Agenda Item	**6.1**
Report No	**PLN/047/20**

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 24 November 2020

Report Title: 20/00013/FUL: Ben Sca Wind Farm Limited
Land 2800M SW Of Edinbane Primary School
Edinbane, Isle of Skye

Report By: Acting Head of Development Management – Highland

Purpose/Executive Summary

Description: Installation and operation of up to 7 (previously 9) wind turbines with maximum blade tip height of 135m and associated infrastructure

Ward: 10 - Eilean A' Cheò

Development category: Major Development

Reason referred to Committee: Application for a Major Development

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Recommendation

Members are asked to agree the recommendation to Grant planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

1.1 The application was originally submitted for the construction of up to nine wind turbines (135m to the blade tip) and was accompanied by an Environmental Impact Assessment Report (EIAR). Following the consultation process, the applicant has reduced the scheme to a seven wind turbines and associated infrastructure. The revised scheme is described in the submitted Supplementary Information (SI) Report, as follows:

- Up to 7 wind turbines of 135m to blade tip (each capable of generating up to 4.2MW);
- Crane hardstanding at each turbine base, each 70m x 40m and 1m in depth;
- Approximately 3.3km of new on-site access track with a typical width of 5m and associated drainage;
- A substation which would accommodate 33KV Switchgear to collect electricity from different parts of the site and located to the north west of turbines in an area of forestry; the substation compound would have an area of 30m x 35m and would include a control and metering building.
- Temporary site construction compound and laydown area, this is to be located to the north of the site, near to the site entrance;
- Underground cabling linking the turbines with the substation;
- Search areas for up to 3 borrow pits – this would be used as a source of rock in the construction of the tracks, hardstanding and foundations.

1.2 The applicant has requested a micro-siting allowance of 25m for all tracks and turbines locations to accommodate unknown ground conditions or technical issues whilst also maintaining environmental buffers (e.g. set back from water courses, known archaeology, etc).

1.3 The proposed development is anticipated to have an operational life of 30 years. At the end of the period, the proposed development would be decommissioned, and the turbines removed. Alternatively, a new application could be made to extend the life of the proposed development or replace the turbines. For the purposes of the EIA it has been assumed that the proposed development would be decommissioned. Final details would be secured by condition through a decommissioning and restoration plan.

1.4 The applicant is also seeking a timescale direction from the Planning Authority to allow a 5-year implementation period, starting at the time which any permission may be granted for this application. The is due to significant upgrades required to the electricity grid between Dunvegan and Fort Augustus which are required to be completed prior to the generation of electricity from this proposed development.

1.5 The applicant anticipates that the wind farm construction period will last 12months. This period of time will include commencement on site through to site commissioning and testing. The applicant has stated they will utilise a Construction Traffic Management Plan (CTMP) that will be used in conjunction with a Construction Environment Management Plan (CEMP) throughout the construction period. The final versions of these documents would require to be approved by the Planning Authority, in consultation with relevant statutory bodies before the start of development.

1.6 The applicant utilised the Council's Pre-Application Advice Service for major developments during which the applicant presented a 10-wind turbine proposal. The applicants were advised that the development site presented was challenging particularly in terms of cumulative impact and the issues raised in the pre-application response must be satisfactorily addressed if support from the Planning Authority is to be forthcoming. A summary of the advice provided is below:

- Whilst the Council is supportive of renewable energy developments in principle, this must be balanced against the environmental impacts of the development. Whilst there maybe obvious advantages in grouping turbines together, in this location this is leading to complex visual interactions and areas of 'wind farm' landscape character and the concerns regarding its cumulative impact which will be a challenging issue to overcome.

- Although it is noted that the existing Ben Aketil wind farm has a distinctive linear layout, in reality with this site the use of a less uniform layout approach could minimise the visual impact of the site. In particular there are currently several points along the A850 in which the turbine blades from the existing wind farms are viewed as overlapping. As such there is a real need with any future development to avoid exacerbating this issue. In addition, it is important that the locations of the proposed upper turbines are driven by landform and landscape character rather than ownership boundaries.

