



Decision by Robert Seaton, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2151
- Site address: Culachy Estate, land 6 kilometres south east of Invergarry
- Appeal by RES UK & Ireland Ltd against the decision by the Highland Council
- Application for planning permission 14/04782/FUL dated 22 December 2014 refused by notice dated 18 December 2015
- The development proposed: construction of 13 wind turbines, 12 up to 149.5 metres to tip height and one up to 132 metres to tip height and ancillary development
- Date of site visit by Reporter: 4, 5, 7 and 27 October 2016, 29 April and 1 May 2017, 14 April 2018

Date of appeal decision: 27 April 2018

DECISION

I dismiss the appeal and refuse planning permission.

PRELIMINARY

On 16 May 2017, the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 came into force. The 2017 regulations revoked the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 with certain exceptions. The 2011 Regulations continue to have effect for an application (and any subsequent appeal) for planning permission where the applicant submitted an environmental statement in connection with the application before 16 May 2017. That was done in this case. I have therefore determined this appeal in accordance with the 2011 regulations as they applied before 16 May 2017.

REASONING

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise.
2. Having regard to the provisions of the development plan the main issues in this appeal are:
 - the landscape and visual effects of the proposed development, including its effect on the Brae Roy – Glenshirra – Creag Meagaidh wild land area,
 - the effect of the proposed development on the setting of the Wade road running through the appeal site,



- the effect of the proposed development on tourism,
- the effect of the proposed development on peat at the appeal site,
- the potential benefits of the proposed development, particularly its contribution to meeting renewable energy targets, and
- the weight to be given to the proposed development's contribution to meeting renewable energy targets in the light of the recent Scottish Energy Strategy and Onshore Wind Policy Statement.

Development plan

3. The development plan is comprised of the Highland-wide Local Development Plan 2012 (HWLDP) and supplementary guidance adopted under it, the Inverness Local Plan 2006 (as continued in force by HWLDP) and the Inner Moray Firth Local Development Plan 2015. Although the latter two plans form part of the development plan, no party has suggested that they contain policy relevant to the determining issues in this appeal.

4. I consider that the key HWLDP policies relating to the proposed development are policy 67 on renewable energy, the related statutory supplementary guidance – the Onshore Wind Energy Guidance (OWEG) and policy 57 insofar as it relates to the effect upon the Wade Road scheduled ancient monument and upon the wild land area. Other policies, including policy 28 on sustainable design, policy 55 on peat and soils, and policy 61 on landscape are also relevant.

5. Scottish Planning Policy paragraphs 28 to 35 sets out the presumption in favour of development that contributes to sustainable development. Since the HWLDP is now more than five years old, the presumption would be a significant material consideration if I were to find that the proposed development was such development. Although OWEG is itself only recently adopted, and not itself subject to this policy provision, it must be considered in the context that its parent policy is more than five years old.

The appeal site

6. The appeal site lies on rolling upland moorland on the northern side of the Monadhliath, six kilometres south of Fort Augustus in the Great Glen. Its north eastern edge runs along the River Tarff. At the north west it bounds the minor road between the A82 (a trunk road running through the Great Glen) and Ardachy Bridge while its south-east boundary runs from the peak of the Corrieyairack Hill across the slopes of Carn Leac and Poll-gormack perpendicular to the road over the Corrieyairack Pass. This road, built under the supervision of General George Wade after the Jacobite rising of 1715, runs from the south east to the north west corner of the site. Most of this road is scheduled under the Ancient Monuments and Archaeological Areas Act 1979, although its northern end is not.

7. The recently constructed Beaulay-Denny overhead line (BDOHL) also runs north to south across the site to the west of the Wade Road. It also crosses the Corrieyairack Pass. It has pylons rather over 50 metres in height. The northern part of the construction access track for the BDOHL is still in existence, running from the north (where the unlisted section of the Wade Road forms part of it) to the lower slopes of the pass. The remaining section to the head of the pass has been restored. The Culachy Estate has obtained planning permission to retain a track along the route of part of the still extant BDOHL construction

track from the valley to the north of Knollbuck to the crossing of the Allt Coire Uchdachan. The permission for the estate track would require the reduction of the very broad and poorly finished existing track to three metres with a grassed strip up the centre. It would have occasional passing places and two turning areas.

The proposed development

8. The proposed development is a windfarm comprising 12 turbines of up to 149.5 metres to tip and one turbine of up to 132 metres to tip with associated infrastructure, including access tracks, crane pads, cabling, meteorological masts, substation and borrow pits. The appellant has indicated that the current most suitable candidate turbine has installed capacity of 3.4 megawatts, which - if used - would provide a total installed capacity of 44.2 megawatts. The turbines would be located in the western part of the appeal site, to the west of the BDOHL, between the minor hills of Doire Thulaichean, Mullach a 'Ghlinne, Eilrig and Carn Bad na Circe and the lower slopes of Poll-gormack.

9. Construction access is proposed to be taken using the existing BDOHL construction track from the north. The retained track might require some alteration for the purpose of the proposed development, particularly cut and fill works to address steep gradients, tight bends, junctions, the approaches to bridges and possibly crane pad areas. The appellant proposed that the full design of the infrastructure, including the final form of the retained access track, would be carried out only if consent was granted. The appellant has given the view that the scale of earthworks for the access track would be similar to that for the temporary track.

10. In my view, it is conceivable that such works to the retained track could have significant landscape and visual effects not assessed in the environmental information before me. However, this is a matter the planning authority would have had to consider in approving the detailed design of the tracks, had I been minded to grant planning permission for the proposed development.

Landscape and visual effects of the proposed development

Landscape and visual evidence

11. Although there was some criticism of the quality of the visualisations originally provided in support of the proposed application, I find that the evidence before me at the inquiry was sufficient, along with the site visits I carried out, to reach a judgement upon the effects of the proposed development.

Landscape effects

Consistency with the existing pattern of development

12. The appellant and council agree that the proposed development would sit in an upland bowl and would be relatively compact. Its layout extends deeper in the axis perpendicular to the Great Glen than the parallel axis. I agree that the proposed development would accord with the established landscape pattern of existing and

consented development in the Monadhliath in these respects. It would, as Scottish Natural Heritage (SNH) says, extend the pattern to the south west.

13. The proposed development would be rather lower in elevation than other existing or consented windfarms in the Monadhliath. Although it would be set back from the edge of the Great Glen, it would be closer to the glen than the other commercial windfarms presently consented or existing in the Monadhliath (or on the other side of the glen). The turbines would be larger than other existing or consented windfarms in the Great Glen area. In these respects, the proposed development can be said not fully to accord with the established pattern.

14. As a consequence of its relative proximity to the glen, it would be seen in longer views south from the west side of the glen beyond the focal point of the head of Loch Ness. It would also be seen relatively close to the glen in longer views north along the glen from the hills adjacent to the west side of Loch Lochy.

15. Its relatively low position would mean it would be seen in many middle- and long-distance views fully backclothed against the landscape's darker vegetation. I agree with the council and the Mountaineering Council of Scotland (MCoS) that the contrast would be likely to make the proposed turbines stand out from their background. While turbines of existing or consented developments in the Monadhliath may also be seen from certain locations on the glen's west side backclothed against the landscape, their higher elevation would mean that this effect was less common.

16. Taken together, I consider that these factors (proximity to the glen and backclothing) would be likely to cause the proposed development to appear somewhat more prominent than existing or consented developments in the Monadhliath, particularly in longer views from upper slopes on the Great Glen's western side.

17. I do not consider the size of the proposed turbines would be likely to have a perceptible effect in the sense that to an observer they would jar visually with a neighbouring group by being obviously larger. I agree however with Scottish Natural Heritage (SNH) and the council that the proposed turbines would be likely to have some adverse effect upon perception of landscape scale of the area in which the proposed development would sit, reducing the perceived scale of the surrounding hills.

Effects on landscape character

18. As regards the proposed development's effects on landscape character, the appellant acknowledges it would have a number of localised significant indirect effects, including cumulative effects, on certain landscape character types (LCTs) including the Broad Forested Straths (LBR4), Smooth Moorland Ridges (LBR5), Rugged Massif (INV1), Rolling Uplands (INV2) and Broad Steep-Sided Glen (INV7). The appellant also acknowledges locally significant effects, including cumulative effects, on the Rocky Moorland landscape character type (LBR6) at Loch Lundie and moderate effects at Meall Dubh by Glen Moriston, which I agree with the council would be significant.

19. As regards the effect upon the Rolling Uplands LCT (INV2), I do not agree with the council that turbines are now so characteristic of the landscape character type that it should

be considered as rolling uplands with turbines. I do not understand that to be the appellant's assessment either.

20. As regards the effect upon the Smooth Moorland Ridges (LBR5), I largely agree with the assessment in the environmental statement's technical appendix 4.5. This acknowledges that the LCT has a medium to high sensitivity and that there would be a substantial magnitude of change, with the consequence that there would be a major and significant indirect effect upon it.

