site, NatureScot supports the proposal to compensate for the loss and damage through peatland restoration, however, this should be strengthened through the Habitat Management Plan (HMP). It also welcomes measures to control muirburn on blanket bog habitat and ditch blocking and the intention to aim for a total area of compensatory peatland restoration in the order of ten times that of the area lost from the development. The final HMP should also include specific management measures to benefit upland curlew and the monitoring and management of deer and other herbivores. SEPA have requested a condition to ensure that the finalised HMP which shall deliver no less than 167ha of blanket bog enhancement/peatland restoration.

7.126 To facilitate the construction of the upgraded site access, 0.35ha of plantation woodland is required to be felled, which comprises 54 Scots pine and 24 lodgepole pine. As detailed above the outline HMP includes the provision of compensatory planting in the region of approx. 20ha area of native woodland planting (suitable mix of native species with a high proportion of Scots pine to increase suitability for capercaillie). The proposed planting would be integrated with the reinstatement of Borrow Pit 1 and connect to existing trees at Aittendow. The Findhorn, Nairn and Lossie Rivers Trust would also encourage the applicants to consider the use of riparian woodland going forward into the final habitat management and enhancement plan. The finalised woodland planting arrangement can be secured via a compensatory planting plan which can be conditioned.

Built and Cultural Heritage

7.127 The results of the applicant's assessment are outlined in EIAR Chapter 9, with no significant impacts on any built heritage asset being reported.

7.128 As requested at the scoping stage by Historic Environment Scotland (HES) the application is supported by visualisations to demonstrate the level of potential impact on the setting of the scheduled monument of Lochindorb Castle (SM1231)

castle. There will be no visibility of the turbines from the monument itself and very limited visibility of turbines in views towards the castle as demonstrated by the submitted wireframe from the Jetties Boat House. As such, HES are content with the EIAR submission and consider that the effect on the setting of the castle will not be significant. There will also be no significant cumulative effects on the setting of the scheduled monument. The Planning Authority agree with this assessment.

7.129 Aitnoch, Cairn, Hut circle, and Field System (SM 4362) is located within the Dorback Burn valley. The localised valley landscape and its proximity to a routeway through the surrounding hills, from Dava to the east, to Lochindorb and beyond to the southwest. the route through the hills is likely to be an important aspect of its setting. The nearest proposed turbine (T3) would be 6.1 km away. The application is supported by a wireline, this shows that 14 turbines (13 if T17 is removed (3 at hub height – this would be reduced to 2 hubs with the removal of T17) would be visible. It would also be seen in the same context as the operational Berry Burn Wind Farm. However, the turbines would not be seen in views to the south from the monument overlooking the Dorback Burn or in views southwest along the valley towards Lochindorb. The EIAR considers that although noticeable, the turbines would not be dominating within its setting, and it remains possible to understand and appreciate the remains of the prehistoric settlement and burial remains and their localised valley setting. Overall, the EIAR identifies a minor effect which is not significant in EIA terms. HES have not specifically commented on the impact on this scheduled monument, but the Planning Authority are content with the EIA assessment.

7.130 The proposed turbine delivery route requires the construction of a small temporary bypass (referred to as Site B in the description of development section above) which potentially affects the very western edge of the Castle Grant Inventory GDL *(*GDL00092), and the setting of the category A listed East Lodge, bridge and entrance arch (LB349). The EIAR concludes that there will be no direct effects on East Lodge (LB349) and concludes a minor effect on the Inventory GDL due to slight impacts on the very western peripheral pastureland of the asset. HES agree and state that the proposal would not affect the wider landscape or Castle Grant itself and impacts on the setting of East Lodge and the western edge of the GDL would not be significant. Those impacts would be mitigated by the fact that the works are temporary and that the existing character would be reinstated once the wind farm is constructed, and the bypass dismantled. The Planning Authority agree with this assessment.

7.131 In relation to the main wind farm site, these historic assets are located approx. 8.5km away. The application is supported by wireframes from inside Castle Grant and from the south of the castle in the GDL. HES are content that the wireframes demonstrate that the visibility of turbines is limited and would not have a significant effect on the setting of the castle or its associated GDL. It is also content that there will not be significant cumulative effects on the setting of these assets. The Planning Authority agree with this assessment.

7.132 The proposed construction phase will also require modifications to the Category C Listed Dava Bridge (LB 349) (referred to as Site A in the description of development section above). The works involve the temporary lowering of the parapet wall to facilitate the delivery of wind farm components. The EIAR has outlined mitigation in

the form of recording the current fabric and character of the bridge; dismantlement will be done under archaeological supervision allowing reinstatement of the copes stones using the original stone in as close to their original arrangement as is possible using traditional mortaring techniques and materials. Permission for these works is being considered under a separate Listed Building Consent application (23/02056/LBC) and will be presented to the Planning Committee in due course.

7.133 Twenty undesignated heritage assets have also been identified within the main site boundary, seven of which have been identified as potentially being directly affected by construction (see Figure 9.1 Rev B). These relate to an old road (asset 6), farmstead/field systems (assets 7 and 8), cairnfield/field systems (9) and clearance cairns (15a-b and 17). A further two assets could be affected within the micro-siting tolerances, these relate to former peat cutting (asset 11) and areas at Aittendow farm (7c,h,e,f). None of the recorded assets are located within the vicinity of T17 or its associated access track, as such the proposed removal of T17 will have no impact upon this aspect of the assessment.

7.134 In order to mitigate the potential impacts the applicants will appoint an Archaeological Clerk of Works (ACoW) for the duration of the construction phase and a watching brief would also be agreed with the Council and implemented on site. The ACoW will ensure that assets 8 (b,c,e,j) 15 (a-b), 7(c,e,h,f), 17 and 18 which lie close to the exiting estate road which will be upgraded are marked out and avoided during the construction phase. Where the main site access track crosses the remains of field system (field bank remains - 7a, 8a, 9b and 9d), disturbance to the field bank remains would be kept to the minimum necessary, ensuring that most of the remains of these minor historic features would be retained intact. In relation to the prehistoric cairnfield (9a), a heritage asset of medium sensitivity, those clearance cairns that have been identified lying within 10m of the access track route will be marked out for avoidance during the construction phase. However, the EIAR indicates that any of the small cairns that cannot be avoided by construction of the main site access track would be excavated and recorded in compliance with the requirements set out by the Councils Historic Environment Record (HER) Team. Subject to the above, the EIAR concludes that the overall direct effects on the heritage assets from the main site would be minor and not significant.

7.135 The Council's archaeologist has no objection and considers that the EIAR provides an appropriate level of information and assessment. However, it is noted that additional sites within the inner study area have since been identified and recorded on the Highland HER. This point is also raised in third party comments. These will need to be included and visited as part of the post consent additional walkover study and the mitigation programme that will need to be submitted as a Written Scheme of Investigation (WSI). In addition, it is recommended that a paleoenvironmental survey is carried out to complete the baseline recording of this area. All of these matters can be secured through a pre-commencement Programme of Archaeological Works condition. Subject to this the Councils archaeologist is content that it will be possible to limit the direct impacts to historic environment assets to an acceptable level.

7.136 As outlined above, the Council's archaeologist and a members of the Dava Residents Association confirm that since the EIAR was written a further cairnfield

(potentially Bronze Age in date) was reported on the Council's HER. In response, the applicants brought forward plans to carry out an additional walkover study which was to be carried out post consent and cover the identified HMP area. It is understood that this additional survey was carried out in August 2023 and undertaken in consultation with the Dava Moor Residents Association. The survey found remains relating the post-medieval farming landscape and a group of 54 clearance cairns and a possible hut circle were surveyed to the north of Aittendow and of a similar character to a previously recorded cairnfield to the west. The results of the walkover survey will inform a programme of mitigation works which will be secured through the Programme of Archaeological Works condition requested by the Council's archaeologist.

Noise and Shadow Flicker

7.137 The applicant has submitted a noise impact assessment in support of the application, this is contained within Chapter 12 of the EIAR. As detailed previously above, Environmental Health is content that construction noise is not likely to be a significant issue for this development, subject to noise mitigation measures being secured through the CEMD. In addition, it recommends that a further detailed assessment / mitigation measures regarding noise arising from the proposed concrete batching plant and compound generators at the temporary construction compound is secured by a planning condition.

7.138 In terms of operational noise, the noise assessment states that the nearest properties are Aittendow and Shenvault are both derelict farmsteads. The nearest habitable properties of Station Cottages are over 4km from the nearest proposed turbine and noise levels are less than 25 dB LA90, which is over 10 dB below the ETSU-R-97 simplified limit. Based on this Environmental Health have no objection to the proposal and confirm that the development would also have no impact on cumulative noise levels from other wind farms. It is recommended that a condition is used to limit noise to no more than 25dB LA90 at any noise sensitive receptor. In relation to the battery storage units, the nearest habitable property (Feakirk) is approx. 4.9km from the battery compound and the EIAR concludes that noise from these units will not be audible at any residential property.

7.139 Shadow flicker may occur under certain combinations of geographical position and time of day when the sun passes behind the rotors of a wind turbine and casts a shadow over neighbouring properties. As the blades rotate, the shadow flicks on and off, an effect known as shadow flicker. The effect can only occur inside buildings, where the flicker appears through a window opening. EIAR Chapter 14 confirms that there are no residential receptors located within the shadow flicker Study Area of 1,755m, which encompasses an 11 times rotor diameter distance from each turbine, plus a 50m micro- siting distance. The nearest property is at Aittendow (currently unoccupied and derelict), located 2.7 km west from the nearest turbine (T3). As such, shadow flicker is not considered to be an issue for this development.

Telecommunications

7.140 No concerns have been raised in relation to potential interference with radio / television reception in the locality. The Council has a standard practice of

recommending that developers address adverse impacts that may emerge during construction and over the initial year of operation when problems may be detected and/or experienced. It is recommended that a condition is attached to secure a scheme of mitigation should an issue arise.

Aviation

7.141 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. With the submitted 18 turbine scheme an agreement was secured with the appropriate aviation bodies that visible aviation lighting was only required for cardinal turbines (T2, T9, T17 and T18). These visible lights are capable of being dimmed to 10% (200 cd) of peak intensity when the visibility in all directions from every wind turbine in a group is more than 5km. No intermediate level or 'mid-tower' lights (32 cd) would be required.

7.142 If T17 is removed from the scheme, this would alter the turbines which are required to be fitted with visible aviation lighting. The applicants have indicated that the Civil Aviation Authority are content that if T17 is removed then visible lighting would instead be required on T13.

Other Material Considerations

7.143 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.

7.144 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.

7.145 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.

7.146 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.

7.147 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.

8. Matters to be secured by Legal Agreement

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

9. CONCLUSION

9.1 The Scottish Government gives considerable commitment to renewable energy and encourages planning authorities to support the development of wind farms where they can operate successfully and be situated in appropriate locations. The project has potential to contribute to addressing the climate emergency through additional renewable energy generation. In this regard it is anticipated to contribute an additional 105MW of installed capacity, plus 50MW of battery storage. If the removal of T17 is accepted by Scottish Ministers, this will reduce the energy yield by approx. 5.8MW, however, the proposal would still make a meaningful contribution toward addressing climate change on the road to net zero. As with all applications, a balancing exercise must be undertaken. 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 planning considerations.

9.2 Notwithstanding the nature and scale of the proposal, THC has received 4 letters of objection, including one from the Dava Residents Association. The Energy Consents Unit have also received 36 objections and 1 letter of support. There is one outstanding objection from a non-statutory consultee (Scotways). Although the host (main site) community council did not respond, Grantown on Spey Community Council (Host Road Improvement Sites) and Finderne Community Council Cromdale object. No other statutory consultees have raised any objection following submission of further environmental information, and subject to the application of planning conditions.

9.3 Without doubt, the turbines proposed will increase the visibility of wind energy development in the area local to the wind farm site with visual impacts arising from a range of receptors. It will also result in significant effects to the Landscape

Character Type, and on the Special Landscape Qualities of the host Drynachan, Lochindorb and Dava Moors Special Landscape Area. However, these significant effects are relatively localised and are not considered to undermine the integrity of any landscape designation. It is clear from the EIAR that the applicant has tried, where possible, to reduce potential landscape and visual effects through the proposed design and layout of the turbines.

9.4 It is considered that in doing so the applicant has created a more contained development. However, further mitigation is recommended with the deletion of T17 and its ancillary infrastructure. The applicant has agreed to the deletion. The proposal is considered to strike an appropriate balance, with the resultant landscape and visual impacts successfully accommodated in the majority of views, owing to the vast scale of the receiving landscape, it's containment by the Strathdearn Hills and its set back distance from the local road network which is respectful of the prevailing pattern of wind farm development in this area. These findings are consistent with the adjacent Planning Authority's findings, with neither Moray Council or the Cairngorms National Park Authority raising any objection.

9.5 The application has been assessed against the policies set out in NPF4 and the Development Plan, including Policy 67 of the Highland wide Local Development Plan with its eleven tests which are expanded upon with the OWESG. This policy also reflects policy tests of other policies in the plan, for example Policy 28. The proposal can be considered to benefit from an in-principle support, with the extent of localised landscape and visual effects being outweighed by the contribution the development would make toward tackling climate change. The development also contains proposals for habitat management, which could, if appropriately conditioned, lead to peatland and biodiversity enhancement.

9.6 The applicant is developing a Community Development Strategy and area committed to working with communities to deliver a Community Benefit Fund. This proposes: £5,000 per installed MW, which is indexed linked for the lifetime of the wind farm; up to 5% shared ownership; and promotes local employment opportunities. The applicant is also engaging with the local community and Dava Way Association to provide improvements in the area. This includes additional parking, shelter and picnic area provision, walkways which are suitable for all users at the Castle Grant bypass, re-surfacing and provision of materials to support Dava Way maintenance work. In order to ensure that these benefits are maximised for the local community, it is considered appropriate to secure a scheme for community benefit by a planning condition.

9.7 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 regard to the desirability of preserving natural beauty and has mitigated the effects of the development in relation to the effects on the natural beauty of the countryside. This is by virtue of the location, setting and design of the wind farm, resulting in landscape and visual impacts which can be accommodated. It is the case that environmental effects of this development can be addressed by way of mitigation, with the suggested conditions incorporating a schedule of mitigation and operational compliance monitoring should permission be forthcoming.

9.8 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.

10. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: If the committee determine that an objection should be raised to the application, the application will be subject to a Public Local Inquiry prior to determination by Scottish Ministers.

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

Action required before decision issued: N

It is recommended to **RAISE NO OBJECTION** to the application subject to:

A. The removal of Turbine 17 and all associated infrastructure;

B. Members granting delegated authority to the Area Planning Manager - South to respond to the Scottish Government's Energy Consents Unit regarding any future Further / Supplementary Environmental Information, where that does not:
i) materially increase the scale of the proposed development; and
ii) result in any additional significant adverse environmental effects; and
iii) does not undermine or remove mitigation which was secured within the Council previous consultation response on the application;

C. Members grant delegated authority to the Area Planning Manager – South to agree the finished condition wording, with any substantive amendments to be subject to prior consultation with the Chair of the South Planning Applications Committee; and

D. The following conditions and reasons.

Conditions and Reasons

1. Notification of Date of First Commissioning

Written confirmation of the Date of First Commissioning and the Date of Final Commissioning shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month after those dates.

Reason: To allow the Planning Authority and Scottish Ministers to calculate the date of expiry of the consent.

2. Commencement of Development

(1) The Commencement of development shall be no later than 5 years from the date on which this consent is granted, or in substitution, such other period as the Scottish Ministers may hereafter direct in writing.

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

Reason: To ensure that the consent is implemented within a reasonable period and to allow the Planning Authority and the Scottish Ministers to monitor compliance with obligations attached to this consent and deemed planning permission as appropriate.

3. Non-assignation

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

(2) The Company shall notify the Planning Authority and the Scottish Ministers in writing of the name of the assignee, principal named contact and contact details within fourteen days of the consent being assigned.

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

4. Serious Incident Reporting

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

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

Conditions Attached to Deemed Planning Permission

5. Commencement of Development

(1) The development must be begun not later than the expiration of 5 years beginning with the date of this permission.

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

Reason: To comply with section 58 of the Town and Country Planning (Scotland) Act 1997.

6. Implementation in Accordance with Approved Plans

(1) Except as otherwise required by the terms of the section 36 consent and deemed planning permission, the Development shall be undertaken in accordance with the application:

(a) including the approved drawings listed within the Environmental Impact Assessment Report (EIAR), Volume 2A and 2B– Figures, dated October 2022;

(b) the EIAR, dated October 2022; and

(c) other documentation lodged in support of the application (including the Schedule of Mitigation contained within EIAR Chapter 19).

Reason: To ensure that the Development is carried out in accordance with the approved details.

7. Site Enabling Works

The Site Enabling Works shall not commence until a detailed scheme of all Site Enabling Works (including off-site and on-site works) has been submitted to and approved in writing by the Planning Authority. This shall include a timetable for all enabling works and shall be submitted a minimum of one month in advance of the proposed date of commencement of any Site Enabling Works.

Reason: To ensure the final details of the Site Enabling Works have regard for the rural setting of the Development Site and the potential impact of such works on the infrastructure of the area.

