THE HIGHLAND COUNCIL	Agenda Item	6.1	
SOUTH PLANNING APPLICATIONS COMMITTEE 1 April 2015	Report No	PLS/17/15	

14/03983/S36 - Beinneun Wind Farm Ltd Beinneun Wind Farm Extension, 8 Km NW Of Invergarry, Glenmoriston

Report by Head of Planning and Building Standards

SUMMARY

Description: Extension to consented Beinneun Wind Farm (Ref: 11/04152/S36) to comprise of No. 7 Wind Turbines, up to 136m in height, and associated ancillary development.

Recommendation: RAISE NO OBJECTION

Wards: 13 - Aird and Loch Ness

Development category: Major

Pre-determination hearing: None

Reason referred to Committee: Section 36 Application

1.0 PROPOSED DEVELOPMENT

- 1.1 The application seeks an extension to the consented Beinneun Wind Farm (11/04152/S36), which was granted consent under Section 36 of the Electricity Act 1989 (As Amended) by Scottish Ministers on 5th November 2012. The extension proposed comprises of the following elements:
 - No 7. Wind turbines with a blade tip height of up to 136m, generating capacity of up to 3.4MW per turbine and associated infrastructure including foundations, hardstandings, transformers and crane-hard standings;
 - 3.2km of new access tracks and associated turning areas; and
 - transformers, electrical equipment and underground cabling to the already consented electrical sub-station.
- 1.2 All other infrastructure required for the construction and operation of the wind farm are part of the already consented scheme. No modifications are proposed to the already consented infrastructure.

- 1.3 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 extension to the development, it will receive deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended). The Council is a consultee on the application. If the Council object to the development, Scottish Ministers will be required to hold a Public Local Inquiry before determining the application.
- 1.4 The application is supported by an Environmental Statement (ES) under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (as amended). The Environmental Statement includes information on landscape and visual impacts, ornithology, hydrology, cultural heritage, noise, traffic and transport, land-use and recreation.

2.0 SITE DESCRIPTION

- 2.1 The wind farm site extends to approximately 2,160ha with the built development occupying a much smaller area. The turbines which form the proposed extension are to be set on an area of undulating ground. The ground on which the turbines sit varies in height between 410m and 510m above ordnance datum (AOD).
- 2.2 The site is located approximately 8km north west of Invergarry and 13km west of Fort Augustus. There are a number of smaller groups of houses in this area including those at Faichem (5.9km), Munerigie (3.8km), and Inchlaggan (3.9km). Generally, the immediate area to the north and west of the turbine envelope is sparsely populated.
- 2.3 The site will be accessed from the A87 with turbines delivered via Kyle of Lochalsh Harbour. The site access has already been agreed through the existing consent.
- 2.4 When assessing a wind farm proposal, consideration of similar developments in proximity of the proposal for cumulative effects is required. Of particular interest in relation to this proposal is the already consented Beinneun Wind Farm and the Millennium Wind Farm and its extensions. These specifically these comprises of:
 - Beinneun Wind Farm 25 Turbines at 133.5m to tip
 - Millennium Wind Farm 16 Turbines at 115m to tip;
 - Millennium Extension A 4 Turbines at 115m to tip;
 - Millennium Extension B 6 Turbines at 125m to tip; and
 - Millennium South Wind Farm 10 Turbines at 132m to tip (application to be determined).
- 2.5 The list below sets out the projects in the wider area that are operational, approved or have been submitted but not yet determined. A plan highlighting these projects is included as Appendix 2.

Built and / or Consented

Corriemony

Bhlàriadh Stronelairg Corriegarth Dumnaglass Millennium (and Extensions) Beinneun (currently subject to application to vary Section 36 consent - awaiting decision from Scottish Ministers)

Under consideration

Dell

Millennium South (awaiting decisions from Scottish Ministers)

3.0 PLANNING HISTORY/BACKGROUND

- 3.1 **05.11.2012** Consent given for 25 wind turbines and associated infrastructure with a maximum capacity of up to 85 MW by Scottish Ministers (11/04152/S36)
 - **18.11.2014** Section 36(C) application for variation to consented wind farm (Ref: 11/04152/S36) including, increase in blade tip height by 1.5 metres to 133.5 metres and revised dimensions to the substation and control building. The Highland Council raised no objection. Awaiting decision from Scottish Ministers. (14/03482/S36)
- 3.2 With regard to the originally consented development, following the submission of information by the applicant, Conditions 1, 2, 4, 5, 6, 7, 8, 9 a-f, 10, 11, 15, 16, 18, 19, and 20 of the deemed planning permission have been satisfied, but not discharged. In addition elements of Condition 3 have been satisfied but not discharged. This conditions can be discharged once the provisions agreed in relation to these conditions are implemented.

4.0 PUBLIC PARTICIPATION

- 4.1 The application has been advertised in The Inverness Courier and the Edinburgh Gazette on three occasions and The Herald on two occasions. The representation deadline was 19th December 2014.
- 4.2 The Scottish Government has recorded 0 objectors to the application and 0 letters of support.
- 4.3 The Council has received 1 letter of objection. This objection was from a body which had been consulted by The Scottish Government.

5.0 CONSULTATIONS

Consultations undertaken by the Planning Authority

- 5.1 <u>Fort Augustus and Glenmoriston Community Council</u> opposes the application. Concerns have been raised in relation to the cumulative environmental impact of the development and the cumulative visual impact of the development.
- 5.2 <u>Glengarry Community Council</u> has not responded to the consultation.
- 5.3 <u>Glenurguhart Community Council</u> has not objected to the application.
- 5.4 <u>Transport Planning Team</u> has not objected to the application.
- 5.5 <u>Flood Team</u> has not objected to the application. Conditions are requested to ensure secure the design of new or upgraded culverts, a buffer strip from watercourses and avoidance of land raising within the flood plain.
- 5.6 <u>Environmental Health</u> has not objected to the application. Conditions are requested to address cumulative noise with the consented Beinneun Wind Farm. A legal agreement is sought prior to the operation of development to secure the delivery of a suitable joint approach to noise nuisance between the developers / operators of the Beinneun Wind Farm, Beinneun Extension Wind Farm and the Millennium Wind Farms.
- 5.7 <u>Forestry Team</u> has not objected to the application.
- 5.8 <u>Historic environment Team</u> has not objected to the application.
- 5.9 <u>Access Officer</u> has not objected to the application. A condition is sought to secure an Outdoor Access Plan.
- 5.10 <u>CAA</u> has not objected to the application.
- 5.11 <u>NATS</u> has not objected to the application.
- 5.12 <u>MOD</u> has not objected to the application. Conditions are requested to secure omni-directional aviation lighting and information relating to the final turbine position, size and construction start and end dates.
- 5.13 <u>HIAL</u> has not objected to the application.

Consultations undertaken by the Energy Consents and Deployment Unit

5.14 <u>Association of Salmon Fishery Boards</u> (ASFB) has not objected to the application. They advise that the ASFB guidance on terrestrial wind farms is followed in the construction and operation of the wind farm.

- 5.15 <u>British Telecom</u> has not objected to the application and advise that the development should not interfere with the current or planner BT radio networks.
- 5.15 <u>The Crown Estate</u> has not objected to the application.
- 5.16 <u>Forestry Commission Scotland</u> has not objected to the application.
- 5.17 <u>CH2MHIL for Scottish Government</u> has not objected to the application on grounds of the Peat Landslide and Hazard Risk Assessment. They have recommended a series of conditions related to peat slide risk and construction of peat.
- 5.18 <u>Highland Badger Network</u> has not objected to the application. They have suggested that badgers are sometimes present in upland areas and that a full scale badger survey should be undertaken and appropriate mitigation is undertaken.
- 5.19 <u>Historic Scotland</u> has not objected to the application and agree with the assessment of the impact on the Fort Augustus Bernera Military Road Scheduled Monument.
- 5.20 <u>John Muir Trust</u> object to the application due to the cumulative impact this development may have on wild land.
- 5.21 <u>The Joint Radio Company</u> has not objected to the application. They do not envisage that the application will interfere with radio / telecommunication signals.
- 5.22 <u>Marine Scotland Science</u> has not objected to the application. Conditions are sought to secure ongoing water quality monitoring and site specific mitigation plans for fish populations within and downstream of the proposed development.
- 5.23 <u>Ness and District Salmon Fisheries Board</u> has not objected to the application. Conditions are sought to secure site specific water quality monitoring and monitoring of aquatic macro-invertebrate assemblages, fish populations and habitats.
- 5.24 <u>Royal Society for the Protection of Birds</u> has not objected to the application.
- 5.25 <u>Scottish Mountaineering Council</u> has not objected to the application but does not does not consider the application desirable. Concerns have been raised over the visual and cumulative visual impact of the development, impacts on mountain landscapes and impacts on wild land. Conditions are sought related to access and decommissioning.
- 5.26 <u>Scottish Water</u> has not objected to the application. They advise that the development is in a Drinking Water Protected Area and they list a series of precautions associated with developments in these areas.
- 5.27 <u>Scotways</u> has not objected to the application. They advise that there are no rights of way directly affected by the proposed development and that any development should ensure that any access diversions / restrictions should not be in place for a

significant period of time or significantly extend the route. They have also raised concerns that the Corbett Meall Dubh is not considered in the assessment of effects on visual resource.