21. The technical appendix refers to visibility within the LCT occurring within 3.4 kilometres and also at a small number of distinct summits and at a low level in the course of the Allt Lagan a' Bhainne (a rather more extensive effect than is described in the environmental statement's main text). I consider a rather broader upland area than just summits is likely to experience significant effects west of Glen Buck and the Calder's tributaries. As regards the cumulative effects, I do not consider significant effects would be limited to distinct summits as the technical appendix states. They would extend relatively broadly over the northern part of the LCT on lower slopes as well as summits.

22. MCoS has drawn my attention to the landscape effects upon the Interlocking Sweeping Peaks landscape character type (LBR8). The appellant assesses these as none to moderate/minor with localised major/moderate effects at the summit of Ben Tee. Again, I consider this understates the proposed development's effect.

23. All the proposed turbines would be seen at a distance of 11.5 to 18 kilometres (rather than at distances of over 28 kilometres as stated in the technical appendix) over a relatively wide area between Ben Tee and the slopes to the west of Loch Lochy, including not only peaks but also over most of the wide bowl between the prominent north-eastern peaks through which the Allt a'Choire Ghlais runs. Over most of that area, including the mountain ridges and peaks, the turbines would be seen to hub height. In bowl of the Allt a'Choire Ghlais, which opens north east towards the proposed development, the wild land characteristics described in the Lochaber Landscape Character Assessment are, given its elevation and enclosure, relatively pronounced, even though it is not designated as wild land. Although Stronelairg turbines are likely to be seen over much of that area, they will be relatively distant, at 20 kilometres or more. I consider that the proposed development would be relatively prominent in the panoramic views out from the LBR8 over the contrasting landscapes around the Great Glen. In my view, the landscape effect over the area of LBR8 in which the proposed development would be visible would be significant.

24. Although the proposed development would be seen with the existing or consented Corriegarth, Dunmaglass and Stronelairg windfarms in the background, I agree with MCoS that it would represent a considerable advance of such development into the south west towards LBR8. The group of windfarms on Meall Dubh by Glen Moriston – Beinneun, Millennium and the latter's extension – are seen prominently in views from the hills in the north east of LBR8, Ben Tee and Meall nan Dearcag. Although the proposed development is further away than Millennium, it would be likely to be of similar prominence to the Millennium windfarm because of the greater size of its turbines. The Great Glen is a focus of views from LBR8. I consider that the presence of prominent wind farms on either side of the glen would represent a notable increase in the presence of wind energy development in

views from the north of LBR8. I therefore also consider that the cumulative landscape effect would also be significant.

Landscape designations

25. The proposed development would be visible from the ridge forming the boundary of the National Scenic Area of which the peaks of Toll Creagach and Tom a'Choinich form part. MCoS has drawn my attention to the combined effect of the proposed development with existing and consented developments in the view to the south east from the viewpoint at Toll Creagach (VP10).

26. I consider that the view from Toll Creagach is likely to be reasonably representative of views that can be obtained in that direction along several sections of the ridge, including the summit of Tom a'Choinich. The proposed development would perceptibly increase the number of turbines in views from the ridge. However, it would be at a distance of about thirty kilometres from the ridge. It would be seen set amongst other existing or consented windfarms. Those in the Monadhliath would be seen, when they are seen at all, at an even greater distance than the proposed development. The proposed development would not extend the angle of view that was occupied by turbines. It would be reasonably separated from other developments and would not be perceived from this distance as inconsistent with the pattern of those developments. I therefore agree with the appellant that the proposed development would not have a significant effect on the NSA either individually or cumulatively.

27. The importance of the landscape of the Great Glen is demonstrated by the designation of two special landscape areas (SLAs), one for Loch Lochy and Loch Oich, the other for Loch Ness and Loch Duntelchaig.

28. In the case of Loch Lochy and Loch Oich SLA, the evidence before me indicates that much of the rationale for its designation relates to the distinctive form and character of the Great Glen and the prominent elevated glen edge. These elements are particularly evident in low-lying positions in the glen. The views to the landscape from such positions would be unaffected by the proposed development. However, the citation for the SLA indicates that the outstanding views from higher elevations are also of importance.

29. I have noted the prominence of the proposed development in views from the Interlocking Sweeping Peaks landscape character type (LBR8). The SLA designation extends to most that landscape character type other than the north facing slopes of Ben Tee. The proposed development would be prominent in the views from most of the significant hills within the SLA on the western side of the Great Glen to the north of Gleann Cia-aig. From Meall na Teanga and Meall Dubh by Loch Lochy, both mentioned in the SLA citation for their outstanding views, the proposed development would be likely to be close to the Great Glen in views along the glen. This would give it some additional prominence, although at a distance of around 18 to 20 kilometres. I consider that the effect upon the outstanding views from the peaks west of the Great Glen would represent, both individually and cumulatively, a significant effect on the SLA.

30. As regards the Loch Ness and Loch Duntelchaig SLA, I agree with the appellant and council that, having regard to the SLA citation, the effect upon it would not be significant. I

consider that there would be an adverse visual effect upon the summits of Meall Fuar-mhonaidh, Burach and Sron na Muic and on the Great Glen Way, which I will discuss below.

Wild land

31. The proposed turbines and much of the associated infrastructure, including tracks, would be located within the Braeroy-Glenshirra-Creag Meagaidh wild land area (WLA).

32. The National Planning Framework sets out Ministers' desire to continue strong protection for the wildest landscapes and indicates that wild land is a nationally important asset. I consider therefore that designated wild land is to be treated as a natural environment resource of national importance in terms of HWLDP policy 57. This is notwithstanding that appendix 2 of the plan indicates that wild land is a resource of regional or local importance. The plan was adopted in 2012, before the current National Planning Framework. To accord with policy 57, a proposed development must therefore be shown not to compromise the resource, and any significant adverse effects must be clearly outweighed by social or economic benefits of national importance.

33. Scottish Planning Policy (SPP) paragraph 200 states that "Wild land character is displayed in some of Scotland's remoter upland, mountain and coastal areas, which are very sensitive to any form of intrusive human activity and have little or no capacity to accept new development." Both SPP paragraph 215 and the spatial framework for wind farm development set out in SPP table 1 indicate that areas of wild land are areas of significant protection in which wind farms may be appropriate in some circumstances. However, further consideration is required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

34. SNH gave the view that there would be significant effects upon the SLA and that these could not be substantially overcome even by reducing the height of the proposed turbines. It did not, however, object to the proposed development. It stated that the impact upon the WLA would be focused on the area surrounding the windfarm, that notwithstanding the presence of the BDOHL near the WLA boundary, there would be a further reduction in the wild land experience as a consequence of the proposed development, and that the proposed development would cause the effective loss of seven square kilometres of wild land from the WLA. It also noted that there would be some impacts on more distant summits to the south, including two munro summits. It considered these latter effects could be reduced by reducing the height of the proposed turbines and also that reducing the height of the proposed turbines would reduce the effect of the proposed development on the perceived scale of its immediate landscape.

35. SNH produced an interim guidance note in 2007 on assessing impacts of development on wild land. At the time the 2007 guidance was issued, SNH had identified search areas for formal designation as wild land. A draft of new guidance for consultation was produced in 2017 following the formal designation of wild land areas in 2014. Both documents require to be taken into account in dealing with the assessment of effects of the proposed development on the WLA. Both documents require an assessment that includes the identification of a study area, the establishment of the baseline, assessment of the

study area's sensitivity, assessment of the effects of the proposed development and assessment of their significance.

36. In 2017, SNH published descriptions of the key attributes and qualities of the wild land areas. The 2017 guidance makes reference to these descriptions and requires them to be considered in an assessment.

37. The appellant's wild land assessment, set out in technical appendix 4.4 of the environmental statement, treats the whole WLA as the study area. It divides the WLA into seven landscape character types (LCTs). Each LCT is assessed for its existing wild land qualities, and the effect of the proposed development and its significance for each area then assessed (although the assessment does not express any conclusion as to the significance of the effect upon the Managed Moorland LCT, stating instead that "this area of the WLA is not considered wholly consistent with the stated characteristics of Wild Land"). The assessment comes to the conclusion that the proposed development would not be likely to undermine the integrity of the whole WLA or its core area of wild land.

38. The appellant also provided in evidence to the inquiry session an assessment of the effects of the proposed development upon the wild land qualities described in the SNH description of the WLA.

39. The John Muir Trust (JMT) criticised the appellant's assessment provided with the environmental statement. It argues that all land within a WLA is to be subject to significant protection, that the WLA is to be considered as a whole, and that diminution of one WLA would result in loss to the national resource of wild land. It argues further that the appellant's assessment did not treat the WLA as a whole, subject as a whole to significant protection, but rather deals with each of the LCTs it identifies separately, in the case of the Managed Moorland questioning whether it is in fact truly to be considered wild land. JMT also argued that the appellant's baseline evaluation of the LCTs was inaccurate, with only one LCT (the Rugged Glacial Hills and Valleys) having wild land qualities assessed as "high".

40. I have no doubt that those parts of the appeal site within the WLA are, like other parts of the WLA, in terms of national planning policy within an area of significant protection. That would be the case whatever the baseline wild land qualities were. The immediate policy consequence in terms of Scottish Planning Policy of being subject to such protection is that assessment is required of the effects of the proposed development on wild land qualities. Once that has been done, further consideration must be given to whether any significant effects can be substantially overcome. The policy is clear that windfarms may be appropriate in areas of significant protection.