8. Design and Operation of Wind Turbines

No development, with the exception of the Site Enabling Works, shall commence until full details of the proposed wind turbines hereby permitted, have been submitted to and approved in writing by the Planning Authority. These details shall include:

(a) the make, model, design, direction of rotation (all wind turbine blades shall rotate in the same direction), power rating, sound power level and dimensions of the turbines to be installed which shall have internal transformers;

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

(c) no text, sign or logo shall be displayed on any external surface of the wind turbines, save those required for operational Health and Safety reasons or by law under other legislation;

(d) the application of a turbine blade pitch control system which pitching the blades out of the wind ("feathering") to reduce rotation speeds below 2rpm while idling to reduce bat collision risk; and

(e) thereafter, the wind turbines shall be installed and operate in accordance with these approved details and, with reference to part (b) above, the wind turbines shall be maintained in the approved colour and monitored to ensure no significant rust, staining or dis-colouration occurs until such time as the wind farm is decommissioned.

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

9. Signage

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

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

10. Design of Substation, Battery Compound, Ancillary Buildings and other Ancillary Development

No development shall commence, unless and until final details of the external appearance, dimensions, and surface materials of the battery compound, transformers, laydown areas, substation building, associated compounds, construction compound boundary fencing, external lighting and parking areas have been submitted to, and approved in writing by, the Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To safeguard the visual amenity of the area.

11. Micro-siting

(1) All wind turbines, buildings, masts, areas of hardstanding and tracks shall be constructed in the location shown on Environmental Impact Assessment Report EIAR Figure 3.1 Site Layout Site Layout. However, unless otherwise approved in advance in writing by the Planning Authority in consultation with NatureScot, SEPA and the Environmental Clerk of Works (required by condition 14), micrositing is subject to the following restrictions:

(a) the wind turbines and other infrastructure hereby permitted may be micro-sited within 50 metres save that no wind turbine or other infrastructure may be micro- sited to:
(b) less than 50 metres from any watercourse feature;

(c) areas of peat deeper than currently shown in the updated Peat Management Plan and Figures received 27 March 2023;
(d) no wind turbine foundation shall be positioned higher, when measured in metres Above Ordinance Datum (AOD), than 5m above the position shown on EIAR Figure 3.1 – Site Layout Plan; and
(e) All micro-siting permissible under this condition must be approved in advance in writing by the Environmental Clerk of Works (required by Condition 14).

(2) A plan showing the final position of all wind turbines buildings, masts, areas of hardstanding, tracks and associated infrastructure forming part of the Development shall be submitted to the Planning Authority within one month of the completion of the development works. The plan shall also specify areas where micrositing has taken place and, for each instance, be accompanied by copies of the EnvCoW or Planning Authority's approval, as applicable.

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

12. Borrow Pit Scheme of Works and Blasting

(1) All development and Site Enabling Works shall be undertaken in accordance with the Borrow Pit Appraisal (EIAR Chapter 3 Appendix 3.4 submitted October 2022), unless otherwise first approved in writing by the Planning Authority in consultation with SEPA.

(2) Blasting shall only take place on the site between the hours of 10.00 to 16.00 on Monday to Friday inclusive and 10.00 to 12.00 on Saturdays, with no blasting taking place on a Sunday or on a Public Holiday, unless otherwise approved in advance in writing by the Planning Authority.

Reason: To ensure that excavation of materials from the borrow pit(s) is carried out in a manner that minimises the impact on road safety, amenity and the environment, and to secure the restoration of borrow pit(s) at the end of the construction period. To ensure that blasting activity is carried out within defined timescales to control impact on amenity.

13. Watercourse Design and Location

(1) No development or Site Enabling Works, shall commence, unless and until final details of the final design, location and timetable for the watercourse crossing has been submitted to an approved in writing by the Planning Authority (in consultation with the Local Fisheries Board and SEPA). The details shall include the following:
(a) All new watercourse crossings shall be oversized bottomless culverts or single span bridges designed to accommodate the 1 in 200 year peak flow with an allowance for climate change and allow fish and mammal passage.
(b) Timings for the construction of the watercourses and consideration shall be given to avoiding fish spawning periods.

(2) Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of protecting the water environment and avoiding flood risk elsewhere.

14. Environmental Clerk of Works (EnvCoW)

(1) No development or Site Enabling Works shall commence unless and until the terms of appointment of an independent Environmental Clerk of Works (EnvCoW) by the Company have been submitted to, and approved in writing by, the Planning Authority. This must include a ENVCoW schedule, detailing when the EnvCoW shall be present on site. For the avoidance of doubt, the EnvCoW shall be appointed as a minimum for the period from the commencement of development to the final commissioning of the development and their remit shall, in addition to any functions approved in writing by the Planning Authority, include (but not be limited to):

(a) Impose a duty to monitor compliance with the environmental commitments provided in the EIA Report as well as the following (the EnvCoW works):
  (i) any micrositing under Condition 11;
  (ii) the Pre-Construction Ecological Survey under Condition 15;
  (iii) the Breeding Bird Protection Plan under Condition 16;
  (iv) the Construction Environmental Management Plan under Condition 17;
  (v) the Peat Management Plan under Condition 18;
  (vi) the Habitat Management Plan approved under Condition 19;
  (vii) the Water Quality and Fish Monitoring Plan under Condition 20;
  (viii) the Woodland Management Plan under Condition 21;
(b) The EnvCoW shall in accordance with good practice mark out any GWDTE flush habitats located within 50m of development and ensure that the hydrological pathways to these flush habitats are maintained during construction to avoid damage to flush habitats;
(c) Ensure compliance with the 50m buffer zone to watercourses with the exception of the five proposed watercourse crossings identified in the EIAR;
(d) Providing training to the developer and contractors on their responsibilities to ensure work is carried out in strict accordance with environmental protection requirements;
(e) Require the EnvCoW maintain a Register of all inspections and audits, to include an inventory of all measure on the site, their effectiveness, as well as advice provided and submit a monthly report to the construction project manager, developer and Planning Authority summarising works undertaken on site;
(f) Require the EnvCoW to report to the nominated construction project manager, developer and Planning Authority any incidences of noncompliance with the EnvCoW works at the earliest practical opportunity; and
(g) Require a statement that the EnvCoW shall be engaged by the Planning Authority but funded by the developer. The EnvCoW shall be appointed on the approved terms throughout the period from Commencement of Development to completion of construction works and post-construction site reinstatement works.

(2) No later than 18 months prior to the Date of Final Generation or the expiry

of this consent (whichever is the earlier), details of the terms of appointment of an EnvCoW by the Company throughout the decommissioning, restoration and aftercare phases of the Development shall be submitted to the Planning Authority for written approval. The EnvCoW shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the Development.

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

15. Pre-Construction Surveys

(1) No development or Site Enabling Works shall commence until a pre-construction ecological survey undertaken no more than 3 months prior to works commencing and a report of the survey has been submitted to, and approved in writing by, the Planning Authority (in consultation with NatureScot). The survey shall cover both the application site/s and an appropriate buffer from the boundary of application site/s with the report including mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. It shall also include other related activities such as the proposed restoration or enhancement works linked to the Habitat Management Plan (required by condition 19).

(2) The surveys shall cover all of the protected species previously found on the site as identified in the EIAR Chapters 13 and 18 submitted in support of the application (October 2022).

(3) Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

Reason: In the interest of protecting ecology, protected species and habitats.

16. Breeding Bird Protection Plan

No development or Site Enabling Works shall commence until:

(a) a breeding bird protection plan has been submitted and approved in writing by the Planning Authority in consultation with NatureScot. This shall include details of proposed pre-construction survey work, records of breeding or foraging birds within disturbance distance of the site; and appropriate mitigation to avoid the risk of disturbance and/or displacement occurring.

(b) a nesting bird survey has been undertaken no more than 24 hours prior to the commencement of development if this coincides within the main bird breeding season (March- August inclusive) and throughout the breeding bird season if new areas are being developed or there has been a break in construction.

Reason: Construction works have the potential to disturb nesting birds or damage their nest sites, with all wild bird nests are protected from damage, destruction,

interference and obstruction under the Wildlife and Countryside Act 1981 (as amended).

17. Construction Environmental Management Plan

(1) No development or Site Enabling Works shall commence until a works specific Construction Environmental Management Plan (CEMP) related to the phase or phases of works or development to be undertaken has been submitted to and approved in writing by the Planning Authority (and where appropriate in consultation with SEPA, NatureScot, Transport Scotland, the Cairngorms National Park Authority and Moray Council) The CEMP shall outline site specific details of all on-site construction works, post- construction reinstatement, drainage and mitigation, together with details of their timetabling.

(2) The CEMP for each phase of works or development shall include (but is not limited to):
- (a) an updated Schedule of Mitigation highlighting amendments made to the existing schedule of mitigation set out at Environmental Impact Assessment Report (October 2022) and the conditions of this consent;
- (b) details and timetable for phasing of construction works;
- (c) Risk assessment of potentially damaging construction-type activities on the environment;
- (d) a Site Waste Management Plan (dealing with all aspects of waste produced during the construction period other than peat), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment;
- (e) a Pollution Prevention Plan (including the Castle Grant Road improvement site), including a surface water and groundwater management and treatment plan with mitigation measures demonstrating how all surface water run-off and wastewater arising during and after development is to be managed and prevented from polluting any watercourses or sources;
- (f) a water crossing method statement which will include details of the design of all water crossing structures;
- (g) a water quality monitoring regime, including, but not limited to, any affected private water supplies;
- (h) details of all pollution prevention and mitigation measures to protect habitats and ecological resources on site, which shall include measures to maintain hydrological connectivity of Groundwater Dependent Terrestrial Ecosystems;
- (i) pre-construction Ecological Surveys, Species and Habitat Protection and Monitoring Plans;
- (j) details of on-site storage and off-site disposal of all imported or excavated material, including maximum stockpile heights and locations;
- (k) details of all internal access tracks, turning areas, including accesses from the public road and hardstanding areas;
- (l) details of the construction of the access into the site and the creation and maintenance of associated visibility splays, location of gates and the means to avoid the migration of loose material onto the public road network;
- (m) details of the access barriers proposed at the main site access;

(n) cleaning of site entrance, wheel washing facilities, site tracks and the adjacent public road and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the public road;
(o) details of archaeological supervision to oversee the protection/fencing off of all known heritage assets, including all areas to be used by construction vehicles;
(p) details of the management of noise and vibration during construction;
(q) a dust management plan;
(r) details of temporary site illumination;
(s) measures to minimise noise from construction related activities, including any bunding (and reinstatement) around any temporary laydown/ construction areas;
(t) the method of construction of the crane pads, wind turbine foundations, working cable trenches, and the method of construction and erection of the wind turbines and any meteorological masts;
(u) details for the provision of the submission of a quarterly report summarising work undertaken at the site and compliance with the conditions imposed under the Deemed Planning Consent during the period of construction and post construction reinstatement; and
(v) details of post-construction restoration/reinstatement of the working areas not required during the operation of the Development, including construction access tracks, borrow pits, construction compound, storage areas, laydown areas, access tracks, passing places and other construction areas, all of which are to be provided no later than 6 months prior to the date of first commissioning, unless otherwise agreed in writing by the Planning Authority. Wherever possible, reinstatement is to be achieved by the careful use of turfs removed prior to construction works. Details should include all seed mixes to be used for the reinstatement of vegetation.

(3) The approved CEMP shall be implemented throughout the construction, post-construction site reinstatement and operational phases in full unless otherwise approved in advance by the Planning Authority.

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

18. Peat Management Plan

No development or Site Enabling Works shall commence until a works specific finalised Peat Management Plan (PMP), related to the phase or phases of works or development to be undertaken, has been submitted to and approved in writing by the Planning Authority in consultation SEPA.

The PMP shall include:

1) The adherence to recognised best practice and demonstrate how layout modifications, and any other techniques, have been used to further reduce peat disturbance and carbon loss, and recalculate volumes of peat that will be

disturbed as a result of the above work, demonstrating that no waste peat will be generated by the development.

2) A demonstration that the design is in line with the mitigation hierarchy outlined in NPF4 Policy 5d (or as amended) and that proposals shall:
   (i) Include layout plans showing all permanent and temporary infrastructure, with extent of excavation required overlaid on:
      - peat depth survey (showing peat probe locations, colour coded using distinct colours for each depth category and annotated at a usable scale);
      - peat depth survey showing interpolated peat depths;
      - peatland condition mapping NVC habitat mapping.
   (ii) Include how peat probing information informed the site layout.
   (iii) Use peatland condition mapping to identify and avoid peatland in near natural condition, as this has the lowest greenhouse gas emissions of all peatland condition categories, and to identify areas where peatland restoration could be carried out.
   (iv) Demonstrate avoidance and minimise the total area and volume of peat disturbance in the infrastructure layout design by avoiding peat > 1m depth and targeting areas where carbon rich soils are absent or the shallowest peat reasonably practicable.
   (v) Detail excavation volumes of acrotelmic, catotelmic and amorphous peat. These should include a contingency factor to consider variables such as bulking and uncertainties in the estimation of peat volumes.
   (vi) Demonstrate, including reuse volumes in different elements, that all peat disturbed by the development can be used in site reinstatement or peatland restoration (which may include locations outwith the development boundary).
   (vii) Minimise handling and temporary storage of peat.
   (viii) Minimise impact on local hydrology and reduce water loss from the surrounding peat habitats.

(2) The PMP shall thereafter be implemented as approved.

Reason: To ensure that a plan is in place to deal with the storage and reuse of peat within the application site, including peat stability and slide risk.

19. Habitat Management Plan

1) No development, with the exception of the Site Enabling Works, shall commence unless and until a finalised Habitat Management Plan (HMP) has been submitted to, and approved in writing by the Planning Authority (in consultation with SEPA and NatureScot). The finalised HMP shall include:

   (i) The details and mechanism for the delivery of no less than 167ha of blanket bog enhancement/peatland restoration and the timescale for its implementation;
   (ii) Proposals for reuse of disturbed peat in habitat restoration shall identify locations where the addition of excavated peat will enhance the wider site into a functional peatland system capable of achieving carbon sequestration and shall include the following information:

a) A location plan of the proposed peatland re-use restoration area(s), and the total area to be restored;
b) Photographs, aerial imagery, or surveys to demonstrate that the area identified is appropriate for peat re-use and can support carbon sequestration, including consideration of an appropriate hydrological setting and baseline peatland condition; and
c) If any proposed re-use restoration areas are outwith the ownership of the applicant, information should be provided to demonstrate that the restored areas can be safeguarded in perpetuity as a peatland;

(iii) Details of restoration to compensate for the area of peatland habitat directly and indirectly impacted by the development and ensure that these habitats will attain a demonstrably better state than without this proposal;

(iv) Ensure that the total area of compensatory peatland restoration in the order of 10 times that of the area lost from the development; and

(v) Proposals to control muirburn on blanket bog habitat.

2) The proposed habitat management of the site during the period of construction, operation, decommissioning, restoration and aftercare, and shall provide for the maintenance monitoring and reporting of habitat on site; this shall include:
(i) enhancement measures for curlew;
(ii) Provide information on the monitoring and management of deer and other herbivores to ensure the habitat acts as a functioning system capable of achieving effective carbon capture;
(iii) A breeding bird monitoring plan;
(iv) Consideration for the provision of Riparian woodland;
(v) The provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the habitat plan objectives. In particular, the approved habitat management plan shall be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Commissioning and submitted for the written approval of the Planning Authority in consultation with NatureScot and SEPA; and

3) Unless and until otherwise agreed in advance in writing with the Planning Authority, the approved HMP (as amended from time to time) shall be implemented in full through the construction, operation and decommissioning of the Development.

Reason: In the interests of protecting ecological features and to ensure that the development secures positive effects for biodiversity.

20. Water Quality and Fish Monitoring Plan

(1) No development or Site Enabling Works shall commence until an integrated Water Quality and Fish Monitoring Plan (WQFMP) has been submitted to and approved in writing by the Planning Authority in consultation with local District Fishery Board.

(2) The WQFMP must take account of Marine Scotland Science's guidance and shall include:

(a) The Allt Dearg watercourse;

(b) The carrying out of fully quantitative fish surveys to provide a more accurate enumeration of fish densities; and
(c) appropriate site-specific mitigation measures and a monitoring regime;

(3) Thereafter, the WQFMP shall be implemented in full within the timescales set out in the WQFMP.

Reason: To ensure no deterioration of water quality and to protect fish populations within and downstream of the development area.

21. Woodland Management Plan

(1) No development or Site Enabling Works shall commence until a detailed scheme of Woodland Management and Compensatory Planting (including future maintenance) has been submitted and approved in writing by the Planning Authority. This shall be based upon and informed by the Environmental Impact Assessment Report (EIAR), October 2022, with a minimum area of 20 ha to be planted.

(2) All planting shall be implemented in full no later than 1st April following the date of the deemed planning permission, or as otherwise agreed with the Planning Authority.

(3) Thereafter, the planting and areas of woodland to be retained shall be maintained throughout the lifetime of the development in accordance with the approved scheme.

Reason: In order to protect Scotland's woodland resource, in accordance with the Scottish Governments policy on the Control of Woodland Removal.

