The Highland Council
Comhairle na Gàidhealtachd

Kirkan Wind Farm Limited
c/o The Scottish Government
Per: Mark Ashton
Consents Manager
Energy Consents Unit

By email only to:
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Please ask for: Simon Hindson
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Our Ref: 19/01861/S36
Your Ref:
Date: 15 June 2020

Dear Mr Ashton

PLANNING REFERENCE: 19/01861/S36
DEVELOPMENT: KIRKAN WIND FARM - CONSTRUCTION OF WIND FARM COMPRISING OF 17 TURBINES (HEIGHT TO HUB 104M, HEIGHT TO BLADE TIP 175M), ASSOCIATED ACCESS TRACKS, BORROW PITS, COMPOUNDS, SUBSTATION AND 104M HIGH MET MAST
LOCATION: AT LAND 3015M SE OF AULTGUISH INN, GARVE,

The Highland Council was consulted by your office on the above Section 36 Application on the 24 April 2019. We are grateful to you and the applicant for the extension of time to consider the application. This letter seeks to convey the decision of the Council.

Following the circulation of the report on handling to elected Members, in line with the scheme of delegation, the Highland Council **objects to the application** for the following reasons: -

1. The application is contrary to Policy 67 (Renewable Energy) and Policy 28 (Sustainable Design) of the Highland wide Local Development Plan and the Onshore Wind Energy Supplementary Guidance as the development would have a significantly detrimental visual impact particularly as viewed from travellers, including tourists, and recreational users of the outdoors in the wider vicinity of the site but particularly to the north west, north, north east, east and south west of the proposed development due to the design, scale and location of the proposed development.

2. The application is contrary to Policy 67 (Renewable Energy) and Policy 57 (Natural, Built and Cultural Heritage) of the Highland-wide Local Development Plan and Scottish Planning Policy 2014 as the impacts of the development would be detrimental to Wild

Land Area 28 (Fisherfield – Letterewe – Fannichs) and Wild Land Area 29 (Rhidodoroch – Beinn Dearg – Ben Wyvis) and are not able to be satisfactorily mitigated by siting or design.

3. The proposal would not preserve the natural beauty of the area surrounding the application site as required under Schedule 9(3)(2) of the 1989 Act.

I also attached a copy of the report on handling for your information.

Yours Sincerely

Simon Hindson
Team Leader – Strategic Projects

HIGHLAND COUNCIL

HANDLING REPORT FOR CASES RECOMMENDED FOR REFUSAL

Report Title: 19/01861/S36: Kirkan Wind Farm Limited

Land 3015m South East of Aultguish Inn, Garve

1. Purpose/Executive Summary

1.1 Description: Kirkan Wind Farm - Construction of wind farm comprising of 17 turbines (height to hub 104m, height to blade tip 175m), associated access tracks, borrow pits, compounds, substation and 104m high met mast

Ward: 05 – Wester Ross, Strathpeffer and Lochalsh

Development category: Consultation from Scottish Government on application under Section 36 of the Electricity Act 1989

2. Recommendation

2.1 It is recommended that the Council Raise an Objection to the proposal as set out in section 11 of the report.

3. PROPOSED DEVELOPMENT

3.1 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 (30 years) of Kirkan Wind Farm and associated infrastructure. The proposal comprises 17 turbines, each up to a maximum of 175m to tip height with a generating capacity of up to 81.6MW.

3.2 The development comprises a development of turbines as referred to in the Environmental Impact Assessment Report (EIAR). Key elements of the development as assessed within its supporting EIAR highlight:

- 17 wind turbines (capable of generating up to 4.8MW each);
- External transformers for each turbine;
- Turbine foundations of approximately 25m diameter (depending on ground conditions);
- Crane hardstanding at each turbine base area of 1,850m^2;
- Approximately 9.94km of new on-site access track and turning points with associated watercourse crossings, 5 of which are new. It is noted that the tracks T2 and T16 were modified in the course of the application. A section of the track will be of a floating. The proposed development would also make use of 0.86km km of existing tracks;
- A wind farm control building;
- Substation and substation compound;
- temporary site construction compound and laydown area;
- Underground cabling linking the turbines with the substation;
- 2 borrow pits with predicted extraction volume of 205,000m^3, with likely extraction of 19,500; and
- Energy Storage, likely to comprise of lithium ion batteries housed in either standard ISO containers or "ehouses", associated heating, ventilation and air conditioning, paired power conversion systems and associated landscaping.

3.3 The project was presented through a number of pre-application meetings including an Environmental Impact Assessment Scoping exercise.

3.4 The applicant utilised the Highland Council's Pre-Application Advice Service for Major Developments (18/00618/PREAPP). The response outlined a number of concerns with the proposal in particular the potential landscape and visual impacts as a result of large turbines in this area, potentially undoing the mitigation by design of adjacent wind farms.

3.5 The applicant held two public exhibitions to seek the views of the local community. These were held at Garve Village Hall and Achnasheen Village Hall in June 2018. The applicant also met with local groups prior to submitting the application including: Garve and District Community Council; Loch Broom Community Council; Lochluichart Community Trust; and Garve and District Development Company.

3.6 The applicant has stated that the access will be via the A835, with a new access created.

3.7 The applicant has requested a micro-siting allowance of 50m for all tracks and turbines locations to accommodate unknown ground conditions, whilst also

maintaining environmental buffers (e.g. set back from water courses, known archaeology, etc.). The final design of the turbines (colours and finish), aviation lighting, substation and control buildings/compounds/ancillary electrical equipment, landscaping and fencing etc. are expected to be agreed with the Planning Authority, by condition, at the time of project procurement. Whilst typical drawings for these elements are set out in the application, turbine manufacturers regularly update designs that are available, thereby necessitating the need for some flexibility on the approved design details.

3.8 The application is supported by an Environmental Impact Assessment Report (EIAR) which contains chapters on Landscape and Visual Impacts; Cultural Heritage and Archaeology; Ecology; Ornithology; Hydrology; Geology, Hydrogeology and Peat; Noise and Vibration; Traffic and Transportation; Aviation Radar and Telecommunications; Climate Change Mitigation; and a Schedule of Mitigation. The application is also accompanied by a Tourist Impact Assessment and a Planning Statement.

3.9 The wind farm has an expected operational life of 30 years. Following this the applicant has advised that a decision will be made as to whether to re-power the site. If the decision is made to decommission the wind farm, the applicant advises that all turbine components, transformers, substation and associated buildings and infrastructure will be removed. Foundations would remain on site; the exposed concrete plinth would be removed to a depth of 0.5m below the surface. Cables would be cut away below ground level and sealed. It has not stated whether the tracks would remain in place. The applicant acknowledges that these matters will not be confirmed until the time of the submission of the decommissioning and restoration plan.

3.10 The applicant anticipates that the wind farm construction period will last 18 months. This period of time will include commencement on site through to site commissioning and testing. The applicant has stated it will utilise a Construction Environment Management Document throughout the construction period. This would require to be approved by the Council, in consultation with relevant statutory bodies before the start of development.

3.11 The applicant provided further environmental information in October 2019 which included an amended site layout, a further environmental information in relation to: hydrology and peat; and landscape and visual impact including the submission of visualisations to facilitate assessment of the impact of the development in hors of darkness.

4. SITE DESCRIPTION

4.1 The site is located approximately 5.8km north west of the Garve on the Strathviach Wind Farm. The application site is extensive, covering approximately 328ha, although the developed area would have a much smaller footprint. The turbines are located on land between 290m AOD and 400m AOD. Access to the development proposed via a new access from the A835(T) road.

4.2 The turbines are proposed to be clustered, with a central loop road with a series of spurs to provide access to the turbines.

4.3 The Aultguish Inn is located to the north of the site. A limited number of other residential properties are located in proximity of the development. Inclusive of the Aultguish Inn, there is a total of four residential properties within 2.8km of the site. No properties are located within the boundary of the application site.

4.4 The majority of the site comprises open moorland with elements of forestry (52.5ha). There are a number of watercourses which run through the site and are tributaries of Glascarnoch River and Black Water. The most prominent watercourses are the Allt Glac an t-Sìthein and the Alltan a' Chleirich which converges with the Allt Bad an t Seabhaig.

4.5 There are no statutory nature conservation designations within the proposed development area. Within 10km of the application site the following sites are present:

<u>Special Area of Conservation</u>

Beinn Dearg

Fannich Hills

Ben Wyvis

<u>Special Protection Area</u>

Beinn Dearg

Achnault Marshes

Ben Wyvis

Glen Affric to Strathconon

<u>Site of Special Scientific Interest</u>

Beinn Dearg

Fannich Hills

Ben Wyvis

Achnault Marshes

Carn Gorm

<u>National Nature Reserve</u>

Ben Wyvis

4.6 The site itself does accommodate valued habitats including: ground water dependent terrestrial ecosystems (GWDTEs); blanket bog; wet heath; and mire. The site is used by a range of protected species, for example batts, pine martens, water voles, and deer. The site and wider area also carries a number of ornithological interests including but not limited to pink-footed goose, golden eagle, golden plover, green shank and snipe.

4.7 The site is not located within any international or regional landscape designations. However, it sits within a study area which includes the following landscape designations:

National Scenic Areas

- Dornoch Firth
- Glen Strathfarrar
- Wester Ross
- Glen Affric
- Assynt and Coigach

Special Landscape Areas

- Ben Wyvis
- Fannichs Beinn Dearg and Glencalvie
- Strathconon, Monar and Mullardoch
- Loch Ness and Duntelchaig
- Sutors of Cromarty, Rosemarkie and Fort Augustus

Garden and Designed Landscape

- Castle Leod
- Fairburn
- The Spa Gardens, Strathpeffer
- Brahan
- Novar
- Ardross Castle
- Balnagown
- Skibo
- Cromarty House
- Rosehaugh
- The Fairy Glen
- Culloden House
- Tomnahurich Cemetery
- Leys Castle
- Dochfour
- Aldourie
- Beaufort Castle

4.8 The study area defined within the EIAR contains a number of Wild Land Areas (WLA) as identified on SNH's Wild Land Areas Map 2014:

- Rhidodoroch – Beinn Dearg – Ben Wyvis (WLA29)
- Fisherfield – Letterewe – Fannichs (WLA28)
- Flowerdale – Shieldaig – Torridon (WLA27)

- Coulin and Ledgowan Forest (WLA26)
- Central Highlands (WLA24)
- Inverpolly-Canisp (WLA32)
- Reay – Cassley (WLA34)

4.9 The site is within an area which contains a number of tourist and recreation assets. These include but are not limited to walkers and cyclists upon Munros and Corbetts as well as promoted routes on the local road network. The Land Reform (Scotland) Act also allows for significant access rights for walkers across this countryside.