- Concerns have also been expressed regarding the height of the proposed turbines in relation to those already in the area. In this regard there is potential for the addition of turbines of an increased height to lead to a perception that the scale of cumulative development is no longer inferior to the scale of the host landscape. This raises the potential for creating confusion in receptor perception of the scale and relative distance to the existing turbines particularly in locations where the larger turbines are closer to visual receptors. As such the turbine scale and design needs to be compatible with existing and consented designs, taking into account the fact that the development is likely to be visually read as an extension to the existing wind farms from some viewing angles.

- Other issues such as peat, ecology, water environment, transport noise and community benefit need to the addressed.

1.7 The applicant held two public information days to seek the views of the local community. These were held at Edinbane Community Hall and Dunvegan Community Hall during May 2019.

1.8 The application is supported by an Environmental Impact Assessment Report (EIAR) which includes chapters on Planning Policy; Landscape and Visual Impacts (including ZTVs, wireframes and visualisations); Ecology; Ornithology; Hydrology and Hydrogeology; Cultural Heritage; Noise; Traffic and Transport; Socio-Economics; Infrastructure, Other issues, such as Aviation, Shadow Flicker and Telecommunications. The application is also accompanied by a Pre-Application Consultation Report, Non-Technical Summary (NTS), Design and Access Statement and a Planning Statement.

The amended scheme was accompanied by a Supplementary Information (SI) report the purpose of which was to provide further information to the original EIAR, including amendments to the proposed development since the original application was submitted and where appropriate to re-asses the effects and respond to points raised by contributors. In addition, an updated NTS document was submitted, which is required to be read in conjunction with the original NTS.

1.9 As stated above, during the course of the application the scheme has been amended and the changes are as follows:

- Removal of turbines T1 and T2 as numbered in the EIA Report, leaving the proposal as a 7-turbine scheme.
- In this amended scheme the 7 turbines have been renumbered such that the original T3 turbine is now numbered T1 with the other six turbines renumbered correspondingly and ending with the original T9 renumbered as T7;
- Micrositing of three turbines and two crane pads (turbines T5, T6 and T7 as shown in Figure 3.1, (originally turbines T7, T8 and T9 as numbered in EIA Report);
- Reduction in the length of track associated with the removal of turbines 1 and 2 as numbered in the EIA Report.

2. SITE DESCRIPTION

2.1 The application site is located on the Coishletter Estate and approximately 2km to the south of Edinbane. The site area measures approximately 410ha and is currently used for sporting purposes and commercial forestry production. The development would be limited to an area of 4.12ha. The site is characterised by smoothed stepped moorland, with coniferous woodland plantation to the north and west. Much of the site is located within areas of deep peat and Class 1 Priority Peatland Habitat. The site boundary includes a small area of forestry in the north west. Several small tributaries run through the site and eventually join larger watercourses to the north, such as Red Burn and Kerral Burn. The elevation of the proposed wind turbines ranges from approximately 140m AOD to 250m AOD. There is an existing ‘core path’ which runs parallel to the A850 as it passes the entrance to the site.

2.2 Access to the site for turbine deliveries would be via the A87 and A850. The main site entrance from the A850 will utilise the existing access and track for the Ben Aketil Wind Farm. A spur will then be taken to create the new tracks required to serve each of the 7 turbines.

2.3 In March 2018, parts of the site and surrounding area were damaged due to a wildfire which spread from moorland to the south east of the site in the Glen Vick Askill area. Much of the open ground and heathland habitat within the site was fire damaged but did not burn into the peat, given that the ground was near frozen at the time. Approximately 9.9ha of Sitka spruce/lodgepole pine plantation to the north were affected. There was a further forest fire in April 2019 to the west of the site which effected the Ben Aketil Wind Farm site. The applicant states that the Construction Environment Management Plan (CEMP) will include details on reduction in fire risk during construction.