22. Outdoor Access Plan

(1) No development or Site Enabling Works shall commence until a finalised and detailed Outdoor Access Plan has been submitted to and approved in writing by the Planning Authority (in consultation with the Cairngorms National Park Authority). The purpose of the plan shall be to maintain public access routes to site tracks and paths during construction, and to maintain outdoor access in the long-term. The Outdoor Access Plan shall be informed by a 'red specification survey' of the public rights of way affected by this development and shall include details showing:

(a) all existing access points, paths, core paths, tracks, rights of way and other routes whether on land or inland water), and any areas currently outwith or excluded from statutory access rights under Part One of the Land Reform (Scotland) Act 2003, within and adjacent to the application site;

(b) any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or effect on curtilage related to buildings or structures;

(c) all proposed paths tracks and other alternative routes for use by walkers, riders, cyclists, canoeists, all-abilities users, etc. and any other relevant outdoor access enhancement (including construction specifications, signage, information leaflets, proposals for on-going maintenance etc; any diversion of paths, tracks or other routes (whether on land or inland water), temporary or permanent, proposed

as part of the Development (including details of mitigation measures, diversion works, duration and signage);

(2) The approved Outdoor Access Plan, and any associated works, shall be implemented in full prior to the Commencement of development or as otherwise may be agreed within the approved plan.

Reason: In the interests of securing public access rights.

23. Dava Way Improvement and Enhancement works

No development or Site Enabling Works shall commence until a scheme from the improvement and enhancement (including timescales) of the Dava Way have been submitted to and approved in writing by the Planning Authority (in consultation with the Cairngorms National Park, Moray Council, Dava Residents Association and the Dava Way Association). These details shall include (unless agreed in writing by the Planning Authority):

(a) Measures for the enhancement of the Dava Way as part of the Castle Grant Bypass Route (Road Improvement Site B);
(b) Measures for improving the route for persons with limited mobility;
(c) Following the completion of the construction phase, the retention of an area of the laydown area for the provision of visitor parking at the Dava Way; this shall include measures to restrict vehicles parking overnight;
(d) Details of the location and re-surfacing works along the Dava Way in the vicinity of the main construction works, this shall be to a specification approved by the Planning Authority;
(e) The provision of surfacing materials and timescales to support the Dava Way Association in its maintenance work of the Dava Way; and
(f) The provision, design and location of a three sided shelter and picnic benches.

Thereafter, the works shall be implemented in accordance with the approved details and the timetable for implementation.

Reason: In the interests of enhancing the Dava Way.

24. Archaeology

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

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

25. Construction Traffic Management Plan (CTMP)

No development or Site Enabling Works shall commence until a works specific CTMP related to the phase or phases of works or development to be undertaken has been submitted to and approved in writing by the Planning Authority in

consultation with the Trunk and the relevant Local Roads Authorities, the Police and affected Community Councils. The final CTMP shall be submitted no later than two months prior to commencement of the relevant phase. The approved CTMP shall be carried out as approved in accordance with the timetable specified within the approved CTMP. The CTMP shall include (but not be limited to) the provision of:

(a) An Abnormal Loads Assessment;
(b) The routeing of all traffic associated with the Development;
(c) Measures to ensure that the specified routes as detailed in the CTMP are adhered to, including monitoring procedures;
(d) A contingency plan prepared by the abnormal load haulier;
(e) The proposed route for any abnormal loads on the trunk road network must be approved by Transport Scotland, as the trunk roads authority, prior to the movement of any abnormal load;
(f) A detailed protocol for the delivery of abnormal loads/vehicles, prepared in consultation with the Planning Authority, Transport Scotland, Local Roads Authorities and the affected community councils. The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of abnormal load movements in the local media. Temporary signage, in the form of demountable signs or similar approved, shall be established, when required, to alert road users and local residents of expected abnormal load movements;
(g) Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved by Transport Scotland and the THC Roads Authority. All such movements on roads shall take place out with peak times on the network, including school travel times and shall avoid local community events;
(h) A detailed review of potential issues at the 3No. collision cluster locations on the A939 north of Grantown and whether there are any additional traffic management measures that would assist with maintaining reasonable levels of road safety during the construction phase of this development;
(i) Confirmation that all Structural Technical Approvals for road structures impacted by the proposed construction access routing have been secured by the relevant Roads Authority, with any mitigation required to individual structures being fully implemented to the satisfaction of the Roads Authority prior to the construction traffic impacting those structures being permitted to use those routes;
(j) Measures such as temporary speed limits, suitable temporary signage, road markings and the use of speed activated signs should be considered and must be undertaken by a recognised Quality Assured traffic management consultant;
(k) Demonstration that Traffic management methods required to safely direct AILs through Grantown-on-Spey have been developed through direct discussions with the Local Community Council and appropriate business groups in Grantown;
(l) The developer shall submit proposals for an abnormal loads delivery trial-run to be undertaken with the involvement of Police Scotland and prior to the commencement of abnormal loads deliveries. Trial-run proposals shall be submitted to and approved in writing by The Highland Council in consultation with Transport Scotland and Local Roads Authorities;

(m) All vehicles transporting construction material to and from the proposed development should be sheeted;
(n) The development shall not become operational until vehicle wheel cleansing facilities have been installed and brought into operation on the site, the design and siting of which shall be subject to the prior approval of The Highland Council in consultation with Transport Scotland as the trunk roads authority;
(o) A procedure for the regular monitoring of road conditions and the implementation of any remedial works required as may be reasonably attributable to the project's construction plant and vehicle movements during the construction period, including the provision of a wear and tear agreement for the local road network under Section 96 of the Roads (Scotland) Act 1984 (As Amended);
(p) During the operational stage of the Development, advance written notification and approval of the Planning Authority in consultation with Transport Scotland, THC Roads Authority and affected community councils is required for Abnormal Load movement required during this period; and
(q) Identification of a nominated person to whom any road safety issues can be referred.

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

26. Offsite Road Improvement Works (Site A: Dava Bridge)

No development or Site Enabling Works shall commence until the final design details and reinstatement works for the off-site road works at Dava Bridge have been submitted and approved in writing by the Planning Authority. Thereafter, the approved details shall be implemented in full prior to any AIL movements being undertaken and the reinstatement works shall be out in full and in line with the approved timescales for its implementation.

Reason: In the interests of road safety and visual amenity.

27. Off site Road Improvement Works (Site B: Castle Grant)

(1) No development or Site Enabling Works shall commence until:
(a) The final design and bypass routing details for the off-site road works at Castle Grant, including full details of the works affecting the Dava Way, have been submitted and approved in writing by the Planning Authority (in consultation with the Cairngorms National Park Authority). Thereafter the approved details shall be implemented in full prior to any AIL movements being undertaken;
(b) A Bypass Route Restoration and Landscape Plan, including timescales for its implementation and maintenance have been submitted and approved in writing by the Planning Authority (in consultation with the Cairngorms National Park Authority); and
(c) A Tree Survey and Tree Protection Plan has been submitted to and agreed in writing by the Cairngorms National Park Authority.

(2) Thereafter the approved details shall be carried out in full and in line with the approved timescales for its implementation.

Reason: In the interests of road safety and visual amenity.

28. Residential Refuse Bin Stances

No development or Site Enabling Works, shall commence until full details of the reconfigured residential refuse bin stances at the main site access has been submitted to and approved in writing by the Planning Authority. This shall include a timetable for its implementation and completion.

Reason: In the interests of road safety and amenity.

29. Aviation Safety – Lighting

(1) No development, with the exception of Site Enabling Works, shall commence until a scheme for aviation lighting for the Development has been submitted to and approved in writing by the Planning Authority in consultation with the Ministry of Defence (MoD) and the Civil Aviation Authority (CAA). The aviation-lighting scheme shall define how the development will be lit throughout its life to maintain civil and military aviation safety requirements, and shall include:

(a) Details of any construction equipment and temporal structures with a total height of 50 metres or greater (above ground level) that will be deployed during the construction of wind turbine generators and details of any aviation warning lighting that they will be fitted with; and

(b) The locations and heights of all wind turbine generators in the development, identifying those that will be fitted with aviation warning lighting and the position of the lights on the wind turbines generators; the types(s) of lights that will be fitted; and the performance specification(s) of the lighting types(s) to be used.

(2) Thereafter, the aviation-lighting scheme shall be implemented as approved. The lighting installed in accordance with the aviation lighting scheme shall remain operational for the life time of the development, unless visible aviation lighting requirements become redundant, or proximity activated lighting which is turned on by the detection of moving objects becomes widely available in the UK and is capable of being deployed at reasonable cost (evidenced through other recent wind farm consents), with this to be confirmed by the Planning Authority in consultation with the MoD and the CAA.

(3) In the event that the Planning Authority notify the Company that the approved aviation lighting scheme is redundant, or proximity activated lighting must be introduced, within 3 months of receipt of this notification, an amended aviation lighting strategy shall be submitted to and approved in writing by the Planning Authority in consultation with the MoD and the CAA.

(4) Thereafter, the amended aviation lighting scheme shall be implemented as approved within a further 6 month period, and shall remain operational for the remaining life time of the development, unless otherwise agreed by the Planning Authority.

Reason: In the interests of aviation safety, landscape and visual amenity, ensuring that visible aviation lighting is switched off or replaced to reflect industry technological advances.

30. Aviation Safety Charting and Safety Management

At least one calendar month prior to the commencement of the erection of the turbines the Company shall provide the Planning Authority, Ministry of Defence, Defence Geographic Centre and National Air Traffic Services (NATS) with the following information and shall provide evidence to the Planning Authority of having done so.

(a) the date of the commencement of the erection of wind turbine generators;

(b) the maximum height of any construction equipment to be used in the erection of the wind turbines;

(c) the date any wind turbine generators are brought into use; and

(d) the latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s).

Reason: In the interests of aviation safety.

31. Primary Surveillance Radar

(1) No wind turbine forming part of the development shall operate, save as provided for and in accordance with the Testing Protocol as agreed with the operator of Inverness Airport, unless and until such time as the Scottish Ministers received confirmation that a Radar Mitigation Scheme has been submitted to and approved in writing by the operator of Inverness Airport and the Civil Aviation Authority.
(2) No wind turbine(s) forming part of the development shall operate until and unless all measures required by the approved Radar Mitigation Scheme have been fully implemented. The Development shall thereafter be operated fully in accordance with the approved Radar Mitigation Scheme.

Reason: In the interests of aviation safety; to secure mitigation of impacts and ensure the development does not affect the safe operation of Inverness Airport through interference with the Primary Surveillance Radar.

32. Instrument Flight Procedures (IFP) including Air Traffic Control Surveillance Minimum Altitude Chart (ATCSMAC)

No part of any turbine forming a part of the development, shall be erected unless and until such time as the Planning Authority receive confirmation from the operator of Inverness Airport in writing that:

(a) an IFP Assessment has demonstrated that an IFP Scheme is not required; or
(b) an IFP Scheme has been approved by the Airport Operator;
(c) the Civil Aviation Authority (CAA) has confirmed its approval to the Airport Operator of the IFP Scheme (if such approval is required); and

(d) the IFP Scheme has been submitted to National Aeronautical Information Services (NATS) for promulgation, via the Aeronautical Information Regulation and Control (AIRAC) Cycle (or any successor publication) (where applicable). The effective date for the AIRAC Cycle, containing the introduction of the IFP Scheme, has passed and the IFP Scheme is available for use by aircraft.

Reason: In the interests of aviation safety; to secure mitigation of impacts and ensure the development does not alter traffic patterns or impact the safety of aircraft at Inverness Airport."

33. Telecommunication

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

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

34. Operational Noise

The rating level of noise immisions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed more than 25dB LA90 at any noise sensitive receptor.

In addition:

(A) Prior to the First Commissioning Date, the Company shall submit to the Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Planning Authority.

(B) Within 21 days from receipt of a written request of the Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the Company shall, at its expense, employ an independent consultant approved by the Planning Authority to assess the level of noise immisions from the Development at the complainant's property (or a suitable alternative location agreed in writing with the Planning Authority) in accordance with the procedures described in the attached Guidance Notes.

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

(C) Prior to the commencement of any measurements by the independent

consultant to be undertaken in accordance with these conditions, the Company shall submit to the Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken.

Where the proposed measurement location is close to the wind turbines, rather than at the complainant's property (to improve the signal to noise ratio), then the Company's submission shall include a method to calculate the noise level from the wind turbines at the complainant's property based on the noise levels measured at the agreed location (the alternative method). Details of the alternative method together with any associated guidance notes deemed necessary, shall be submitted to, and agreed in writing by the Planning Authority prior to the commencement of any measurements.

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

(D) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the Company shall submit to the Planning Authority for written approval a proposed assessment protocol setting out the following:

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

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

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

(E) The Company shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise immisions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Planning Authority made under paragraph (B) of this condition unless the time limit is extended in writing by the Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Planning Authority with the independent consultant's assessment of the rating level of noise emissions.

(F) Where a further assessment of the rating level of noise immisions from the Development is required pursuant to Guidance Note 4(c) of the attached Guidance Notes, the Company shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph

(E) above unless the time limit for the submission of the further assessment has been extended in writing by the Planning Authority.

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

(H) In the event that the rating level, after adjustment for background noise contribution and any tonal penalty, is found to exceed the conditioned limits, the Company shall submit to the Planning Authority for written approval, a scheme of mitigation to be implemented within fourteen days of submission of the report identifying the exceedance (as required under paragraph (F) above). The scheme shall define any reduced noise running modes to be used in the mitigation together with sound power levels in these modes and the manner in which the running modes will be defined in the SCADA data.

(I) The scheme referred to in paragraph H above should include a framework of immediate and long-term mitigation measures. The immediate mitigation measures must ensure the rating level will comply with the conditioned limits and must be implemented within 14 days of the submission of the report identifying the exceedance. These measures must remain in place, except during field trials to optimise mitigation, until a long-term mitigation strategy is ready to be implemented.

Guidance Notes for Noise Condition

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Note 3 with any necessary correction for residual background noise levels in accordance with Note 4. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

Note 1

a) Values of the LA90,10-minute noise statistic should be measured at the complainant's property (or an approved alternative representative location as detailed in Note 1(b)), using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated before and after each set of measurements, using a calibrator meeting BS EN 60945:2003 "Electroacoustics - sound calibrators" Class 1 with PTB Type Approval (or the equivalent UK adopted standard in force at the time of the measurements) and the results shall be recorded. Measurements shall be undertaken in such a manner to enable a tonal penalty to be calculated and applied

in accordance with Guidance Note 3.

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

c) The LA90,10-minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind speed and wind direction data and with operational data logged in accordance with Guidance Note 1(d) and rain data logged in accordance with Note 1(f).

d) To enable compliance with the conditions to be evaluated, the Company shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine, arithmetic mean power generated by each turbine and any data necessary to define the running mode as set out in the Curtailment Plan, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. Each 10-minute arithmetic average mean wind speed data as measured at turbine hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data which is correlated with the noise measurements determined as valid in accordance with Note 2(b), such correlation to be undertaken in the manner described in Note 2(c). All 10-minute periods shall commence on the hour and in 10 minute increments thereafter synchronised with Greenwich Mean Time and adjusted to British Summer Time where necessary.

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

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

Note 2

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

b) Valid data points are those measured during the conditions set out in the assessment protocol approved by the Planning Authority but excluding any periods

of rainfall measured in accordance with Note 1(f).

c) Values of the LA90,10-minute noise measurements and corresponding values of the 10-minute standardised ten-meter height wind speed for those data points considered valid in accordance with Note 2(b) shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least square, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) shall be fitted to the data points to define the wind farm noise level at each integer speed.

Note 3

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

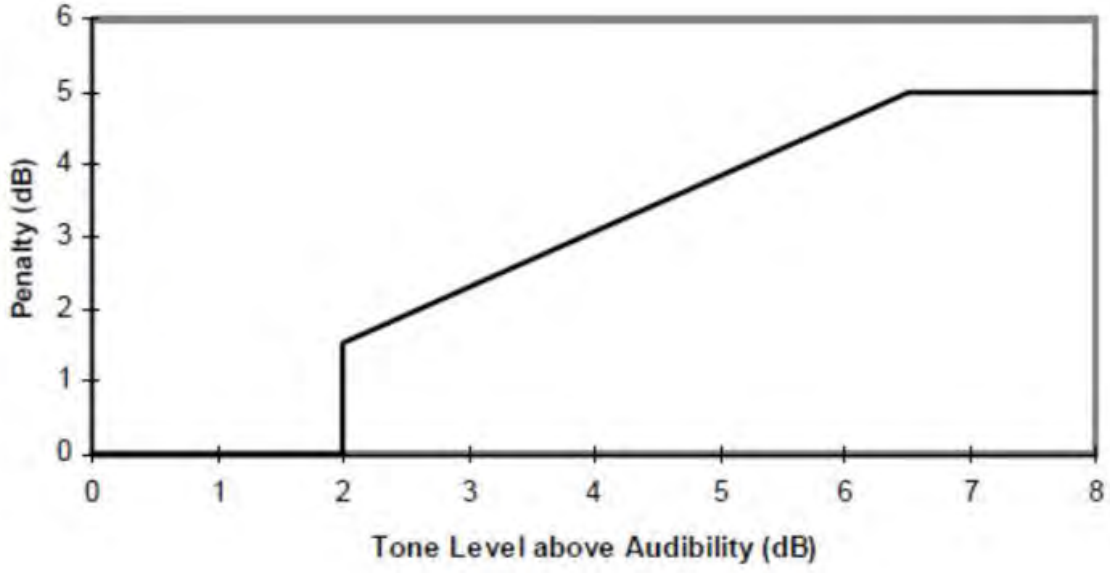
b) For each 10-minute interval for which LA90,10-minute data have been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise immissions during 2 minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure shall be reported.

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

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

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

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



Note 4

a) If a tonal penalty is to be applied in accordance with Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Note 3 at each integer wind speed within the range set out in the approved assessment protocol. If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Note 2.