4.10 The surrounding area contains a number of historic environment features. The applicant has carried out an assessment based on an Inner Study Area (i.e. within 15km of the application site). This includes Glascarnoch Dam, Viach Dam, Fairburn Garden as designated assets and a number of other assets that are non-designated. , :

4.11 When considering wind farm projects consideration is also given to the issue of cumulative impact of any project with other consented schemes within the surrounding landscape (generally out to 35 - 40km). In this regard the following schemes need to be recognised:

<u>Operational</u>

- Lochluichart (and Extension 1)
- Corriemoillie
- Fairburn
- Auchmore
- Corriemony
- Novar 1
- Novar 2
- Coire na Cloich
- Beinn harsuinn
- Beinn nan Oighrean
- Rosehall
- Achany
- Yellowells
- Bhlaraidh
- Lairg

<u>Consented</u>

- Braemore

<u>Pending Consideration</u>

- Lairg 2
- Lochluichart Extension 2

5. PLANNING HISTORY

5.1	18/00618PREAPP - Development includes approx. 19no 3.5-4.5 MW Wind Turbines and associated infrastructure, Site entrance and access track from A835, Internal and private	Case Closed	02.05.2018

	access road network, Permanent meteorological mast, Borrow Pits, Transformers and underground cables, Onsite sub station/control building, Energy storage equipment and One or more temporary construction compound		
5.2	18/02433/SCOP - Wind farm comprising up to 19 turbines and ancillary infrastructure including energy storage	Scoping Response Issued	18.06.2018

6. PUBLIC PARTICIPATION

6.1 Advertised: Via the Energy Consents Unit in Ross-shire Journal, The Herald and Edinburgh Gazette

First Date Advertise: 05 April 2019

Second Date Advertised: 12 April 2019

Supplementary Information Advertised: 01 November 2019

Representation deadline: 01 December 2019

6.2 Timeous representations: Received by Highland Council (3 objections)

Received by Energy Consents Unit (4 objections, 440 support)

6.3 Material considerations raised are summarised as follows:

a) Adverse visual impact for road users, tourists, hillwalkers (individual and cumulative)
b) Adverse impact on protected wildlife
c) Adverse impact on ornithology
d) Adverse impact of aviation lighting
e) Adverse impact on Wild Land Areas
f) Impact on tourism
g) Positive contribution to climate change targets
h) Positive economic benefit
i) Lack of adverse landscape or visual impacts (cumulatively and individually)
j) Lack of adverse impact on tourism

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

7. CONSULTATIONS

Consultations undertaken by The Highland Council

7.1 Garve and District Community Council do not object to the application.

7.2 Strathpeffer Community Council do not object to the application providing due care and consideration is given to addressing local concerns regarding appearance,

impact on wildlife and the environment. It notes the potential community benefit available from the wind farm.

7.3 Environmental Health Officer does not object to the application. He considers it would be difficult for the development to accurately assess the impact from the proposed Lochluichart Extension 2 Wind Farm unless both proposals are using the same figures. He notes that whichever application is decided last will need to review their noise assessment. He considers that a stand alone noise condition for this wind farm would not be enforceable.

7.4 Flood Risk Management Team do not object to the application subject to conditions. It sets out that as part of the watercourse crossings that culverting should be avoided and that any new bridge should be designed to accommodate 1 in 200 year flows (including an allowance for climate change). IT considers that any widening of existing tracks should be on the side furthest away from the watercourse. A condition is requirested to secure the proposed 50m buffer of development rom the top of the banks of watercourse / waterbody. It requests the attenuation volumes for surface water run off to be provided to greenfield run off rates.

7.5 Forestry Officer does not object to the application. He notes that the estimated loss of woodland is 16.6ha. He notes that the proposed development may result in some areas of woodland for identified for retention as being unsuitable due to their size or stability. He therefore considers that the 16.6ha figure may increase. He does not consider that the current crop rate and growth rate of the forestry will require additional felling for wind yield or turbine performance. He requests a condition to secure compensatory planting on Strathviach Estate. However, he notes that additional areas of felling beyond the 16.6ha for the purpose of wind turbine performance or efficiency then this will require to be compensated.

7.6 Historic Environment Team do not object to the application. It considers that there is little potential for direct impacts from the proposed development. It is not considered that mitigation is justified for the construction period in relation to archaeology.

7.7 Transport Planning do not object to the application. In relation to local roads, it sets out that the Roads Authority's preferred route to the trunk road network from Invergordon would be using the B817, U4242 and the C1063 before joining the trunk road network at the Tomich junction. It requests conditions to secure a construction traffic management plan and an abnormal load route assessment IT considers that any constrains should be identified in these documents and mitigation measures proposed. A Section 96 Agreement under the Roads (Scotland) Act would be required.

Consultations undertaken by Energy Consents Unit

7.8 British Horse Society do not object to the application. It requests that public access including equestrian access and the needs of horse riders are considered during the project.

7.9 British Telecom do not object to the application. It does not consider that the proposal will cause interference to the point to point microwave radio links.

7.10 Crown Estates confirm that they are not affected by the proposal.

7.11 Defence Infrastructure Organisation (Safeguarding) do not object to the proposed development. It requests that the development is fitted with MOD accredited aviation safety lighting. It requests a condition to secure notification of the construction start and end dates, maximum height of construction equipment, and location of each turbine.

7.12 Fisheries Management Scotland recommend that the proposal is taken forward in consultation with Cromarty District Salmon Fisheries Board ad Cromarty Fisheries Trust.

7.13 Highlands and Islands Airports Limited do not object to the application subject to the turbines being lit with a steady red omnidirectional aviation warning light of 200 candela. It requests that this is secured by condition.

7.14 Historic Environment Scotland do not object to the application on the basis of a lack of significant impacts on heritage assets within its remit.

7.15 John Muir Trust object to the application. It considers the proposed turbines would devalue the special qualities which make the summit of Ben Wyvis part of the Wild Land Area. It raises similar concerns from other mountains within vicinity of the development. It considers that the proposed development would have a detrimental visual impact, that the turbines are inappropriate to the landscape, and have a detrimental impact on peat. It considers that there may be socio-economic impacts on tourism in the area. It does not consider that micrositing of turbines should be permitted. It considers cumulative impact is significant and highlights that wind farms do not need to be intervisible to have an impact.

7.16 Joint Radio Council object to the application.

7.17 Kyle of Sutherland Fisheries do not wish to comment on the application.

7.18 Marine Scotland do not object to the application. It notes that electrofishing surveys were not undertaken. It requests that the potential impacts on water quality and fish populations are considered as part of the monitoring regime. It recommends that the developer carries out site characterisation surveys to assess the presence and abundance of fish populations. It welcomes the consideration of fish movements in the design of watercourse crossings, the buffer between infrastructure and watercourses, inspection of watercourses, the appointment of an Ecological Clerk of Works and the use of SuDS principles.

7.19 Mountaineering Scotland object to the application due to visual impacts of the proposed development. It considers that the proposed development would significantly increase the horizontal extent of wind energy development. It considers that the difference in scale of the proposed and existing turbines would have an impact on how the proposed development is perceived. It has assessed the mountain based viewpoints and considers that receptors at viewpoints 6, 5, 8, 13, 14, 15, 16 and 19 would experience significant adverse effects as a result of the proposed development. It notes the potential impact of aviation lighting on the view

west from the Ben Wyvis track. It notes that there is evidence of mountaineering tourism being adversely effected by wind farms.

7.20 National Air Traffic (Safeguarding) do not object to the application. It notes that it does not conflict with the safeguarding criteria.

7.21 Royal Society for the Protection of Birds do not object to the application. It does however have concerns that the potential impact on priority species and habitats have been under estimated and the cumulative impacts have not been adequately assessed. It advises that a Habitat Management Plan should address the potential impacts on golden eagles, red throated divers, and black grouse. It requests that consideration is given to relocation or removal of turbines on areas of peat greater than 0.5m deep.

7.22 Scottish Environment Protection Agency objects to the application on the grounds of impact on peat. Following the submission of further information it has withdrawn an objection in relation to the alternative track, it does however note that the addition of another wind farm track where access is already available is considered unnecessary and has cumulative environmental impacts. It requires details of the battery storage facility (bunding and drainage) to be secured by condition. It welcomes the modifications to tracks within the development to ensure those that were in areas of deep peat are to be constructed as floated tracks. It has also objected in relation to the position of Turbines 5 and 7 due to impact on peat. If these turbines are relocated it requests that any micrositing condition specifies that turbines can not be moved into areas of deeper peat. It has suggested to the applicant areas to which these turbines could be microsited. A Peat Management Plan (PMP) is sought via condition. While noting the proposed use of corrugated plastic sheeting in relation to borrowpit restoration as being inappropriate, it request that borrowpit restoration is secured by condition.

7.23 Scottish Forestry do not object to the application. Based upon the information in the EIAR it requests 16.6ha of compensatory planting on the Strathviach Estate as per the commitments in the Outline Habitat Management Plan.

7.24 Scottish Natural Heritage object to the application due to significant adverse impacts on the qualities of Wild Land Area 28 (Fisherfield – Letterewe – Fannichs) and Wild Land Area 29 (Rhiddorroch – Beinn Dearg – Ben Wyvis). It considers that a wind farm may be accommodated in this area subject to the significant effects of turbine lighting being significantly reduced. It considers that the poor design of the proposal, as a result of the 175m blade tip height rather than 125m to blade tip of the existing turbines, will lead to significant effects on the qualities of the Wild Land Areas and undermine the efforts of the adjacent schemes to avoid cumulative effects of lighting on the Wild Land Areas. It notes that dark skies make a direct contribution to a range of perceptible responses for both Wild Land Areas.

For Wild Land Area 29, it recognises the adverse effect of currently visible lighting on Lochluichart Extension 1 Wind Farm and the effects it has, it goes on to set out the increase in lighting in this area would substantially extend the current intensity and prominence of lighting. It considers that the effects of the lighting would erode the attributes of the wild land area. It considers that the turbines would reduce the perceived extent of the Wild Land Area. During daylight it considers that the proposal is a poor design fit with the existing turbines and draw the eye to very

large scale indicators which are visually confusing. After dark it considers that the lighting of the turbines will emphasise the limits of the Wild Land Area and reduce the perceived extent.

For Wild Land Area 28, it recognises that there is a reduction in the expression of Quality 1 of the Wild Land Area as a result of the existing wind turbines. However, it considers the addition of the Kirkan turbines would be significantly greater. It notes that the proposed development would introduce a substantial new cluster of lights in hours of darkness and amplify the effects of the existing lights on the attributes and responses which underpin the Wild Land Area.

It notes that the landscape in which the turbines sit is a gateway and is clearly distinct as it separates the settled and managed east from the remoted, upland rocky landscapes of the west. It considers that both landscape and visual effects of the turbines both in daylight and after dusk will be significant when viewed from the A835.

7.25 Scottish Water do not object to the proposed development. It advises that there are no public water or waste water connections serving the area.

7.26 Scotways do not object to the application. It raises concerns over impacts on the historic right of way (HR46). It does not consider that the EIAR accurately reflects the extent of recreational routes within the study area. It raises concerns with regard to the proximity of turbines 10 and 13 to right of way HR46.

7.27 Transport Scotland do not object to the application. It requests that the design of the access is discussed with the route manager for the A835(T). It notes that the assessment does not anticipate a significant increase in HGV movement as a result of the development on either the A9 or the A835. While no assessment of the Tore Roundabout or the Maryburgh Roundabout has been undertaken it is satisfied with the overall conclusion of no significant environmental effects on the Trunk Road Network. It requests that the Traffic Management Plan is prepared in consultation with the route manager for the A835. The movement of abnormal loads is raised in the response and it requests a full assessment o be undertaken that provides key pinch points on the trunk road network. It requests conditions to secure details of the abnormal loads route, signage, wheel washing facilities, details of access, visibility splays, and construction traffic management.

7.28 Visit Scotland do not object to the application. It notes the importance of scenery to tourism. It considers that individual tourism impact assessments should be carried out for each site.