2.4 The nearest settlement to the application site is Edinbane which is located around 2km north of the site. Other nearby settlements include Dunvegan approximately 7km to the west, Balmeanach approximately 4km to the south and Bernisdale approximately 5.5km to the east.

2.5 There are no statutory natural heritage designations within the site boundary. The closest are

- An Cleireach SSSI lies 2.3km to the south of the site. The notified features are its geological qualities.
- Inner Hebrides and the Minches adopted candidate Special Area of Conservation (cSAC) is 3.7km to the north. The designated features are harbour seal.
- Ascrib, Isay and Dunvegan Special Area of Conservation (SAC) lies 7.2km to the west of the site. The designated features are harbour seal.
- Cuillins Special Protection Area (SPA) lies 15km from the site the features of which are its breeding population of Golden Eagles.

2.6 The are no national or local landscape designations within the application site boundary. The national and local designations within the 40km study area are as follows:

National Designations:

- Trotternish NSA lies approximately 17km to the north-east of the site.
- The Cuillin Hills National Scenic Area (NSA) is situated 22km to the south-east of the site.
- Dunvegan Castle Gardens is within the Inventory of Gardens and Designed Landscapes (GDL) and is located approximately 7km to the west of the site.
- Raasay House GDL is 21.7km to the south-east.

Local Designations:

- The North West Skye Special Landscape Areas (SLAs) is approximately 4km west of the site;
- Greshornish SLA is 2km north of the site;
- Trotternish and Tianavaig SLA is 9km to the north east;
- Raasay and Rona SLA is 21km to the south-east.

There are two Wild Land Areas within 35km of the site

- WLA 22 – Duirinish – between 11km and 18km from the site
- WLA 23 - Cuillin – between 20 and 36km from the site

2.7 There are no Scheduled Ancient Monuments, Listed Buildings or Conservation Areas within the application site (Inner Study Boundary) or within 2km of the site boundary. There is one heritage asset of national importance located within the Outer Study Area (up to 5km from the turbine array).

- Dun Arkaig, broch (SM-13662)

There are four further national designated heritage assets near the Outer Study Area (up to 10km from the turbine array) that are identified at Scoping Stage by Historic Environment Scotland as potential being sensitive to impacts upon their setting.

- Barpannan Chambered Cairns (SM-893)
- Dunvegan Castle (LB-501) - Category A listed building
- Dunvegan Castle Gardens is within the Inventory of Gardens and Designed Landscapes (GDL00164) and is located approx. 7km to the west of the site.
- Laundry, Dunvegan Castle (LB-503) – Category A listed building

2.8 When considering wind farm projects consideration is also given to the issue of cumulative impact of any project with other operational or consented schemes within the surrounding landscape. The proposed wind farm is located in-between two existing wind farms. Edinbane Wind Farm is located to the east of the site and comprises 18 turbines and are in an irregular layout. To the south west of the site is Ben Aketil Wind Farm and its extension which comprises 12 turbines. These turbines are arranged in a linear form that run along a ridge from north west to south east. These turbines are 100m to the tip. To the south east of the site is the consented Glen Ullinish Wind Farm which if built would comprise 11 wind turbines with a blade tip height of 149.9m. The following schemes have turbines which are over 50m in height and are referred to the in the EIAR.

Operational:

Name	Location	No of Turbines	Height to hub (m)	Blade Diameter (m)	Height to tip (m)
Edinbane	East of site	18	64	71	100
Ben Aketil	West of site	12	64	71	100.5
Sumardale	Located 11km S/SE of site	1	55	48	79
Meadale	Located 12km S/SE of site	1	44.44	33.4	53.7

Consented:

Name	Location	No of Turbines	Height to hub (m)	Blade Diameter (m)	Height to tip (m)
Glen Ullinish (20/01129/S42) approved Oct 20	6km to south	11			149.9
Beinn Mheadhonach	11km to S/SE of site	4	64	71	99.5
Woodend Farm	12km E/SE of the site	1	50	56	75.75
South Cuidreach	10km to NE	1	55	44	77