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

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

i) Repeating the steps in Note 2, with the turbines switched off, and determining the background noise (L3) at each integer wind speed within the range set out in the approved noise assessment protocol.

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

$$L_1 = 10\log\left[10^{L_2/10} - 10^{L_3/10}{}_1\right]$$

iii) The rating level shall be re-calculated by adding the tonal penalty (if any is

applied in accordance with Note 3) to the derived noise L1 at that integer wind speed.

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

Reason: To protect amenity and to ensure that noise limits are not exceeded and to enable prompt investigation of complaints.

35. Construction Noise

No development or site enabling works shall commence until a detailed assessment of arising from the proposed batching plant and compound generators has been submitted to an approved in writing by the Planning Authority. The assessment should include but is not limited to the following:

(a) Details of operating times and the duration of use on site with regard to the batching plant.
(b) Details of proposed mitigation measures to reduce noise from both the batching plant and compound generators.
(c) A noise assessment undertaken in accordance with BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound for noise arising from the compound.

Thereafter the development or site enabling works shall not be carried out other than in accordance with the approved details.

Reason: To protect amenity and to ensure that noise limits are not exceeded during construction works.

36. Site Decommissioning, Restoration and Aftercare

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

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

(3) Not later than 3 years before decommissioning of the Development or the expiration of this consent (whichever is the earlier), a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved

decommissioning, restoration and aftercare strategy, shall be submitted for the written approval of the Planning Authority in consultation with NatureScot and SEPA.

(4) The detailed decommissioning, restoration and aftercare plan shall provide updated and detailed proposals, in accordance with relevant guidance at that time, for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include (but is not limited to):

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

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

(c) a dust management plan;

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

(e) details of anticipated impacts on the road networks and vehicle types and movements;

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

(g) details of measures for soil storage and management;

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

(i) details of measures for sewage disposal and treatment;

(j) temporary site illumination;

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

(l) details of watercourse crossings;

(m) details of archaeological supervision to oversee the protection / fencing off of all known heritage assets within 50m of the proposed working areas, including all areas to be used by construction vehicles; and

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

(5) The Development shall be decommissioned, site restored, and aftercare thereafter undertaken in accordance with the approved plan, unless otherwise agreed in writing in advance with the Planning Authority in consultation with NatureScot and SEPA.

Reason: To ensure the decommissioning and removal of the Development in an

appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

37. Financial Guarantee

(1) No development or Site Enabling Works shall commence unless and until a bond or other form of financial guarantee in terms reasonably acceptable to the Planning Authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations referred to in Condition 36 is submitted to the Planning Authority.

(2) The value of the financial guarantee shall be agreed between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations referred to in Condition 36.

(3) The financial guarantee shall be maintained in favour of the Planning Authority until the date of completion of all decommissioning, restoration and aftercare obligations referred to in Condition 36.

(4) The value of the financial guarantee shall be reviewed by agreement between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with decommissioning, restoration and aftercare obligations and best practice prevailing at the time of each review.

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

38. Redundant Turbines

In the event that any wind turbine installed and commissioned fails to produce electricity on a commercial basis to the public network for a continuous period of 12 months, then unless otherwise agreed in writing with the Planning Authority, after consultation with the Scottish Ministers, such wind turbine will be deemed to have ceased to be required. If deemed to have ceased to be required, the wind turbine and its ancillary equipment will be dismantled and removed from the site within the following 12-month period, and the ground reinstated to the specification and satisfaction of the Planning Authority after consultation with the Scottish Ministers.

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

39. Socio-Economic Benefit

(1) No later than 15 months after the Date of Final Commissioning of the development, a report demonstrating the project has met the minimum socio-economic benefit assumptions provided within the Environmental Impact

Assessment Report (EIAR), received October 2022 for both the development's construction period and initial 12 month operational period, for both Highland and Scotland, shall be submitted for the written approval of the Planning Authority.

(2) Where the report shows that projected socio-economic benefit has not achieved the assumptions in the EIAR, it shall include proposed measures to address, and compensate for any shortfall, to ensure that the economic assumptions for the development have been met. In the absence of any alternative actions, the Scheme for Community Benefit, as required by Condition 40, shall be enhanced accordingly to offset any detriment of economic impact.

Reason: In order to ensure compliance with NPF4 Policy 11c) and to maximise the local socio-economic benefits of the development to the wider local community**.**

40. Scheme for Community Benefit

No later than 3 months prior to the Date of Final Commissioning of the development, details of a Scheme for Community Benefit shall be submitted for the prior written approval of the Planning Authority. This scheme, comprising a developer financial contribution, or alternative means of provision, shall be to the prevailing value required for onshore wind energy development in Highland, at the time of the developer applying to satisfy this condition. The scheme shall be used for projects across Highland directly related to infrastructure, supply chain development, support for business, including tourism and regeneration projects, skills and barriers to employment in Highland. The scheme shall be implemented as approved, and administered by The Highland Council, unless otherwise agreed in writing by the Planning Authority.

Reason: In order to ensure compliance with NPF4 Policy 11c) and to maximise the local socio-economic benefits of the development to the wider local community.

41. Community Liaison Group

No development or Site Enabling Works shall commence unless and until a Community Liaison Plan has been approved in writing by the Planning Authority after consultation with the relevant local community councils and in relation the offsite road improvement works appropriate business groups in Grantown-on-Spey shall be consulted with. This plan shall include the arrangements for establishing a Community Liaison Group to act as a vehicle for the community to be kept informed of project progress by the Company. The terms and condition of these arrangements must include that the Community Liaison Group will have timely dialogue in advance on the provision of all transport-related mitigation measures and keep under review the timing of the delivery of turbine components. The terms and conditions shall detail the continuation of the Community Liaison Group until the wind farm has been completed and is fully operational. The approved Community Liaison Plan shall be implemented in full.

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

42. Planning Monitoring Officer

(1) There shall be no Commencement of Development unless and until the terms of appointment by the Company of a suitably qualified environmental consultant as Planning Monitoring Officer (PMO) have been submitted to, and approved in writing by, the Planning Authority. The terms of appointment shall:

(a) impose a duty to monitor compliance with the terms of the deemed planning permission and the conditions attached to it;

(b) require the PMO to submit a report to the Planning Authority every 2 months summarising works undertaken on site; and

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

(2) The PMO shall be appointed on the approved terms throughout the period from Commencement of Development to completion of construction works and post-construction site reinstatement works.

Reason: To enable the development to be suitably monitored to ensure compliance with the permission and the conditions attached to it.

43. Deer Monitoring Plan (DMP)

No development, with the exception the Site Enabling Works, shall commence until a Deer Management Plan (DMP) has been submitted to and approved in writing by the Planning Authority (in consultation with NatureScot). The DMP will set out proposed long term management of deer using the Development site and shall provide for the monitoring of deer numbers on site from the period from Commencement of development until the date on which site infrastructure has been removed and final site restoration completed. The approved DMP shall thereafter be implemented in full.

Reason: To protect ecological interests and in the intertest of habitat enhancement.

44. Protection of Private Water Supplies

No development or site enabling works shall commence until a detailed water monitoring and protection plan has been submitted to and approved in writing by the Planning Authority. The plan should include but is not limited to the following;

(a) Details of any specific mitigation measures to be put in place to protect PWS 03 and PWS 05.
(b) Details of the proposed monthly water monitoring program.
(c) Details of a program of daily or weekly visual checks to ensure supplies are no being put at risk from site works.
(d) Details of an investigation and intervention strategy in the event that an adverse impact on any water supply is identified.

Thereafter the development or site enabling works shall not be carried out other than in accordance with the approved details.

Reason: To protect private water supplies.

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 2.1
	Plan 2 – Site Layout Plan - EIAR Figure 3.1
	Plan 3 – Typical Turbine Elevation - EIAR Figure 3.5
	Plan 4 – Castle Grant Western Bypass Route – EIAR Figure 3.17

Appendix 1 – Cumulative Wind Farm Developments

A1.1 Appendix 1 of this report provides details of the operational / under construction, consented and in planning projects that the applicant took into consideration in their cumulative assessment. This has been updated by officers.

Site	Blade tip height of Turbines	No. of Turbines	Distance from the Proposed Development
Operational / Under Construction			
Berry Burn	99.5m	32	2.0km
Paul's Hill	100m	28	3.9km
Hill of Glaschyle	99.5m	12	6.8 km
Cluny Farm	60.98m	1	12.6km
Rothes I	100m	24	14.1km
Rothes II	110-125m	18	12.9 km
Kellas	110m	8	14.8km
Bognie Farm	60.98m	1	15.5km
Hunt Hill	67m	4	17.6km
Tom nan Clach	125m	13	18.3km
Moy	124.9m	20	24.4km
Dorenell	126m	59	26.3km
Ardoch Farm	66.62m	1	28.3km
Hill of Towie	100m	21	28.3km
Glen Kyllachy	110m	20	31.4km
Farr	100m	40	31.5km
Midtown of Glass	79m	1	33.8km
Edintore	125m	6	35.4km
Clashindarroch	110m	18	35.6km
Followsters Farm	77m	1	37.5km
Cairnborrow	100m	5	39km

Kildrummy	93m	8	39.7km	
Bailliesward Farm	79.6m	1	40.2km	
Garralhill Farm	74m	1	40.6km	
Cullisse	66.79m	1	40.7km	
Upper Wheedlemont Farm	81m	2	45.8km	
Balmanoon Farm	70m	1	43.3km	
Dunmaglass	120m	35	43.7km	
Consented				
Berry Burn Extension	149.9m	9	4.4km	
Paul's Hill II	134m/ 149.9m	7	6km	
Cairn Duhie	110m	20	6.5km	
Meikle Hill	126.5m	6	12.2km	
Hill of Towie II	125m	16	12.2km	
Meikleton of Ardnonald	134.5m	1	38.7km	
Drodland	79m	1	41.2km	
Aberarder	130m	12	42.9km	
Aultmore	108.5m	13	43.1km	
In Planning				
Clash Gour*	130m-176m	48	1.3km	
Cairn Duhie Redesign*	149.9m	16	6.5km	
Lethen**	185m	17	11.3km	
Rothes III*	149.9m – 225m	29	13.8km	
Garbet*	155m	7	31km	
Clashindarroch II*	180m	14	36.9km	
Tom nan Clach Ext.***	149.9m	7	15.4km	

*Wind Farm scheme now consented

**Wind Farm scheme now refused by Scottish Ministers.

***Wind Farm scheme submitted since Ourack Wind Farm was lodged.

Appendix 2 – Development Plan and Other Material Policy Considerations

Development Plan

National Planning Framework 4 (2022)

A2.1 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 2012

A2.2 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)

A2.3 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. As detailed above the site is located within the eastern part of the Drynachan, Lochindorb and Dava Moors Special Landscape Area

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

A2.4 This contains a number of general policies which are applicable including Policy 2 - Nature Protection, Preservation and Enhancement.

Onshore Wind Energy Supplementary Guidance (OWESG) (2016)

A2.5 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.

A2.6 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

A2.7 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)
OTHER MATERIAL POLICY CONSIDERATIONS

Emerging Highland Council Development Plan Documents and Planning Guidance

A2.8 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.

A2.9 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)

A2.10 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

A2.11 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)

Appendix 3 - Compliance with the Development Plan / Other Planning Policy

National Policy

A3.1 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.

A3.2 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.

A3.3 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.

A3.4 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.

A3.5 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.

A3.6 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.

A3.7 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 and the nearby environmental designations.

A3.8 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 within the eastern part of the Drynachan, Lochindorb and Dava Moor SLA. The development's theoretical visibility also extends across into the administrative area for Moray Council and into parts of the Findhorn Valley and the Wooded Estates and Culbin to Burghead Coast SLAs to the north and the Spey Valley and Ben Rinnes SLA to the east and southeast of the site.

A3.9 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. The applicant has submitted an updated supporting statement which covers these matters.

A3.10 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 closest WLA is WLA15: Cairngorms which is located over 20km to the south of the site, WLA20 Monadhliath is located over 30km to the south-west. Given the distances and limited visibility, NatureScot agreed that impacts upon WLA could be scoped out, as no further consideration of WLA interests is warranted.

A3.11 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. 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.

A3.12 Seven heritage assets within the main site and a further three assets within the road improvement areas have been identified as potential being directly affected by construction of the proposed development. However, the EIAR that the effects upon these assets will not be significant. In terms of operational effect, minor significance is predicted on the settings of one Scheduled Monument, two Listed Buildings and two Inventory Gardens and Designed Landscapes.

A3.13 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.

A3.14 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

A3.15 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.

A3.16 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

A3.17 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.

A3.18 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.

A3.19 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)

A3.20 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.

A3.21 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 6 of this report.

A3.22 The OWESG also includes a Landscape Sensitivity Appraisal for the Black Isle, Surrounding Hills and Moray Firth Coast. Although the site is located outwith the study area, the appraisal does relate to part of the same host landscape of Open Rolling Upland as defined by the SNH Landscape Character Assessment, 2019. The nearest subdivision of Open Rolling Upland documented within the Landscape Sensitivity Appraisal is: BL10: Tom nan Clach, Lochinorb to Aidrie Mill, south of River Findhorn. It is described as an "Elevated and expansive undulating plateau with rounded hills… generally hidden from outwith the immediate area and the hills are generally visible from higher elevations to the north, across the firth, or from other points in the eastern tail of the Monadhliaths". Most of the LCT lies within the Drynachan, Lochindorb and Dava Moors Special Landscape Area with the south-eastern edge falling along the southeast shore of Lochindorb, the largest body of open water within the LCT.

A3.23 Key views are outlined as being 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 LCT; 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' when travelling south, a sense of entering a more remote and isolated moorland landscape.

A3.24 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.

A3.25 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;
- 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 Monadhliath area (Nov 2021)

A3.26 The Dava Moor and Monadhliath 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. In the context of this current application, the Appraisal is useful in providing context for the landscape sensitivities in the area. Section 15 of the Appraisal contains the Open Rolling Uplands Sensitivity Assessment. 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 Ourack 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 part, 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.

A3.27 The Drynachan, Lochindorb and Dava Moors SLA covers a large part of this Assessment Unit and the southern part of this assessment unit also borders the Cairngorms National Park. The cultural heritage and recreation/tourism importance of Lochindorb, further increases the value of this landscape."

A3.28 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;
- Potential sequential cumulative effects when seen from the A95, a key route to

Moray and part of the Spey Whisky Trail;

- sequential and simultaneous visibility of multiple wind farm developments when 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.

A3.29 The study's identified constraints include:

- The higher and more pronounced hills present in the north-western part of this AU and centred on Carn-nan Tri-Tighearnan, including its long north-eastern slopes, where larger wind turbines would detract from the distinctive open backdrop they provide to the settled lowland landscapes of the study area;
- Effects on views from promoted recreational and tourist routes including the Dava Way, Speyside Way, A95 Spey Whisky Trail and the route to Huntly's Cave within the Cairngorms National Park;
- 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.

A3.30 Overall, the landscape is described has being of a high sensitivity to wind turbines. For proposals in excess of 150m it identifies 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.

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

A3.31 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.

A3.32 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.

A3.33 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.

A3.34 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.

A3.35 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.

A3.36 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.

A3.37 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.

A3.38 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.

Appendix 5 – Visual Assessment Appraisal (Wind Farm Operational Period Only)

Notes

The text in bold indicates a significant effect has been identified.

* **Combined Developments:** Cumulative Scenario 1: Existing wind farms + Consented + the proposed development. Cumulative Scenario 2: + in planning schemes.

Note only the applicant's reported change to the 'Solus' Level of Effect has been tabled.

** **Recommended Mitigation**

VP1 – Cairngorms National Park Boundary: Nearest point on track at northern boundary (2.3km) (VP within CNP)			**Proposed Development (Solus)**			**Combined Developments***		
	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**
	App	High	High	**Substantial**	**Significant**	Scenario 1- Low Scenario 2 - Low	**Substantial**	**Significant**
	THC	High	High	**Substantial**	**Significant**	Scenario 1- Low Scenario 2 - Low	**Substantial**	**Significant**
	This viewpoint is located on the Via Regia heritage path between Dava and Auchnagallin at a point approximately 200m to the north of the boundary of the Cairngorms National Park where visibility where views to the north begin to open up.							
	High Sensitivity: The viewpoint is located on the northern boundary of the CNP and the southern boundary of the locally designated Drynachan, Lochindorb and Dava Moors SLA. The view would be experienced by walkers. THC generally agrees with this assessment. Officers also note that views of the Drynachan, Lochindorb and Dava Moors SLA are available from this VP, however, views of the very eastern part of the SLA are already limited by the existing topography. Whilst it would extend the horizontal spread of turbines to the east, it would sit within the existing envelope of development to the west and expansive views across the moorland are retained. Cumulative: Ourack would sit in the foreground. The operational Hill of Glaschyle Wind Farm is visible in the distance at over 11km. • Update to Scenario 1 - Cairn Duhie Wind Farm variation has been consented - a hub and blade tips of this scheme would theoretically be visible to the northwest at a distance of 8.6k. Clash Gour (within Moray) has been consented and will sit in the middle distance, behind Ourack.							

<table>
<tr><td></td><td colspan="8">

- VP within the CNP boundary - no objection from CNP Authority or NatureScot.