8. DEVELOPMENT PLAN POLICY

8.1 The following policies are relevant to the assessment of the application.

Highland-wide Local Development Plan (Adopted 2012)

8.2

Policy 28	Sustainable Development
Policy 29	Design, Quality and Place Making
Policy 31	Developer Contributions
Policy 51	Trees and Development
Policy 52	Principle of Development in Woodland
Policy 53	Minerals

Policy 55 Peat and Soils
Policy 57 Natural, Built and Cultural Heritage
Policy 58 Protected Species
Policy 59 Other Important Species
Policy 60 Other Important Habitats
Policy 61 Landscape
Policy 63 Water Environment
Policy 64 Flood Risk
Policy 66 Surface Water Drainage
Policy 67 Renewable Energy
Policy 68 Electricity Transmission Infrastructure
Policy 72 Pollution
Policy 73 Air Quality
Policy 77 Public Access

West Highland and Islands Local Development Plan (IMFLDP) (2019)

8.3 There are no site-specific policies covering the site – therefore the application requires to be assessed against the general policies of the Highland-wide Local Development Plan referred to above. However, the West Highland and Islands Local Development Plan identifies Special Landscape Areas within the plan area.

Highland Council Supplementary Planning Policy Guidance

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

8.5 The document includes a Spatial Framework, which is in line with Table 1 of Scottish Planning Policy. The site sits partially within an “area with potential for wind farm development” and “an area with significant protection”.

8.6 The document also contains the Landscape Sensitivity Appraisals. The application site does not currently sit within an area covered by an adopted sensitivity appraisal.

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

- Developer Contributions (November 2018)
- Flood Risk & Drainage Impact Assessment (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Highland Renewable Energy Strategy & Planning Guidelines (May 2006)
- Managing Waste in New Developments (March 2013)
- Onshore Wind Energy: Supplementary Guidance (Nov 2016)
- Physical Constraints (March 2013)
- Special Landscape Area Citations (June 2011)
- Standards for Archaeological Work (March 2012)

- Trees, Woodlands and Development (Jan 2013)

9. OTHER MATERIAL CONSIDERATIONS

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

9.2 In addition to the above, The Highland Council has further advice on delivery of major developments in a number of documents. This includes Construction Environmental Management Process for Large Scale Projects and The Highland Council Visualisation Standards for Wind Energy Developments.

Scottish Government Planning Policy (SPP) and Guidance

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

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

Other Relevant National Guidance and Policy

9.6
- National Planning Framework for Scotland 3.
- Scottish Energy Strategy (Dec 2017).
- PAN 56 – Planning and Noise.
- PAN 58 – Environmental Impact Assessment.
- PAN 60 – Planning for Natural Heritage.
- 2020 Routemap for Renewable Energy.
- Onshore Wind Energy (Statement) (Dec 2017).
- Onshore Wind Turbines.
- SNH Siting and Designing wind farms in the landscape.
- Wind Farm developments on Peat Lands.

10. PLANNING APPRAISAL

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

Schedule 9 of The Electricity Act 1989 contains tests in relation to the impact of proposals on amenity and fisheries. These tests should:

- Have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and
- Reasonably mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

Determining Issues

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

Planning Considerations

10.3 The key considerations in this case are:

a) Development Plan
b) Onshore Wind Energy Supplementary Guidance
c) National Policy
d) Energy and Economic Benefits
e) Construction
f) Roads and Transport
g) Water, Flood Risk, Drainage and Peat
h) Natural Heritage including ornithology;
i) Built and Cultural Heritage
j) Design, Landscape and Visual Impact (including Wild Land Areas and impact of aviation lighting)
k) Access and Recreation
l) Noise and Shadow Flicker
m) Telecommunications
n) Aviation
o) Other material considerations

Development plan/other planning policy

10.4 The Development Plan comprises the adopted Highland-wide Local Development Plan (HwLDP), West Highland and Islands Local Development Plan (IMFLDP) and

all statutorily adopted supplementary guidance. There are no site specific policies affecting this application site within the West Highland and Islands Local Development Plan. The principal HwLDP policy on which the application needs to be determined is Policy 67 - Renewable Energy.

10.5 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 para 6.2). Such an approach is consistent with the concept of Sustainable Design (Policy 28) and aim of Scottish Planning Policy to achieve the right development in the right place; it is not to allow development at any cost.

10.6 If the Council is satisfied that there will be no significant adverse impact then the application will accord with the Development Plan.

West Highland and Islands Local Development Plan (IMFLDP)

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

WHILDP Para 1.52 continues - “Special Landscape Areas (SLAs) are landscapes that are seen as being of regionally significant landscape and visual quality. The boundaries of these areas are set out in the Assessment of Highland Special Landscape Areas (June 2011) and supported by planning policy in the Highland-wide Local Development Plan.” The West Plan confirms the boundaries of the SLAs. It should be noted that some of the SLAs affected by the proposed development are within the Inner Moray Firth Local Development Plan area. Policy 57 of the HwLDP provides for the protection of these areas and is accompanied by a background paper “The Assessment of Highland Special Landscape Areas” - both of these are used to assess the landscape impact of any proposal on the integrity of a SLA.

Onshore Wind Energy Supplementary Guidance (OWESG)

10.7 The Council’s Supplementary Guidance - Onshore Wind Energy, is a material consideration in the determination of planning applications. The supplementary guidance does not provide additional tests in respect of the consideration of development proposals against Development Plan policy. However, it provides a

clear indication of the approach the Council towards the assessment of proposals, and thereby aid consideration of applications for onshore wind energy proposals.

10.8 The OSWESG contains a Spatial Framework for onshore wind energy as required by SPP. The site falls within both a "Group 3 - Area with Potential For Wind Energy" and Group 2 – "Area of Significant Protection". In Group 2 areas further consideration is required to demonstrate that any significant effects can be substantially overcome by design, siting or other mitigation. Group 2 features within the site relate to Carbon Rich Soils.

10.9 The spatial framework identifies a number of Group 1 Areas. These are areas where wind farms will not be acceptable. There are a number of these in close proximity of the site.

10.10 The OSWESG provides strategic considerations that identify sensitivities and potential capacity for wind farm development. These are called the Landscape Sensitivity Appraisals (LSA). One of the six areas to be examined is the area of Sutherland and Ross-shire LSA. The Council is progressing its assessment for this area but it will not be completed until later in 2020. However, the site lies adjacent to the Black Isle, Surrounding Hills, Moray Coast and Caithness LSA area which has some relevance as the key routes identified in that area run through into this one ad views from within that LSA extend into the area where the wind farm is proposed. Further, the OSWESG approach and methodology to the assessment of proposals is applicable and is set out in the OSWESG 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 Policy 67. The 10 criterion will be particularly useful in considering visual impacts, including cumulative impacts.

Scottish Planning Policy

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

10.12 Notwithstanding the overarching context of support, SPP recognises that the need for energy and the need to protect and enhance Scotland's natural and historic environment must be regarded as compatible goals. The planning system has a significant role in securing appropriate protection to the natural and historic environment without unreasonably restricting the potential for renewable energy. National policies highlight potential areas of conflict but also advise that detrimental effects can often be mitigated or effective planning conditions can be used to overcome potential objections to development.

10.13 Criteria outlined within SPP for the assessment of applications for renewable energy developments include landscape and visual impact; effects on heritage and historic environment; contribution to renewable energy targets; effect on the local and national economy and tourism and recreation interests; benefits and dis-

benefits to communities; aviation and telecommunications; development with the peat environment, noise and shadow flicker; and cumulative impact.

10.14 As an up to date statement of the Government's approach to spatial planning in Scotland, National Planning Framework 3 (NPF3) is a material consideration that should be afforded significant weight in the planning balance. NPF3 considers that onshore wind has a role in meeting the Scottish Government's targets to achieve at least an 80% reduction in greenhouse gas emissions by 2050, and to meet at least 30% overall energy demand from renewables by 2020, including generating the equivalent of at least 100% of gross electricity consumption from renewables.

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

- Scottish Energy Strategy: The future of energy in Scotland, December 2017
- On-shore Wind Policy Statement, December 2017

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

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

10.18 However, it is also recognised that such support should only be given where justified. The On-shore Wind Policy Statement sets out the need for a more strategic approach to new development that acknowledges the capacity that landscapes have to absorb development before landscape and visual impacts become unacceptable. With regard to planning policy, these statements largely reflect the existing position outlined within the National Planning Framework and Scottish Planning Policy, a policy framework that supports development in the justified locations. In addition it must be recognised that the greenhouse gas reduction targets and the targets in the Energy Strategy are related not just to production of green energy but also related to de-carbonisation of heat and transportation.

<u>Energy and Economic Benefits</u>

10.19 The Council continues to respond positively to the Government's renewable energy agenda. Nationally onshore wind energy in the 1st quarter of 2020 had an installed capacity of 13.75GW. Highland onshore wind energy projects in operation, under construction or approved as of 1 January 2019 have a capacity to generate 2.497GW; approximately 34% of the national installed onshore wind energy

capacity. There is a further 1.696GW off-shore wind constructed, under-construction and consented.

10.20 While Highland Council has effectively met its own target, as previously set out in the Highland Renewable Energy Strategy, it remains the case that there are areas of Highland capable of absorbing renewable developments without significant effects. However, equally the Council could take a more selective approach to determining which wind farm developments should be supported, consistent with national and local policy. This is not treating targets as a cap or suggesting that targets cannot be exceeded, it is simply a recognition of the balance that is called for in both national and local policy.

10.21 Notwithstanding any significant impacts that this proposal may have upon the landscape resource, amenity and heritage of the area, the development could be seen to be compatible with Scottish Government policy and guidance and increase its overall contribution to the Government, UK and European energy targets.

10.22 The proposed development anticipates a construction period of 18 months, 30 years of operation prior to several months of decommissioning. 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.

10.23 There is also likely to be some adverse effects caused by construction traffic and disruption. Representations have raised the economic impact that turbines may have on tourism. These adverse impacts are most likely to be within the service sector particularly during the construction phase when abnormal loads are being delivered to site.

10.24 The assessment of socio-economic impact by the applicant identifies that the development is unlikely to have a significant adverse impact on tourism. The applicant notes that there will be economic benefits to the local community and economy arising from the community benefit fund and additional expenditure in the local economy. This is both disputed and supported by those making representations.

10.25 The applicant highlights that the project, including its potential connection to the grid, represents a significant investment in £82m. In addition, there would be annual expenditure during the operation of the wind farm. This would include business rates and a contribution to public finance expenditure over its lifetime. The applicant states the investment will benefit UK businesses, local businesses and the wider Scottish economy.

10.26 The applicant states that the developer is committed to maximising the local economic impact from the proposed development. Additional wider benefits associated with the proposed development include a shared ownership scheme for local communities to invest in the wind farm, this will give the local community a further annual return, allowing them to reinvest money back into the local area. The applicant has also highlighted improvements that the landowner would made in the area if the proposal is consented. This includes: access enhancements; provision of a new bothy; renovation of buildings; repairing or dry stone walls; restoration of ruins; and restoration of old field systems.

10.27 The applicant proposes to implement shared ownership in line with Scottish Government guidance. Policy 68 of the HwLDP is clear that initially the same level of assessment will apply to community schemes as it will to commercial schemes. The policy then goes on to state that if the impacts of the development are solely limited to the community which will benefit from the proposal, then community ownership will be a material consideration. In the case of this proposal, it is considered that the proposed development has wider impacts than the community in which the project is based and of which may benefit from community ownership. As this is the case Policy 68 does not apply.