- 5.28 <u>Scottish Environment Protection Agency</u> has not objected to the application. Conditions are sought to secure a Construction Environmental Management Plan (including information on Ground Water Dependent Terrestrial Ecosystems mitigation) and 50m buffers to watercourses.
- 5.29 <u>Scottish Natural Heritage</u> has not objected to the application. SNH advises that the Energy Consents and Deployment Unit require to undertake an Appropriate Assessment prior to the determination of the application as the site has potential connectivity to the West Inverness-shire Lochs Special Protection Area. SNH consider that the development will slightly increase the spread of turbines and as such increase the visibility off turbines from the A87. SNH do not consider that additional landscape and visual effects arising from this proposal significant. Conditions are sought to secure protected species mitigation, employment of an Ecological Clerk of Works, pre-construction surveys, enhancement to the current habitat management plan and marking of working corridors in the vicinity of the montane habitat.
- 5.30 <u>Transport Scotland</u> has not objected to the application as the development will not have a significant impact on the trunk road network. Conditions are sought to secure details of the route of abnormal loads and any mitigation measures required, provision of quality assured signage, and provision of wheel washing facilities within the site.
- 5.10 <u>Visit Scotland</u> has not objected to the application. In their response they advise on the importance of scenery to tourism.

6.0 DEVELOPMENT PLAN POLICY

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

Highland-wide Local Development Plan (April 2012)

- 6.2 Policy 28 Sustainable Development
 - Policy 29 Design, Quality and Place Making
 - Policy 31 Developer Contributions
 - Policy 51 Trees and Development
 - Policy 55 Peat and Soils
 - Policy 56 Travel
 - 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 67 Renewable Energy Developments
 - Natural, Built and Cultural Heritage

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

Policy 72 Pollution

Policy 77 Public Access

Inverness Local Plan (As Continue in Force 2012)

6.3 The general polices and land allocations of the Local Plan pertinent to this application have been superseded by the policies of the Highland-wide Local Development Plan.

Proposed Inner Moray Firth Local Development Plan (November 2013)

6.4 No policies or allocations relevant to the proposal are included in the Proposed Plan.

Supplementary Guidance

- 6.5 The following Supplementary Guidance forms a statutory part of the development plan and is considered pertinent to the determination of this application.
 - Flood Risk and Drainage Impact Assessment: Supplementary Guidance (January 2013)
 - Highland Historic Environment Strategy: Supplementary Guidance (March 2013)
 - Managing Waste in New Developments: Supplementary Guidance (March 2013)
 - Sustainable Design Guide: Supplementary Guidance (January 2013)
 - Trees, Woodlands and Development: Supplementary Guidance (January 2013)
 - Highland Statutorily Protected Species: Supplementary Guidance (March 2014)

7.0 OTHER RELEVANT PLANNING POLICY

Onshore Wind Energy: Interim Supplementary Guidance (March 2012)

7.1 The document provides a spatial framework to guide the location of large wind farms, development guidelines for all locations and additional guidance on the policies and principles set out in Policy 67 – Renewable Energy Developments of the Highland-wide Local Development Plan. The proposed development is mainly within an area of potential constraint with a limited part of the site within an area of

search.

Highland Renewable Energy Strategy (HRES) (May 2006)

- 7.2 While superseded, in part, by the above Interim Supplementary Guidance, HRES is still relevant as a strategy document for renewable energy. Relevant policies to the current application, include:
 - Policy H1 Education and Training
 - Policy K1 Community Benefit
 - Policy N1 Local Content of Works

Scottish Government Planning Policy and Guidance (June 2014)

- 7.3 The Scottish Government has recently published its updated policy statement and advice, Scottish Planning Policy (SPP). It 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, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case.
- 7.4 The SPP sets out continued support for onshore wind in a similar manner to the previous SPP. 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 list likely considerations to be taken into account relative to the scale of the proposal and area characteristics.
- 7.5 In addition to the above, the Scottish Government sets out further advice on Renewable Energy in a number of documents and web based information regularly updated including: -
 - National Planning Framework for Scotland 3
 - PAN 56 Planning and Noise
 - PAN 58 Environmental Impact Assessment
 - PAN 60 Planning for Natural Heritage
 - 2020 Routemap for Renewable Energy
 - Onshore Wind Turbines
 - Wind Farm developments on Peat Lands

8.0 PLANNING APPRAISAL

8.1 As explained in Section 1.3 of this report, 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 extension to the development, it will receive deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended). While not a planning application, the Council processes S36 applications in the same way as a

planning application as a consent under the Electricity Act will carry with it deemed planning permission.

8.2 Section 25 and of the Town and Country Planning (Scotland) Act 1997 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

Determining Issues

- 8.3 The determining issues for the council as planning authority responding to this consultation are:
 - do the proposals accord with the development plan?
 - if they do accord, are there any compelling reasons for not approving them?
 - if they do not accord, are there any compelling reasons for approving them?

Planning Considerations

- 8.4 In order to address the determining issues, the Committee must consider
 - a) Development Plan
 - b) Interim Supplementary Guidance
 - c) Highland Renewable Energy Strategy
 - d) National Policy
 - e) Roads and Transport
 - f) Water, Flood Risk, Drainage and Peat
 - g) Natural Heritage
 - h) Built and Cultural Heritage
 - i) Design, Landscape and Visual Impact (including Wild Land)
 - j) Access and Recreation
 - k) Economic Impact and Tourism
 - I) Noise and Shadow Flicker
 - m) Telecommunications
 - n) Aviation
 - o) Construction
 - p) Other material considerations

Development Plan

- 8.5 The Development Plan comprises the adopted Highland wide Local Development Plan (HwLDP) and the Inverness Local Plan (as continued in force). There are no site specific policies affecting this application site within the Inverness Local Plan (as continued in force). The principal HwLDP policy on which the application needs to be determined is Policy 67 Renewable Energy. The other HwLDP policies listed at 6.2 of this report are also relevant and the application must be assessed against these.
- 8.6 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) to achieve the right development in the right place; it is not to allow development at any cost. If the Council is satisfied that there will be no significant adverse impact then the application will accord with the Development Plan.

Interim Supplementary Guidance

- 8.7 Following the publication of SPP in June 2014, the Onshore Wind Energy: Interim Supplementary Guidance (ISG) is to be reviewed as a matter of priority. That said, the ISG will continue to assist with the consideration of onshore wind energy applications meantime. The site principally falls within an "Area of Search" for wind energy. This requires the proposal to be assessed, as noted above, within Policy 67 of the HwLDP. The site is in proximity of an "Area of Significant Protection" and an "Area of Potential Constraint".
- 8.8 The Interim Supplementary Guidance also expands on the considerations / criteria set out in the Development Plan policy including Criterion 1 (Natural, Built and Cultural Heritage); 2 (Other species and Habitat Interests); 3 (Landscape and Visual Impact), and 11 (Traffic and Transport Interests). These are key issues to be examined in this assessment. If the Council is satisfied on these matters then the application will accord with its Interim Supplementary Guidance.

Highland Renewable Energy Strategy (HRES)

8.9 The Development Plan references HRES, which was developed by the Council for a range of Renewable Energy technologies. In particular the additional benefits from such investment including for example 'Education and Training,' 'Community Benefit' and 'Local Content' which are important considerations when assessing individual project proposals. For the avoidance of any doubt only those parts of the Council's HRES which are compliant with Scottish Government SPP remain in force.

National Policy

8.10 As described earlier in this report, there is strong support for renewable energy development in national policy. However, it also recognises that this type of development needs to be guided to appropriate locations. There is a Scottish Government target of 50% of Scotland's electricity demand to be generated from renewable resources by 2015, and 100% of Scotland's electricity demand to be generated from renewable resources by 2020. The targets are not a cap. The Scottish Government has advised that operational onshore wind energy capacity delivered 39.8% of Scotland's Gross electricity consumption in 2012. In 2013, 11,340GWh of electricity generated was delivered from wind turbines. At the end of June 2014 Scotland had an installed renewable energy capacity of 6,823MW.