</td></tr>
<tr><td></td><td colspan="8">**Removal of T17: Would reduce the number of turbines visible. Marginally reducing the magnitude on the right of the composition. Would not alter the level of the overall level of effect.</td></tr>
<tr><td rowspan="6">VP 2 – Dava Way (North of Dava) (2.7km)

(VP within Moray Council)</td><td colspan="2"></td><td colspan="3">Proposed Development</td><td colspan="3">Combined Developments</td></tr>
<tr><td>App / THC</td><td>Sensitivity of the Receptor</td><td>Magnitude of Change</td><td>Level of Effect</td><td>Significance</td><td>Magnitude of Change</td><td>Level of Effect</td><td>Significance</td></tr>
<tr><td>App</td><td>High</td><td>High-Medium</td><td>Substantial to Major</td><td>Significant</td><td>Scenario 1 – High – Medium
Scenario 2 - High</td><td>Substantial to Major
Substantial</td><td>Significant</td></tr>
<tr><td>THC</td><td>High</td><td>High</td><td>Substantial</td><td>Significant</td><td>Scenario 1 - High
Scenario 2 - High</td><td>Substantial</td><td>Significant</td></tr>
<tr><td colspan="8">This viewpoint is located on the Dava Way as the route curves around the base of Knock of Braemoray (456m AOD) near the Halfway Hut at Auchlochan. The view is slightly oblique to the direction of travel along the route and views are mostly mid-range across gently undulating landform towards mid-ground hills which form the skyline of the view.</td></tr>
<tr><td colspan="8">High Sensitivity: The viewpoint is not within a designated landscape, however, it views towards the northern edge of the Drynachan, Lochindorb and Dava Moors SLA. The view would be largely experienced by walkers. OWESG identifies this as a key route.
THC considers that the schemes accommodation in the view is undermined by T17, so magnitude of change is High rather than High to medium. T17 is the most elevated turbine hub above the skyline, appearing at odds with the horizon, it is also the only turbine hub that is not back-clothed by land and draws your attention to the depth of the wind farm. There is also an element of turbine stacking, but this would alter as the receptor moved along the Dava Way. Overall, THC agrees that the level of effect is substantial, but major with the removal of T17.
Cumulative: Currently, Berry Burn is visible (5.5km) in the same view, and Hill of Glaschyle would be visible to the north at 6.2km distance. Berry Burn Extension would be partially visible as hubs and blades in the same view as the proposed development at a distance of 7.7km.

Update to Scenario 1 -Cairn Duhie and Clash Gour consented. The consented scheme of Clash Gour would be visible at 3.8km, located in front of Berry Burn to the north east. However, Ourack is sufficiently set apart from the existing and consented schemes to ensure that each scheme is read separately in the landscape, but it would undoubtedly add to the intensity of wind energy development at the VP.
This VP is located within Moray- no objection has been received from Moray Council.
</td></tr>
<tr><td colspan="8">**Removal of T17: it would reduce the number of turbines (from 14 hubs and 18 blade tips) to 13 hubs and 17 blade tips. As detailed above, this turbine is the most prominent and at odds with the horizon. It is also the only turbine that is not back-clothed by land, although it is acknowledged that this may change as the receptor moves along the Dava Way. Although its removal would not change the assessed level of effect, it would help to make the effects more acceptable. In terms of aviation lighting, although it wouldn't alter the number of lights visible from this VP, replacement lit turbine T13 sit lower in the landscape.</td></tr>
</table>

VP3 – Shenvault (3.0 km) (VP within Moray Council)			**Proposed Development**			**Combined Developments**		
	App / THC	Sensitivity of the Receptor	Magnitude of Change	Level of Effect	Significance	Magnitude of Change	Level of Effect	Significance
	App	High	High	**Substantial**	**Significant**	Scenario 1 - Medium Scenario 2 - High	**Substantial** **Major**	**Significant**
	THC	High	High	**Substantial**	**Significant**	Scenario 1 – High	**Substantial**	**Significant**
	This viewpoint is located on the Via Regia heritage path as it passes a cluster of farm buildings at Shenvault. The view is representative of views experienced by walkers on the path.							
	High Sensitivity: The viewpoint is not located within a designated landscape; however, it views towards the northern edge of the locally designated Drynachan, Lochindorb and Dava Moors SLA and the CNP. The turbines would appear partly backdropped against the Strathdearn Hills and the partly against the sky. The substation and battery storage compounds would be visible along with some of the site access tracks and borrow pits 2 and 3. Four aviation lights will be visible. THC agree with the overall level of assessment, but consider again T17, is poorly sited at a higher elevation than its adjacent turbines drawing the eye. Cumulative: • Update to Scenario 1 - Cairn Duhie and Clash Gour consented. Clash Gour is 700m from this VP and would be set in front of Ourack, THC consider this to result in a high magnitude of change. • This VP is located within Moray- no objection has been received from Moray Council.							
	**Removal of T17: Reduction in number of turbines visible. Slight reduction in the vertical visibility of Ourack turbines. Removal of the access track to T17 will also reduce impacts on moorland.							
VP4 –Knock of Braemoray (3.8km) (VP within Moray Council)			**Proposed Development**			**Combined Developments**		
	App / THC	Sensitivity of the Receptor	Magnitude of Change	Level of Effect	Significance	Magnitude of Change	Level of Effect	Significance
	App	High	High-medium	**Substantial to Major**	**Significant**	Scenario 1 – High - medium Scenario 2 – High to medium	**Substantial to major** **Substantial to major**	**Significant**
	THC	High	High	**Substantial**	**Significant**	Scenario 1 – High Scenario 2 – High	**Substantial**	**Significant**
	This viewpoint is located at the trig point on the summit of Knock of Braemoray (455m AOD).							

<table>
<tr><td></td><td colspan="8">High Sensitivity: The viewpoint is not located within a designated landscape; however, it has views into the Drynachan, Lochindorb and Dava Moors SLA with the Cairngorms National Park, in the distance beyond. The view would be experienced by walkers.
All of the proposed turbines would be visible, although most would be partially screened by the domed summit of the Knock of Braemoray. The applicant states that the proposed turbines would appear as a simple and cohesive group, partly screened by foreground landform and largely back clothed by the Strathdearn Hills. Four turbines will be lit with aviation lights. Some of the proposed access tracks would be visible and the search areas for borrow pits 2 and 3, as indicated in the wireframes. Overall, the magnitude would be High-medium. Although THC consider that the overall effect is significant, it assesses the magnitude of change as high. T17 is the highest and most prominent from this VP, its hub is also the only turbine that breaks the horizon and challenges the scale of the higher areas of land.
Cumulative: In terms of existing schemes, Berry Burn Wind Farm (6.2km), Paul's Hill is partially visible (9.6km), Hill of Glaschyle (6.1km), Dorenell (32km). Tom nan Clach at 15.6km and Farr Wind Farm also further to the south west. Consented schemes, Berry Burn Extension would be visible (8.3km) and Cairn Duhie to the north west (2.8km), Paul's Hill and Aultmore would be visible as blades / tips.
• Change to scenario 1: Clash Gour has now been consented (3.8km) as has Rothes III which would be on the skyline at 18km, Cairn Duhie variation (2.8km) to the north west. Lethen (8.7km) has since been refused and can be removed from the cumulative context.
• Change to scenario 2: Tom nan Clach Extension has since been submitted and if consented, would also be visible.
Ourack is considered to be sufficiently set apart from the existing and consented schemes to ensure that each scheme is read separately in the landscape, but, it would undoubtedly add to the intensity of wind energy development at the VP.
• This VP is located within Moray- no objection has been received from Moray Council.</td></tr>
<tr><td></td><td colspan="8">**Removal of T17: Reduction in number of turbines visible. T17 is the most elevated turbine so there would be a slight reduction in the vertical field of view. Removal of the access track to T17 will also reduce its direct effect on the moorland and its visual impact from this VP. The removal would reduce the magnitude of change from High to High-medium.</td></tr>
<tr><td rowspan="6">VP5– Dava Way (South of Dava)
(3.9km)</td><td colspan="2"></td><td colspan="3">Proposed Development</td><td colspan="3">Combined Developments</td></tr>
<tr><td>App / THC</td><td>Sensitivity of the Receptor</td><td>Magnitude of Change</td><td>Level of Effect</td><td>Significance</td><td>Magnitude of Change</td><td>Level of Effect</td><td>Significance</td></tr>
<tr><td>App</td><td>High</td><td>High-Medium</td><td>Substantial-Major</td><td>Significant</td><td>Scenario 1 - medium
Scenario 2 -medium</td><td>Both - Substantial to Major</td><td>Significant</td></tr>
<tr><td>THC</td><td>High</td><td>High</td><td>Substantial</td><td>Significant</td><td>Scenario 1 - medium
Scenario 2 -medium</td><td>Both - Substantial to Major</td><td>Significant</td></tr>
<tr><td colspan="8">This viewpoint is located on the Dava Way to the south of Dava.</td></tr>
<tr><td colspan="8">High Sensitivity: The viewpoint is located within the locally designated Drynachan, Lochindorb and Dava Moors SLA on the Dava Way and the value is judged to be High. The view would be experienced by walkers. OWESG identifies this as a key route.
All of the proposed turbines would be visible, although approximately half would be partly screened by landform. Ground based construction</td></tr>
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<tr><td></td><td colspan="8">activities and cranage would be visible. Borrow pit 1, 2 and 3 would be visible. Three turbines with aviation lighting will be visible.
Whilst there is agreement that this is a significant effect, it is considered that the magnitude of change is downplayed. T17 is again prominent in this VP and there is stacking which effects the overall composition of the scheme.
Cumulative: Berry Burn is partially visible beyond the proposed turbines at 8.4km and Tom nan Clach is visible to the west at 14.5km distance.
• Change to scenario 1: Cairn Duhie design variation has been consented, this would theoretically be visible on the skyline to the northwest at 5.2km. However, Lethen has since been refused and can be removed from the cumulative context.
• Change to scenario 2: The extension at Tom nan Clach has since been submitted and if consented would also be visible. THC agrees with the overall level of cumulative effect.</td></tr>
<tr><td></td><td colspan="8">**Removal of T17: Reduction in number of turbines visible. It would also remove the highest and most prominent of the turbines from this VP and avoid the scheme encroaching further up the landform. The removal of the associated access track will reduce the direct visible impacts upon the moorland. However, it is acknowledged that its removal would create a slight gap in the composition this would alter as people moved along the Dava Way and the benefit of its removal outweighs this.</td></tr>
<tr><td rowspan="6">VP6 – Cairngorms National Park: Auchnagallin (4.4km)

(VP within CNP)</td><td colspan="2"></td><td colspan="3">Proposed Development</td><td colspan="3">Combined Developments</td></tr>
<tr><td>App / THC</td><td>Sensitivity of the Receptor</td><td>Magnitude of Change</td><td>Level of Effect</td><td>Significance</td><td colspan="3">Magnitude of Change</td></tr>
<tr><td>App</td><td>High</td><td>Very Low</td><td>Minor</td><td>Not significant</td><td colspan="3">There are no cumulative wind farms visible from this location.</td></tr>
<tr><td>THC</td><td>High</td><td>Very Low</td><td>Minor</td><td>Not significant</td><td colspan="3">There are no cumulative wind farms visible from this location.</td></tr>
<tr><td colspan="8">This viewpoint is located at a junction between two farm tracks, the main one of which is also the route of the Via Regia heritage path at Auchnagallin within the CNP.</td></tr>
<tr><td colspan="8">High Sensitivity: The viewpoint is located within the CNP. The view would be experienced by walkers. THC concurs with this assessment.
• No objection from CNP Authority or NatureScot.</td></tr>
<tr><td colspan="8">**Removal of T17: No effect.</td></tr>
<tr><td rowspan="4">VP7 – A939 Layby near Lochnellan (5.1km)</td><td colspan="2"></td><td colspan="3">Proposed Development</td><td colspan="3">Combined Developments</td></tr>
<tr><td>App / THC</td><td>Sensitivity of the Receptor</td><td>Magnitude of Change</td><td>Level of Effect</td><td>Significance</td><td>Magnitude of Change</td><td>Level of Effect</td><td>Significance</td></tr>
<tr><td>App</td><td>High</td><td>Low</td><td>Moderate</td><td>Not significant</td><td>Scenario 1 - Low
Scenario 2 - Low</td><td>Moderate
Moderate</td><td>Significant</td></tr>
<tr><td>THC</td><td>High</td><td>Low</td><td>Moderate</td><td>Not significant</td><td>Scenario 1 - Low
Scenario 2 - Low</td><td>Moderate
Moderate</td><td>Significant</td></tr>
</table>

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<tr><td></td><td>The viewpoint is located on a large lay-by, off the A939, near Lochnellan. The view is orientated northeast, viewing across moorland and a small loch (Loch an Eilein). The Dava Way can be seen crossing the moorland from left to right and clumps of coniferous woodland have grown up alongside it.</td></tr>
<tr><td></td><td>High Sensitivity: The viewpoint is located within the locally designated Drynachan, Lochindorb and Dava Moors SLA and the A939 is also the Highland Tourist Route. The view is representative of road users and tourists. OWESG identifies this as a key route.
As outlined in the applicants own methodology Appendix 8.2 para 1.8.3 ‘Moderate’ levels of effect can also be assessed as significant, subject to the assessor’s opinion that should be clearly explained as part of the assessment. THC considers that the scheme from this VP emphasises how elevated the moorland is on this transport route. T17 again is more noticeable, with its hub breaching the horizon, it also creates stacking and visible aviation lighting. Its deletion however ensures that effects remain moderate and not significant.
Cumulative: Due to existing vegetation no operational schemes are visible.
Change to Scenario 1: The now consented Cairn Duhie variation would also be visible to the north west, partly screened by roadside vegetation at 6.2km (Low magnitude of change).</td></tr>
<tr><td></td><td>**Removal of T17: Reduction in number of turbines visible. Slight reduction in the vertical field of view and turbine stacking. Aviation lighting – removal of T17 would removal all visible aviation lighting from this VP.</td></tr>
<tr><td>VP8– Bantrach (5.6km)

(VP within Moray Council)</td><td>
<table>
<tr><td></td><td></td><td colspan="3">Proposed Development</td><td colspan="3">Combined Developments</td></tr>
<tr><td>App / THC</td><td>Sensitivity of the Receptor</td><td>Magnitude of Change</td><td>Level of Effect</td><td>Significance</td><td>Magnitude of Change</td><td>Level of Effect</td><td>Significance</td></tr>
<tr><td>App</td><td>Medium</td><td>High-Medium</td><td>Major to Moderate</td><td>Significant</td><td>Scenario 1 - High
Scenario 2 - High</td><td>Major
Major</td><td>Significant</td></tr>
<tr><td>THC</td><td>Medium-high</td><td>High-Medium</td><td>Major to Moderate</td><td>Significant</td><td>Scenario 1 - High
Scenario 2 - High</td><td>Major
Major</td><td>Significant</td></tr>
</table>
This viewpoint is located on a minor road to the south of Bantrach. Undesignated landscape. The view would be experienced by road users.
Construction activities visible and borrow pits 2 and 3. Four aviation lights would be visible.
THC agrees with the assessment, although road users are usually considered to have a higher sensitivity in areas such as this.
Cumulative: There would be cumulative visibility with the Berry Burn turbines which are smaller, although disconnected by a ‘gap’ sufficient to allow both developments to appear as separate.

Change to scenario 1: The now consented Clash Gour would be visible in the same view as the proposed development at a distance of 3.4km, there will be coalescence of wind energy development from this VP and an extension to the horizontal field of view.
This VP is located within Moray- no objection has been received from Moray Council.