41. The SNH draft guidance of 2017 sets out that a proposal with likely extensive effects could be considered at the scale of the entire WLA. It requires the wild land qualities likely to be affected to be a focus of the assessment. It notes that the strength with which these qualities are expressed will vary in different parts of a WLA, and that they are likely to strengthen progressively towards the interior. It also notes that the boundaries of WLAs have been identified for strategic purposes and require case-by-case judgement when considering how development within these areas is to be assessed. The sensitivity of the study area is to be assessed in assessing the baseline.

42. The SNH interim guidance of 2007 also acknowledges that different parts of the wild land resource will vary in the strength to which they portray the physical and perceptual attributes of wild land.

43. I draw from this that, since wild land qualities may vary across a WLA, it is not an unreasonable or flawed approach in carrying out a wild land assessment to consider the different degree of baseline wild land qualities in different parts of the study area. I understand that a similar approach is followed in the examples in table 4 of the SNH interim guidance of 2007 and in annex 2 of the 2017 draft guidance. I also consider it was appropriate for the appellant provide a study of the effects for the whole WLA.

44. I agree with JMT that the presence of one development in or near a WLA does not in itself justify the presence of another. The SNH 2017 draft guidance indicates that, whilst the wild land areas map identifies areas where wildness is most strongly expressed, the areas are not “wilderness” empty of any human activities or influence. The SNH 2007 guidance notes that much wild land is not pristine and contains detractors. Furthermore, areas can score low on physical and perceptual attributes of wild land and yet they can contribute to the whole. If they are damaged, it may be a significant problem.

45. Having considered the appellant’s assessment and other landscape and visual material and carried out my own site visits to the WLA, I have a number of comments on the assessment.

46. I agree with the appellant and SNH that it is in the immediate area within the Managed Moorland LCT and adjacent Moorland Hills LCT, including Carn Dearg south of Gleann Eachach, that the proposed development’s main effects on the WLA would be likely to arise. I agree that, beyond the Moorland Hills LCT, the effect of the proposed development is likely to be limited, notwithstanding visibility of seven to eight turbines on the northern slopes of Carn Dearg in Glen Roy and visibility of blades from Beinn Teallach and Beinn a’ Chaorainn, both munros.

47. SNH suggested that the proposed development’s effects upon the more distant WLA hills (including Carn Dearg in Glen Roy, Beinn Teallach and Beinn a’ Chaorainn) could be reduced by a substantial reduction in turbine height. Some reduction in the area of visibility at those more distant peaks might have been achieved by proposing smaller turbines of, say, 115 metres. However, it is likely that visibility would only be reduced and that turbines of such a development would still be visible to hub height on those hills. I therefore consider the opportunities of mitigation of the effects on those hills to be limited.

48. I acknowledge that the Wade Road, Blackburn bothy, the broadcasting tower on Meall a’ Cholumain, the drainage channels in the Managed Moorland and the BDOHL and its associated retained track all have an existing influence upon the wildness of the Managed Moorland and Moorland Hills LCT. I also note the similar effect of a new water impoundment possibly for hydro-electric generation and its access track just inside the WLA on the Allt a’ Ghlinne. However, with the exception of the BDOHL and its retained track, the influence of these artefacts on the wildness of the two LCTs is limited. The Wade Road, Blackburn bothy and broadcasting tower are all outside the WLA. The drainage channels, although evident on the side of Mullach a’ Ghlinne and present between that hill and Eilrig,

in my view do not exert a strong influence on the experience of wildness. The water impoundment and track are located low in the cleft of the Allt a' Ghlinne. They are conspicuous from outside the WLA, but less so from the higher land within, although the track does somewhat increase the accessibility of the two LCTs.

49. I acknowledge that existing and consented windfarms outside the WLA have an influence over parts of the two LCTs. There are areas where such windfarms are not visible, both in the Managed Moorland between Mullach a' Ghlinne and Carn Bad na Circe and along the course of the Allt Lagan a' Bhainne. However, the BDOHL is likely to be visible in most of those areas. On the Managed Moorland and in the lower part of the Allt Lagan a' Bhainne's course, the BDOHL is prominent, and the retained section of its construction track would also have an obvious influence.

50. As regards the Managed Moorland LCT, the appellant's baseline evaluation finds each of the physical attributes of wildness to be low, and also each of the perceptual responses to wildness to be low. Applying table 1 of SNH's 2007 guidance, I understand this not to be an assessment that the area is lacking in wildness qualities but rather an acknowledgement that the area does possess each of these qualities and responses to the degree described in that table. The appellant's assessment for other landscape character types in the WLA records certain wildness qualities as not present for other LCTs, but there is no record of any attribute or response being negligible in respect of the Managed Moorland.

51. The assertion in the appellant's summary and conclusion regarding effects on the Managed Moorland that as a baseline "this area ... is not considered wholly consistent with the stated characteristics of wild land" is difficult to reconcile with the assessment that those characteristics are present, even if at the low level described in the SNH table. In any case, I disagree with the assertion. On approach to the Managed Moorland from the Allt a' Ghlinne in the west, there is a noticeable increase in the physical attributes and perceptual responses of wild land. On its north eastern side, I agree with the SNH description of the WLA, which refers to the BDOHL marking its margin.

52. I disagree with the assessment that the evaluation of low ruggedness and low remoteness should apply to the whole of the Managed Moorland. I also consider that the sense of challenge is likely to be medium over much of the area away from the existing tracks, which mark the edge of the area rather than crossing it.

53. I disagree with the appellant's baseline evaluation of the Moorland Hills LCT in the following respects:

- the sense of sanctuary and solitude over at least some parts of the area is greater than the low to negligible value the assessment records: for instance along the course of the Allt Dubh or the upper part of the Allt Lagan a' Bhainne (notwithstanding the presence of the BDOHL pylons and access track at the lower end of the latter).
- in respect of the "medium to low" assessment of the other perceptual responses, I consider that the physical challenge and sense of risk would be medium over much of the area not immediately on the WLA's periphery, given the lack of tracks and the rough going. I also consider that the perceived scale and simplicity of the hills will

inspire awe and that this perceptual response is medium over much of the LCT, rather than just at elevated summits.

54. I disagree with the appellant's assessment of the proposed development's effects on the WLA in the following respects:

- First, the proximity of the proposed development and its scale compared with the other existing artefacts (including the BDOHL) represents a considerable intensification of the existing influence of energy infrastructure. There would be views available to it from locations where views to turbines are not presently available, such as the course of the Allt Lagan a' Bhainne (although I acknowledge views to the BDOHL are available over much of this area). Its associated tracks would also increase the accessibility of the eastern part of the Managed Moorland.
- Second, as regards the Managed Moorland, I consider the presence and scale of the windfarm together with its associated tracks, borrow pit and other infrastructure would reduce the physical attributes of wildness and perceptual responses to it over most of the LCT to a point where they would be negligible.
- Third, as regards the evaluation of effects on the Moorland Hills LCT, I do not consider references to effects being limited to a small number of elevated summits to be correct. The effect is more extensive than that. The area of the Moorland Hills within which there would be an impact is relatively extensive, amounting to roughly a quarter of the area identified as being within the LCT. I consider that, over this area, the proposed development would reduce naturalness and intrude views to a substantial construction and contemporary land uses, while the new tracks would to a degree reduce remoteness. It would greatly reduce the sense of sanctuary or solitude and (given the impact of the proposed turbines on the perceived scale of the landscape) the sense of awe.

55. I disagree with the appellant's evidence to the hearing upon the proposed development's effects on the key qualities of the WLA described by SNH in these respects:

- The proposed development would not just be visible at the margin of the WLA, but would have considerable influence in parts of the Moorland Hills that I would regard as its interior, such as the upper course of the Allt Lagan a' Bhainne and the summits of Carn Dearg south of Gleann Eachach and Carn Dearg north of Gleann Eachach.
- The Moorland Hills display the quality that they inspire awe in their scale and simplicity. Although plainly the proposed development would have no impact upon the hills' physical topography, I consider that it would have an adverse effect upon on the perception of their scale, and also upon their perceived emptiness and naturalness. This is the case even though the BDOHL is already present in many existing views to the proposed windfarm site from the Moorland Hills. Indeed, I find it likely that there would be a cumulative adverse effect upon the perception of landscape scale given the comparison that would be drawn between the turbines and BDOHL when the two are seen together.

56. SNH suggests that seven square kilometres of wild land would be lost as a consequence of the proposed development. I agree that the proposed development would reduce the wildness qualities of its immediate surroundings to a point at which there would be an effective loss of wild land. I consider that this loss would extend to the greater part of the Managed Moorland and the northern slopes of Poll-gormack, an area likely to be broadly in line with SNH's estimate.

57. Overall, I acknowledge that the effects of the proposed development would be restricted beyond the northern corner of the WLA. In particular, effects on the Rugged Glacial Hills LCT, where wild land qualities can be high, would be limited. I acknowledge that much of the area affected is already influenced by evidence of human activity. I also acknowledge that, by its nature, windfarm development has a less domesticating effect than other types development, such as hotels or housing. However, the WLA is relatively small. It could be crossed from Glen Roy to the Wade Road in a day's walking. I consider that the proposed development would appreciably diminish it. I agree with SNH that the effect upon the wild land resource would be significant.