Highland onshore wind energy projects in operation as of April 2014 have a capacity to generate 1,632MW. A further 1030MW is approved on shore and a further 2,500MW has been approved offshore.

8.11 SPP highlights criteria for the assessment of applications. These are listed in para 7.4. These elements, as relevant to this application, are examined within this assessment. The SPP advises that Development Plans are expected to have a spatial framework for onshore wind farms drawn from the identification of areas where wind farms will not be acceptable; areas of significant protection; and areas with potential for wind farm development, subject to detailed assessment against identified policy criteria. The Council's spatial approach is currently as set out in its Interim Supplementary Guidance, noted above.

Roads and Transport

- 8.12 The development will bring an increase in traffic onto the road network, principally during construction. This will be largely limited to impacts on the trunk road network. However there are anticipated to be some impacts on the local road infrastructure through delivery of components to site and construction traffic moving around the area and to the site.
- 8.13 The site will be accessed using the previously approved access to Beinneun Wind Farm from the A87. This will give a direct route to site from the preferred port for delivery at Kyle of Lochalsh. The route has previously been used for the delivery of turbines for the Millennium Wind Farm.
- 8.14 At the peak of construction activity on the site, in month 3 of the anticipated 7 month construction programme there will be on average an additional 72 vehicles using the roads around the site, approximately 24 of these will be HGVs. The abnormal loads will be delivered to site in months 5 and 6 of the construction programme. Transport Scotland do not consider the impact on the road network significant, albeit, they recognise that the increase in HGVs on the A87 is significant as there is currently not many HGVs using this route. The position of Transport Scotland is accepted.
- 8.15` The Trunk and Local Road Authorities have requested that conditions be applied to any permission which may be granted to ensure appropriate measures are in place to protect the road network during construction and operation of the proposed development. These include securing appropriate, details on delivery of abnormal loads, and design and construction of the new access, traffic control measures, construction stage traffic management plan and required mitigation to the local road network as set out above. Given the potential disruption to the road network during construction, there will be a need for a community liaison group to ensure the community are informed of any traffic issues prior to them coming into force. This can be secured by condition.

Water, Flood Risk, Drainage and Peat

8.16 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.

- 8.16 The CEMD can be secured by planning condition, requiring the agreement of construction methodologies with statutory agencies following appointment of the wind farm balance of plant contractor and prior to the start of development or works.
- 8.17 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 the affects of potential chemical contamination, sediment release and changes in supplies to Ground Water Dependant Terrestrial Ecosystems. This includes setbacks from water courses. Further mitigation is proposed during the operational phase to manage these potential issues. SEPA support this approach.
- 8.18 The wider site is home to extensive Ground Water Dependent Terrestrial Ecosystems (GWDTEs). The positioning of the tracks and turbines have generally avoided the most sensitive GWDTEs. SEPA has requested that the proposed mitigation associated with GWDTEs should be included in the CEMP. This mitigation includes the use of silt traps and de-watering of excavations. This mitigation can be secured by condition.
- 8.19 The development is proposed on an area of relatively thin soils and as a result the surface water run off is already quite high. The development is likely to slow down these flows through the use of sustainable drainage systems to attenuate run off and filter out any potential pollutants. Details of the SuDS plan can be secured by condition.
- 8.20 Ness District Salmon Fisheries Board has raised concerns over the potential impact of the development on water quality in rivers close to the site which contain fish populations. The impact on water quality of this development has also been raised by Marine Scotland Science. The developer has stated in its Environmental Statement a series of mitigation measures that will be employed throughout the construction period to protect the water environment. These can be secured by condition. To provide a baseline for the assessment of water quality and to ensure the water quality can be monitored, Marine Scotland Science and Ness District Salmon Fisheries Board have requested conditions to be attached to the any consent which may be granted to monitor water quality in the watercourses flowing through the site and those which have catchments which take in the site. This water quality monitoring work has already commenced and is nearing completion, as it was a condition of the previously approved application for Beinneun Wind Farm, it would be appropriate that this was again secured by condition to ensure the monitoring takes account of the effect of this Beinneun Extension as well as the consented development. However, for the avoidance of doubt the monitoring which has already been carried out will be sufficient to establish the baseline.

8.21 Water quality has a direct effect on the populations of aquatic creatures in the water environment. As this is the case here, both Marine Scotland Science and Ness District Salmon Fisheries Board have also sought conditions to monitor aquatic macro-invertebrate assemblages, fish populations and habitats. Again this work has already commenced but it is appropriate to ensure the monitoring is undertaken for the wind farm extension as well. This can be secured by condition.

Natural Heritage

- 8.22 The development does not sit within any sites designated for ecological interests but is close to and has potential connectivity with a number of sites which are designated at national and international level. As a number of the potentially connected sites are designated at a European level, the proposal needs to be assessed against the 'Habitats Directive' which is translated into Scots law through the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). This must be carried out by the Energy Consents and Deployment Unit before any consent is granted. SNH has advised the ECDU that this should consider the likely significant effect of the proposal on the West Inverness-shire Lochs Special Protection Area and the River Moriston Special Area of Conservation. In its advice to the ECDU, SNH considers that the development is not likely to have a significant adverse affect on European designated sites given that no flights by common scoter or black throated divers were recorded over the application site and no presence of nesting sites for black throated divers were found within the site.
- 8.23 The conditions on the site lend themselves to supporting a number of habitats and species. The Environmental Statement has identified the ecological receptors present within and outwith the site. Through the design of the development the applicant has avoided or minimised the impact on these ecological receptors. With that said, impacts are still anticipated on Blanket Bog, Montane Heath, Wet Heath, Water Voles and Reptiles, however the applicant does not consider these impacts are significant following the application of mitigation. This mitigation includes the application of a Habitat Management Plan, employment of an Ecological Clerk of Works and use of Construction Environment Management Plans. This assessment is not disputed and the required mitigation can be secured by condition.
- 8.24 The Highland Badger Network has requested that a full badger survey is undertaken before work commences. The Environmental Statement has advises that a survey of the habitats of the area and also advises that field studies were undertaken following best practice. No evidence of badgers in the form of setts, latrines prints or hairs were found. The ES states that the habitat is sub-optimal for badgers. As such it is not considered that a full badger survey is required but the site should be surveyed using the same methodology as previously employed for the pre-construction to confirm this and implement any required mitigation.
- 8.25 As the development is utilising the existing infrastructure of the consented scheme, the additional impact on ornithological habitat and disturbance will be limited. In terms of collision risk this is considered to be extremely unlikely due to the limited flights across the site, however it is anticipated there will be some

displacement of Golden Plover, Golden Eagle, Dunlin and Greenshank. The ES considers this displacement to be of low magnitude and, dependant on species, ranging from probable to near certain. This leads to the significance of this effect being considered "Not Significant" by the applicant. Mitigation proposed through the construction phase can be secured by condition. No mitigation is proposed during the operation of the wind farm. Overall taking into consideration the view of SNH it is not considered that the development would lead to a significantly adverse impact on ornithology once mitigation is applied.

Built and Cultural Heritage

- 8.26 The area in which the wind farm sits contains a limited amount of built and cultural heritage features as demonstrated by Chapter 10 of the Environmental Statement. This does not identify any known archaeological features within the site, however that does not rule out buried archaeology on the site and as such it is considered that a scheme of mitigation is brought forward and implemented during construction. This can be secured by condition.
- 8.27 Beyond the application site there are a number of cultural heritage assets which are of international, national, regional and local importance where there may be indirect affects. The most prominent of these being the Fort Augustus Benera Military Road Scheduled Monument. The Environmental Statement recognises that there will be visibility of the scheme from this feature but the visibility of the scheme will not affect "the ability to understand or appreciate the construction, form and relation o the road to its landscape." Neither Historic Scotland nor the Historic Environment Team object to the application.