**Removal of T17: Reduction in number of turbines. T17 appears as the most elevated turbine so a slight reduction in the vertical field of view and</td></tr>
</table>

	some turbine stacking. Removal of the access track to T17 will also reduce its direct effect on the moorland.							
VP9 – A939 near Aitnoch (6.8km)			**Proposed Development**			**Combined Developments**		
	App / THC	Sensitivity of the Receptor	Magnitude of Change	Level of Effect	Significance	Magnitude of Change	Level of Effect	Significance
	App	High	Medium	Major	**Significant**	Scenario 1 - High Scenario 2 -High	**Moderate** **Moderate**	**Significant**
	THC	High	Medium	Major	**Significant**	Scenario 1 - High Scenario 2 -High	**Substantial** **Substantial**	**Significant**
	This viewpoint is located on the A939 Highland Tourist Route at a field gate to a farm track on the local authority boundary. The rounded form of Knock of Braemoray (456m AOD) provides a focal point to the left of the view.							
	High Sensitivity: The viewpoint is located on the northern boundary of the locally designated Drynachan, Lochindorb and Dava Moors SLA and on the promoted Highland Tourist Route. The view would be experienced by road users on a scenic route. OWESG identifies this as a key route. Part of the access road on Carn Biorach and some cranage would be visible. Aviation warning lights would be visible on three turbines. The existing Berry Burn wind turbines would be visible but are separated from Ourack. THC agree that the effect is significant, but consider that the magnitude of change to be medium to high should T17 not be deleted, which would then result in a Substantial to Major level of effect. Cumulative: Two Berry Burn turbines are visible at a distance of 9.8km (Low magnitude). Hill of Glaschyle is visible to the northeast at 9km (Low magnitude). • Change to Scenario 1: Cairn Duhie Variation would be visible to the north at a distance of 1.5km (High magnitude of change). However, the consented Clash Gour would be mostly screened by landform (Very Low to Zero magnitude of change) THC agrees with the overall cumulative assessment.							
	**Removal of T17: Reduction in number of turbines visible. No effect on the distance or horizontal field of view, but with T17 removed the applicant's assessment is not contested as the character of the wind farm would remain low down in the landscape with the vast majority of turbine tower and their hubs would not breach the horizon. T17 is the highest turbine in the scheme and draws the eye which overly emphasises the vertical nature of the development when compared to the surrounding landform. In terms of aviation lighting, T17s removal wouldn't alter the number of lights visible from this VP (3 lit turbines) with the substitute lit turbine T13 sitting lower than T17 in the landscape.								
VP10 – A940 Carnach (8.6km) (VP within Moray			**Proposed Development**			**Combined Developments**		
	App / THC	Sensitivity of the Receptor	Magnitude of Change	Level of Effect	Significance	Magnitude of Change	Level of Effect	Significance
	App	High to Medium	Low	Moderate to minor	Not significant	Scenario 1 - Medium Scenario 2 -Medium	Minor Minor	Not significant

Council)	THC	Unable to reach a definitive assessment on this viewpoint due to its lack of micrositing (just past the tree would have better visibility).				
	This viewpoint is located on the A940 to the northwest of Edinkillie Village Hall and would be experienced by road users travelling south.					
	The viewpoint is located on the southern edge of the locally designated Findhorn Valley and the Wooded Estates SLA and views partly across the southern part of the SLA. The view from the road would be transitory and experienced by road users. Sensitivity is assessed as High to Medium –THC consider this to be high. OWESG identifies this as a key route. Magnitude of Change: All of the proposed turbines would be theoretically visible at 8,573m distance, however, the applicant contends that the wind farm would be completely screened by roadside vegetation, or partially glimpsed, as in this viewpoint, through a gap in the vegetation, reducing the magnitude of change to low. THC consider that this is a poor choice of VP, as there are other areas close which afford views across to the site. As such THC are not able to reach a definitive assessment on this viewpoint. Cumulative: Similarly to VP8, THC notes that although Berry Burn Wind Farm is visible, but there is a sufficient 'gap' to allow both developments to appear as separate. • Update to Scenario 1: However, again, the consented Clash Gour would be visible in the same view as the proposed development at a distance of 5.5km, there will be coalescence and intensity in wind energy development from this VP and an extension to the horizontal field of view. From the wireframe provided Ourack and Clash Gour would appear as one extended wind farm. The applicant has however reduced the magnitude of change to take account of the roadside vegetation. • This VP is located within Moray- no objection has been received from Moray Council.					
	**Removal of T17: Based on the wireframe only - Reduction in number of turbines visible. T17 appearing as the most elevated turbine on the skyline, no effect on the distance or horizontal field of view, but a slight reduction in the vertical field of view and some turbine stacking.					
						Proposed Development
Cairngorms National Park: Cromdale Outdoor Centre (10.3km) (VP within CNP)	App / THC	Sensitivity of the Receptor	Magnitude of Change	Level of Effect	Significance	Magnitude of Change
	App	High	Very low to zero	Minor	Not significant	There are no cumulative wind farms visible from this location.
	THC	High	Very low to zero	Minor	Not significant	There are no cumulative wind farms visible from this location.
	This viewpoint is located within the settlement of Cromdale, in the carpark next to the 'Adventure Speyside' outdoor centre.					
	High Sensitivity: The viewpoint is located within the CNP, the view would be experienced by residents and tourists. THC agrees with the assessment. • VP within the CNP boundary- no objection from CNP Authority or NatureScot.					
	**Removal of T17: No effect as T17 is not visible from the VP.					
VP12 –			**Proposed Development**			**Combined Developments**

Cairngorms National Park: Grantown-on-Spey (10.5km) (VP within CNP)	App / THC	Sensitivity of the Receptor	Magnitude of Change	Level of Effect	Significance	Magnitude of Change		
	App	High	Zero	No View	Not significant	There are no cumulative wind farms visible from this location		
	THC	High	Zero	No View	Not significant	There are no cumulative wind farms visible from this location		
	This viewpoint is located in the northeast of Grantown on Spey and views across the golf course from the B9102.							
	High Sensitivity: The viewpoint is located within the CNP. The view is representative of residents' views and people on the B-class road and at the golf course. THC agrees with the assessment, but if the forestry were removed then the six tips would theoretical be seen at a distance of over 10km but would still result in a negligible level of effect. • VP within the CNP boundary- no objection from CNP Authority or NatureScot.							
	**Removal of T17: Theoretical intermittent visibility of T17 blades would be removed.							
VP13 – B9007 near Carn nan Clach Garbha (10.5km)			**Proposed Development**			**Combined Developments**		
	App / THC	Sensitivity of the Receptor	Magnitude of Change	Level of Effect	Significance	Magnitude of Change	Level of Effect	Significance
	App	High to Medium	Low	Moderate to Minor	Not significant	Scenario 1 – Med to low Scenario 2 - High	Minor Minor	Not significant
	THC	High	Low	Moderate to Minor	Not significant	Scenario 1 – Med to low Scenario 2 - Med	Minor Moderate	Not significant
	This viewpoint is located at a passing place on the B9007 to the west of Lochindorb. (Lochindorb is not visible).							
	Sensitivity: The viewpoint is located within the locally designated Drynachan, Lochindorb and Dava Moors SLA and the value of the viewpoint is assessed as High-Medium by the applicant. The transitory view would be experienced by road users. OWESG identifies this as a key route and therefore its sensitivity is regarded by THC to be High. There is limited blade tip ZTV coverage along the route. Magnitude of Change: the Northern part of the wind farm would be screened by landform so that only blades and blade tips would be visible. Due to the large scale of the landscape, the panoramic views, long distance, and presence of other wind farm development, the applicant considers that the proposed development would not appear incongruous and would be reasonably well accommodated in the view. The magnitude of change would be Low. Aviation warning lights would be visible on three of the turbines. THC – A key feature of the SLA is Lochindorb, which is not in view at this point. It will lead to additional visibility of turbines within the SLA. With the exception of T17 the schemes fits within the simple horizon,							

<table>
<tr><td></td><td colspan="8">which is a key quality for the SLA.
Cumulative: Tom nan Clach Wind Farm is visible to the west on the horizon at a closer distance of 7.9km (Medium-Low magnitude). Clash Gour would be screened by intervening vegetation. Lethen Wind Farm would be at 1.3km distance but has since been refused, which will reduce the level of effect for Scenario 2. However, the extension at Tom nan Clach has since been submitted and if consented would also be visible in association with the operational Tom nan Clach Wind Farm. THC agrees with the overall level of cumulative effect, but with the removal of Lethen, and the addition of Tom nan Clach extension, Scenario 2 is increased to a medium magnitude of change and moderate level of effect with this not being significant. This is due to the oblique views of wind farm development not in the direction travel and these being well set back from the route.</td></tr>
<tr><td></td><td colspan="8">**Removal of T17: Reduction in number of turbines visible. T17 appears as the most elevated turbine with its hub being above the skyline. Its removal would result in no effect on the intervening distance or horizontal field of view, but a slight reduction in the vertical field of view. Critically, the hubs of Ourack would not obviously breach the skyline. In terms of aviation lighting, it wouldn't alter the number of lights visible from this VP (3 lit turbines) T13 does sit lower than T17 in the landscape.</td></tr>
<tr><td rowspan="5">VP14 – Cairngorms National Park Boundary: Creag Ealraich (13.5km)</td><td colspan="2"></td><td colspan="3">Proposed Development</td><td colspan="3">Combined Developments</td></tr>
<tr><td>App / THC</td><td>Sensitivity of the Receptor</td><td>Magnitude of Change</td><td>Level of Effect</td><td>Significance</td><td>Magnitude of Change</td><td>Level of Effect</td><td>Significance</td></tr>
<tr><td>App</td><td>High</td><td>Low</td><td>Moderate</td><td>Not Significant</td><td>Scenario 1 – V Low
Scenario 2 – High-Medium</td><td>Moderate
Substantial to Major</td><td>Not Significant
Significant</td></tr>
<tr><td>THC</td><td>High</td><td>Low</td><td>Moderate</td><td>Not Significant</td><td>Scenario 1 – Low
Scenario 2 – Medium to Low</td><td>Moderate
Moderate</td><td>Not Significant
Not Significant</td></tr>
<tr><td colspan="8">This viewpoint is located at the summit of Creag Ealraich (504m AOD) from where there are panoramic views across the expansive, large scale, undulating hills and moorland to the north. A large loch at Lochindorb is a key focus of the illustrated view. Landcover comprises rough grassland and heather moorland, with areas of coniferous forestry around Lochindorb and on some distant hill slopes.</td></tr>
<tr><td colspan="8">High Sensitivity: The viewpoint is located just north of the CNP within the Drynachan, Lochindorb and Dava Moors SLA and the value is assessed as High. The view would be experienced by walkers.
Up to 18 blades and 12 turbine hubs would be visible or partially visible and to the right of Berry Burn Wind Farm. Aviation lighting on 3 turbines. THC- contained between the landform and back clothed. It is noted that within the 50mm and 75mm photomontages there is no view of Lochindorb, you only get this view in a wider angle of view and Ourack would not detract from its setting, being seen in the wider panorama within the hills.
Cumulative:
Change to scenario 1: THC have included the now consented Clash Gour and Cairn Duhie variation, however, the overall cumulative effects are reduced following the refusal of Lethen Wind Farm.</td></tr>
</table>

<table>
<tr><td></td><td colspan="8">Change to scenario 2: The extension at Tom nan Clach has since been submitted and if consented would also be visible in association with the operational Tom nan Clach Wind Farm. THC agrees with the overall level of cumulative effect, but with the removal of Lethen, and the addition of Tom nan Clach Extension, Scenario 2 is still regarded a medium to low magnitude of change, and moderate level of effect with this not being significant, principally due to the separation distanced involved, and Ourack's siting being compact and well contained by the surrounding hills.
VP within the CNP boundary- no objection from CNP Authority or NatureScot.</td></tr>
<tr><td></td><td colspan="8">**Removal of T17: Reduction in number of turbines visible. There would be no effect on the distance but there would be a slight reduction to the horizontal and vertical field of view, increasing containment. In terms of aviation lighting, although it wouldn't alter the number of lights visible from this VP (3 lit turbines) but T13 does sit lower than T17 in the landscape.</td></tr>
<tr><td rowspan="6">VP15 – Cairngorms National Park: A939 near Lynemore (14.6km)

(VP within CNP)</td><td colspan="2"></td><td colspan="3">Proposed Development</td><td colspan="3">Combined Developments</td></tr>
<tr><td>App / THC</td><td>Sensitivity of the Receptor</td><td>Magnitude of Change</td><td>Level of Effect</td><td>Significance</td><td>Magnitude of Change</td><td>Level of Effect</td><td>Significance</td></tr>
<tr><td>App</td><td>High</td><td>Very Low</td><td>Minor</td><td>Not significant</td><td>Scenario 1 – V low to zero
Scenario 2 - V low to zero</td><td>Minor
Minor</td><td>Not significant</td></tr>
<tr><td>THC</td><td>High</td><td>Very Low</td><td>Minor</td><td>Not significant</td><td>Scenario 1 – V low to zero
Scenario 2 - V low to zero</td><td>Minor
Minor</td><td>Not significant</td></tr>
<tr><td colspan="9">This viewpoint is located on the A939 at an informal layby near the northern entrance to Lower Lynemore Croft. Views towards the proposed development from this location are mid to long range viewing north along the road and gently undulating landform towards Strathspey.</td></tr>
<tr><td colspan="9">High Sensitivity: The viewpoint is located within the CNP and the value has been assessed as High. The view would be experienced by road users and tourists on the A939 Highland Tourist Route. OWESG identifies this as a key route.
THC agrees with this assessment. No aviation warning lights would be visible.
VP within the CNP boundary- no objection from CNP Authority or NatureScot.</td></tr>
<tr><td colspan="9">**Removal of T17: Reduction in number of turbine tips visible.</td></tr>
<tr><td rowspan="2">VP16 – Cairngorms National</td><td colspan="2"></td><td colspan="3">Proposed Development</td><td colspan="3">Combined Developments</td></tr>
<tr><td>App / THC</td><td>Sensitivity of the Receptor</td><td>Magnitude of Change</td><td>Level of Effect</td><td>Significance</td><td>Magnitude of Change</td><td>Level of Effect</td><td>Significance</td></tr>
</table>

Park: Cromdale Hills, Creagan a' Chaise (15.4km) (VP in CNP)	App	High	Low- very low	Moderate to Minor	Not significant	Scenario 1 - Low Scenario 2 -Low	Moderate/minor Moderate/minor	Not Significant
	THC	High	Low- very low	Moderate to Minor	Not significant	Scenario 1 - Medium to Low Scenario 2 - Medium to Low	Moderate Moderate	Not Significant
	This viewpoint is located on the summit of Creagan a' Chaise (722m AOD) from where there are panoramic 360° views across the surrounding mountain ranges, straths and hills. The settlement of Grantown-on-Spey and scattered residential properties are visible along the strath.							
	High Sensitivity: The viewpoint is located within the CNP and the view would be experienced by walkers. THC agrees with this assessment. Aviation warning lights would be visible on one turbine. Cumulative: There are a number of existing and consented schemes available when taking into account a 360° field of view from this location, including Pauls Hill at 15.4km (the same separation distance as Ourack), Berry Burn at 18.1km and the Rothes wind farms over 25km away. Although Ourack contributes to the horizontal spread of wind farm development on the horizon, much of Ourack would be screened by intervening landform. There will be some additional visibility with consented schemes of Clash Gour, Cairn Duhie and Rothes III but these are considered to be low to very low in magnitude. Lethen at 19.7km has since been refused and the north western wind farms such as Tom Na Clach and its extension would contribute to the cumulative effect. THC however agrees with the overall assessment with cumulative effects not being significant, principally due to the pattern of wind farm development being well set back in the view. • VP within the CNP boundary- no objection from CNP Authority or NatureScot.							
	**Removal of T17: Reduction in number of turbine blades visible. There would be no effect on the distance or horizontal / vertical field of view.							
VP17 – Cairngorms National Park: A939 near Lynebreck (16.5km) (VP within CNP)			**Proposed Development**			**Combined Developments**		
	App / THC	Sensitivity of the Receptor	Magnitude of Change	Level of Effect	Significance	Magnitude of Change	Level of Effect	Significance
	App	High	Low-Very Low	Moderate to Minor	Not significant	Scenario 1 Low-very low Scenario 2- N/A	Moderate to Minor.	Not Significant
	THC	High	Low-Very Low	Moderate to Minor	Not significant	Scenario 1 Low -very low. Scenario 2 Low -very low.	Moderate to Minor. Moderate to Minor	Not Significant Not Significant
	This viewpoint is located on an elevated section of the A939 at a layby to the north of Lynebreck Croft. Views towards the proposed development							

	from this location view north, along a wooded valley towards Strathspey and its northern flanking hills which form the skyline of the view.							
	High Sensitivity: The viewpoint is located within the CNP. The view would be experienced by road users on the A939 Highland Tourist Route. OWESG identifies this as a key route. THC agrees with this assessment. The proposed development would appear in addition to, although separate from the existing Paul's Hill Wind Farm. Due to the large scale of the landscape, the panoramic views, long distance, and presence of other wind farm development, the proposed development would not appear incongruous and would be reasonably well accommodated in the view. Aviation warning lights would be visible on one turbine. Cumulative: Paul's Hill is visible in the same view as the proposed development at 18.2km (Low - Very Low magnitude). Consented Wind Farms: Low - Very Low Paul's Hill II would be partially visible at 19.5km (Low - Very Low magnitude). A blade tip of Berry Burn Extension is unlikely to be discernible (Zero magnitude). The applicants assessed Clash Gour and Cairn Duhie variation under scenario 2 as it was 'in planning'. Now consented THC has assessed it under Scenario 1 as well, but the blade tips of either scheme are unlikely to be discernible. • VP within the CNP boundary- no objection from CNP Authority or NatureScot.							
	**Removal of T17: Reduction in number of turbines visible. There would be no effect on the distance or horizontal / vertical field of view							
VP18– Cairngorms National Park: Castle Roy north of Nethy Bridge (17.3km) (VP within CNP)			**Proposed Development**			**Combined Developments**		
	App / THC	Sensitivity of the Receptor	Magnitude of Change	Level of Effect	Significance	Magnitude of Change	Level of Effect	Significance
	App	High	Very Low	Minor	Not significant	No cumulative effects		
	THC	High	Very Low	Minor	Not significant	No cumulative effects.		
	This viewpoint is located at the picnic site / viewpoint at Castle Roy, adjacent to the B970. The illustrated view is northeast along Strathspey towards the proposed development, although the promoted viewpoint is focused in the opposite direction towards the Cairngorms.							
	High Sensitivity: The viewpoint is located within the CNP. The view would be experienced by tourists and visitors to the castle. THC agrees with the assessment. • Cumulative: Paul's Hill and Pauls Hill II is screen by intervening trees. • VP within the CNP boundary- no objection from CNP Authority or NatureScot.							
	**Removal of T17: Reduction in number of turbines in view. There would be no effect on the distance or horizontal / vertical field of view. Aviation lighting – removal of T17 would reduce the number of visible lights required for aviation purposes from one lit turbine down to zero.							
VP19– Cairngorms National Park			**Proposed Development**			**Combined Developments**		
	App / THC	Sensitivity of the Receptor	Magnitude of Change	Level of Effect	Significance	Magnitude of Change	Level of Effect	Significance

Boundary: Carn Glas Choire (18.4km) (VP within CNP)	App	High	Low-very low	Moderate to minor	Not significant	Scenario 1 – Medium to low Scenario 2 - Medium	**Major to Moderate** **Major**	**Significant**
	THC	High	Low	Moderate	Not significant	Scenario 1 – Medium to low Scenario 2 - Medium	**Major to moderate** **Major to moderate**	**Significant**
	This viewpoint is located on the summit of Carn Glas Choire (659m AOD) from where there are panoramic views across the surrounding hills and mountains, straths, and the Moray Firth in the distance.							
	High Sensitivity: The viewpoint is located within the CNP and the view would be experienced by walkers; the sensitivity is assessed as High. THC agrees that no significant effects would arise, but considers the magnitude of change to be low and the effect to be moderate. This is owing to the scale of the proposed turbines and closer proximity to the VP when compared to those in the background. Aviation warning lights would be visible on four turbines. Cumulative: The applicant identifies the additional level of effect of the development to be moderate to minor, with Tom nan Clach the combined level of effect will be major to moderate. Lethen has since been refused so is no longer in Scenario 2, however, an extension to Tom nan Clach has since been submitted. This will be in a different field of view. • VP within the CNP boundary- no objection from CNP Authority or NatureScot.							
	**Removal of T17: Reduction in number of turbines in view. T17 appears as the most elevated and will reduce some turbine stacking. However, given the distance there may be an imperceptible effect on the vertical field of view.							
VP20 – Ben Rinnes (19.2km) (VP within Moray)			**Proposed Development**			**Combined Developments**		
	App / THC	Sensitivity of the Receptor	Magnitude of Change	Level of Effect	Significance	Magnitude of Change	Level of Effect	Significance
	App	High	Very low	Minor	Not significant	Scenario 1 – Medium to Low Scenario 2 - Low	**Major to Moderate**	**Significant**
	THC	High	Low	Minor	Not significant	Scenario 1 – Medium to Low Scenario 2 - Low	**Major to Moderate**	**Significant**
	This viewpoint is located on the summit of Ben Rinnes (841m AOD) from where there are panoramic views across the surrounding straths, seascapes and hills.							