58. I accept, as SNH states, that the proposed development's effect on the wild land resource among the hills within the WLA immediately surrounding the appeal site could not be reduced by reducing the height of the proposed turbines.

Effects upon visual amenity

Viewpoints

59. The appellant's landscape and visual assessment included analysis of fifteen viewpoints within the proposed development's zone of theoretical visibility. Of the fifteen, the appellant's analysis found the proposed development would have significant effects on visual amenity at nine: viewpoints 5, 6, 7, 8, 9, 11, 12, 13 and 15. It found significant cumulative effects at five: 6, 11, 12, 13 and 15.

60. Other parties largely agreed with this assessment as regards significance of effects. The council argued that there would be significant effects, and particularly significant cumulative effects, at viewpoint 4, Meall Fuar-mhonaidh. MCoS argues that there would also be significant cumulative effects at viewpoints 5 (the Blackburn Bothy on the Wade Road) and 7 (Ben Tee). These points aside, the differences between the parties related primarily to the acceptability of the visual effects upon particular receptors.

61. I deal with the cumulative effects upon the viewpoints at Meall Fuar-mhonaidh and Ben Tee below in discussing mountains and their summits. As regards viewpoint 5, according to the appellant's evidence of cumulative windfarm visibility, the viewpoint at the Blackburn Bothy is not within an area in which other windfarms would be visible. I acknowledge (as does the appellant's assessment) that the Millennium and Bhlairaidh windfarms are visible at other locations on the Wade Road.

The Wade Road and Corrieyairack Pass

62. The appellant acknowledges a significant and major effect upon the visual amenity of an 8.33 kilometre section of the Wade Road descending to the north from the Corrieyairack Pass.

63. The Wade Road is a right of way attractive to walkers and cyclists as a relatively straightforward on-path route through the Monadhliath (the sole such route) with dramatic views from the pass and also for its historical associations. I understand it has other recreational uses, including an annual duathlon. The scale of the landscape, the perception

of being on the single route passing through it, and the perceived uniqueness and antiquity of the Corrieyairack Pass as a route, give it a remarkable sense of place.

64. Although the infrastructure of the BDOHL has an existing adverse effect on the amenity of the road, the adverse effect of the proposed development would be of a greater order.

65. I acknowledge that a number of steps have been taken in designing the windfarm to mitigate its effect.

- The proposed turbines would be set back from the road, beyond the BDOHL and behind the minor hill of Carn Bad na Circe.
- The proposed mounds along the track edge would to a degree limit the visual impact of the windfarm tracks upon the Wade Road, particularly where it runs along lower ground, closer to Glen Tarff. The mitigation provided by the mounds would be more limited in elevated views from the pass and slopes of Meallan Odhar.
- The proposed turbines are reasonably well spaced in key views from the Wade Road.

66. I also acknowledge that permanent windfarm tracks can be finished and maintained to a higher standard and so have a less adverse visual effect than the temporary BDOHL construction tracks at the time of my site inspections. Requirements for the finish of tracks could be secured by condition.

67. Nonetheless, the view of the proposed turbines and their infrastructure would greatly affect the experience of travelling in both directions along the section of the path to the north of the pass. I note that, for much of the route between Liath Dhoire and Meallan Odhar, the proposed turbines would not only be a visual presence, but would also be likely to be audible. This would compound their effect upon the road's amenity.

68. For a walker or cyclist passing northwards from Laggan to Fort Augustus, the proposed turbines would have a particular effect upon the views from the upper part of the path (from the pass northwards along the slopes of Meallan Odhar) at what is likely to be perceived as the climax of the route. Although the turbines would appear well spaced, they would fill the middle ground ahead, reduce the perceived scale of the moor around which the road can be seen to pass, and detract from the view across the Great Glen to the higher mountains beyond. There would also be a significant cumulative effect with the windfarm group of Millennium, its extension and Beinneun on the slopes of Meall Dubh. Turbines would fill the middle-ground and background of the view north, a unifying feature that would diminish the contrast between the landscapes on either side of the glen.

69. As a consequence, I consider the proposed development would be a dominant element of the experience of walking or cycling the Wade Road between Liath Dhoire and the pass, and have an adverse effect upon the existing sense of place.

70. The proposed development would also have a cumulative effect with the BDOHL infrastructure in two respects. First, it would make perceived proximity to energy infrastructure a feature of the route to the north as well as the south of the pass. Second, in the section north of the pass, the view from the road of the BDOHL infrastructure together with the proposed turbines would be likely to give a cluttered impression.

The Great Glen Way

71. The Great Glen Way runs from Inverness to Fort William. The proposed development would not be visible to any significant extent in any section of the route south of Fort Augustus. Walkers on the route to the north of Fort Augustus heading south would obtain views of the proposed development. I agree with the appellant's assessment that the effect would be negligible north of Drumnadrochit. Between Drumnadrochit and Invermoriston views would be available mainly close to Invermoriston and very largely filtered through forestry. I agree with the appellant's assessment that the effect of the proposed development in these sections would be non-significant.

72. South of Invermoriston, the Great Glen Way splits in two. I largely agree with the appellant's assessment of the proposed development's effect upon the lower route. However, just before the route reaches Fort Augustus there is a viewpoint above the Cherry Island crannog with a bench facing out over Fort Augustus. There is an interpretation board with information on the crannog. The view is pleasant and the presence of the bench and interpretation board suggests to me it is of some local importance.

73. Up to eight turbines would be visible in this view. The appellant's evidence at the hearing was that the view would be mainly only of blades, that turbines would be screened behind the ridges of Meall a'Cholumain and Liath Dhoire, and would be seen in the context of the telecoms mast and BDOHL pylons and at a distance of over 8 kilometres. Nonetheless, the evidence suggests that the turbines would be prominent, even if visible only in part. The view of the windfarm would be framed by the trees. Although I accept the appellant's assessment that the effect on the lower path would generally not be significant, I consider the effect on the Cherry Island viewpoint would be significant.

74. The new upper section between Invermoriston and Fort Augustus was opened in August 2014. Although it is not marked on the 2016 Ordnance Survey map, it is well signposted and is shown in published guides to the Great Glen Way available in Fort Augustus. It splits off just to the north of the Cherry Island viewpoint. It presents a modest physical challenge to walkers since it involves climbing through a number of relatively steep although graded ascents to the upper slopes west of Loch Ness. The upper path's attraction is that it is largely above the forest covering the lower western slopes and provides good views along Loch Ness to the north and south. As a receptor for visual effects, I consider it to be of high sensitivity.

75. The section of path above the tree line is roughly 4.5 kilometres long. With the exception of areas to the east of Carn an Dhoire Mhoir and at the crossing of the Portclair Burn's headwaters, between seven and thirteen turbines are likely to be seen to hub height in the context of views along the loch at distances of about 13.5 kilometres to 9.5 kilometres. The proposed development is likely to be conspicuous to walkers heading towards Fort Augustus. It would be directly in front of them on a number of sections of the walk. Although the lower part of the turbines would generally be obscured by topography, the effect upon this section of the Great Glen Way would undoubtedly be significant and adverse.

76. For much of this section of path from Invermoriston, the Corriegarth and Dunmaglass windfarms are visible (at about 14 to 16.5 kilometres and 20 to 23 kilometres respectively), and there are also likely to be glimpses of the Aberarder windfarm, once it is built. The proposed development, visible in views to the end of the loch, I consider would be the most prominent and would give the impression of a notable extension of the influence of wind energy development. Consequently I consider the cumulative effect of the proposed development on this section of path to be significant and adverse.

Mountains and their summits

77. The appellant lists significant visual effects upon Carn Dearg north of Gleann Eachach, Carn Dearg south of Gleann Eachach, Carn a' Chuillin and Ben Tee. The summits chosen for assessment are those listed in Munro, Corbett and Graham hill lists. Some local hill tops where significant visual effects would occur, such as the Corrieyairack Hill and Poll-gormack, are not assessed, presumably since they do not appear as separately listed summits on the hill lists. The appellant's assessment does of course acknowledge a significant visual effect at the top of the Corrieyairack Hill, which is viewpoint 6, and also upon Burach, which is viewpoint 11. I consider that the effect upon Sron na Muic would be similar to that upon Burach. The appellant argues there are significant effects at a relatively small proportion of the listed summits within the study area.

78. In its objection, MCoS referred to the number of listed summits from which the proposed development would be visible, the number from which multiple wind farms would be visible, the visibility of multiple windfarms from summits in the Loch Lochy and Loch Oich Special Landscape Area (SLA), and the number of windfarms that would be visible from Toll Creagach in the Glen Affric National Scenic Area (as shown on the visualisations for viewpoint 10). It also referred to the effect of the extension of windfarm development to the south west in extending the influence of windfarm development in views from mountains.

79. I consider that figures on the number of peaks at which the proposed development would be visible provide relatively little information on its landscape effects, since they provide little information on the degree or quality of the proposed development's effect. I note SNH's position on landscape capacity in the Monadhliath / Great Glen area for further development. MCoS's position appears to be that that capacity has been reached and is being exceeded and that the view from Toll Creagach demonstrates this.