Design, Landscape and Visual Impact (including Wild Land)

- 8.28 The development will not be viewed in isolation and will be viewed predominantly as an integral part of the Beinneun Wind Farm. The seven turbine extension is clustered around the edge of the consented development, with 5 of the 7 turbines to the south of the consented development and the remaining 2 turbines to the west of the consented array. The applicant states that the design of the scheme was based on consideration of landscape and visual impacts and consideration of the technical and environmental constraints of the site. Viewpoints 1, 3, and 10 best demonstrate the layout of the scheme and its setting both in the landscape and against the backdrop of the consented scheme.
- 8.29 The height of turbine across the consented site is 132m, but it is subject to an application to vary the heights to 133.5m to which the Council raised no objection. The heights of the turbines proposed for this extension are 136m to blade tip. The proposed development produces a simple development from most angles and the variance in turbine heights between the consented development and the extension is not considered to be significant. The extension does not significantly extend the spread of wind turbines in most views but intensifies the density of turbines within views. There are some more pronounced expansions of the turbine cluster to the west in views of the proposed development from the north and south. However, given that in these views the development only appears as a slight expansion when taking into consideration the spread of the consented

scheme in this area, this is considered to be acceptable.

- 8.30 The development will not sit alone in the landscape. The consented Beinneun Wind Farm sits to the north albeit construction is yet to commence and the consented Millennium Wind Farm and associated extensions sit to the east. In addition the Millennium South Wind Farm is awaiting a decision from Scottish Ministers. It is considered that the proposed wind farm will sit comfortably with the consented Beinneun Wind Farm and those others in close proximity including Millennium 1, 2, 3 and Millennium South. However it is considered that this development would then take much of the remaining landscape capacity for wind energy development on this elevated landscape.
- 8.31 A total of 15 viewpoints across a study area of 35km have been assessed with regard to landscape and visual impact. These viewpoints are representative of a range of receptors including settlements, recreational users and road routes. The expected impact of the development in isolation can be seen with the ZTV to Blade Tip with Viewpoints (Figure 6.2a) in the Environmental Statement. However, if consented, this development will sit side by side with the consented Beinneun Wind Farm and will be constructed at the same time. As such the application has been assessed taking this into consideration from the outset. The ZTV for the Beinneun and the Beinneun Extension can be found on Figure 6.14 of the Environmental Statement.
- 8.32 The landscape impacts of the development will be focussed on two landscape character types:
 - Rocky Moorland; and
 - Rugged Massif.
- 8.33 The ES does not consider that that the impacts of the development on the landscape will be significant. In reaching this conclusion the ES methodology split each landscape character area into units due to their scale.
- 8.34 The ES states that the effect on these landscape types is not significant. As the consented development has yet to be constructed, it is considered that there will be a significant effect from the current baseline. However the landscape effects of the consented development should also be considered when assessing this extension. This extension would further reinforce the change which will occur in this area as a result of the consented scheme and other wind energy developments in close proximity, leading to the landscape character types being defined as Rocky Moorland with Wind Turbines and Rugged Massif with Wind Turbines, in the proximity of the proposal. Following the construction of the consented development and the extension it is considered that the landscape in the immediate surrounds will be best defined as a wind farm landscape.
- 8.35 The applicant's assessment draws upon the supportive elements of how the proposal could be perceived within the landscape. The impact of the proposed development, both individually and cumulatively with other wind farm development is unlikely to be more significant than presented in the ES due to the limited views of the landscape in areas where people are likely to view the proposed development in the landscape as demonstrated by the ZTV. This shows that the

scheme will be visible in an almost 300° arc around the site within the 35km study area.

- 8.36 The site is in proximity to a number of landscape designations including National Scenic Areas (NSA), Gardens and Designed Landscape, and Special Landscape Areas (SLA). The Environmental Statement has not identified a significant effect on these designations for a combination of reasons including distance to these designations, the site being within an areas already occupied by wind energy development and visibility to the scheme from these designations. This is not disputed.
- 8.37 Wild Land Areas are situated to the north west, south west and south east. The ES does not consider that effects on these are significant. While the conclusions of this assessment are not contested, the concerns raised by the John Muir Trust are noted. As per the effects on landscape character, the proposal is likely to add to the effects already experienced. However the additional effect of these 7 turbines is not considered to be significant.
- 8.38 A ZTV for the proposal has been produced in support of the application. This demonstrates that the theoretical visibility of the scheme will only be increased slightly in comparison to the theoretical visibility of the consented Beinneun Wind Farm. This extension of theoretical visibility isolated to two short sections of the A87 and around Aonach Mor ski area within the 35km study area. There is also a small expansion of visibility of turbines around the Blarmachfoidach, Glen Nevis but this is beyond the 35km study area.
- 8.39 The ES has approached the issue of visual impact taking into consideration that the scheme will almost always be seen with the consented Beinneun Wind Farm. The visual receptors for the development have all been assessed in Technical Appendix 6.3. This states that receptors at Viewpoints 1 10 have the potential to be significantly affected by the proposed development. These viewpoints are all in relatively close proximity to the site and in most cases expand the horizontal visibility of wind turbines in the area. From the remaining 5 viewpoints the visual impact has not been assessed as significant.
- 8.40 The cumulative effect of this development with not only the consented Beinneun Wind Farm but also other wind energy developments in the area, must be considered. Cumulative effects are likely to arise from the operational Millennium Wind Farm, Millennium South Wind Farm (both to the east) and the Beauly Denny Line to the east. There are several other projects in the surrounding area including wind energy and other electricity generating or transmission infrastructure. While this is the case, the addition of the Beinneun Extension to these projects is unlikely to be significant due to the distances between developments and intervening landforms and vegetation.
- 8.41 The design of the development is best displayed from Viewpoint 1 Faichem Campsite, Viewpoint 6 Corrieyairick Pass and Viewpoint 10 Meall na h'Eilde. The design of the wind farm extension has sought to minimise the visual effects of the development by curving it around the south east and north west of the consented scheme and bringing the turbines down the hill. This approach, despite

the inclusions of larger turbines, has helped to deliver a scheme which fits well with the existing scheme and limits the additional visual effects which would normally arise as a result of a development of this scale.

- 8.42 In all views it is likely that the scheme will infill rather than significantly increase the spread of turbines across views. The receptors to the north and south of the proposed wind farm would experience the most noticeable changes to views due to the development expanding the array of wind turbines in this are, albeit this spread is not significant. However, it is the receptors to the south that will experience the most significant changes in views as the proposed development is visible almost in its entirety from these areas. These receptors are largely limited to hill walkers, as demonstrated by Viewpoint 10 Meall na h'Eilde, and small groupings of houses at Greenfield where there is limited landforms to screen the development will be in view. However, it will be back dropped by the consented scheme. Taking into account the location and sensitivity of these receptors combined with the extent of visibility, it is unlikely that the effects would exceed a moderate adverse impact.
- 8.43 In views from other visual receptors, the operational wind farm will remain far more prominent despite its smaller turbine heights. This would particularly be the case from south east in areas in close proximity to the scheme (Viewpoints 1, 6 and 9). There are several other wind energy developments in the wider study area, however cumulative effects of the addition of the proposed Beinneun Extension would are unlikely to be significant.

Access and Recreation

8.44 The site, like most land in Scotland is subject to the provisions of the Land Reform (Scotland) Act 2003. There are no core paths running over the site however, the wider area is rich in opportunities to access the outdoors, including walking routes to the nearby Corbett, Meall Dubh. 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. This can be secured by condition.

Economic Impact and Tourism

- 8.45 The proposed development anticipates a construction period of seven months, 25 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. There is also likely to be some adverse effects caused by construction disruption (traffic). 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.
- 8.46 Representations have also highlighted potential adverse impacts on walking, mountaineering. These concerns have been raised in relation to the disturbance

to the natural and wild qualities of the area in relation to wind farm development. The proposed development is an addition to the existing consented scheme and it is likely to be constructed at the same time. The impact of wind energy development on these qualities were considered through application process for the consented scheme. As set out in the section of this report on Design, Landscape and Visual Impacts, the proposed development is likely to intensify the effects on landscape, wildness and visual but it is not considered to be significantly adverse. The anticipated impacts are considered acceptable.

- 8.47 In examining the local economy the Environmental Statement identifies a number of tourist assets that would be affected to varying degrees by the proposed development. This includes walking routes. However turbines can be viewed both positively and negatively.
- 8.48 The impact on tourists visiting the area is seen as being negligible, although concerns have been raised over the landscape and visual impact of the proposals particularly from recreational users (including tourists) of the mountains in the area. It is considered unlikely that this would put hill users off climbing the mountains of this area in the first instance but it may discourage repeat visits. There is limited visibility of the scheme due to topography or vegetation from the popular tourist roads in the area, including the A887 and A87.