	High sensitivity: The viewpoint is located within the locally designated Ben Rinnes SLA and views across the adjoining Spey Valley SLA. The view would be experienced by walkers. Assessment is generally agreed with. The scheme would sit within a separate layer within the landscape from the existing wind farms. However, if Cairn Duhie wind farm is constructed then this may be visible to rear of Ourack, intensifying the presence of wind farms in the view. • VP within the CNP boundary- no objection from Moray Council.							
	**Removal of T17: Reduction in number of turbines. T17 appearing as the most prominent and elevated, reduction in the vertical field of view. Aviation lighting – removal of T17 would reduce the number of visible lights required for aviation purposes from one lit turbine down to zero.							
VP21 – Carn nan Tri tighearnan (22.4km)			**Proposed Development**			**Combined Developments**		
	App / THC	Sensitivity of the Receptor	Magnitude of Change	Level of Effect	Significance	Magnitude of Change	Level of Effect	Significance
	App	High	Low-very low	Moderate to Minor	Not significant	Scenario 1 - medium Scenario 2 -medium to low	Moderate to minor Moderate to minor	Not significant
	THC	High	Low	Moderate to Minor	Not significant	Scenario 1 - medium Scenario 2 -medium to low	**Major to moderate** **Major to moderate**	**Significant**
	This viewpoint is located at the summit of Carn nan Tri-tighearnan (615m AOD). It is the eastern most viewpoint located within a large area of moorland and hills which make up the eastern part of the Drynachan, Lochindorb and Dava Moors SLA.							
	High Sensitivity: The viewpoint is located within the locally designated Drynachan, Lochindorb and Dava Moors SLA, the view would be experienced by walkers. THC agrees with the assessment. This is the most westerly VP in the SLA. Sits within its own layer within the landscape and is partially screen by the landform. It is however separated from other schemes, although it will add to the overall increase in intensity of wind energy development. Cumulatvie: Tom nan Clach, visible to the southeast, in the opposite direction at 4.7km, the submitted Tom nan Clach extension would also be visible. However, Lethen wind farm has since been refused which would have been the closest wind farm as seen in this view.							
	**Removal of T17: Reduction in number of turbines has an imperceptible effect on the vertical field of view.							
VP22 – Cairngorms National Park: Meall a' Bhuachaille			**Proposed Development**			**Combined Developments**		
	App / THC	Sensitivity of the Receptor	Magnitude of Change	Level of Effect	Significance	Magnitude of Change	Level of Effect	Significance
	App	High	Very low	Minor	Not significant	Scenario 1 – very low	Minor	Not significant

Cairn (27.8km) (VP within CNP)						Scenario 2 – very low	Minor	
	THC	High	Very low	Minor	Not significant	Scenario 1 – very low Scenario 2 – very low	Minor Minor	Not significant
	This viewpoint is located at the Corbett summit of Meall a' Bhuachaille Cairn (810m AOD) from where there are panoramic 360° views across broad straths, hills and mountains and extending north to the Moray Firth.							
	High Sensitivity: The viewpoint is located within the CNP and the view would be experienced by walkers. THC agrees with the assessment. All of the turbines would be theoretically visible, beyond some partial landform screening and affecting. Several wind farms are visible as distant features in this direction including Berry Burn, Paul's Hill, Hill of Glaschyle, and Tom nan Clach. It will add to the overall increase in intensity of wind energy development. • VP within the CNP boundary- no objection from CNP Authority or NatureScot.							
	**Removal of T17: Reduction in number of turbines and reduces turbine stacking.							
VP23 – Cairngorms National Park: Strath Nethy Path (28.3km) (VP within CNP)			**Proposed Development**			**Combined Developments**		
	App / THC	Sensitivity of the Receptor	Magnitude of Change	Level of Effect	Significance	Magnitude of Change	Level of Effect	Significance
	App	High	Very low	Minor	Not significant	Scenario 1 – very low Scenario 2 – very low	Minor Minor	Not significant
	THC	High	Very low	Minor	Not significant	Scenario 1 – very low Scenario 2 – very low	Minor Minor	Not significant
	This viewpoint is located to the south of the path, partway up the hill and overlooking the footbridge and path at a higher elevation.							
	High Sensitivity: The viewpoint is located within the CNP. The view would be experienced by walkers. THC agree with the assessment and note that the blade tips from the Clash Gour application would not be perceptible due to distance. However, it would extend the horizontal field of view and intensify the level of wind energy development. • VP within the CNP boundary- no objection from CNP Authority or NatureScot.							
	**Removal of T17: Reduction in number of turbines and an imperceptible effect on the vertical field of view. Aviation lighting – removal of T17 would reduce the number of visible lights required for aviation purposes from two lit turbines down to one lit turbine.							
VP24 – Cairngorms National			**Proposed Development**			**Combined Developments**		
	App / THC	Sensitivity of the Receptor	Magnitude of Change	Level of Effect	Significance	Magnitude of Change	Level of Effect	Significance

Park: Ptarmigan (34.1km) (VP within CNP)								
	App	High	Very low	Minor	Not significant	Scenario 1 – very low Scenario 2 – very low	Minor Minor	Not significant
	THC	High	Very low	Minor	Not significant	Scenario 1 – very low Scenario 2 – very low	Minor Minor	Not significant
	This viewpoint is located at the Ptarmigan Restaurant at the top of the Funicular Railway, a popular tourist destination within the CNP affording long range views to the north and west. This is the most distant of the VPs.							
	High Sensitivity: The viewpoint is located within the CNP. The view would be experienced by walkers, skiers and visitors to the restaurant. THC agree with the assessment it would intensify the level of wind energy development from this VP, however it would have a minor effect with it reflecting the existing and consented pattern of development. • VP within the CNP boundary- no objection from CNP Authority or NatureScot.							
	**Removal of T17: Reduction in number of turbines and would reduce stacking, however this would be imperceptible at this distance.							

Appendix 6 - Assessment against Landscape and Visual Assessment Criteria contained within Section 4 of the Onshore Wind Energy Supplementary Guidance

- **Criterion 1 is related to relationships between settlements/key locations and the wider landscape.**

"The extent to which the proposal contributes to perception of settlements or key locations being encircled by wind energy development. Development should seek to achieve a threshold where: 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 blade tip ZTV, there are no settlements (as listed in the Highland wide Local Development Plan) within 10km of the proposed development which would have view of the turbines.

As detailed in the LVIA section of this report the scheme is set back from the majority of the roads, although visible from the B9007, A939 and A940, the EIAR only reports significant visual effects on the A939 at one section of the road between the consented Carn Duhie Wind/variation and Aitnoch, affecting approximately 1.5km of the route. There may be some significant effects on the A940 when seen in conjunction with the consented Cairn Duhie Wind Farm. However, the proposed development would not affect the 'key gateway' identified by THC's Landscape Sensitivity Appraisal at the A939 / A940 junction travelling south as the proposed development would not be visible from this part of the route.

The development would not result in the encirclement of these routes or lead to the perception that the user is travelling through or toward an area dominated by wind energy development.

The proposed development is considered to meet the threshold of Criterion 1.

- **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’ 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. As detailed in the report and outlined in Criterion 1, the proposed development would be set back from the road network. As detailed in the ZTV there will be no visibility of the proposed development from the ‘A939 Milestone’ gateway. As detailed in the EIAR and summarised in the LVIA section of this report there will be significant impacts upon users of the Dava Way for 3.5km between Bantrach and Fox Hill to the south of the Knock of Braemoray and for approximately 1km of the route near Drumguish.

The setting of Lochindorb which is valued for its cultural heritage and for tourism/ recreation is a key feature in this LCT and the SLA. The applicant has sought through design iterations to limit the schemes influence upon the central part of the SLA which contains Lochindorb. As demonstrated by the ZTV and VP analysis, this containment strategy has ensured that there will be no adverse impact upon Lochindorb. Historic Environment Scotland have also confirmed that the Lochindorb Castle and its setting will not be adversely affected by the development.

The proposed development is considered to partially meet the threshold of Criterion 2, except for the impacts upon the Dava Way. However, the proposed reinstatement and enhancement works detailed in the report and secured by conditions will mitigate some of the impacts.

- **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 landmarks or disrupt its relationship to its setting.

As with any scheme of this nature and scale, there will be significant effects, on three of the seven Special Landscape Qualities (SLQs) and from certain receptors and locations. However, it is not considered that these undermine the integrity of the SLA as a whole. Its visual containment and set back distance from transport routes assist with this. However, as detailed above, the identified mitigation in the form of the removal of T17 (to which the applicant has agreed) will assist further in respecting SLQs of the SLA. The Councils Landscape Officer has no objection to the scheme subject to the removal of T17.

As detailed for Criterion 2, the ZTV and VP analysis, demonstrates that there will be no adverse impact upon Lochindorb. Historic Environment Scotland have also confirmed that the Lochindorb Castle and its setting will not be adversely affected by the development.

The proposed development is considered to partially meet the threshold of Criterion 3 subject to the outlined mitigation.

- **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 not have a significant impact on routes around Lochindorb. As detailed above there will be impacts upon users of the Dava Way, significant impacts have also been identified on sections of the Via Regia heritage path, Loan Road Heritage path and HB25 right of way.

The threshold for this criterion is partially met in relation to Lochindorb, but not met overall. However, as detailed above the proposed reinstatement and enhancement works detailed in the report and secured by conditions will mitigate some of the impacts.

- **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.

As detailed above the scheme is set back from the majority of the roads, although visible from the B9007, A939 and A940, the EIAR only reports significant visual effects on the A939 at one section of the road between the consented Carn Duhie Wind/variation and Aitnoch, affecting approximately 1.5km of the route. There may be some significant effects on the A940 when seen in conjunction with the consented Cairn Duhie Wind Farm. However, the proposed development would not affect the ‘key gateway’ identified by THC’s Landscape Sensitivity Appraisal at the A939 / A940 junction travelling south as the proposed development would not be visible from this part of the route. Ourack is not 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 threshold for this criterion is 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.

The consented pattern of wind energy development in the area has avoided developing within the SLA with the exception of its western extremities, with Tom nan Clach and Moy Wind Farms. The drive to protect the integrity of the SLA can be seen with Lethen Wind Farm which was to be sited centrally within the SLA was recently refused, with the Council raising substantial concerns of its impacts upon the core of the SLA. In contrast Ourack Wind Farm is to be sited within the eastern part of the SLA, abutting its northern boundary, with the Strathdearn Hills providing visual containment. Its position within the eastern part of the SLA also limits its influence on the core of the SLA around Lochindorb and protects the integrity of the SLA.

In relation to siting and the local road network within the SLA, Tom Nan Clach Wind Farm and proposed extension provides a 7km setback from the local road network. However, in marked contrast the recently refused wind farm at Lethen had a very limited setback with the closest turbine being only 900m from the B9007. Although just to the north of the SLA, the consented Cairn Duhie Wind Farm (and re-design) also breaches the setback distance achieved by Tom Nan Clach as it is sited directly adjacent to the A939. In contrast Ourack Wind Farm will be set back from the local road network (junction of the A940 and the A939) by approx. 4km. This reduces the impacts and visibility from the local roads, such as the A95, A939 and the B9007.

The threshold for this criterion is met.

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

The proposed development would form part of the existing and consented group of wind farms within and around the Strathdearn Hills. From the majority of VPs, there is sufficient visual separation and contrast to allow the development to be perceived as a different and separate wind farm, appearing in a different landscape layer (e.g. VP20 (Ben Rinnes) and at a different scale. However, from some VPs there is potential for the scheme to visually coalesce with the consented Clash Gour Wind Farm (e.g. VP8 (Bantrach), VP10 (A940 Carnach).

The threshold for this criterion is only partially 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.

Although there would be a significant effect on part of the Open Rolling Uplands LCT and the Drynachan, Lochindorb and Dava Moors SLA the proposed development would not significantly affect the integrity of the SLA or its central SLQ's associated with Lochindorb and Lochindorb Castle.

As detailed in the report, concerns were raised in turbine 17, which was sited 40m above the other turbines. This resulted in the hub height breaching the horizon, which effecting perception of scale and was unduly dominant in several of the VPs. The removal of this turbine will mitigate some of these concerns.

The threshold for this criterion is partially met, but met with the outlined mitigation.

- **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 proposed development would form part of the existing and consented group of wind farms within and around the Strathdearn Hills. As detailed for criterion 7, from the majority of VPs, there is sufficient visual separation and contrast to allow the development to be perceived as a different and separate wind farm, appearing in a different landscape layer (e.g. VP20 (Ben Rinnes) and at a different scale. However, from some VPs there is potential for the scheme to visually coalesce with the consented Clash Gour Wind Farm (e.g. VP8 (Bantrach), VP10 (A940 Carnach).

The threshold for this criterion is only partially met.

- **Criterion 10 is related to distinctiveness of landscape character.**

Integrity and variety of Landscape Character Areas are maintained.

The EIAR reports significant adverse effects on the host LCT (Open Rolling Upland) up to 6km. The OWESG and the draft Dava Moor and Monadhliath Landscape Sensitivity Appraisal is that wind turbine development should avoid significant adverse effects on Lochindorb and on the character of its setting. Unlike the recently refused wind farm at Lethen, Ourack is set further to the east so will not result in adverse impacts upon Lochindorb.

A 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). The development will intensify wind energy development in the area.

The criterion is considered to be met.