Construction Impacts

10.28 It is anticipated that the construction period for the development would take 18 months. Working hours on site would likely be restricted to be 07.00–19.00 Monday to Saturday with no Sunday working, nor deliveries to site after 13.00 on Saturdays. Some flexibility is normally granted at turbine erection stage and electrical fit out. Such activities involve specialist labour and are weather dependent and generally do not involve activities which generate impacts beyond the site boundary.

10.29 The project anticipates the deployment of a Construction Environmental Management Document (CEMD) in association with the successful contractor engaged. This should include a site specific environmental management procedures which can be finalised and agreed through appropriate planning conditions with the local Planning Authority and relevant statutory consultees. For the avoidance of any doubt submissions are expected to be "plan based" highlighting the measures being deployed to safeguard specific local environmental resources and not simply re-state best practice manuals. Due to the scale of the development SEPA will control pollution prevention measures relating to surface water run off via a Controlled Activities Regulations Construction Site Licence.

10.30 In addition to the requirement for submission and agreement on a CEMD, the Council will require the applicant to enter into legal agreements and provide financial bonds with regard to its use of the local road network (Wear and Tear Agreement) and final site restoration (Restoration Bond). In this manner the site can be best protected from the impacts of construction and for disturbed ground to be effectively restored post construction and operational phases. This would include the full restoration of any new access tracks and other associated infrastructure. As this is an application under the Electricity Act, such agreements are secured by condition.

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

10.32 The applicant has sought a micrositing allowance of 50m. Micrositing is acceptable within reason to address unforeseen onsite constraints, anything in excess of 50m may have a significant effect on the composition of a development. Further if matters are identified during the application stage which require movement of infrastructure, it is considered that this is best addressed during the application

stage rather than relying on micrositing. If Scottish Ministers are minded to grant the application micrositing of no more than 50m, should be secured by condition.

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

Roads, Traffic Impact and Public Access

10.34 The applicant has highlighted the expected impact of this development particularly through the construction phase, with the Port of Entry likely to be Invergordon. The turbines would then travel from the port of entry via the B817, A9, and A835. Other roads likely to be affted by construction would be the A862. Both Trunk Road Authority and the Council Transport Planning Team has confirmed that development traffic can be accommodated on the road networks and the impact of development traffic is unlikely to be significant particularly given the measures proposed to mitigate the impact of construction traffic. It may however be that trees on the B817 between the port of entry and the A9 may be affected. If this is the case, an arboricultural impact assessment and method statement would be required for the affected trees. If trees require removal then compensatory planting would need to be secured in line with the Control of Woodland Removal Policy. Other effects on trees and the forestry resource are contained in paragraphs 10.93-10.94 of this report.

10.35 Conditions and a requirement for a legal agreement to address “wear and tear” provisions have been requested. These will be consistent with current “best practice”. These need to highlight potential cumulative impacts arising with other major developments. The conditions are to secure: -

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

10.36 The existing estate access tracks and forestry tracks are used for recreational purposes. The applicant has proposed that these will be maintained and some will be upgraded.

10.37 There will be a need to restrict access to the site during construction works at key times. Where and when feasible however the existing track should be made available for public use during the construction phase. Access tracks to the proposed development should be accessible to a wide variety of users. Large pedestrian gates and by-pass gates adjacent to cattle grids should all be “easy open” accesses. All other gates within the application boundary should similarly be unlocked to responsible access takers. An Access Management Plan to mitigate concerns could be controlled by condition if required.

Water, Flood Risk, Drainage and Peat

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

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

10.40 In order to protect the water environment a number of measures have been highlighted by the applicant for inclusion in the CEMD including the adoption of sustainable drainage principles, and measures to mitigate against effects of potential chemical contamination, sediment release and changes in supplies to Ground Water Dependant Terrestrial Ecosystems. This includes setbacks from water courses. SEPA and the Councils Flood Risk Management Team support this approach however conditions are sought to secure further details.

10.41 The site infrastructure is not considered to be at risk of flooding, however as a result in the change of overground flows, there may be an effect downstream of the application site. It is proposed that any watercourse crossings are designed to accommodate a 1 in 200 year flood event plus and allowance for climate change. Further, the development proposes the use of Sustainable Drainage Systems (SuDS) to attenuate run off and filter out any potential pollutants. Details of the SuDS plan can be secured by condition to allow final assessment by SEPA and the THC Flood Risk Management Team.

10.42 The wider site is home to Ground Water Dependent Terrestrial Ecosystems (GWDTEs), in particular wet heath and mire. The positioning of the tracks and turbines have generally avoided the most sensitive GWDTEs. SEPA is satisfied that the proposed development has been designed to avoid impacts on GWTEs.

10.43 The majority of the site contains peat. When the scheme was originally submitted the applicant advised that approximately 96,000m^3 of peat would be excavated and 97,000m3 could be re-used in reinstatement and restoration of the site following construction. SEPA objected due to the amount of peat which was likely to be excavated. The highest volume of peat to be excavated was as a result of the access tracks, and for the foundations for Turbines 5, 7, and 16.

10.44 The applicant submitted SI with a revised site layout and supporting information seeking to address the level of peat to be excavated from the site. In preparing this information the applicant undertook further peat probing. The revised site layout has re-routed tracks and proposed other access roads as floating tracks. This has significantly reduced the anticipated level of peat to be excavated. The applicant has not however moved Turbines 5 and 7 at this point and wish that given the small distance that they require to be moved this could be covered by the micrositing condition. As set out earlier in this report, micrositing should be considered for unforeseen issues on site, this is an issue the applicant is aware of and therefore the relocation of these turbines to areas of shallow peat should be undertaken prior

to determination. In doing so this also has benefits to the applicant who, if consent were granted, would have the full micrositing limits available for these turbines if there was an unforeseen issue on site. SEPA have maintained their objection as a result of the location of the turbines in deep peat.

10.45 The applicant has identified that private water supplies may be affected by the development. However it has only identified the surface water supply to the Aultguish Inn supply as at risk of being affected. All other private water supplies are in a different sub-catchment than the site, i.e. they are across the river from the site. The applicant has identified potential mitigation, in the form of a water bowser supply, for the Aultguish Inn during particular construction works. This should be conditioned.

Natural Heritage including ornithology

10.46 The Environmental Statement has identified and assessed impacts on protected species, ornithology, ecology and designated sites.

10.47 There is no connectivity between the ecological designated sites and the proposed development. There will however be 25.769ha of habitat lost in the form of heath, bog, flush and woodland as a result of the proposed development. This is a small proportion of the overall development site and notably 16.6ha of loss is of woodland. The woodland is plantation woodland is considered to have low ecological value.

10.48 The application has the potential to have an adverse impact on water voles and reptiles. Species protection plans will be brought forward to limit the effects on these species. In addition, pre-commencement and pre-decommissioning species surveys will be undertaken for a wide range of species to ensure they are not adversely affected as a result of construction or decommissioning.

10.49 The applicant is proposing to deliver ecological enhancements through a proposed Habitat Management Plan. This is welcomed. The Outline Habitat Management Plan aims to provide net biodiversity gains for black grouse, fisheries, water vole and moorland diversity.

10.50 A number of bird species are present in the wider area, including golden eagle and black grouse. The applicant does not consider that there would be a significant effect on ornithological features either during construction or operation of the wind farm. Neither SNH nor RSPB have not objected on this issue, however RSPB have raised concerns and consider the applicant may have understated the effects.

10.51 Subject to the application of mitigation, both standard and site specific, as set out in the draft Schedule of Mitigation, the applicant's assessment is accepted.

Built and Cultural Heritage

10.52 The area in which the wind farm sits contains no built and cultural heritage features. The wider area contains a modest number of Scheduled Monuments and Listed buildings. No designated sites will be directly affected as a result of the proposed development, however there is potential for direct and indirect impacts on sites identified within the Historic Environment Record. This includes the Ullapool to Contin former drovers' road and the Ullapool to Garve road (A835).

10.53 The direct impacts relate solely to the Ullapool to Contin former drover's road. This will be converted into a wind farm access track as a result of the development. This will likely lead to a loss of understanding of this section of the roads relationship with the longer linear route which was the earliest road constructed between Ullapool and Contin in 1792-3. During construction there would also be a loss of public access along this area of the route. To mitigate the effects, the applicant proposes to mark out and sign the route during the operational phase. This is accepted. The visual impacts from the former drovers' road is assessed in Appendix 2 of this report.

10.54 Further mitigation is proposed for impacts on built and cultural heritage including promotion of the areas heritage for example with interpretation boards. This is supported.

10.55 There is limited potential for buried archaeology on the site. Therefore, in this instance it is not considered that a scheme for the investigation, preservation and evaluation of archaeological remains would be required.

Design, Landscape and Visual Impact (including Wild Land)

10.56 A total of 19 viewpoints across a study area of 45km have been assessed with regard to landscape and visual impact. These viewpoints are representative of a range of receptors including recreational users of the outdoors, road users and residents. The expected impact of the development in isolation can be seen with the ZTV to Blade Tip with Viewpoints (Figure 4.5(a)) in the EIAR.

10.57 The methodology for the Landscape and Visual Impact Assessment generally follows that set out in Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3). As set out in para 3.32 of GLVIA 3 the "LVIA should always clearly distinguish clearly between what are considered to be significant and non-significant effects." The applicant clearly sets out what the assessor considers to be a significant effect following the combination of judgements (Sensitivity and Magnitude). It appears that the applicant has applied a threshold of anything being of moderate impact or below as being not significant. It has therefore considered anything of moderate / major and above to be a significant effect. THC is of the view that Moderate effects can be significant but this needs to be considered on a viewpoint by viewpoint basis. This has been done in Appendix 2 to this report.

10.58 In the assessment of each viewpoint, the applicant has come to a judgement as to whether the effect is significant or not. This is undertaken on a viewpoint by viewpoint and case by case basis. 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.

10.59 A key consideration in the effects on receptors of wind energy development is the sequential effect when travelling through and area on the local road network both by individuals who live and work in the area and tourists. Those travelling scenic routes, whether designated as such or not, have a higher sensitivity to views. While a driver of a vehicle is likely to be concentrated on the view immediately in front, passengers have a greater scope for looking at their surroundings. In addition the area is regularly frequented by cyclists. As such it is considered that road users are high susceptibility receptors. The applicant has referred to road users as medium sensitivity receptors.

Design and location

10.60 From the elevated positions to the north and south, the development would be viewed as an array of 17 turbines, however the development will predominantly be viewed as a cluster of turbines. It will be visible from the road network as well as a range of routes used by recreational users of the outdoors. The design of the wind farm has had to balance: landscape character and visual amenity; environmental

constraints; topography and ground conditions; as well as technological and operational requirements. The design of the development is best demonstrated by the visuals from VP6 – Ben Wyvis.

10.61 The design process started with a proposed development of 24 turbines up to 175m to blade tip height. This was reduced to 19 turbines at 175m to blade tip height taking on board comments received at the EIA scoping stage. Following consultation with consultees the applicant reduced the scheme to 17 turbines of 175m to tip. In doing so, the applicant considers that the design fits within the bowl in the landscape; addresses cumulative impact with existing wind energy developments and reduces impact on views toward Ben Wyvis and from the local road network. The final layout was established following feedback from members of the public about the impact on users of the A835 and addressing the technical constraints of the site.