Noise and Shadow Flicker

- 8.49 The originally consented development did not identify noise sensitive receptors within the area predicted to experience noise levels in excess of the simplified ETSU-R-97 critrion of 35 DB, L_{A90, 10min}. Through the application to vary the blade tip height the Council recommended a condition to ensure effective control of noise levels both individually and cumulatively with other existing and potential future wind energy developments in the vicinity. The decision on this application has yet to be made by Scottish Ministers.
- 8.50 In coming to a position on this proposal, there is a need to consider the cumulative noise impacts at noise sensitive properties, particularly to the south of the development but also to the north. This cannot take into consideration the impact arising from Beinneun and the Beinneun Extension in isolation but must also consider the cumulative noise impacts of the Millennium Wind Farm and associated extensions. The Council requested that the developers for the wind farm clusters at Millennium and Beinneun discuss the cumulative noise impacts in order to ensure that the cumulative noise levels from all wind farms in this area can be effectively controlled.
- 8.51 Noise assessments for both developments have demonstrated that cumulative noise levels from all the existing and proposed wind farms in this area can meet the Council's composite limits of 35dB LA90 10min day time; 38dB LA90 10min night time or up to 5dB above background levels. However, due to the number of individual developments it is not possible to attach this limit as a condition to this one development. As such it is appropriate to require the submission of a protocol by the applicant for the Beinneun Extension which will form the basis of a legal agreement between the parties setting out how they will work with the developer /

operator of the Millennium cluster of wind turbines. In the event of a complaint arising, this protocol, and subsequent legal agreement, shall set out the procedures to be followed and mitigation measure to be implemented, up to and including, the shut down of turbines to enable the noise complaints to be resolved.

- 8.52 By taking this approach, the Planning Authority will retain effective control over the potential noise impacts and have a suitable avenue for investigation should any noise complaints arise from the development both individually, cumulatively with the consented Beinneun Wind Farm and cumulatively with the Millennium cluster of wind turbines.
- 8.53 In terms of shadow flicker it is not anticipated that this will be an issue for this development either individually or cumulatively given the location of the development in relation to properties.

Telecommunications

8.54 No concerns have been raised in relation to potential interference with radio / television networks in the locality from key consultees. Notwithstanding this, the Council has a standard practice of requiring developers to address adverse impacts that may emerge during construction and over the initial year of operation when problems may be detected. This can be secured by condition and a financial bond. This should sufficiently address any future concerns should they emerge with the project construction and over the initial year of operation when problems may be experienced.

<u>Aviation</u>

8.55 The application has raised no concerns with regard to aviation interests in relation to the Civil Aviation Authority, Highlands and Islands Airports Limited, Ministry of Defence or National Air Traffic Control. Should the proposal be granted consent, a condition can be applied to secure suitable mitigation in terms of aviation lighting and notification to the appropriate bodies of the final turbine positions.

Construction

- 8.56 The construction phase of the development is anticipated to last 7 months. Further works may be required for any interim site restoration, in addition to decommissioning and site restoration at the end of the operational period of the wind farm. The key impacts for local residents through construction will be the additional traffic movements of the work force and deliveries including abnormal loads associated with turbine deliveries. By using best practice construction management, the anticipated impacts on local communities and residential properties in the proximity of the development / road access routes will be minimised. It is anticipated that the development will be built out at the same time as the consented Beinneun Wind Farm and share much of the same infrastructure.
- 8.57 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 a 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 restoration of any access tracks and other associated infrastructure.

- 8.58 Developers have to comply with reasonable operational practices with regard to construction noise so as not to cause nuisance, which is then tackled via the Council's Environmental Health services under Section 60 of the Control of Pollution Act 1974 which can set restrictions in terms of hours of operation, plant and equipment used and noise levels etc. Should the application be granted an informative should be set out to invite the developer discuss the construction noise with relevant Council officers.
- 8.59 In taking forward the development, the developer has committed to the use of Community Liaison Group to ensure the community and other stakeholders are kept up to date and consulted before and during the construction period. This can be secured by condition.

Other material considerations

- 8.60 Given the complexity of major developments and to assist in the discharge of conditions, the Planning Authority seek contributions towards the employment of 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 quarterly compliance report to the Planning Authority.
- 8.61 In line with Council policy and practice, community benefit considerations are undertaken as a separate exercise and generally parallel to the planning process.
- 8.62 There are no other relevant material factors highlighted within representations for consideration of this application.

9.0 CONCLUSION

- 9.1 The Scottish Government gives considerable commitment to renewable energy and encourages planning authorities to support the development of wind farms where they can operate successfully and where concerns can be satisfactorily addressed. Highland has been successful in accepting many renewable energy projects in recent years and many more applications are in the planning process. This project will make a 23.8 MW contribution taking the total contribution from the Beinneun Wind Farm to 108.8 MW.
- 9.2 The application has attracted no objections from members of the public and there are no objections from statutory consultees which can not be addressed by condition. It is important to consider the benefits of the proposal and the potential drawbacks and when assessing it against the policies of the Development Plan.

- 9.3 A key response to the proposal comes from Fort Augustus and Glenmoriston Community Council who oppose the application on the grounds of environmental impact and cumulative visual impact. Introducing any development of this scale into the landscape will have an impact, however, it is considered that the proposed development fits within the available landscape capacity of the area, sits well with the consented Beinneun Wind Farm and the additional visual impact of wind energy development as a result of this extension is limited.
- 9.4 The application, when read alongside the schedule of mitigation proposed by the applicant and the further mitigation suggested by consultees that can be secured by conditions, is one which is seen to accord with the policies of the Council's Development Plan.
- 9.5 All relevant matters have been taken into account when appraising this application. It is considered that overall the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10.0 RECOMMENDATION

- 10.1 It is recommended that the Council **raise no objection** to the application. Should the application ultimately be approved by Scottish Ministers it should be subject to all planning conditions below being attached to any deemed planning permission:
- 1. This planning permission shall expire and cease to have effect after a period of 30 years from the date when electricity is first exported from any of the approved wind turbines to the electricity grid network (the "First Export Date"). Upon the expiration of a period of 25 years from the First Export Date, the wind turbines shall be decommissioned and removed from the site, with decommissioning and restoration works undertaken in accordance with the terms of condition 3 of this permission. Written confirmation of the First Export Date shall be submitted in writing to the Planning Authority within one month of the First Export Date.

Reason: - Wind turbines have a projected lifespan of 25 years, after which their condition is likely to be such that they require to be replaced, both in terms of technical and environmental considerations. This limited consent period also enables a review and, if required, reassessment to be made of the environmental impacts of the development and the success, or otherwise, of noise impact, species protection, habitat management and mitigation measures. The 30 year cessation date allows for a 5 year period to complete commissioning and site restoration work.

- 2. No development shall commence until a draft Decommissioning and Restoration Plan (DRP) for the site has been submitted to, and approved in writing by, the Planning Authority in consultation with SNH and SEPA. Thereafter:
 - I. No later than 3 years prior to the decommissioning of the development, the draft DRP shall be reviewed by the Wind Farm Operator and a copy submitted to the Planning Authority for their written approval, in consultation with SNH and SEPA; and

II. No later than 12 months prior to the decommissioning of the development, a detailed DRP, based upon the principles of the approved draft plan, shall be submitted to, and approved in writing by, the Planning Authority, in consultation with SNH and SEPA.

For the avoidance of doubt, the DRP shall include the removal of all above ground elements of the development, relevant access tracks, the treatment of disturbed ground surfaces, management and timing of the works, environmental management provisions and a traffic management plan to address any traffic impact issues during the decommissioning period. The detailed Decommissioning and Restoration Plan shall be implemented as approved.

Reason: - To ensure that all wind turbines and associated development is removed from site should the wind farm become largely redundant; in the interests of safety, amenity and environmental protection.

3. No development shall commence until Section 69 Agreement Local Government (Scotland) Act 1973 is in place to provide a financial guarantee with the Highland Council to secure the proper de-commissioning of the wind farm and site reinstatement as set out within the approved draft Decommissioning and Restoration Plan required under Condition 2 above.

Reason: - To ensure the necessary finances are secured to guarantee site restoration.