80. I have discussed the view from the Toll Creagach – Tom a'Choinich ridge in relation to the effect on the Glen Affric NSA. I do not find that the proposed development would have a significant effect individually or cumulatively on the summit of Toll Creagach.

Ben Tee

81. The appellant acknowledges a significant visual effect upon viewpoint 7, which is at the summit of Ben Tee. However, it considers that the cumulative magnitude of change would not be significant, given the presence in the view of existing or consented windfarms of Beinneun, Millennium and Bhlaraidh. It therefore considers the cumulative effect would fall below the threshold of significance.

82. MCoS argues that this assessment understates the proposed development's cumulative effect. I agree. I acknowledge that the proposed development would appear as a coherent array from Ben Tee. However, as I have set out in respect of the Loch Lochy and Loch Oich SLA, I consider that the proposed development would introduce a presence of prominent windfarms on either side of the Great Glen, a key feature in the view, would bring wind energy development in the Monadhliath substantially closer to the viewpoint, and so would represent a notable increase in the influence of wind energy in the composition of the view. Therefore I find that there would be a significant cumulative effect upon viewpoint 7, the summit of Ben Tee.

Meall Fuar-mhonaidh

83. The council argued that the proposed development would have a significant effect upon Meall Fuar-mhonaidh, viewpoint 4, a Graham with a prominently located summit on the west side of Loch Ness, 22 kilometres from the nearest turbine. The summit is evidently popular with walkers for its panoramic views, including views of the Great Glen both north and south and to Ben Nevis. Considerable wind energy development can be seen from the summit including Corriegarth, Dunmaglass, Millennium, its extension, Beinneun and Bhlaraidh. The consented Aberarder windfarm and Corriegarth extension add to the existing groups. The consented Stronelaire windfarm, once built, will be perceived as extending the influence of wind energy development southwards on the loch's east side, although partially concealed behind the closest ridge of the Monadhliath.

84. I agree with the council that the appellant's assessment somewhat understates the effect of the proposed development upon Meall Fuar-mhonaidh. Notwithstanding the distance, it would appear relatively prominent, both on account of the proposed turbines' size and its location, back-clothed against higher ground, relatively close to the head of Loch Ness and to the view to the Nevis range. As a consequence, its visual effect would be greater than the distance from the viewpoint would suggest. I agree with the council that the effect would be significant.

85. I also agree with the council that the proposed development would give some sense that, from east through south to the west, the viewpoint and the southern end of the loch was being encircled by windfarms. I consider this to be a significant cumulative effect, notwithstanding the distance from the viewpoint to the proposed windfarm.

The A87

86. The only public road for which significant effects come into consideration is the A87.

87. Parties acknowledge that the A87 is an important tourist route. They acknowledge that the proposed development would have a significant effect on a stretch of road some 800 metres long on the north side of Loch Garry, from the viewpoint at Mullach Coire Ardachaidh eastwards.

88. The wind farm would appear directly ahead of travellers passing eastwards below the skyline at a distance of over 14 kilometres. The photomontages for viewpoint 8 demonstrated (as the appellant acknowledges) that its prominence would be increased because it would be framed by trees on either side of the road. All thirteen turbines would

theoretically be visible (about six to hub height) below the skyline, although it is likely at least some would be screened from the viewer by roadside trees until the windfarm dropped out of sight completely behind the trees.

89. Assuming travellers were passing at about 70 kilometres per hour on this relatively straight stretch of main road, the proposed development would be visible for about 40 seconds. Travellers pulling out of the layby by the viewpoint would most likely be travelling slower, initially at least, and the proposed development may have a somewhat greater impact upon them. I consider the turbines would have a brief but, given their position and scale in comparison to their surrounding landscape, striking effect.

90. People stopping at the viewpoint would also be able to see the proposed development, although it would be in far left of a view focused upon Glen Garry and the dramatic mountains to the south. I do not consider that the effect upon the Glen Garry viewpoint would be substantial.

91. For an east-bound traveller along the A87, there is some visibility of the Millennium and Beinneun turbines on Meall Dubh as the road passes along Loch Cluanie, and visibility at relatively close range of several Beinneun turbines in the stretch from the Bun Loyne junction. The visibility of the proposed development, although brief, would represent a notable extension of the influence of wind energy along the route of the A87.

92. I find therefore that the proposed development would have a significant adverse effect both individually and cumulatively upon the A87.

Fort Augustus

93. The only settlement for which significant effects come into consideration is Fort Augustus.

94. The proposed development would be visible to residents in Fort Augustus in Church Road, Bunoich Road and Jenkins Park, on the north west side of the settlement. Many of the houses are generally oriented such that their front view would include the turbines. The view would however be likely to be limited to a few blade tips, which would be seen in the context of the Meall a'Cholumain telecoms mast and the BDOHL pylons. Given the orientation of the houses and the movement of the blades, I agree with the appellant's assessment of a moderate effect. However, I consider it would be of borderline significance.

Effect upon the setting of the Wade Road scheduled ancient monument

95. The Wade Road from Culachy House in the north across the Corrieyairack pass is a scheduled ancient monument. The proposed development would have no direct impact upon any part of the scheduled monument that would require consent under the Ancient Monuments and Archaeological Areas Act 1979.

96. The proposed development would undoubtedly bring about change in the setting of the scheduled monument. Historic Environment Scotland did not object in respect of this effect. It did consider that the significance of the effect was greater than the "minor" effect

assessed in the environmental statement. However, its comments are consistent with the appellant's assessment that although the setting would be changed, the key characteristics would not be affected.

97. The effect of the proposed development upon the setting of the monument was raised by a number of objectors. It was originally also raised in the council's reasons for refusal, but the council decided that it could not oppose the appeal on the basis of the effect upon the setting of the scheduled monument. One objector, Mr John Thomas, made detailed submissions in this regard.

98. Scottish Planning Policy paragraph 145 provides that where there is potential for the proposed development to have an adverse effect upon the integrity of the setting of scheduled monument, permission is only to be granted in exceptional circumstances.

99. I have already noted the effect of policy HWLDP policy 57 in respect of a feature of national importance. As a scheduled ancient monument, the Wade Road is of national importance. Policy 57 also applies to any effect upon it, including any effect upon its setting. Highland Council's historic environment policy provides that it is particularly important that scheduled sites are preserved in situ within the appropriate setting.

100. The Historic Environment Scotland policy statement of June 2016 is also material to determining the acceptability of any impact upon the setting of a scheduled monument. In its first chapter it sets out a vision and principles for management of Scotland's historic environment. It also sets out the basis upon which monuments are identified as being of national importance and therefore of sufficient importance for scheduling.

101. Historic Environment Scotland's guidance on setting in the Managing Change in the Historic Environment series assists in determining whether these policy criteria are met. The Managing Change guidance provides a three-step process for determining the effect of a proposed development upon the setting of a historic asset. First the asset that might be affected must be identified; second, the setting of the historic asset must be defined; and third, impact of any new development upon the setting must be assessed.

102. The environmental statement states that the road's cultural significance derives in part from intrinsic characteristics relating to the survival of substantial sections of original 18th century construction and in part from contextual characteristics, as it forms part of the network of military roads built throughout the highlands during the eighteenth century as part of the government response to the Jacobite rebellions.

103. The environmental statement identifies the important characteristics of the setting as the road's survival as a high-level route that can be walked in its entirety, and that views can be obtained along its length, giving an appreciation of the engineering challenges overcome in its construction and the difficulties faced by the army in moving around the Highlands in the eighteenth century.

104. Mr Thomas suggested that views out from the road were also important to its function – that unrestricted views were required so that an army passing along the road could watch the surrounding countryside. This was not the view of Dr Carter, the appellant's expert witness. I found Dr Carter's account more persuasive.

105. There certainly are sections of the road where wide views may be obtained, such as at the watershed of the pass or descending Meallan Odhar. However, there are other sections where more distant visibility is restricted, such as where the road passes between Meall a'Cholumain and Creagan a'Choic, along the course of the Connachie Burn, and then climbs through a series of bends to the moor, or where it descends to the Allt Lagan a'Bhainne. I doubt that wide visibility from the road was a significant consideration beside finding a feasible route for construction of the road and for efficient movement of the army.

106. Mr Thomas argued that some of the wider views from the road would be blocked by the proposed development. He drew an analogy between the windfarm and a forest, which he suggested General Wade would have ordered to be removed if it blocked views out from the road. Even if Mr Thomas is correct that there was a military requirement to retain wider views, I doubt that turbines, even as many as thirteen, could be said to block the wider views in the sense a forest might.

107. Mr Thomas referred to several associative characteristics as contributing to the cultural significance of the monument. He considered these were either not covered or not covered adequately in the environmental statement:

- First, the historic use of the route across the pass, both before and after the construction of the military road, as a drove road and main link between the north-west highlands and Speyside and the south;
- Second, the association of the route across the Corrieyairack with Montrose's march on Inverlochy and defeat of the Covenanter army there;
- Third, the association of the route with a notable incident of the 1745 rebellion in which the Jacobite army, having rallied at Glenfinnan, on its march south occupied the pass in a sufficiently strong position that the Hanoverian government general, John Cope, who was marching north thought better of engaging it and turned back at Laggan. The Jacobite position was supposedly at a place known as "Snugborrow", shown on the Roy map at the road's crossing of the Allt Lagan a' Bhainne.