10.62 When viewed from a low level and in close proximity, it is not possible to make the distinction between the proposed development and existing development. While this is not necessarily problematic in most circumstances, here the development proposed is considered to exacerbate the impacts of the existing development by changing the perception of them from a recessive feature to a more dominant one. This is in part due to the small scale landscape features which screen much of the existing development but only screen part of the proposed development. These landscape features appear dominated by the scale of the proposed turbines, particularly when viewed from the A835.

10.63 From the A835, as one is travelling from the west, topography screens just over half the proposed development. Therefore the relationship between this proposal and the existing proposals from this view may not need to have been considered. However, when one considers that the existing turbine development is largely screened from this view as one travels between Loch Droma and the site, it is clear that the design rationale for the earlier schemes has not been fully considered. As a result, the proposal also impacts on views toward Little Wyvis which is a part of the overall Ben Wyvis massif. There are also views of the scheme when travelling westbound from around the Inchbae Lodge Hotel onwards, as the view begins to open up to present the Glascarnoch Dam and the rocky moorland beyond. It is accepted that these views will be somewhat filtered by roadside trees, however where the turbines are visible they will be dominant structures you start to get a glimpse toward the rocky moorland to the west. The existing turbines are not prominent here due to the screening effect of topography, location and scale of the turbines.

10.64 In more distant views such as VP10 (Sgurr a’ Choire Ghlais), while extending the horizontal array the relationship between the existing and proposed wind farms seems clearer. This is largely due to the horizontality of the existing schemes being retained and the proposed turbines maintaining the simplicity of the linear form.

10.65 When one is viewing the development from the short – middle distance the relationship between the existing developments and the proposed development is more challenging to discern due to the scale difference and location of the proposed development.

10.66 In terms of design of the other infrastructure on the site (control building, substation and tracks), these appear to have been well sited with those elements of greatest visual impact set back from the road. However, the design of these require to be progressed from the standard uninspiring designs as shown indicatively in the ES. This could be secured by condition.

10.67 The applicant has sought to locate the transformers for the turbines outwith the turbine towers for reasons of health and safety. This approach is generally not supported by the Council as it results in unnecessary clutter within the site. The visualisations have shown the transformer housing and it is anticipated that these will be seen from a number of viewpoints up to 9.5km from the site. It remains the Council's preference that transformers should be located within the turbine tower. If this is not possible, the transformers should be coloured to fit with the landscape not the colour of the turbines.

10.68 SNH consider that the poor design of the proposal as a result of the contrast in turbine scale with existing development, will lead to significant adverse effects on the adjacent Wild Land Areas.

10.69 Generally, it is not considered that the design and location of the scheme has taken into consideration the mitigation by design of previous developments as the proposal sits in a separate landscape feature which does little to screen views of the proposed development. This is discussed further in Appendix 2 in relation to particular viewpoints.

Landscape

10.70 The EIAR identifies that there would be significant landscape effects experienced by the (RCY2 (Undulating Moorland), RCY4 (Rocky Moorland) and RCY7 (Rounded Hills) LCTs.

10.71 The EIAR has also identified significant effects on the character of; the summits of Meall na Speiraig, Beinn Liath Beag and Meallan Caoruin; low lying positions along the A835; the southern extents of Strath Viach; and the summit of Little Wyvis. The ES has not identified significant effects on any other LCT in the study area.

10.72 SNH consider that the character of the landscape in this area is distinct. The proposal sits at a confluence of landscape character types where one is transitioning from the settled and managed landscapes in the east and the remoter, upland, rocky landscapes of the west. SNH consider the proposed development will lead to significant landscape and visual effects when travelling along the A835.

10.73 The landscape character effects as a result of the presence of the turbines will be reversible. However, as set out in Scottish Planning Policy (Paragraph 170), wind farm sites should be suitable in perpetuity. Therefore it is considered reasonable to assess all landscape character effects as non-reversible in that context.

10.74 The applicant has stated in the ES that the introduction of the development into the landscape would not affect the special qualities of the nationally and regionally designated sites. For the most part, the applicants' assessment is accepted.

10.75 While the main text of the EIAR does not highlight significant effects on the the Ben Wyvis Special Landscape Area (SLA), Technical Appendix 4.5 highlights that there would be no direct effects on the SLA but there would be major (significant) effects on the landmark quality of Little Wyvis. The EIAR seeks to underplay this effect by stating that the location on which the effect will be experienced is outwith the SLA. Noting that this is an indirect effect, it clearly does have an effect on the key landscape and visual characteristics and one's experience of the SLA.

Wild Land

10.76 No element of the proposed development is within a Wild Land Area (WLA), however it is in close proximity to relative proximity to Rhidodoroch – Beinn Dearg – Ben Wyvis (WLA29); Fisherfield – Letterewe – Fannichs (WLA28); Flowerdale – Shieldaig – Torridon (WLA27); Coulin and Ledgowan Forest (WLA26); Central Highlands (WLA24); Inverpolly-Canisp (WLA32); and Reay – Cassley (WLA34).

As it is not within a Wild Land Area it is considered that Paragraph 215 of Scottish Planning Policy does not apply, but the general test considering the effects on wild land as set out in Paragraph 169 of SPP and reflected in Policy 67 of the Highland-wide Local Development Plan and the Onshore-Wind Energy Supplementary Guidance. This policy requires consideration of the impacts on the wild land area. In considering this matter, the in impacts on the wild land area need to be considered. These are as follows:

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

10.77 A Wild Land Assessment has been carried out by the applicant and SNH have commented on this. SNH consider that the degree of effect on WLA 28 (Fisherfield – Letterewe – Fannichs) and 29 (Rhidodoroch – Beinn Dearg – Ben Wyvis) has been underplayed.

10.78 Scottish Natural Heritage (SNH) published descriptors for each of the 42 Wild Land Areas across Scotland in January 2017. These descriptors set out wild land qualities for each of the Wild Land Areas and are based on the particular combinations of the wild land attributes and influence when experienced.

10.79 SNH have objected due to the effects on Qualities 1 of WLA 28. SNH consider that there is currently a strong sense of remoteness and naturalness and this will be significantly impacted as a result of the proposed development. It further considers that the aviation lighting required would amplify the adverse effects of the existing lighting. The applicant appears to consider that the presence of the existing turbines is a mitigating factor. Considering both opinions, it is acknowledged that the effects on Qualities 1 of WLA28 will be significant both during hours of darkness and hours of light. The position of SNH is accepted. No concerns are raised in relation to the other qualities of WLA28.

10.80 Further, SNH consider that Qualities 1 and 3 of WLA29 are likely to be significantly effected by the proposed development. It considers that there will be an adverse

effect on the sense of awe, sanctuary and solitude as a result of the location and scale of the proposed development when viewed from within WLA29. Further concern is raised in relation to the required aviation lighting and the impact that these would have as a result of the elevation and intensity of the required lighting. In relation to Quality 3, SNH consider that the turbines will add a complexity to the landscape where limited human influences influence views. The applicant does not appear to consider there to be a significant effect on either Quality 1 or Quality 3. It considers the impact is largely mitigated by the existing presence of wind energy development. No concerns were raised in relation to the other qualities of WLA29. The effect on WLA29 as described by SNH are particularly pronounced from Ben Wyvis, where the proposed turbined will appear to be much closer to the receptor than the existing turbined by virtue of their location and scale. During hours of darkness it is accepted that there will be an increase in number and intensity of lighting. The applicant has suggested that this may be able to be mitigated and this would be welcomed. The position of SNH is however accepted and it is considered that the applicant has underplayed the impacts of the proposed development on the qualities of WLA 28.

10.81 The impacts of some aspects of proposal, such as aviation lighting, may be able to be mitigated and reduce the impact on the qualities of the wild land area. However, the impacts on the qualities of the wild land area as a result of the scale or location of the wind farm would not be able to be mitigated within the scope of the current application.

Visual Impact

10.82 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 predominantly visible from areas to the north west, north, north east, and south west. There is also visibility to the east, however the extent of visibility is curtailed by the Ben Wyvis massif. To the south visibility is largely limited to higher elevations. The development would extend the theoretical visibility of turbines beyond that already experienced as a result of the operational wind farms in the area. Where there is cumulative visibility, it is anticipated that the intensity of wind energy development visible will be increased.

10.83 The visual receptors for the development have all been assessed in the Environmental Statement. This states that receptors at Viewpoints 1, 2, 4, 15, 17, and 19 have the potential to be significantly affected by the proposed development. These viewpoints range from 0.7km to 9.2km between the receptor and the nearest turbines. The views from the remaining 13 viewpoints have not been assessed as significant by the applicant. The applicant has largely considered the visual impact is mitigated by the presence of existing wind turbines in the view; the distance between the receptor and the wind farm; or the amount of the existing view which would remain available.

10.84 The Council considers visual impact using the criterion set out in Section 4 of the Onshore Wind Energy Supplementary Guidance. The assessment against these criterion is contained in Appendix 2 to this Report and comes to a view as to whether the threshold set out in the guidance is met or not. To support this, a viewpoint

appraisal has also been undertaken. This is contained within Appendix 3 to this report.

10.85 Unsurprisingly, as visual impact assessment is largely subjective and dependant on the application of professional judgement, there is a difference between the applicant's assessment and that of the Planning Authority. The information in Appendix 2 and 3, combined with matters set out earlier in this report, explain the difference between the outcomes of the assessments.

10.86 The significant effects identified in the LVIA are not disputed, but it is considered that receptors at some of the viewpoints will experience a more significant level of effect than that assessed by the applicant. In the appraisal undertaken by the Planning Authority, receptors at other viewpoints would also be subject to significant effects. This includes significant effects ranging from moderate to major effects at Viewpoints 6, 7, 8, 9, 13, 14, and 16. These are viewpoints predominantly experienced by recreational users of the outdoors.

10.87 Where significant effects have been identified it is predominantly due to the following factors:

- Scale of the proposed turbines – in a number of views of the proposed scheme including at VP6, 13, 15, 16, 17, and 19, the turbines appear significantly larger than the existing wind energy development in the area. This leads to a discordant design and a greater magnitude of change than what would have been experienced by smaller turbines in these views.
- Location of proposed turbines – in the majority of views the proposed development would be seen in combination with the existing wind farms in the area. The applicant considers that this is, for the most part a mitigating factor for the siting and design of the scheme. However, the proposed development results in a significant lateral extension in views from the north, south and south west. The location of the proposed turbined within a separate landscape feature, where there is less natural screening, than the existing wind turbines creates difficulties with the relationship of the existing wind farm. This location has resulted in the turbines neither being effectively related to the existing turbines or presenting themselves within their own setting.. The contrast between the scale of the existing turbines and proposed turbines in a number of views exacerbate this concern. Further as the turbines are located closer to a number of receptors than existing turbines (such as from VP6 – Ben Wyvis and 19 – Little Wyvis), in views where the turbines do not extend the horizontal array of turbines, the scale of the proposed turbines lead to the wind energy development in these views becoming more pronounced.
- Disturbance of framed views – when one is travelling eastbound along the A835 from approximately Loch Droma and the application site up to 9 wind turbines will be visible. Visibility of these 9 turbines vary between blade tips and almost the full extent of the proposed wind turbines. VP17 is representative of the view which will be experienced by road users, which will include local road users, tourists and recreational users of the outdoors. At the pre-application stage, the applicant was advised to avoid impacts on the framed views toward the Wyvis massif. As discussed earlier this is considered to include Ben Wyvis and Little Wyvis, it is however accepted that at the pre-application stage the greatest concern was raised with regard

to views between receptors and the face of Ben Wyvis. As a result of the advice received at the pre-application stage the applicant did reduce the scale of development. Unfortunately, it is considered that the proposed development in its current form continues to have a significantly adverse impact on this framed view toward the Wyvis massif. The landforms either side of the A835 frame the view, as demonstrated by VP17. The visibility of turbines rising out from behind the ridge of Sidhean nan Cearc significantly disturbs this framed view and compete with views to the massif. Further development is proposed in the wider area, in the form of Lochuichart Extension 2 Wind Farm, however that wind farm is set back from the framed view experienced along the route and visibility of the turbines will be much more limited due to the scale and location of the proposed turbines. The effects of the proposed Kirkan turbines will extend into hours of darkness due to the required aviation lighting. This will add potential confusion to the view, due to the reason for the lights and the underlying landforms would not being visible. SNH consider that there would be significant visual effects for receptors on the A835.