- 4. The Wind Farm Operator shall, at all times after the First Export Date, record information regarding the monthly supply of electricity to the national grid from each turbine within the development and retain the information for a period of at least 24 months. The information shall be made available to the Planning Authority within one month of any request by them. In the event that:
 - I. any wind turbine installed and commissioned fails to supply electricity on a commercial basis to the grid for a continuous period of 6 months, then the wind turbine in question shall be deemed to have ceased to be required. Under such circumstances, the wind turbine, along with any ancillary equipment, fixtures and fittings not required in connection with retained turbines, shall, within 3 months of the end of the said continuous 6 month period, be dismantled and removed from the site and the surrounding land fully reinstated in accordance with this condition; or
 - II. the wind farm fails to supply electricity on a commercial basis to the grid from 50% or more of the wind turbines installed and commissioned and for a continuous period of 12 months, then the Wind Farm Operator must notify the Planning Authority in writing immediately. Thereafter, the Planning Authority may direct in writing that the wind farm shall be decommissioned and the application site reinstated in accordance with this condition. For the avoidance of doubt, in making a direction under this condition, the Planning Authority shall have due regard to the circumstances surrounding the failure to generate and shall only do so

following discussion with the Wind Farm Operator and such other parties as they consider appropriate.

All decommissioning and reinstatement work required by this condition shall be carried out in accordance with the approved detailed Decommissioning and Reinstatement Plan, or, should the detailed Decommissioning and Reinstatement Plan not have been approved at that stage, other decommissioning and reinstatement measures, based upon the principles of the approved draft DRP, as may be specified in writing by the Planning Authority.

Reason: To ensure that any redundant or non-functional wind turbines removed from site, in the interests of safety, amenity and environmental protection.

5. No development shall commence until written confirmation has been issued by the Planning Authority that a legal agreement has been reached between the Planning Authority and the developer for the provision of a Planning Monitoring Officer (PMO), to be employed by the Planning Authority, to monitor compliance with the conditions attached to this planning permission. The agreement shall include provision for the employment of the PMO to be fully funded by the developer for a period beginning six months after the granting of this permission an extending until at least six months after the development is fully completed; provision may also be included for the developer to fund all or part of the PMO post until the expiration of the planning permission and restoration of the site. The role of the PMO, amongst other things, shall 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 quarterly compliance report to the Planning Authority.

Reason: To help, given the scale and complexity of the development, ensure compliance with the conditions of this permission.

- 6. No development shall commence until full details of the proposed wind turbines have been submitted to, and approved in writing by, the Planning Authority. These details shall include:
 - I. The make, model, design, power rating and sound power levels of the turbines to be used; and
 - II. The external colour and/or finish of the turbines to be used (incl. towers, nacelles and blades) which should be non-reflective pale grey semi-matt.

Thereafter, development shall progress in accordance with these approved details and, with reference to part ii above, the turbines shall be maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned. For the avoidance of doubt, all wind turbine blades shall rotate in the same direction.

Reason: To ensure that the turbines chosen are suitable in terms of visual, landscape, noise and environmental impact considerations.

7. Unless otherwise agreed in writing by the Planning Authority, all of the wind turbine transformers shall be located within the tower of the wind turbine to which they relate. Agreement for external transforms will only be given if the developer can, through detailed design work and additional landscape and visual impact assessment, demonstrate, to the satisfaction of the Planning Authority, that they would not adversely affect the character, integrity or general amenity of the application site and its setting.

Reason: To ensure ancillary elements of the development, such as external transformers, are only permissible if, following additional design and LVIA work, are demonstrated to be acceptable in terms of visual, landscape and other environmental impact considerations.

8. No development shall commence until full details of the final location, layout, external appearance, dimensions and surface materials of all control buildings, substations, welfare facilities, compounds and parking areas, as well as any fencing, walls, paths and any other ancillary elements of the development, have been submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA and SNH, as necessary). Thereafter, development shall progress in accordance with these approved details. For the avoidance of doubt the deployment of peat bunds for screening of buildings / equipment is not permitted.

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

9. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), and unless there is a demonstrable health and safety or operational reason, none of the wind turbines, anemometers, power performance masts, switching stations or transformer buildings/enclosures, ancillary buildings or above ground fixed plant shall display any name, logo, sign or other advertisement without express advertisement consent having been granted on application to the Planning Authority.

Reason: To ensure that the turbines are not used for advertising, in the interests of visual amenity.

- 10. No development shall commence until a scheme of aviation lighting is submitted to, and approved in writing by, the Planning Authority after consultation with the Ministry of Defence. Thereafter the approved scheme of aviation lighting shall be fully implemented on site. The Company shall provide both the Ministry of Defence and the Defence Geographic Centre (AIS Information Centre) with a statement, copied to the Planning Authority and Highland and Islands Airports Limited, containing the following information:
 - I. the date of commencement of the Development;
 - II. the exact position of the wind turbine towers in latitude and longitude;
 - III. a description of all structures over 300 feet high;
 - IV. the maximum extension height of all construction equipment;
 - V. the height above ground level of the tallest structure; and

- VI. detail of an infra red aviation lighting scheme as agreed with aviation interests and the Planning Authority to include: -
 - I. turbines at the cardinal points should be fitted with 25 candela omnidirectional red lighting and infra red lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.
 - II. remaining perimeter turbines should be fitted with infra red lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.

Reason: -To ensure that the erected turbines present no air safety risk and in a manner that is acceptable to local visual impact considerations.

- 11. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Planning Authority in consultation with the relevant Roads Authority(s). The CTMP, which shall be implemented as approved, must include:
 - i. A description of all measures to be implemented by the developer in order to manage traffic during the construction phase (incl. routing strategies), with any additional or temporary signage and traffic control undertaken by a recognised SQ traffic management consultant;
 - ii. The identification and delivery of all upgrades to the public road network to ensure that it is to a standard capable of accommodating constructionrelated traffic (including the formation or improvement of any junctions leading from the site to the public road) to the satisfaction of The Highland Council and, where appropriate, Transport Scotland, including;
 - a. A route assessment report for abnormal loads and construction traffic, including swept path analysis and details of the movement of any street furniture, any traffic management measures and any upgrades and mitigations measures as necessary;
 - b. An assessment of the capacity of existing bridges and other structures along the construction access routes to cater for all construction traffic, with upgrades and mitigation measures proposed and implemented as necessary;
 - c. A videoed trial run to confirm the ability of the local road network to cater for turbine delivery. Three weeks notice of this trial run must be made to the local Roads Authority who must be in attendance;
 - iii. Drainage and wheel washing measures to ensure water and debris are prevented from discharging from the site onto the public road;
 - iv. A risk assessment for the transportation of abnormal loads to site during daylight hours and hours of darkness;

- v. A contingency plan prepared by the abnormal load haulier. The plan shall be adopted only after consultation and agreement with the Police and the respective roads authorities. It shall include measures to deal with any haulage incidents that may result in public roads becoming temporarily closed or restricted.
- vi. A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period.
- vii. A detailed protocol for the delivery of abnormal loads/vehicles, prepared in consultation and agreement with interested parties. The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of abnormal load movements in the local media. Temporary signage, in the form of demountable signs or similar approved, shall be established, when required, to alert road users and local residents of expected abnormal load movements. All such movements on Council maintained roads shall take place outwith peak times on the network, including school travel times, and shall avoid local community events.
- viii. A detailed delivery programme for abnormal load movements, which shall be made available to Highland Council and community representatives.
- ix. Details of any upgrading works required at the junction of the site access and the public road. Such works may include suitable drainage measures, improved geometry and construction, measures to protect the public road and the provision and maintenance of appropriate visibility splays.
- x. Details of appropriate traffic management which shall be established and maintained at the site access for the duration of the construction period. Full details shall be submitted for the prior approval of Highland Council, as roads authority.
- xi. A concluded agreement in accordance with Section 96 of the Roads (Scotland) Act 1984 under which the developer is responsible for the repair of any damage to the public road network that can reasonably be attributed to construction related traffic. As part of this agreement, pre-start and postconstruction road condition surveys must be carried out by the developer, to the satisfaction of the Roads Authority(s).
- xii. Measures to ensure that construction traffic adheres to agreed routes.
- xiii. Appropriate reinstatement works shall be carried out, as required by Highland Council, at the end of the turbine delivery and erection period.

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

12. During the delivery period of the wind turbine construction materials any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by Transport Scotland / The Highland Council before delivery commences.

Reason: - To minimise interference with the safety and free flow of traffic on the road network.

13. Prior to the commencement of development, an updated traffic impact statement, including the impact of maintenance vehicles during the operational phase of the development, must be submitted to the Planning Authority for final approval in consultation with the Roads Authority. Where departures are proposed from the initial traffic impact assessment, these must be supported with an agreed pre construction survey assessment and appropriate mitigation to safeguard the integrity of the local road network including as necessary the prior provision of "wear and tear" agreement / financial bond.

Reason: To ensure that all construction traffic will not have any detrimental effect on the road and structures to be used within the construction of the development.