108. As regards the first point, I accept the pass is a natural and direct route through Monadhliath used by drovers and others both before and after the building of the military road. This existence of such a natural route is the reason for the presence of both the Wade Road and the BDOHL. The perception of the landscape through which the scheduled sections of the military road pass as following an ancient route contributes to the road's sense of place. I acknowledge droving was an activity of economic importance in the Highlands in the seventeenth to nineteenth centuries. However, no substantial evidence was provided to me of any specific existing characteristics of the military road's setting that would have been important to droving and that might be affected by the proposed development.

109. As regards the second point, I do not consider that Montrose's campaign has any significant association with the scheduled monument. It took place over seventy years before the construction of the scheduled monument. The Historic Environment Scotland inventory description of the battle of Inverlochy indicates that, although Montrose's army took the route up Glen Tarff as far as Culachy, it did not then follow the route of the later-established military road across the Corrieyairack Pass. Rather, it took a route parallel to

the Great Glen, eventually descending into Glen Turret and marched through Glen Roy to Inverlochy.

110. Mr Thomas disputed whether that account could be accurate, given the terrain Montrose's army would have had to cross. However, the inventory description has the appearance of being well sourced, including reference to Iain Lom's eyewitness account. I consider it is likely it can be relied upon. Even if this is not the case, Mr Thomas did not identify any particular element of the road's setting that related those events and that might be affected by the proposed development.

111. As regards the third point, it is perhaps a failure in the environmental statement that it does not address the historical association of the military road with the 1745 rebellion. I have no doubt that this association adds to the interest of the road and the importance of preserving its setting particularly where it descends to and then climbs from the crossing in the incised course of the Allt Lagan a' Bhainne. This latter location would be dominated by the proposed turbines, given the proximity of the turbines to the road, the alignment of the road, and the elevation of the turbine site above the crossing. However, I am not persuaded that the presence of the turbines would impair an understanding of Cope's calculations about the dangers of encountering the Jacobite army there.

112. The character of the wider landscape does contribute to the road's sense of place. The environmental statement acknowledged the remote and mountainous landscape through which the road passes as emphasising the theme of the challenge to the engineer and to an army passing along the route. I acknowledge that the landscape within which the road is set is not unchanged from the time the road was built. There are several post-1745 elements, of which the most prominent are the BDOHL and the retained section of its construction track. Together with its infrastructure, the BDOHL has an existing effect, reducing the sense of the road's remoteness and the perception of the scale of the surrounding mountains. However, the proposed development and the associated new tracks and broader retained track would considerably intensify this effect.

113. The environmental statement notes the effect upon the setting of the Wade Road of the BDOHL construction track, because of the possibility of confusion with the Wade Road's course across the landscape. The permission granted for retention of track between Knollbuck and the Allt Coire Uchdachan means that effect will be reduced but not removed once that permission is implemented.

114. The proposed development would require retention of a broader track along the route of the BDOHL construction track, possibly further work to grade the BDOHL track to make it suitable for vehicles bringing turbine parts, and the introduction of new tracks in the moor to the south of the retained track. All of these would cause change in the Wade Road's setting. The changes are likely to be highly visible from the upper sections of the Wade Road. The appellant's proposed mitigation, including providing soil bunds to reduce the construction tracks' visibility, may reduce the effect somewhat. It is likely to be more effective from lower sections of the road.

115. I therefore agree with Historic Environment Scotland that the effects on the setting would be greater than assessed in the environmental information. However, I consider that the issues raised are primarily of visual amenity rather than of impact upon the setting of

the road as a historical artefact. I am not persuaded that the proposed development would have a significant effect upon the setting of the scheduled ancient monument.

Effect upon tourism

116. Parties have provided extensive evidence on the effects of windfarms on tourism. It deals mainly, however, with the issue of whether there is a relationship in general between the development of windfarms and the tourist economy and provides relatively little assistance in determining any specific effect that the proposed development might have.

117. The appellant's evidence refers particularly to a recent study by BIGGAR Economics. It states that this study found no link between the development of wind farms and levels of tourism employment in the vicinity of the developments, and that this indicates there had not been an impact upon the tourist economy either at a national or local level. The appellant's evidence does not go so far as to claim the BIGGAR study demonstrates that there is no link.

118. MCoS provided a review, which it said it intended to publish, of evidence of the effect of windfarms upon tourism with particular reference to mountaineering. This was prepared by its witness, Dr Gordon, a statistician by profession. The review argued that windfarms would be likely to cause a local displacement of economic activity from areas with windfarms to areas without. It claimed that any significant economic effects of windfarms would be likely to be seen within the vicinity of a windfarm, rather than at a national level or that of a broader region, such as a local authority area, which contained both areas with windfarms and areas without.

119. Like the appellant, I consider it is a notable concession on the part of MCoS that evidence of adverse effects of windfarms on tourism is not likely to be found at national or local authority level, at least at present. Although MCoS claims that there is a more local displacement effect it does not make any substantial attempt to define how large an area might experience such an effect, or how an area might be identified that might experience a significant effect. This appears to me to be a further weakness in the MCoS position. However, MCoS does, in its submission, refer to Fort Augustus as a community that might be affected by displacement of tourism as a consequence of the proposed development.

120. MCoS made a number of criticisms of the BIGGAR study's analysis of the economic effects within the vicinity of windfarms. These included

- that most wind farms in the study were in a location that had existing wind farm development (and so any displacement effect on tourism might already have occurred);
- that the measure of tourism employment, although standard, included employment supported by residents' expenditure, a factor that could vary significantly from place to place and would dilute any impact as a consequence of a windfarm development;
- that the business data survey used captured few, if any, tourism businesses;
- that the business data survey was not used transparently – not all the data used was provided - and that this had implications for understanding the degree to which the data used actually did represent an area in the vicinity of the windfarm;

- that only one year of post-construction data was provided, in which an impact on tourism was unlikely to show up (particularly if a displacement effect arose from the discouragement of repeat tourism).

121. The appellant responded to these criticisms by, first, questioning Dr Gordon's qualifications to comment on tourism and, second, stating that the BIGGAR study did not find evidence of displacement of economic activity on the scale suggested by MCoS. I do not find either comment to address directly the criticisms made of the BIGGAR study by MCoS. I agree with MCoS that there are likely to be limitations to BIGGAR study in identifying any effect of local displacement of tourism (if it exists as MCoS claims).

122. Both MCoS and JMT referred to surveys they have carried out which they argue indicate that windfarm developments can have an adverse effect on tourism. The appellant argued that there are flaws in the methodology of the surveys, including in their sampling and the nature of the questions put. I agree with the appellant that the surveys are of limited evidential value.

123. This is the case even for the MCoS membership survey of 2016. First, I do not consider the results of a membership survey can be assumed to be representative of any broader group than that surveyed. Second, I agree with the appellant that it is not clear what survey respondents meant in opting for "I go to the mountains just as often, but avoid areas with wind farms". It is not clear from such an answer whether any respondent's behaviour has actually changed (whether any respondent actually decided to go to a mountainous area other than the area he or she would have gone to but for the presence of a wind farm), to what degree his or her behaviour might have changed, or what degree of windfarm presence might cause such a change. As a consequence, I agree with the appellant that the survey does not demonstrate there would be any significant displacement of tourism from an area such that it had a significant effect upon the tourist economy.

124. Assuming windfarms can have a significant adverse effect upon tourism, and that such an effect would arise from adverse effects in respect of factors including visual amenity and landscape, it does not follow that a development with significant adverse landscape or visual effects would have a significant adverse effect upon the tourist economy of the area. To predict such an effect would most likely require evidence on matters that include identifying tourist facilities affected, the degree of effect on those facilities, the importance of those facilities to the tourist economy, the importance of the tourist economy to the area's or community's economy, and the robustness of that economy and its ability to recover from any impact.

125. MCoS has suggested that, given its particular landscape and visual effects on the Wade Road and its cumulative effects with other windfarms on the wider landscape, the proposed development would have an adverse effect on tourism. It argues that the Wade Road is a particular attraction of tourism in Fort Augustus, that the significant effects of the proposed development upon its amenity would displace some (though not all) users, possibly to other routes with similar qualities (longer, relatively straightforward, mountainous walking routes) that are available and unaffected by windfarms.

126. I have very limited evidence on whether walkers or others would be dissuaded from using the Wade Road by the proposed development. One witness did tell me that he would

be dissuaded. I have no substantial evidence before me on the degree to which walkers on the route play a part in the tourist economy of Fort Augustus. My impression from my site visits was that the tourist economy of the town was focused primarily on the Caledonian canal and its locks and on Loch Ness and boat trips on the loch, although I have no doubt that high-level walking, cycling and mountaineering is an element of the tourist economy. The fact that there is no substantial level of objection from tourism businesses in Fort Augustus expressing concern about the impact on their business suggests to me that the proposed development is not widely regarded as an existential threat by such businesses.

127. MCoS argues that the appellant should have carried out an economic analysis for the purpose of environmental assessment. However, I do not find MCoS's evidence sufficient to persuade me that a significant effect upon the tourist economy would be likely.