10.88 The impacts on the summits in proximity of the site, will be significant. The applicant has identified significant impacts for receptors at Little Wyvis but not Ben Wyvis. When assessing the proposal in the field using the visualisations, it is apparent that the turbines from both of these viewpoints will be significant. The proposed development, while seen in the context of the Lochluichart and Corriemoillie Wind Farms, will be a more dominant feature due to its size and location between the receptor and the existing developments. In positioning such large turbines in these views, the relationship the existing turbines have with the landscape starts to become lost and a much larger cluster of wind energy development is apparent. Unfortunately due to the contrasting scale of the proposed turbines with the existing developments and their positioning, from these views there is little visual relationship between the existing and proposed developments. Other summits are highlighted as being of significant effect and these are discussed further in Appendix 2. Overall, it is considered that there is a significantly detrimental impact on recreational users of the outdoors.

10.89 Visual impact in hours of darkness requires to be assessed as a result of the need for the turbines to be lit for aviation safety. This is due to the turbines being over 150m in height. Consultees have requested that 200 candela omnidirectional lighting be attached to the turbines. Whilst the neither the site nor the surrounding area are designated dark skies park, the aviation lighting may have a significant visual impact and would likely affect the sense of remoteness within the area. The current cardinal lighting of the existing turbines is visible and it is considered that it has altered the experience of the A835 and the experience of remoteness away from the other human interventions. SNH have advised that addition of a further 17 lights, closer to the road and with a greater visual influence will result in further substantial and significant change. Depending on the position of the receptor to the turbines (including wind direction), the lights may appear to flash as a result of the turning of the turbine blades, passing between the light and the viewer. This may be a visually confusing effect for the receptor unless they were aware of the reason for the lights. Given the difference in hub heights due to ground conditions the lights would likely be at differing heights as well. This again may present a confusing image as in hours of darkness one does not have the benefit of being able to relate

the lighting to a landform. The applicant's assessment states that the intensity of the lighting will dissipate with distance. This is not disputed. SNH have objected to the proposed development as a result of the proposed impacts of aviation lighting on the qualities of the surrounding Wild Land Areas.

10.90 The applicant has put forward a scheme which is considered to be worst case scenario in terms of the impact of aviation lighting. A range of options may be available to mitigate the impact on receptors during hours of darkness. Technical issues do however require approval from the relevant authorities, in particular the Civil Aviation Authority. While there is a clear need for aviation safety lighting, the lightly intensity of the proposed scheme on receptors both within and outwith Wild Land Areas is of significant concern.

10.91 The extensive visibility of the scheme along the A835 is largely due to the position of the development, where just over half of the proposed development appears close to the road where it does not benefit from natural screening which contains views toward other wind energy development. This is a stark contrast to most developments in this area which are significantly set back from the road and as such they would not be as prominent from the road. The laybys on Loch Glascarnoch are well used stops for tourists who wish to take in the views, while these elements are the main foci of the viewpoint, the turbines in such proximity would be dominant and overbearing leading to an unacceptable visual impact. This would significantly detract from the experience at these viewpoints.

10.92 While the turbines would theoretically be visible from Gorstans, travelling westbound on the A835, views of the proposed turbines would be somewhat screened due to topography and commercial forestry. As one gets closed to the proposed development, from approximately the turn off for Inchbae lodge to VP1 at the Aultguish Inn, the turbines would be visible. It is accepted that the turbines would be filtered to an extent by roadside trees, however, the trees will do little to screen the large structures and perhaps even exacerbate the scale of the turbines by providing a scale indicator in the foreground. The turbines will come into view as significant structure as one begins the transition from the settled east to the rocky and remote west. Given the scale of the turbines, it is considered that this will appear as a dominant feature which would significantly adverse ones experience on the journey west. As set out earlier in this report, the existing turbines in the area do not have such an effect due to their location and scale. The proposed development would undermine the previously secured mitigation by design of earlier wind energy developments.

10.93 While the effects on users of the A835 have been highlighted above, the applicant has also undertaken an appraisal of impact on users of other routes including:

- A832 - Cromarty Junction with A835;
- A832 - Talladale to A835;
- A835 – Ullapool to Tore.

The effects identified on the users of the A832 are accepted.

10.94 The proposed development will have an adverse effect on a number of viewpoints which are accessed by recreational users of the outdoors. This ranges from low level walking routes such as the Ullapool to Contin former drovers road to routes and summits of munros including Ben Wyvis and the munros in the Fannichs range.

Technical Appendix 4.8 highlights the amount of visibility of the turbines from particular recreational routes in the area. Figure 4.8.1 demonstrates that there is theoretical visibility of the proposed development from a number of these routes as well as the summits. When traversing a recreational route, it is not just about the experience at the end of the route or the summit of the hill, the journey is as equally important. In addition, one would usually stop and take in their surroundings at a number of points as they traverse their route. The assessment in the EIAR is considered to take into account these matters however seems to give little weight to the impact of the journey. As a result the visual impact is likely to be greater and it will likely leave a greater impression on one's mind. The effects on these receptors at particular viewpoints is considered in more detail in Appendix 2 and 3.

Forestry

10.95 As the development is located within a commercial forestry plantation, it is considered that there will be a loss of trees as a result of this development to enable delivery of the development. The applicant anticipates that loss of woodland would amount to 16.6ha. The Council's Forestry Officer considers that the area of felling may increase as some of the areas identified for retention are unsuitable due to their size or stability.

10.96 In line with the Scottish Government's Control of Woodland Removal Policy, the removal of trees should be compensated where public benefit is not demonstrated. This may or may not be in the same location as the loss of trees but should certainly be as close as practicably possible to the loss. The compensatory planting can be secured by condition. If consent is granted the Forestry Officer has a preference for compensatory planting on Strathviach Estate. The removal of trees will also lead to the creation of forest waste. A Forest Residual Waste Management Plan will be sought to ensure this waste is appropriately dealt with in line with good practice.

Access and Recreation

10.97 The site, like most land in Scotland, is subject to the provisions of the Land Reform (Scotland) Act 2003. There are paths running through and around the site and the wider area is rich in opportunities to access the outdoors. The most likely direct impact is during the construction phase where some access will be restricted. Any impacts arising through the construction or operational phases of development can be managed through outdoor access management which should cover both construction and operation of the wind farm. This could be secured by condition which should also detail the mitigation proposed by the applicant including upgrades and signage as it related to the "fish road".

10.98 Scotways have raised the impact on the amenity of those using the core paths in the area. It is accepted that there is likely to be an effect on the amenity of those using these paths as the perceived tranquillity of the surroundings will be affected by the construction and operation of the wind farm.

Nosie and Shadow Flicker

10.99 The applicant has submitted a noise assessment in support of the application. This identifies predicted cumulative levels from the wind farm of 38dB LA90. The applicants assessment considers that this cumulative limit can be achieved.

Environmental Health consider that the given predicted levels for Lochluichart Extension 2 Wind Farm, it is difficult to assess the cumulative impacts. Further the Lochluichart Extension 2 Wind Farm noise assessment contains differing figures. Cumulative noise is a difficult issue to condition, however, the Council generally apply an approach of the last scheme consented which will have an adverse impact will require to address and noise issue in the first instance.

10.100 In terms of shadow flicker it is not anticipated that this will be an issue for this development either individually or cumulatively given the location of the development in relation to properties. However, as a precautionary approach a scheme for mitigation via mode management could be secured by condition.

Telecommunications

10.101 Joint Radio Council has objected. It is assumed that this is because the proposal has the potential interference with radio / television networks in the locality. A condition should secure a scheme of mitigation should an issue arise.

Aviation

10.102 The application has raised no concerns with regard to aviation interests in relation to the Civil Aviation Authority and Ministry of Defence. They both highlight that aviation lighting will be required. As set out above, the proposed lighting scheme is of significant concern in relation to visual impact and impact on the qualities of the surrounding wild land areas.

10.103 National Air Traffic Control Services (NATS) and Highlands and Islands Airports Limited (HIAL) have not highlighted concerns with regard to impact on the approach radar.

Other material considerations

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

10.105 In line with Council policy and practice, community benefit considerations are undertaken as a separate exercise and generally parallel to the planning process.

10.106 The applicant has advised that at the end of their operational life, if the decision is made to decommission the wind farm, all turbine components, transformers, substation and associated buildings and infrastructure will be removed from the site. Foundations would remain on site; the exposed concrete plinths would be removed to a depth of 0.5m below the surface, graded with soil and replanted. Cables would be cut away below ground level and sealed. New site tracks and hardstanding areas constructed during development of the wind farm would be reinstated to the approximate pre-wind farm condition, unless otherwise agreed with the landowner and/or Highland Council. The material used to construct the

tracks would be taken up, removed to areas identified in the site restoration scheme, backfilled with suitable material and covered with topsoil/reseeded. Backfilling of access tracks would be carefully planned in advance to avoid having to move plant machinery and equipment on freshly reinstated land. Any tracks which were upgraded during the development of the wind farm would be left unchanged from the conditions used during the operation phase of the wind farm.

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

10.108 The requirements to decommission and restore a wind farm site at its end of life is relatively standard and straight forward, with any request for re-powering to be considered with the submission of a relevant future application. SEPA may also require best practices and the removal of buried cables at the time of decommissioning. It is important to ensure that any approval of this project secures by condition a requirement to deliver a draft decommissioning and restoration plan for approval prior to the commencement of any development and ensure an appropriate financial bond is put in place to secure these works.

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

Other material considerations

10.110 There are no other material considerations.

11. CONCLUSION

11.1 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 situated in appropriate locations. The project has the potential to contribute an additional 82MW of renewable energy capacity towards Scottish Government targets. However, as with all applications, the benefits of the proposal must be weighed against potential drawbacks and then considered in the round, taking account of the relevant policies of the Development Plan.

11.2 It is considered that there is capacity in the general area for further wind energy development. However as noted in the report, the location and scale of the proposed development has a number of significant adverse effects as a result of the design of the wind farm. These significant effects, while framed in a range of matters, are focused on visual impact and impact on the qualities of the surrounding wild land areas. As discussed in this report, this leads to significantly detrimental visual effects when viewed by road users and recreational users of the outdoors. Of particular concern is the way in which the development, by virtue of its siting and design, would significantly undermine the mitigation by design of previous wind farms granted planning permission in the area. The proposed development would

effect a key transition on the journey from west to east and lead to the perception of turbines being much closer to the receptors than currently experienced.