14. No development shall commence until a community liaison group is established by the developer, in collaboration with The Highland Council and local Community Councils. The group shall act as a vehicle for the community to be kept informed of project progress and, in particular, should allow advanced dialogue on the provision of all transport-related mitigation measures and to keep under review the timing of the delivery of turbine components. This should also ensure that local events and tourist seasons are considered and appropriate measures to coordinate deliveries and work with these and any other major projects in the area to ensure no conflict between construction traffic and the increased traffic generated by such events / seasons / developments. The liaison group, or element of any combined liaison group relating to this development, shall be maintained until the wind farm has been completed and is fully operational.

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

- 15. No development shall commence until a detailed Outdoor Access Plan of public access across the site (as existing, during construction and following completion) has been submitted to, and approved in writing by, the Planning Authority. The plan shall include details showing:
 - i. All existing access points, paths, core paths, tracks, rights of way and other routes (whether on land or inland water), and any areas currently outwith or excluded from statutory access rights under Part One of the Land Reform (Scotland) Act 2003, within and adjacent to the application site;
 - ii. Any areas proposed for exclusion from statutory access rights, for reasons

of privacy, disturbance or effect on curtilage related to proposed buildings or structures;

- iii. All proposed paths, tracks and other routes for use by walkers, riders, cyclists, canoeists, all-abilities users, etc. and any other relevant outdoor access enhancement (including construction specifications, signage, information leaflets, proposals for on-going maintenance etc.);
- iv. Any diversion of paths, tracks or other routes (whether on land or inland water), temporary or permanent, proposed as part of the development (including details of mitigation measures, diversion works, duration and signage).

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

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

- 16. No development shall commence until a Construction Environmental Management Document (CEMD), in accordance with The Highland Council's Guidance Note on Construction Environmental Management Process for Large Scale Projects (August 2010) (as amended, revoked or re-enacted; with or without modification), has been submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA, SNH and TECS). The CEMD shall be submitted at least two months prior to the intended start date on site and shall include the following:
 - i. An updated Schedule of Mitigation (SM) drawing together all approved mitigation proposed in support of the application and other agreed mitigation (including that required by agencies and relevant planning conditions attached to this permission);
 - ii. Change control procedures to manage/action changes from the approved SM, CEMD and Construction Environmental Management Plans;
 - iii. Construction Environmental Management Plans (CEMPs) for the construction phase, covering:
 - a. Habitat and Species Protection;
 - b. Pollution Prevention and Control;
 - c. Dust Management;
 - d. Noise and Vibration Mitigation;
 - e. Site Waste Management, including measures to address spoil heap storage and the re-use and removal of spoil;
 - f. Surface and Ground Water Management;
 - i. Drainage and sediment management measures from all construction areas including access track improvements; and
 - ii. Mechanisms to ensure that construction will not take place during periods of high flow or high rainfall

- g. Water Course Management;
 - i. Detailed designs of all new and / or improved water course crossings
 - ii. Development buffers from watercourses
- h. Peat Management Plan to include details of all peat stripping, excavation, storage and reuse of material in accordance with best practice advice published by SEPA and SNH. This should for example highlight how sensitive peat areas are to be marked out onsite to prevent any vehicle causing inadvertent damage.
- i. Management of Geo-technical Risks including provision of a completed Peat Landslide Risk Assessment;
- j. Water Quality Monitoring Plan, including information on monitoring programmes pre, during and post construction in relation to water quality chemistry, visual observations, surveys of aquatic macro-invertebrates assemblages, fish and habitat surveys, sampling and analysis and the actions which will be taken if monitoring indicates a deterioration in water quality which may affect aquatic life;
- k. Public and Private Water Supply Protection Measures;
- I. Construction Noise Mitigation Plans
- m. Emergency Response Plans;
- n. Habitat Management Plan to highlight positive enhancement of priority habitat and peatland including the effective monitoring and reporting post construction. This plan should address construction displacement, the potential for the wind farm to create new sources of food, the impacts this may have and how this will be monitored and managed over time. It should also take into account the potentially competing objectives of any other objectives for the site (e.g. habitat restoration), and seek the optimum outcome for both; and
- o. Other relevant environmental management as may be relevant to the development.
- iv. Special Study Area plans for:
 - a. Groundwater-dependant Terrestrial Ecosystems;
 - b. Species habitat identified within the Environmental Statement and/or raised by consultees. This should be informed by precommencement surveys for all protected species identified in the Environmental Statement and set out buffer areas to prevent encroachment on protected species and valued habitats; and
 - c. Any other specific issue identified within the Environmental Statement, Schedule of Mitigation and/or conditions attached to this permission;
- v. Post-construction restoration and reinstatement of temporary working areas, compounds and borrow pits;
- vi. Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities which shall include but not necessarily be limited to:

- a. Providing training to the developer and contractors on their responsibilities to ensure that work is carried out in strict accordance with environmental protection requirements;
- b. Monitoring compliance with all environmental and nature conservation mitigation works and working practices approved under this consent;
- c. Advising the developer on adequate protection for environmental and nature conservation interests within, and adjacent to, the application site;
- d. Directing the placement of the development (including any micrositing, as permitted by the terms of this consent) and the avoidance of sensitive features; and
- e. The power to call a halt to development on site where environmental considerations warrant such action.
- vii. A statement of responsibility to 'stop the job/activity' if a breach or potential breach of mitigation or legislation occurs; and
- viii. Methods for monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority, Community Liaison Group (as required under Condition 14 of this consent), and other relevant parties.

Thereafter, development shall be carried out in accordance with the approved Schedule of Mitigation, Construction Environmental Management Document and any Construction Environmental Management Plans approved thereunder.

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

- 17. Where ground conditions specifically require it, wind turbines, masts, areas of hardstanding and tracks may be micro-sited within the application site boundary. However, unless otherwise approved in writing by the Planning Authority (in consultation with SEPA and SNH), micro-siting is subject to the following restrictions:
 - a.
 - i. No wind turbine foundation shall positioned higher, when measured in metres Above Ordinance Datum (Newlyn), than the position shown on the original approved plans;
 - ii. No wind turbine, mast, hardstanding or track shall be moved:
 - a. More than 50m from the position shown on the original approved plans;
 - b. So as to be located within 250m (for turbine/mast foundations) or 150m (for hardstanding, tracks or trenches) of Groundwater-dependent

Terrestrial Ecosystems;

- c. To a position within 50m of any watercourse or, where it outlines a lesser distance, to a position within a watercourse buffer zone identified within the approved Environmental Statement and/or plans;
- d. To a position within an area identified within the approved Environmental Statement and/or plans as having a gradient constraint, being deep peat (that is peat with a depth of 1.5m or greater) or having a peat landslide hazard risk of significant or greater;
- iii. No wind turbine, mast, hardstanding or track shall be moved where a change to its position, location or route has been proscribed under a condition of this permission.

All micro-siting permissible under this condition without requiring the approval of the Planning Authority must be approved by the development's Environmental Clerk of Works (ECoW). A written record must be kept of any such ECoW approval and shall be maintained for a period extending to no less than four years following the First Export Date.

Any micrositing beyond 50m will require the specific written approval of the Planning Authority. In making such a request for micrositing beyond the 50m permissible under this condition, the developer must submit the following supporting information:

b.

- i. A plan showing the location of the micro-sited turbine(s) relative to the originally approved location;
- ii. Detailed reasoning for the micro-siting of the turbine(s);
- iii. An assessment of the visual impact of the micrositing; and
- iv. Compliance with conditions set out under a.ii.b a.ii.d of this condition.

Within one month of the wind farm being commissioned, the developer must submit an updated site plan to the Planning Authority showing the final position of all wind turbines, masts, areas of hardstanding, tracks and associated infrastructure within the site. The plan should also highlight areas where micrositing has taken place and, for each instance, be accompanied by copies of the ECoW or Planning Authority's approval, as applicable.

Reason: To enable appropriate micro-siting within the site to enable the developer to respond to site-specific ground conditions, while enabling the planning authority to retain effective control over any changes to layout that may have ramifications for the environment and/or landscape and visual impact.

18. No development shall commence until a TV and radio reception mitigation plan has been submitted to, and approved in writing by, the Planning Authority. The developer shall be required to put in place a financial guarantee with The Highland Council to ensure that the plan can be implemented if so required. The plan shall provide for a baseline TV reception survey to be carried out prior to the commencement of turbine installation, the results of which shall be submitted to the Planning Authority. Within 12 months of the Final Commissioning of the development, any claim by any individual person regarding TV picture loss or interference at their house, business premises or other building, shall be investigated by a qualified engineer appointed by the developer and the results shall be submitted to the Planning Authority. Should any impairment to the TV signal be attributable to the development, the developer shall remedy such impairment so that the standard of reception at the affected property is equivalent to the baseline TV reception. To support the

Reason: To ensure local TV and Radio Services are sustained during the construction and operation of this development.