Peat

128. JMT objected to the proposed development on the basis of the potential for damage to peatland. It pointed out that most of the site was covered by deep peat (defined as peat of a depths of half a metre or more) and argued that damage would occur to the peat in construction of windfarm infrastructure. This would release carbon into the atmosphere.

129. The appellant has adjusted the proposed design of the development, altering the location of T6 and T7 to move them to areas of shallower peat and deleting a previously proposed borrow pit. At the commencement of the inquiry, the appellant also requested that the floated track between T7 and T9 be removed from the design by condition, which would somewhat reduce the effect upon peat.

130. The appellant has produced a peat management plan which involves the re-use of peat on site for works reinstatement and provision of the landscaping mounds alongside the tracks and other infrastructure. The appellant's further environmental information found there was no significant likelihood of a significant adverse effect from sedimentation.

131. The appellant has also provided an assessment of the carbon balance which takes account of peat disturbance. This shows that the proposed development would pay back the carbon emissions it causes within about 1.5 years. I do not consider such a payback period to represent an unacceptable effect upon peat as a carbon store.

132. SEPA, the government's advisor on these matters, has had the opportunity to consider both the peat management plan and the carbon balance assessment. It has not objected or suggested that there is anything incorrect in the appellant's assessment.

133. There is nothing in JMT's objection that persuades me that there is any substantial error in the appellant's assessment or SEPA's consideration of it. I do not find the effects upon peat of the development, altered as proposed by the appellant, to be unacceptable.

Benefits of the proposed development

134. The proposed development would provide a significant amount of renewable generation capacity. Electricity generated would be likely to make a modest but useful contribution to meeting the Scottish Government targets for renewable energy generation

and reduction in carbon emissions from energy generation. The appellant also proposes habitat improvement and works to improve access to and understanding of the Wade Road.

135. Expenditure in the local economy including payment of business rates would also be likely to have a positive economic effect. Such economic effects have not been quantified in evidence. On the basis of my experience I consider they would be modest. Since I do not consider the evidence to support a finding that there would be an adverse economic effect upon tourism, I find that there would be a modest positive economic effect overall. I note that a community benefit package is also proposed including cash payments to a community body and electricity tariff reductions.

Weight to be given to contribution to meeting renewable energy targets

136. At the time of submission of the appeal, the United Kingdom had the target of generating 15% of all forms of energy from renewables by 2020, while the Scottish Government had set the further target of generating the equivalent of 100% of all Scotland's electricity demand from renewable sources by 2020.

137. The Scottish Energy Strategy, published in December 2017, provides two additional targets:

- The equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption should be supplied from renewable sources by 2030;
- The productivity of energy use across the Scottish economy should increase by 30%.

138. There was a dispute between parties as to the weight to be given to the contribution to meeting the renewable energy target in determining the application. The appellant argued that the new targets put the demand for onshore wind on a new trajectory and that this strengthened the need case for onshore wind. It argued consequently that the weight to be placed in a planning decision on the contribution of a proposed development to meeting renewable energy targets should be greater now than before adoption of the strategy.

139. The appellant argued that the language used in respect of onshore wind in both the Scottish Energy Strategy and the Onshore Wind Planning Statement (published at the same time) demonstrated that this was the government's intention.

140. The Scottish Energy Strategy comments that renewable electricity could rise to over 140% of Scottish electricity consumption by 2030 in order to meet the first target. Renewable electricity would be important in either of the scenarios the strategy described for the whole energy system in 2050, in which either it would be required directly to meet whole-system energy demand or would be required in the production of hydrogen to meet that demand. This may require in the region of 17 gigawatts of installed renewable generation capacity by 2030 (as compared with 9.5 gigawatts in June 2017). The strategy also clarifies that Scotland's long term climate-change targets will require the near complete decarbonisation of the energy system by 2050, with renewable energy meeting a significant share of needs.

141. The strategy recognises that onshore wind is among the lowest-cost forms of power generation, will contribute to protecting consumers from excessive energy costs, and is a vital component of the industrial opportunity renewables create for Scotland, generating economic activity and employment. It also indicates that onshore wind is a key technology, that the Scottish Government will push for policy support at a United Kingdom level in respect of the energy market, take its own actions to prioritise and deliver a route to market for onshore wind and take a land use planning approach that continues to support development while protecting landscapes. It says that the government will continue to support development in the right places, and refers to increasing the extension and replacement of existing sites with new and larger turbines. This is to be done on the basis of case-by-case assessment and continuing to strike the right balance between factors including environmental impacts and benefits.

142. The Onshore Wind Planning Statement confirms the importance of the industrial opportunity represented by renewables, and says about onshore wind that:

- it should “continue to play a vital role in Scotland’s future”
- it is expected “to remain at the heart of a clean, reliable and low carbon energy future in Scotland”
- its contribution “must continue to grow” and that “Scotland will continue to need more onshore wind development and capacity in locations across our landscapes where it can be accommodated”.

Like the Scottish Energy Strategy, it recognises the low cost of onshore wind compared to other forms of power generation and therefore its ability to contribute to decarbonising the energy system without increasing energy bills.

143. The appellant argues that the language used in these two documents in relation to the role of offshore wind is noticeably stronger than that used in the National Planning Framework (NPF) or Scottish Planning Policy (SPP).

144. I agree with the appellant also that national policy identifies a vital role for onshore wind in meeting Scotland’s future energy needs and contributing to economic development, that the policy considers it should remain at the heart of a clean, reliable and low carbon future for Scotland, and that its contribution must continue to grow.

145. It is clear that both the new Scottish Energy Strategy and the Onshore Wind Planning Statement balance strong support for the growth of onshore wind against the environmental effects of such development, including the landscape and visual effects, effects on wild land and on peatland, and refer to securing the right development in the right place. In doing so, they refer to the continuity of the Scottish Government’s position.

146. There is nothing express in either document to suggest that any increased weight is to be given to the contribution of onshore wind development to meeting renewable energy targets or that less weight is to be given to landscape protection or other environmental considerations. I am not persuaded the Scottish Government would make such a policy change without doing so expressly.

147. Neither policy sets a precise path or quotas for any particular technology required to meet the renewable energy targets. While both are clearly favourable to the continued development of onshore wind, it is not favoured over other technologies. It therefore does

not follow that, as a matter of policy, the new, higher target must, even implicitly, represent a “new trajectory” for onshore wind.

148. I therefore do not consider that the new renewable energy targets or anything else in the Scottish Energy Strategy or Onshore Wind Policy Statement alter the balance of a planning decision further in favour of onshore wind development than the support already accorded to such development when it is in the right place.

149. I note that the Scottish Government’s Climate Change Plan, Third Report on Proposals and Policies 2018 to 2032 (RPP3) was published at the end of February 2018. This report sets out the Scottish Government’s policies, policy outcomes sought and proposals to achieve climate change targets, including intermediate targets, previously set by legislation. The policies reported upon include the Scottish Energy Strategy. Parties had an opportunity to comment upon a draft of RPP3. Although I note that the policy outcomes sought for the electricity sector have been adjusted since the draft of RPP3, there is nothing that suggests to me a change was intended in the balance between the contribution of onshore wind to meeting energy targets and the environmental effects of its development.

150. As the appellant commented on the drafts of RPP3, the Scottish Energy Strategy and Onshore Wind Policy Statement, while the final documents do not signal any great shift in the current emphasis of energy policy, they do reinforce the threat faced by climate change, the need for action now to tackle the issue, and the important role that a decarbonised energy sector can play in helping to fulfil these objectives.

Compliance with the development plan

Policy 67 Renewable Energy Developments

151. Policy 67 is the leading policy in the plan for dealing with wind farm development. It sets out a number of policy considerations, lists factors to be taken into account in considering the location, siting and design of the proposed development, requires mitigation measures to be taken into account and consideration of development proposals against other local development plan policies and supplementary guidance. The central element of the policy is the balance to be struck having considered these matters: renewable energy proposals are to be supported if they are not significantly detrimental overall.

152. As regards the policy considerations set out in policy 67:

- There is no dispute that the proposed development, situated on an upland moor, is well related to the renewable resource;
- It is also not disputed that it would make a contribution to meeting renewable energy generation targets. I agree with the appellant that the energy targets to which the policy refers include the new target in the Scottish Energy Strategy that the equivalent of 50% of the energy for Scotland’s heat, transport and electricity consumption should be supplied from renewable sources by 2030.
- I have found that there would be a modest positive economic effect.
- The proposed development would make some use of the existing BDOHL construction track infrastructure, although some modifications would likely be required.

153. As regards factors listed relating to location, siting and design:

- I have found that the proposed development would have a significant adverse effect upon the Braeroy- Creag Meagaidh - Glenshirra Wild Land Area, a feature of national importance, and also upon the Loch Lochy and Loch Oich Special Landscape Area, a features of local/regional importance;
- It is not disputed that the proposed development would have a number of significantly adverse landscape and visual effects. I have set out my findings on the extent of those effects above;
- There would be no effect on amenity of residential properties or other similarly sensitive locations;
- There would be no significant effect on the water environment;
- There would be no effect on aviation or communications installations;
- There would be a significant adverse effect upon the amenity of users of the Wade Road right of way and of the upper section of the Great Glen Way between Invermoriston and Fort Augustus;
- Subject to appropriate planning conditions being imposed upon any permission, there should be no significant effect on traffic or transport.