11.3 The Highland Council has determined its response to this application against the policies set out in the Development Plan, principally Policy 67 of the Highland-wide Local Development Plan with its eleven tests which are expanded upon with the Onshore Wind Energy Supplementary Guidance. This policy also reflects policy tests of other policies in the plan, for example Policy 28. This policy also draws in the range of subject specific policies as also contained within the HwLDP as listed in section 6.2 above. Given the above analysis the application would not accord with the Development Plan.

11.4 Scottish Planning Policy aims to achieve the right development in the right place. It is considered that the adverse visual impacts significantly outweigh the benefits as they relate to production of renewable energy and economic benefits.

11.5 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 but has not mitigated the effects of the development in relation to the effects on the natural beauty of the countryside. This is by virtue of the design and siting of the wind farm, in particular the height and positioning of the turbines and the resultant visual impacts of the proposed development. However, in considering these matters it is not considered that having "regard to" and "in doing what he reasonably can" to mitigate these effects mean that the effects of the development are acceptable.

12. IMPLICATIONS

12.1 Resource: Not applicable.

12.2 Legal: If an objection is raised to the proposal, the application will likely be subject to a Public Local Inquiry.

12.3 Community (Equality, Poverty and Rural): Not applicable.

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

12.5 Risk: Not applicable.

12.6 Gaelic: Not applicable.

13. RECOMMENDATION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

It is recommended that an objection is raised to the application for the following reasons

1. The application is contrary to Policy 67 (Renewable Energy) and Policy 28 (Sustainable Design) of the Highland wide Local Development Plan and the Onshore Wind Energy Supplementary Guidance as the development would have a significantly detrimental visual impact particularly as viewed from travellers, including tourists, and recreational users of the outdoors in the wider vicinity of the site but particularly to the north west, north, north east, east and south west of the proposed development due to the design, scale and location of the proposed development.

2. The application is contrary to Policy 67 (Renewable Energy) and Policy 57 (Natural, Built and Cultural Heritage) of the Highland-wide Local Development Plan and Scottish Planning Policy 2014 as the impacts of the development would be detrimental to Wild Land Area 28 (Fisherfield – Letterewe – Fannichs) and Wild Land Area 29 (Rhidodoroch – Beinn Dearg – Ben Wyvis) and are not able to be satisfactorily mitigated by siting or design.

3. The proposal would not preserve the natural beauty of the area surrounding the application site as required under Schedule 9(3)(2) of the 1989 Act.

Designation:	Acting Head of Development Management – Highland
Author:	Simon Hindson
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 - Figure 1.1 Location Plan
	Plan 2 - Figure 2.1 Site Layout Plan

Appendix – Letters of Representation (Received by Highland Council)

Name	Address	Date Received	For/Against/Neutral
John Muir Trust		03.06.2020	Against
Red acte	Redacted	31.05.2019	Against
R ed	Redacted	21.05.2019	Against

Further representations, as outlined in the report, were received by the Scottish Government's Energy Consents Unit. These are not listed here as names and addresses are unknown.

Appendix 2 – Viewpoint Assessment Appraisal – Visual Impact

Viewpoint		Receptor	Sensitivity of Visual Receptor	Magnitude of Impact	Residual Effect on Visual Amenity at Viewpoint	Notes
Viewpoint 1 – Aultguish Inn	APP	Road users (tourist and general)	High in respect of tourists Medium in respect of general road users	Substantial	**Major** tourists and cyclists **Major / Moderate** general road users	From this viewpoint one would see the existing turbines at Corriemoillie and Loch Luichart Wind Farms. The proposed turbines would however significantly extend the horizontal spread of turbines when viewed from this location. In addition as the turbines would appear closer to the viewer by virtue of the scale of the turbines it is considered that there would be a significant.
	THC		High in respect of tourists High in respect of local road users (medium in respect of commercial users)	Substantial	**Major**	
Viewpoint 2 – Old Drovers Road, Corriemoillie	APP	Walkers	High	High	**Major**	At present there is limited visibility of the existing wind energy developments from this viewpoint. The turbines within the proposed development will be closer to the viewer and from this location with the turbines within the existing development and would dominate ones experience of the view at this viewpoint as a result of a substantial change in the baseline conditions.
	THC			High	**Major**	
Viewpoint 3 – A835, Tarvie	APP	Road users (tourist and general)	High in respect of tourists Medium in respect of	Slight	No effect	One has visibility of the existing wind energy developments in this view at a distance of between 10.4km and 12.8km. At present commercial forestry would screen the proposed turbines from view. If the commercial forestry is removed and either not

			general road users			replanted or replanted with a plantation with trees lower in height, it is anticipated that there would be visibility of the turbines. Without the commercial forestry, the turbines which would be visible may appear remote from the existing cluster of development and would not appear to accord with the design rational of the existing Corriemoillie Turbines. Without the commercial forestry present it is considered that there would be a minor visual effect. Based on the current baseline of forestry it is agreed that there would be no effect.
	THC		High	Slight	No effect	
Viewpoint 4 – A832, Gorstans	APP	Road Users (tourist and general)	High in respect of tourists Medium in respect of general road users	None	No effect	The turbines would be screened by roadside trees and a forestry plantation. If the commercial forestry is removed and either not replanted or replanted with a plantation with trees lower in height, it is anticipated that there would be visibility of the turbines but this would be for a limited distance when travelling west and through the branches of the roadside trees. Based on the above it is considered that there wuld be no residual visual effect.
	THC		High	None	No effect	
Viewpoint 5 – Summit of Sgurr Marcasaigh	APP	Hill Walkers	High	Substantial	**Major / Moderate**	Broad agreement with the applicant's assessment of residual visual impact. The turbines would significantly extend the horizontal spread of turbines when viewed from this location. The layout of the proposed turbines clearly undermine the previously secured mitigation by design of the consented wind energy developments as the proposed turbines are not contained by the landform. While one would be 7.5km from the proposed turbines it is clear that there is a discernible difference between the scale of the proposed and existing turbines.
	THC		High	Substantial	**Major / Moderate**	

						While the applicant considers that the effect is localised, when approaching the summit one would likely approach the summit from the south east and would have visibility of the proposed turbines for a significant proportion of the walk.
Viewpoint 6 – Ben Wyvis	APP	Hill Walkers	High	Slight	Moderate	It is considered that the applicant has underplayed the magnitude of impact from this viewpoint leading to an overall underplaying of the effect on receptors at this viewpoint.
	THC		High	Moderate	**Major / Moderate**	It is considered that the turbines appearing: closer to the viewer; at a scale much larger than the existing turbines; and being sited outwith the contained landscape features of the existing development; the proposed development would lead to a notable alteration of the characteristics of the baseline. Further, due to the location and design of the proposed turbines considerably more attention is drawn to the existing turbines which increases the influence of wind energy on the composition of the view.
Viewpoint 7 – Avenue of Fairburn Estate	APP	Walkers, Tourists, Recreational receptors	High	Slight	Moderate	Broad agreement with the applicant's assessment. However, it is not considered that the wind farm would integrate with existing wind energy development, nor would it relate to the agricultural context of the view by virtue of the scale and position of the turbines in the landscape. It is considered that while effects are moderate, they are significant.
	THC		High	Slight	**Moderate**	
Viewpoint 8 – Summit of Sgur a'Muillin	APP	Hill Walkers	High	Slight	Moderate	It is considered that the applicant underplays the magnitude of change for receptors at this viewpoint.

	THC		High	Moderate	**Major/Moderate**	While accepting the prominence of existing development in this view the proposed development would create a notable lateral extension of turbines against the existing baseline that would be seen for a significant proportion of the assent of Sgurr a'Muillin. The perception of the notable lateral extension is not helped by the prominent positions of the most north westerly and south easterly turbines appearing outwith the cluster of the rest of the proposed turbines. Further at this viewpoint the turbines would somewhat jar with the design rational of the existing development by virtue of their position outwith a contained landscape feature, and the discernible height difference. The applicant considers that the predicted view could appear illogical to the eye as a result of the larger turbines appearing to the rear of the existing turbines. This is agreed.
Viewpoint 9 – Summit of Beinn aBha'ach Ard	APP	Hill Walkers	High	Slight	Moderate	While there is broad agreement with much of the applicant's assessment in relation to this viewpoint, it is considered that the lateral extension is fairly significant and is not contained by landscape features. It is accepted that the existing schemes are not particularly contained to the west when viewed from this viewpoint, however there is a clear rationale for their containment to the east of the existing cluster as the ridge at the edge of the landform begins to fall away. It is considered that the effect is moderate and significant.
	THC		High	Slight	**Moderate**	
Viewpoint 10 – Summit of Sgurr a' Choire Ghlais	APP	Hill Walkers	High	Slight	Moderate	Broad agreement with the applicant's assessment. The existing wind energy developments appear well spaced from this viewpoint. The layout of the

	THC			Slight	Moderate	proposed turbines appear much more densely laid out as a result of the scale of the proposed turbines. Turbine 1 also sits remotely from the rest of the turbines within the development and appears in a prominent position and completely out of scale with the existing wind energy development.
Viewpoint 11 – Summit of Moruisg	APP	Hill Walkers	High	Slight	Moderate	Broad agreement with the applicants assessment. At this viewpoint while the proposed development would increase the influence of turbines it appears well related to the cluster of existing development.
	THC		High	Slight	Moderate	
Viewpoint 12 – Leathad Buidhe, Beinn Eighe	APP	Hill Walkers	High	Negligible	Moderate / Minor	Broad agreement with the applicant's assessment.
	THC		High	Negligible	Moderate / Minor	
Viewpoint 13 – Summit of An Coileachan, Fannich Range	APP	Hill Walkers	High	Slight	Moderate	It is considered that the applicant has underplayed the magnitude of impact on receptors at this viewpoint. The proposed turbines would present as a significant lateral extension of the existing cluster of wind energy development where it clearly sits within a different landscape feature than that which contains the existing developments. As a result it is not considered that the proposed development relates well to the existing scale and pattern of development. The applicant considered that the discernibly larger turbines would appear as a prominent feature in the view. This is agreed, and it is considered that the
	THC		High	Moderate	**Major / Moderate**	

						proposed turbines dominate the existing turbines by virtue of their scale.
Viewpoint 14 – Summit of Beinn Dearg	APP	Hill Walkers	High	Slight	Moderate	It is considered that the applicant has underplayed the magnitude of impact at this viewpoint. The proposed turbines would notably alter the extent of wind energy development with the development clearly set within a different landscape feature than the existing development and at a significantly different scale. Therefore it is not agreed that the proposed turbines would integrate with the existing cluster of development. It is not agreed that the scale of the turbines relate to the scale of the landscape they sit in when viewed from this viewpoint due to the proposed turbines dominating the landscape feature which contains the existing cluster of development.
	THC		High	Moderate	**Major / Moderate**	
Viewpoint 15 – Summit of Meall a' Ghrianain	APP	Hill Walkers	High	Moderate	**Major / Moderate**	It is agreed that in views toward the site the proposed wind farm would extend the presence of wind turbines. By virtue of the discernible difference in scale in relation to the existing turbines it is not considered that the proposal relates to the existing pattern of wind energy development in this area. This leads to a conclusion that there is a notable alteration to the current baseline.
	THC		High	Moderate	**Major / Moderate**	
Viewpoint 16 – Summit of Meall Mor	APP	Hill Walkers	High	Slight	Moderate	When viewed from this location, the turbines appear discernibly larger than the existing wind energy development and significantly extend the horizontal spread of wind energy development within the foreground. While the applicant's assessment considers that the turbines would be contained by topography, this does not appear to be the case as one would experience views of turbines (and ancillary
	THC		High	Substantial	**Major / Moderate**	