19. All wires and cables between the wind turbines, control buildings, sub-stations and welfare buildings shall be located underground within the verge of the access tracks or within 3m of the access tracks, unless otherwise agreed in writing by the Planning Authority. Thereafter, and within three months of the completion of cable laying, the ground shall be reinstated to a condition comparable with that of the adjoining land, to the satisfaction of the Planning Authority.

Reason: To ensure that the construction of the wind farm is carried out appropriately and does not have an adverse effect on the environment.

- 20. No development shall commence until a Habitat Management Plan (HMP) has been submitted to, and approved in writing by, the Planning Authority, in consultation with SNH, SEPA and RSPB, providing for measures to protect and manage habitat and species within and adjoining the application site. The approved HMP, which shall be implemented in full unless otherwise agreed in writing, shall include:
 - i. the identification of management methods and opportunities to mitigate for any adverse impacts on sensitive habitats as identified in any Environmental Statement or other documentation approved under this permission. For the avoidance of doubt this should focus on;
 - a. areas of montane heat and other habitats listed within Annex 1 of the Habitats Directive;
 - b. measures for the enhancement of the black grouse habitat;
 - c. management of deer impacts.
 - ii. Methodology for the ongoing monitoring of the HMP over the lifetime of the development.

The approved HMP shall be a revised every 5 years and submitted to the Planning Authority for approval, in consultation with SEPA, SHN and RSPB, within 6 months of the review date. The revised HMP, and any associated mitigation, shall be implemented in full or as otherwise may be agreed within the approved plan.

Reason: To protect and enhance the nature conservation interests of the area, including the management of habitats on the site, mitigate any effects on Black Grouse and their habitat and avoid adverse effects on other species of nature conservation interest.

- 21. No development shall commence until a scheme for the working of each borrow pit within the site has been submitted to, and approved in writing by, the Planning Authority, in consultation with SEPA and SNH. Thereafter, the scheme shall be implemented as approved. The scheme shall make provision for:
 - i. Methods of working (including the timing of works and the use of explosives and/or rock-breaking equipment);
 - ii. A description of the volume and type of minerals, aggregates and/or fines to be extracted from each borrow pit;
 - iii. A site plan and section drawings showing the location and extent of each extraction area;
 - iv. Overburden (peat, soil and rock) handling and management;
 - v. Drainage infrastructure, including measures to prevent the drying out of surrounding peatland; and
 - vi. A programme for the re-instatement, restoration and aftercare of each borrow pit once working has ceased.

Reason : To ensure that a scheme is in place to control the use of borrow pits to minimise the level of visual intrusion and any adverse impacts as a result of the construction phase of the development.

- 22. No development shall commence until a Peat Management Plan, developed in consultation with SEPA and SNH, has been submitted to, and approved in writing to, the Planning Authority. The Peat Management Plan shall draw upon the findings of any approved Environmental Statement, Peat Slide Risk Assessment, consider the findings of any additional ground investigations carried out prior to development commencing and include a management/reinstatement scheme for all peat areas within the application site, including:
 - i. Details and plans for all peat and soil stripping and excavation and the storage and proposed use and replacement of peat, topsoil and subsoil; and
 - ii. A method statement setting out the measures to protect peat during excavation, storage, handling and reuse.

The Peat Management Plan shall take due consideration of the mineral and slope stability of the site identified in the peat landslide risk assessment and shall have regard to the drainage implications of soil movement and storage. The Plan shall be implemented as approved.

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

23. No development shall commence until the access to the site from the A87 and A887 is constructed to a layout and type as submitted to and agreed by the Planning authority in consultation with Transport Scotland.

Reason : To ensure the access is built to a standard commensurate with the anticipated use both during construction and operation of the development.

- 24. No development shall commence until a Noise Measurement and Mitigation Scheme has been submitted to, and approved in writing by, the Planning Authority. The scheme shall include:
 - a) a framework for the measurement and calculation of noise levels to be undertaken in accordance with ETSU-R-97 and its associated Good Practice Guide and supplementary guidance notes to be undertaken in the event of a complaint
 - b) Noise limits, agreed with the Planning Authority, for the cumulative noise levels from any or all of Beinnuen Wind Farm, Beinnuen Wind Farm Extension and Millennium South Wind Farm.
 - c) Details of the mitigation measures to be enacted, along with a timetable(s) for implementation in the event that the agreed noise limits are exceeded. A range of measures may need to be established to cover the different possible scenarios due to the number of wind turbine developments.

Within 21 days from receipt of a written request of the Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the approved noise measurement and mitigation scheme must be implemented. Any noise measurements and calculations must be undertaken in accordance with the scheme.

The wind farm operator shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise immissions within 2 months of the date of the written request of the Planning Authority, unless the time limit is extended in writing by the Planning Authority. All data collected for the purposes of undertaking the compliance measurements shall be made available to the Planning Authority on the request of the Planning Authority.

Where a further assessment of the rating level of noise immissions from the wind farm is required to assess the complaint, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment to the Planning Authority unless the time limit for the submission of the further assessment has been extended in writing by the Planning Authority.

The wind farm operator shall continuously log power production, wind speed and wind direction. This data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in writing to the Planning Authority within 14 days of such a request.

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

25. No development shall commence until written confirmation has been issued by the Planning Authority that a legally binding agreement has been reached between the operators of the Beinnuen Wind Farm, Beinnuen Wind Farm Extension and Millennium South Wind Farm on a protocol for cumulative Noise Measurement and Mitigation as required by Condition 24 of this deemed planning permission. This legal agreement shall be submitted to, and approved in writing by, the Planning Authority.

Reason : To ensure that, following a complaint, cumulative noise levels can be measured to assess whether or not the predicted noise levels set out within the supporting noise assessment have been breached both alone and in combination and where excessive noise is recorded, suitable mitigation is undertaken either alone or in combination with other parties.

- 26. No development shall commence until a conservation plan for Common Scoter is submitted to and approved in writing by, the Planning Authority in consultation with SNH and RSPB. The conservation plan shall include:
 - i. Monitoring of impacts arising from the development on Common Scoter in the West Inverness-shire Lochs SPA;
 - ii. Development of a research programme into Common Scoter breeding ecology in the West Inverness-shire Lochs SPA. This shall include scoter and mammal surveys, fish studies and investigation of the loch profile.

Development and work shall progress in accordance with any mitigation measures contained within the approved conservation plan and the timescales contain therein.

Reason : To ensure that the site and its environs are surveyed and the development does not have an adverse impact on Common Scoter and the integrity of the West Inverness-shire Lochs SPA.

Designation:	Head of Planning and Building Standards	
Author:	Simon Hindson	
Background Papers:	Documents referred to in report and in case file.	
Relevant Plans:	1438/REP/012 - Location Plan	
	1438/REP/013 - Site Layout Plan	
	1438/REP/016 Rev A - Turbine Elevation	
	1438/REP/017 - Turbine Foundations	

1438/REP/018 - Access Track 1438/REP/019 - Passing Place 1438/REP/020 - Cable Trench Plan 1438/REP/021 - Compound Floor Plan



P:\Projects\1439 Beinnuen Extension\Document Files\Reports\Environmental Statement\1439 Fig01.1 Site Location.mxd





P:\Projects\1439 Beinnuen Extension\Document Files\Reports\Environmental Statement\1439 Fig01.2 Development Layout.mxd









SECTION A-A THROUGH TYPICAL TURBINE BASE (1:200)

	BLUE ENERGY
	NOTES:
	All measurements are in metres unless otherwise stated.
ICH PS	
	NOT FOR CONSTRUCTION
	Produced By:RMRef: 1439/REP/017Rev: -Reviewed By:SCDate: 22/09/2014
	Approved By: IS Scale: AS SHOWN
	Indicative Turbine Foundation Figure 4.2
	Beinneun Windfarm Extension Environmental Statement









PLAN OF TYPICAL PASSING PLACES ON ACCESS ROADS (1:250)

NOTE : PASSING PLACES TO BE LOCATED AT SUITABLE SITES ALONG ACCESS ROADS. PERMANENT CRANE HARDSTANDING WILL BE USED AS PASSING PLACES, WHERE POSSIBLE





CABLE TRENCH DETAIL (1:50)





PLAN VIEW (1:500)