Main development site and road improvement site boundaries

N

D A V A

0 5 10 m

0 25 50 75 m

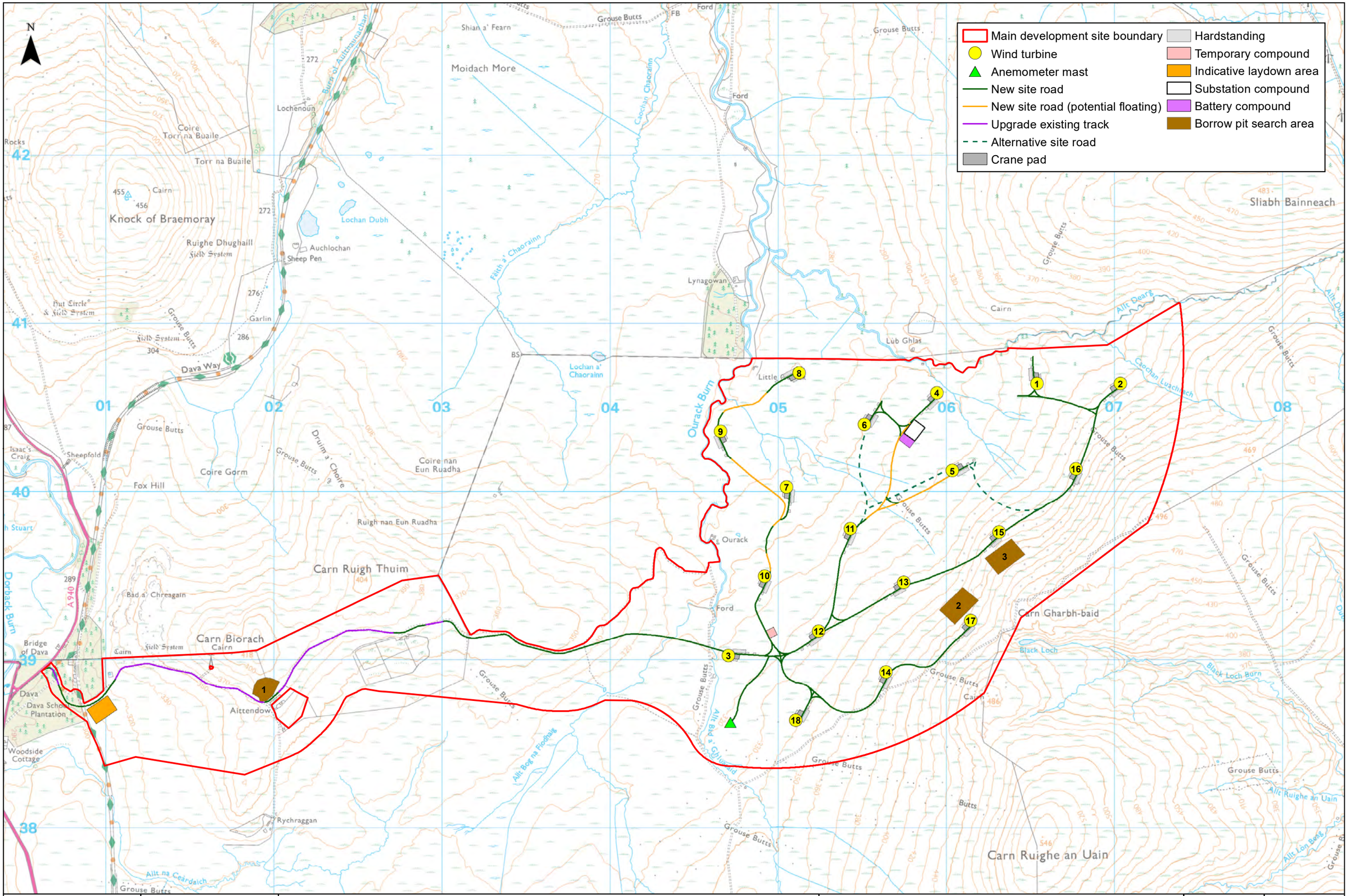
0 250 500 1,000 1,500 2,000 m

Ourack Wind Farm

Site Location Plan

1:45,000 @ A3	Date: 22/08/2022
Drawn: LHOP	Checked: RASM
Figure 2.1	Rev G

Document Name: CAST-1AG-700-021-G_Boundaries



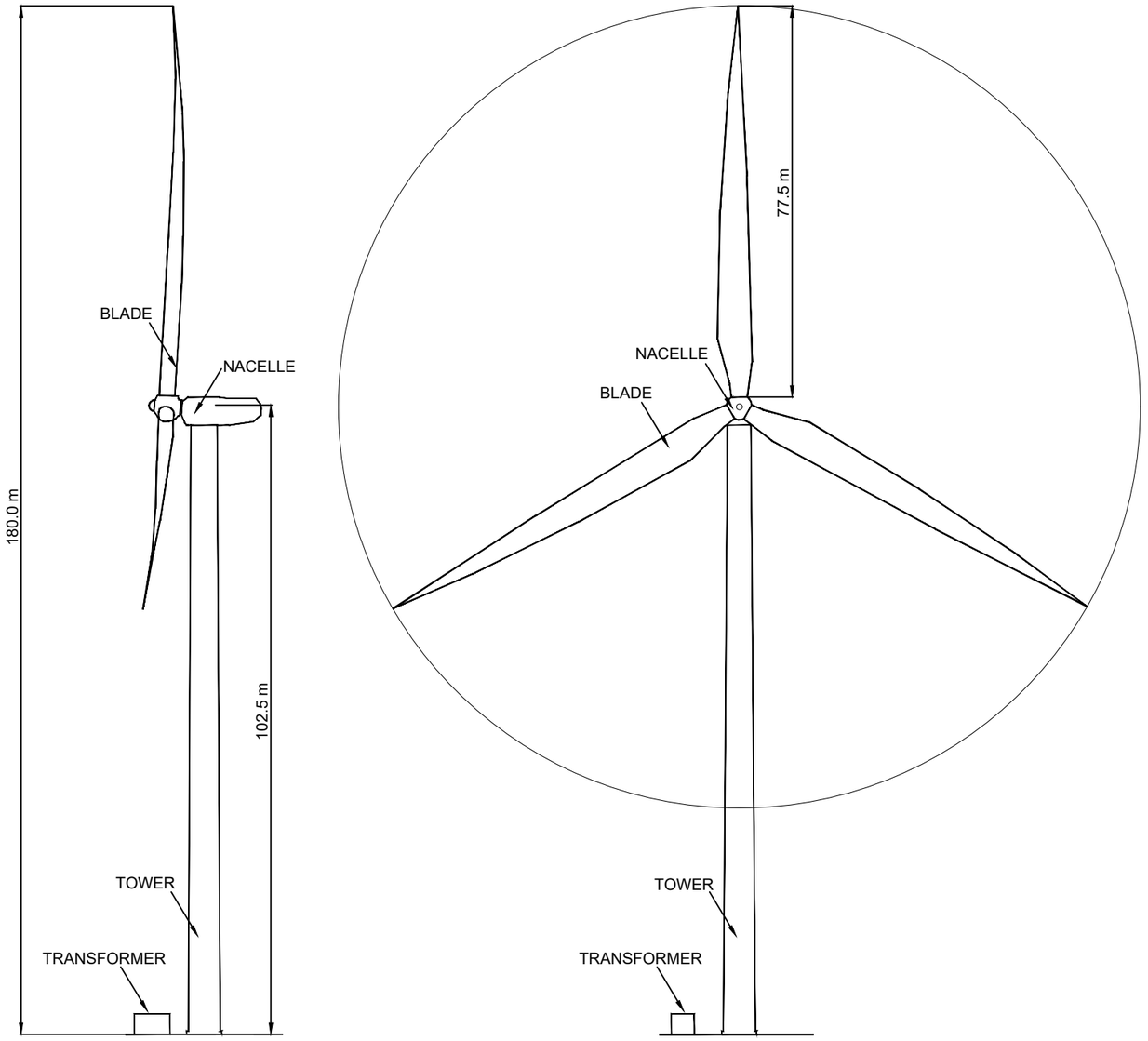
Ourack Wind Farm

Site Layout

0 250 500 1,000 m

1:20,000 @ A3	Date: 22/08/2022
Drawn: LHOP	Checked: RASM
Figure 3.1	Rev D

Document Name: CAST-1AG-700-031-D_LCAST042



SIDE ELEVATION

FRONT ELEVATION

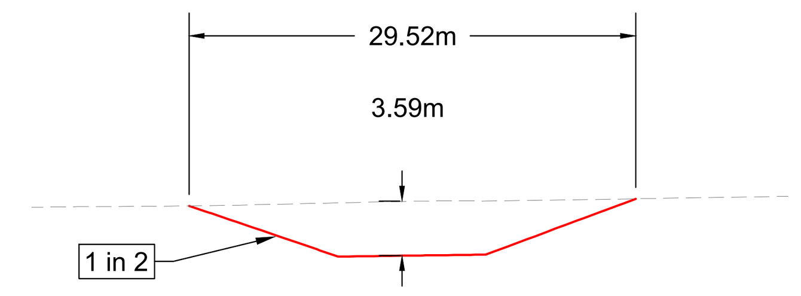
Ourack Wind Farm
Indicative Wind Turbine

0 250 500 1,000 m

1:20,000 @ A3	Date: 06/10/2022
Drawn: LHOP	Checked:
Figure 3.5	Rev B

PROPOSED BYPASS PLAN

1:1000

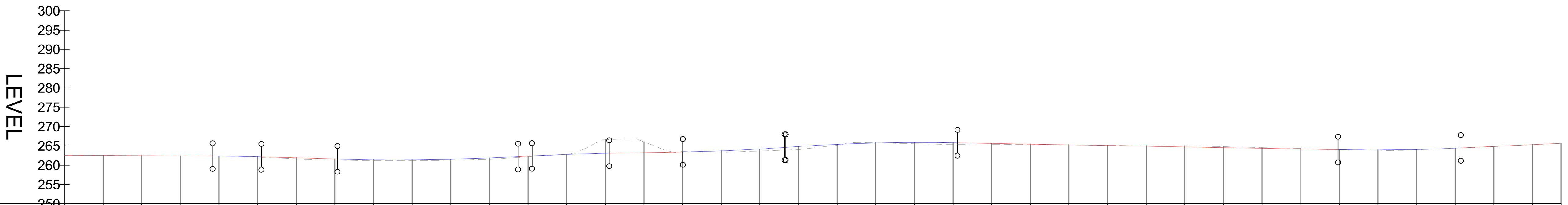


PROPOSED SECTION THROUGH DAVA WAY

1:1000

NOTE

EXISTING GROUND LEVELS AFTER CHAINAGE 200m IS BASED UPON INTERPOLATED GROUND LEVELS.



CHAINAGE	00.000	10.000	20.000	30.000	40.000	50.000	60.000	70.000	80.000	90.000
EXISTING LEVELS	262.550	262.514	262.456	262.410	262.355	262.096	261.639	261.308	261.225	261.212
PROPOSED LEVELS	262.550	262.495	262.440	262.385	262.328	262.162	261.898	261.633	261.440	261.414
LEVEL DIFFERENCE	0.000	-0.019	-0.017	-0.025	-0.028	0.067	0.259	0.325	0.215	0.202

CHAINAGE	100.000	110.000	120.000	130.000	140.000	150.000	160.000	170.000	180.000	190.000
EXISTING LEVELS	261.302	261.547	262.164	262.845	266.605	266.023	263.540	263.377	263.670	264.023
PROPOSED LEVELS	261.555	261.862	262.330	262.778	263.060	263.243	263.425	263.706	264.186	264.843
LEVEL DIFFERENCE	0.253	0.315	0.166	-0.067	-3.544	-2.780	-0.114	0.328	0.516	0.820

CHAINAGE	200.000	210.000	220.000	230.000	240.000	250.000	260.000	270.000	280.000	290.000
EXISTING LEVELS	265.119	265.802	265.552	265.419	265.426	265.332	265.240	265.127	265.013	265.008
PROPOSED LEVELS	265.386	265.729	265.872	265.815	265.637	265.457	265.277	265.097	264.918	264.738
LEVEL DIFFERENCE	0.266	-0.073	0.321	0.396	0.211	0.125	0.038	-0.030	-0.095	-0.270

CHAINAGE	300.000	310.000	320.000	330.000	340.000	350.000	360.000	370.000	380.000	387.356
EXISTING LEVELS	264.798	264.547	264.305	264.073	263.852	263.977	264.413	264.815	265.292	265.643
PROPOSED LEVELS	264.558	264.378	264.199	264.019	263.945	264.072	264.398	264.852	265.308	265.643
LEVEL DIFFERENCE	-0.240	-0.169	-0.107	-0.054	0.093	0.095	-0.014	0.037	0.016	0.000

HORIZONTAL GEOMETRY	R: 120.000 L: 72.357	L =64.623	R: 120.000 L: 157.542	R: 175.000 L: 77.770	L =15.064

VERTICAL GEOMETRY	G =-0.549% L =38.377	R =600.000 K =6.000 L =12.607	G =-2.651% L =19.687	R =600.070 K =6.001 L =46.773	G =5.145% L =3.625	R =600.000 K =6.000 L =19.949	G =1.820% L =19.065	R =500.000 K =5.000 L =26.334	G =7.087% L =0.305	R =500.000 K =5.000 L =44.424	G =-1.798% L =98.542	R =500.000 K =5.000 L =31.789	G =4.560% L =25.879

CENTRELINE OPTION B - LONGSECTION

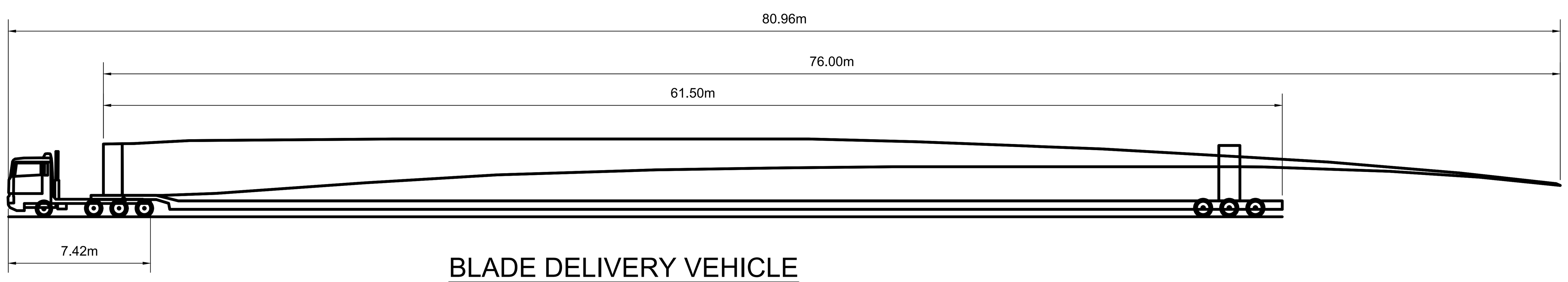
SCALE: H 1:1000,V 1:1000. Datum: 250.000

SCALE 1 : 1000

10m 0 100m

BLADE DELIVERY VEHICLE NOTES

1. BLADE DELIVERY VEHICLE SHOWN HAS BEEN SUPPLIED BY RJ MCLEOD, DRAWING "SSR SG170 115mHH Template 04112019HvB Rev00 (003)", RECEIVED 21/06/2021.
2. THE ACCURACY OF THE DELIVERY VEHICLE ARRANGEMENT AND STEERING CAPABILITIES TO BE CONFIRMED BY THE DELIVERY CONTRACTOR PRIOR TO ANY WORKS.
3. IF THE ACTUAL VEHICLES USED FOR THE DELIVERY OF BLADES AT THE OURACK WIND FARM DIFFER FROM THOSE SHOWN ON THIS DRAWING THEN ANY DESIGN BASED UPON THIS INFORMATION WILL NEED TO BE REASSESSED TO CONFIRM THAT IT IS ACCEPTABLE.
4. THE FOLLOWING VEHICLE ASSUMPTIONS HAVE BEEN MADE WITH REGARDS TO THE DELIVERY VEHICLE SUPPLIED:
   - 4.1. TURNING RADIUS OF TRUCK ASSUMED TO BE 16.5M.
   - 4.2. LOCK TO LOCK TURNING TIME ASSUMED TO BE 6 SECONDS.
   - 4.3. THE MAXIMUM DEGREE OF TRAILER WHEEL TURNING IS ASSUMED TO BE +/- 45°



BLADE DELIVERY VEHICLE

1:200

NOTES

1. DO NOT SCALE FROM THIS DRAWING MANUALLY OR ELECTRONICALLY.
2. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT PROJECT INFORMATION.
3. ALL DATUM LEVELS AND DIMENSIONS ARE IN METRES UNLESS OTHERWISE STATED.
4. CONTAINS AERIAL MAP DATA "© 2021 MICROSOFT CORPORATION © 2021 MAXAR ©CNES (2021) DISTRIBUTION AIRBUS DS".
5. ACCURACY OF MAP NOT GUARANTEED DUE TO REPRODUCTION METHODS.
6. STOPPING SIGHT DISTANCES FOR VISIBILITY SPLAYS BASED ON INFORMATION IN "DESIGN MANUAL FOR ROADS AND BRIDGES, "CD123" AND "CD 109"
7. SURVEY SHOWN IS TOPOGRAPHICAL, SUPPLIED BY RJ MCLEOD, RECEIVED 13/10/2021.

IMPORTANT

HEALTH, SAFETY & ENVIRONMENTAL INFORMATION

IN ADDITION TO THE HAZARDS AND RISKS NORMALLY ASSOCIATED WITH THE TYPE OF WORK DETAILED ON THIS DRAWING, PLEASE NOTE THE FOLLOWING ADDITIONAL RISKS TO HEALTH AND SAFETY:-

DESIGNER'S RISK ASSESSMENT REFERENCE GIVING FULL DETAILS:-

IP09-F01 DESIGN RISK ASSESSMENT

CONSTRUCTION PHASE:-
1. EXISTING SERVICES NOT CURRENTLY SHOWN. THE PRESENCE OF SERVICES OVERHEAD AND UNDERGROUND SHOULD BE ANTICIPATED AND APPROPRIATE PRECAUTIONS TAKEN.
2. RISK OF GENERATING CONTAMINATED/SILT LADEN RUNOFF TO SENSITIVE ENVIRONMENTAL AREAS. CONTRACTOR TO PROPOSE ADDITIONAL TEMPORARY CONSTRUCTION STAGE DRAINAGE.

IT IS ASSUMED THAT ALL WORKS WILL BE CARRIED OUT BY A COMPETENT CONTRACTOR WORKING, WHERE APPROPRIATE, TO AN APPROVED METHOD STATEMENT.

Rev	Date	Amendment Details	Dr'n	Chk'	App'
0	01.03.22	FOR DISCUSSION	CK	BR	MT

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Client

Project Title

OURACK WIND FARM

Drawing Title

CASTLE GRANT BRIDGE
WESTERN BYPASS
OPTION B

Purpose Of Issue: PRELIMINARY

Status	Status Description
S0	SKETCH

Designed	Drawn	Checked	Approved
CK	CK	BR	MT

Sheet Size	Scale	SWECO Ref	Revision
A1	AS SHOWN	65201087	0

Drawing Number: 65201087-100-1023-SK09