154. Policy 67 also requires assessment of the proposed development against the Onshore Wind Energy Guidance (OWEG) in order to determine its effect in respect of the proposed development. I consider this guidance before returning to the question of whether the proposed development would be significantly detrimental overall in terms of policy 67.

Onshore Wind Energy Guidance (OWEG)

155. The guidance is part of the development plan, but may only deal with the provision of further information or detail in respect of the policies or proposals set out in the plan and only if those are matters expressly identified in a statement contained in the plan as matters to be dealt with in supplementary guidance.

156. I find nothing in OWEG that is not capable of being interpreted as simply providing further information or detail in respect of policy 67 and as being within the policy framework provided in policy 67 itself. I consider I should interpret it as consistent. It follows that no policy within the OWEG will override policy 67's main criterion that development proposals are supported if they are located, sited and designed such that, having taken account of a number of specified factors, they will not be significantly detrimental overall.

157. Supplementary guidance must be submitted to Ministers before it is adopted by the planning authority. Ministers are entitled to prevent its adoption or require modifications. OWEG has been through this process. Circular 6/2013 on development planning indicates that Ministers would not wish to allow supplementary guidance to be adopted that they consider to be significantly contrary to Scottish Planning Policy (SPP). I have found nothing in OWEG that is incapable of being interpreted as broadly compatible with SPP and I consider it should be so interpreted.

158. The appellant argued that OWEG contains "no policy guidance" additional to that set out in policy 67. The appellant can cite in support of this position paragraph 1.8 of OWEG.

This states, “The advice that follows provides a fuller interpretation of HWLPD policies as they relate to onshore wind energy development.”

159. In my view, any implication that can be drawn from paragraph 1.8 that OWEG provides no policy is a consequence of loose drafting of that paragraph. There are elements of OWEG that are clearly intended to be policy rather than advice or guidance.

160. OWEG’s chapter 2, the spatial framework, is evidently intended to provide further policy detail guiding the location of wind energy developments. Planning authorities are required in SPP paragraph 161 to set out a spatial framework in development plans identifying those areas likely to be most appropriate for onshore wind farms. That is OWEG chapter 2’s purpose.

161. OWEG’s chapter 4 lists matters that are to be considered in determining an application for a wind energy development. These includes (at paragraph 4.17) setting out “key landscape and visual aspects that the council will use as a framework and focus for assessing proposals.” As the appellant says, these are not policy tests of the acceptability of the development. The only policy element is that the issues listed should be considered.

162. OWEG chapter 5 is in two parts. The first provides general policy on how the council will go about assessing strategic capacity for wind energy and how it will use the guidance produced as part of such an assessment. The second is an assessment specifically of the Loch Ness area of which the appeal site forms part. The key policy as regards the application of the guidance in a strategic capacity assessment is found in paragraph 5.4. This indicates that such an assessment does not introduce any constraint additional to those set out in OWEG chapter 2’s spatial framework.

163. While I consider the strategic capacity assessment for the Loch Ness area is a useful guide to what is to be considered in determining whether a proposed development can be accommodated, it cannot (and is not intended to) provide the site- or development-specific detail of the type provided in the landscape and visual assessment carried out by the appellant in this appeal. The policy in OWEG chapter 5 reflects this. Nonetheless, there are aspects of the strategic capacity assessment as it relates to the proposed development that I consider it proper to comment upon in this decision, and I do so below.

164. I also note that OWEG itself does not cover in detail all the factors that would go towards striking the balance in respect of that test. It does at paragraph 1.8 briefly mention the balance to be struck with wider strategic environmental and economic objectives including sustainable economic growth in Highland and contribution to renewable energy targets and tackling climate change, though this adds little to what is set out in the first paragraph of policy 67.

165. The proposed development is in an area of significant protection as defined by OWEG chapter 2, on account of its designation as wild land and also on account of its peat resource. This does not mean that there is an absolute policy restriction on development. I have considered impacts upon peat and wild land above.

166. I find that the proposed development does not measure well against certain of the chapter 4 criteria. It would contribute to the perception of Meall Fuar-mhonaidh being

encircled by wind energy development (criterion 1). It also is a significant detractor from the amenity of the A87 transport route, although it cannot be said to overwhelm the route's visual appeal (criterion 5). It would not maintain the apparent landscape scale in receptors' perception (criterion 8).

167. It would also significantly detract from the Great Glen Way (criterion 3). This is not listed as key route in the sensitivity appraisal for landscape character area (LCA) 6 (Monadhliath ridge and tops). It is a key route for the neighbouring LCA 19 (Area directly around Loch Ness). OWEG paragraph 5.4 indicates that the sensitivity appraisals of neighbouring LCAs should be considered where effects cross the LCA boundary.

168. As regards criterion 6, which requires respect for the existing pattern of wind energy development, I have found for reasons set out above that the proposed development does not fully accord with the existing pattern. I do not consider it would contribute positively to it in respect of its relationship with the landscape. I acknowledge that the proposed development is largely consistent with the description of the current wind energy development pattern given in the sensitivity appraisal for LCA 6. I have however found that the proposed development is likely to be more prominent in views beyond the LCA, particularly in longer views from the upper slopes of the Great Glen's west side, than other existing or consented windfarms in the Monadhliath.

169. I also note the guidance in relation to LCA 6 that proposed turbines should not breach the skyline when viewed from the north side of Loch Ness. I understand this to refer to views from close to the Loch, rather than longer views from the slopes above it. If the latter was the correct interpretation, then the existing windfarms in the Monadhliath would not be consistent with the advice.

Conclusion on policy 67 and on the development plan

170. Balancing the factors set out above, I find that the proposed development would be significantly detrimental overall. Therefore it does not accord with policy 67.

Policy 28 Sustainable Design

171. I agree with the appellant that the main purpose of the policy is to guide sustainable design of buildings. Insofar as it applies to windfarm development I find, given the significant adverse effects of the proposed development on visual amenity and on wild land, that the proposed development is contrary to policy 28.

Policy 55 Peat and Soils

172. I consider that, subject to appropriate conditions, the proposed development would avoid unnecessary or unacceptable disturbance of peat and such disturbance as occurred could be acceptably mitigated.

Policy 57 Natural, Built and Cultural Heritage

173. I consider that the proposed development would compromise the Braeroy – Craig Meagaidh – Glenshirra wild land area, a resource of national importance. I do not find the

contribution the proposed development would make to meeting national renewable energy and carbon emissions targets or its positive economic contribution would be sufficient to outweigh this as required by the policy. I have also found that there is a significant adverse effect upon the Loch Lochy and Loch Oich Special Landscape Area. The proposed development is contrary to policy 57.

Policy 61 Landscape

174. I have discussed the landscape effects of the proposed development above. I find that the proposed development does not reflect well the landscape character of the area in which it is proposed.

Consistency with national planning policy

175. There is broad support for renewable energy development, including onshore wind development, in national planning policy, both in Scottish Planning Policy (SPP) and the National Planning Framework (NPF). Policy outcomes sought include sustainable development and the creation of a low carbon economy. Scottish Planning Policy reaffirms the target of deriving 100% of Scotland's electricity demand from renewable sources by 2020.

176. The Scottish Energy Strategy and Onshore Wind Policy Statement confirm this support. The new target in Scottish Energy Strategy of deriving 50% of all Scotland's heat, transport and electricity consumption from renewable sources by 2030 is a material consideration favouring renewable energy development. RPP3 confirms the role of energy policy, including the achievement of its targets for renewable energy development, in achieving Scotland's ambitious statutory targets for reduction of carbon emissions.

177. The merits of a particular renewable energy proposal require to be considered against the range of potential effects, including those listed at paragraph 169 of the SPP. I have noted the proposed development's positive economic impact, contribution to renewable energy generation targets and to reducing greenhouse gas emissions. I have, however, found adverse effects upon landscape and visual amenity, including effects on wild land, as set out above. I acknowledge that I have found no significant adverse effects in respect of other matters listed.

178. Although development can be appropriate in a wild land area, I consider that the proposed development would not be consistent with the significant protection accorded by national planning policy to wild land. The case of *Wildland Ltd and the Welbeck Estates v Scottish Ministers* [2017] CSOH 113 has been drawn to my attention. I acknowledge that the protection of wild land is capable of being outweighed by other considerations. The same is true of other effects of a proposed development that might cause it to be contrary to some particular element of national policy. However, in this case, I do not find the overall balance to favour the proposed development.

179. SPP paragraphs 28, 29, and 32 to 33 set out the policy presumption in favour of development contributing to sustainable development and how it operates in development management decisions. Given the age of the development plan, the presumption is a significant material consideration in the present decision. Although I acknowledge the

benefits of the proposed development in respect of climate change mitigation and net economic effect, I do not consider it adequately protects landscape or, in respect of visual amenity, the wider environment. Furthermore, in view of these effects, I do not consider it would be the right development in the right place. I therefore do not consider that it benefits from the presumption.

Conclusion

180. I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations that would still justify granting planning permission.

Robert Seaton

Reporter