						infrastructure) beyond the distinct opening between the interlocking topography where existing development is sited and contained. These factors contribute to a notable alteration to the characteristics of the baseline.
Viewpoint 17 – Layby Loch Glascarnoch	APP	Road Users	High in respect of tourists and medium in respect of general road users	Moderate	**Major / Moderate**	The viewpoint is representative of road users along the A835. It is accepted that when travelling westbound the turbines would be behind the receptor at this viewpoint. However, travelling eastbound this viewpoint represents what would be a sustained view of approximately one third of the turbines within the scheme for the majority of the route alongside Loch Glacarnoch. At present there is little to no visibility of the existing wind turbines on this section of the A835. The turbines would introduce a moving element which would distract the eye and detract from the views toward the Ben Wyvis Massif which includes Little Wyvis. This section of the A835 is considered to form a transitional landscape between the wilder more rugged west highlands and the more settled east. Turbines in this location would lead to considerable alteration to the existing characteristic of the baseline and substantial change to the baseline condition. The visual effect of the turbines at this viewpoint would also extend into hours of darkness where 3 of the visible turbines would be lit with aviation lighting. At present none of the lit turbines within existing schemes are visible from this lower level.
	THC		High	Substantial	**Major**	
Viewpoint 18 – Summit of An Teallach	APP	Hill Walkers	High	Negligible	Moderate / Minor	Broad agreement with the applicants assessment. However, it is considered that the proposed turbines will be considerably more visible than the existing turbines due to their scale.

	THC		High	Negligible	Moderate / Minor	
Viewpoint 19 – Summit of Little Wyvis	APP	Hill Walkers	High	Moderate	**Major / Moderate**	The location of the turbines in the foreground would bring the turbines into much closer view than any of the existing wind energy development. The visual impact is compounded by the fact ancillary infrastructure would also be visible. The size of the turbines would appear out of scale with the existing wind energy development and the landform on which the turbines sit. From this view the turbines do not appear to follow a consistent design rational with each of the 4 clusters of turbines within the development being different and not related to the layout of the existing wind energy development within the area. The turbines would considerably alter the view toward the north and west from the summit and on parts of the assent of Little Wyvis resulting in a substantial change to baseline conditions.
	THC		High	Substantial	**Major**	

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

Criterion 1 is related to relationships between settlements/key locations and the wider landscape. The nearest settlement is Garve, 6km to the south east. Due to the site location and topography, the proposed turbines are screened from settlements/key locations and access routes and approaches into settlements/key locations. The proposed development would not be seen in the majority of views within or from settlements/key locations or from the majority of settlement approach routes, with the exception of the section of the A835 between Loch Droma and the site. The proposed development meets the threshold of Criteria 1.

Criterion 2 is related to the transitional nature of key gateway locations and routes. Whilst the Landscape Sensitivity Appraisal is a work in progress the A835 would meet with the Council's criteria as a key route. At the pre-application stage the applicant was advised that the section of the A835 north west of the application Given the site location and topography the proposed turbines are not well screened, with 9 of the 17 turbines visible for approximately 12km between Loch Droma and the site when travelling eastbound. This is an area where there is a confluence of landscape character types and there is a framed view toward the Wyvis massif. The character of the landscape and the nature of the view changes from the rocky moorland of the west into the settled straths of the east when travelling this part of the route. There are concerns westbound in this vicinity as well due to abruptness of the change in the view at a point where one is moving out of the settled east, the screening effect of the trees do little to mitigate the effect which is not currently experienced as a result of the existing proposals in the area. The proposed development would detract from the transitional experience of this key gateway location and route while detracting from landscape characteristics which contribute the distinctive transitional experience found at key gateway locations and routes to a much greater magnitude than the other existing and proposed development in the area by virtue of the location and scale of the proposed development. The proposed development however does not have such an impact when travelling west given the screening provided by topography and forestry. The threshold of the criterion is not met.

Criterion 3 is related to the extent to which the proposal affects the fabric and setting of valued natural and cultural landmarks. The surrounding land hosts a number of archaeological remains and built heritage. The applicant's assessment in this regard is accepted by statutory consultees. The Ullapool to Contin former drovers road. For sections of this route as it passes through the wind farm and on the approach to it, the turbines would affect the setting of the route and is likely to affect the understanding of the route where the path is converted into a wind farm track. The applicant proposes mitigation to address these concerns and this is accepted.

The proposed development will have a significant adverse effect on the framed views toward the Wyvis massif which comprises both Ben Wyvis and Little Wyvis when viewed from the A835 (Eastbound). This is discussed in further detail in the main body of the report. In short, the turbines will draw they eye given their scale and location and This will have the effect of drawing the eye and will be detract from the framed view. This adverse effect will continue into hours of darkness due to the required aviation lighting. This lighting may also appear to flash as the blades pass in front of the lights in certain wind conditions

and given the proximity of the viewer and intensity of the lighting some elements of the blades will also be lit by the aviation lighting creating a confusing visual effect.

Further to the effect looking toward the Wyvis massif, views out from the Wyvis massif, as demonstrated by VP6 and VP19, will also be adversely affected. The effect of the proposed turbines will be significantly greater than the existing turbines due to the turbines being closer to the viewer than existing turbines and being of a much greater scale. Other mountains in the area will also be subject to significant effects including those at VP5, VP8, VP9, VP13, VP14, VP15, VP16.

The proposed development would significantly affect the setting of valued natural landmarks. The proposed development, by its presence, would diminish the prominence of the landmarks noted above and disrupt the relationship to the setting. The proposed development does not meet the threshold of Criteria 3.

Criterion 4 is related to the amenity and visual appeal of key recreational routes and ways. For this scheme this would include a number of popular recreational routes and the core paths in the area.

As covered above in Criterion 3, the turbines will be visible from a number of summits in the area and will have a significant adverse effect. The journey to a selection of these summits will also be subject to significant adverse effects. When considering VP6 (Ben Wyvis) and VP19 (Little Wyvis) in particular, the proposed development would be visible for large sections of the routes when one is ascending and descending the summits. In relation to the hills in the Fannichs the significant effects will be largely limited to the summits and routes between them rather than the assent and decent of the hills.

There will also be significant impacts over sections of the core path network and, as highlighted in Criterion 3 above, the Ullapool to Contin former drovers road will also be subject to significant adverse effects.

The proposed development would significantly affect the amenity of key recreational routes and would detract the visual appeal of the affected routesas well as various various Munros and Corbetts. The proposed development does not meet the threshold of Criteria 4.

Criterion 5 is related to the amenity and visual appeal of transport routes. Given the location and topography the proposed turbines are well screened from transport routes within the study area.

Users of the A835 (eastbound) would be subject to significant adverse effects on the section of the road between Loch Droma and the site. Here the turbines would appear out of scale with the landscape and affect the framed views toward the Wyvis massif by virtue of the location of the turbines sitting around the shoulder of Sidhen nan Cearc. The remainder of the A835 would not be subject to significant adverse effects.

Other key routes in the area, including the A832, are unlikely to be subject to significant adverse effects or impacts on the amenity of the routes.

The proposed development would not affect the amenity or visual appeal of transport routes as a whole but has significant effects over a key section of the A835 as one is travelling eastbound. The turbines would, for a section of the A835, would significantly detract from the visual appeal of the A835. However it is agreed that, with exception of the section of the A835 between Loch Droma and the site, the proposed development meets the threshold of Criteria 5.

Criterion 6 is related to pattern of development. The pattern of development is discussed under Criteria 1 above in so far as it relates to encirclement and raised no issues given the lack of views from settlements.

The proposed development will significantly reduce the actual and perceived separation between recreational users of the outdoors and existing wind energy developments, particularly as viewed from the Wyvis massif.

Due to the location of the proposed development, within a separate landform to existing development, the proposed turbines neither have a close visual relationship or have their own setting. The contrast in turbine heights in a number of views lead to a discordant design when considered in the context of the existing development in the area.

Mitigation by design of the existing Corriemoillie and Lochluichart Wind Farms (and associated extensions), included the siting of the proposals in a bowl within the landscape which has significantly screened views toward the proposed developments. The shallow, semi-open bowl in the landscape in which the proposed turbines have been located unfortunately does not have the same screening effects for the scale of wind farm proposed. As a result, the proposed development raises concerns that the visibility of turbines would extend into a number of areas and increase the intensity of visibility not currently experienced by existing wind farms and others that are being considered through the planning system. This additional visibility causes significant adverse visual impacts.

While the turbine spacing is broadly similar to the existing wind farms, given the scale of the proposed turbines it would not necessarily be perceived as that if the development is consented due to the much larger rotors in particular.

It is considered that the proposed development will not contribute positively to the existing pattern or objectives for development in the area. The proposed development does not meet the threshold of Criteria 6.

Criteria 7 and 9 are related to the separation between development/and or clusters both in visual and landscape terms. The majority of the viewpoints provided show Kirkan with other wind farms. This is discussed in Criteria 6 above.

The turbines at Kirkan would appear to horizontally extend the pattern of turbine development in a large number of views. As discussed above, the turbines would not benefit from the visual containment of the existing development in a number of views due to the location and scale of the proposed Kirkan turbines. This would undo previously secured mitigation by design. This is particularly noticeable from the views from VP7 and the elevated positions to the south and south west of the proposed development. When viewed in closer proximity, such as from the Wyvis massif and A835, the proposed development has the appearance of one large scheme with a wider spread of turbines

“overspilling” beyond the contained bowl creating the impression that wind energy is sweeping across the landscape.

The proposed development would not retain appropriate and effective separation between existing development, does not relate well to the landscape setting and would increase the visual prominence of surrounding wind turbines. The proposed development does not meet the threshold of Criteria 7 or Criteria 9.

Criterion 8 is related to perception of landscape scale and distance. Where the turbines appear with other wind energy developments, they are either asa horizontal extension to the existing pattern or are viewed to the front or rear of the existing developments. When the turbines are viewed from the Wyvis massif and the routes toward the summits on the massif, the turbines will reduce the perceived distance between the receptor, the proposed turbines and the existing turbines as a result of the scale and location of the turbines. In views where the turbines appear behind the existing scheme, it would lead to some visual confusion given the difference in scale between the existing and proposed wind farms.

The proposed development does not relate well to the existing landscape setting and does would increase the perceived visual prominence of surrounding wind turbines, therefore, it does not meet the threshold of Criteria 8.

Criterion 10 is related to distinctiveness of landscape character. For the avoidance of doubt this does not relate to landscape designations. Consideration should be given to the variety of landscape character as one travels through the area and how that changes and transitions as one moves through the area.

The proposed development is at a confluence of different landscape character types and will dominate the framed view as experienced when travelling from the rocky moorland in the west to the more settled straths of the east. Those turbines that are visible will dominate the transitional area and undermine the mitigation and design concept of Lochluichart and Corriemoillie Wind Farms.

It is considered the proposed development does not maintain the integrity and variety of Landscape Character Types when moving through the landscape from east to west. However, it has less impact when moving from east to west. Overall the threshold is met but there are significant concerns with regard to the key landscape transition as one travels toward the site from the west.