In Planning:

- Ben Aketil – 20/04202/SCRE and 20/04198/SCRE: Extend the operational life of Wind Farm for a further 7 years.
- 20/04369/S42: Ben Aketil Extension Wind Farm - Application to carry out development otherwise than in accordance with conditions 2, 16, 19, 20 and 21 attached to planning permission reference number: 09/00115/FULSL

- 20/04370/S42: Ben Aketil Wind Farm - Application to carry out development otherwise than in accordance with conditions 1, 4, 13, 19 and 20 attached to planning permission reference 02/00275/FULSL

- 20/04065/S42: Beinn Mheadhonach: Section 42 application to vary condition 1 to allow height to hub 78m, rotor diameter 84m, total height 120m

3. PLANNING HISTORY

3.1	**18/02463/PREAPP**: 10no Wind Turbines approximately 135m high including onsite access tracks, crane hardstandings, a substation control building, battery storage, cabling, borrow pit/s and a temporary construction compound	24.07.2018	Advice Issued
3.2	**18/05240/SCOP:** Installation of nine wind turbines (tip height of 135m) with associated infrastructure including transformers, crane hardstandings, underground power cables, access tracks, met masts, substation and borrow pits	25.01.2019	Scoping Opinion Issued
3.3	**19/01361/PAN:** Installation of nine 135m high turbines with associated infrastructure	18.04.2019	Case Closed

4. PUBLIC PARTICIPATION

4.1 Advertised: Environmental Impact Assessment Development

Date Advertised: 17.01.2020 and 28.08.2020 (following submission of supplementary information)

Representation deadline: 27.09.2020

Timeous representations: 6 (from 4 households)

Late representations: 0

4.3 Material considerations raised are summarised as follows:

a) Adverse landscape and visual impacts for local residents, businesses and tourists (individual and cumulative); – the reduction in the turbines has not alleviated impacts to an acceptable level.
b) Effect on the character of Edinbane
c) Concerns over the size of the turbines, overbearing, overdevelopment, and cumulative impact;
d) Impact upon wildlife; bats, ornithology
e) Lack of economic benefit; and
f) Noise impact.

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

5. CONSULTATIONS

5.1 **Dunvegan Community Council:** No response received

5.2 **Struan Community Council:** No response received

5.3 **Skeabost And District Community Council:** No response received

5.4 **Environmental Health Officer** Following the submission of further information Environmental Health have no objection to the application but have recommended that a noise condition which considers the cumulative noise limits between the proposed development and operational and consented wind farm schemes at noise sensitive properties. Confirmation that the submission constriction noise assessment is acceptable and the control of noise impact us under Section 60 of the Control of Pollution Act 1974, so a planning condition is not required.

5.5 **Flood Risk Management Team:** No objection to the proposed development and have no comments to make.

5.6 **Historic Environment Team:** No objection to the proposed development, subject to a pre-commencement planning condition controlling the submission and implementation of an Archaeological Management Plan (AMP).

5.7 **Landscape Officer:** Originally objected to the application and raised concerns regarding the quality of the photography used for visualisations, the level of significance identified for a number of the viewpoints. Recommend the submission of amended visuals and consideration to the removal or relocation of turbines 1-3.

Following the re-notification of the amended scheme, and the submission of the Supplementary Information report, the Landscape Officer considered that there are perceptible improvements to the composition from the majority of viewpoints and the adverse effects on the perception of scale and distance in the landscape have been ameliorated in a number of views. Likewise, an improved separation from Edinbane turbines has been achieved in a number of views, which has generally benefitted the cumulative composition of turbines in the landscape. It notes that there remain views, which were identified in the original response from the Landscape Officer as being of greatest concern, Viewpoints 8, 9 and 15 where the residual effects from the original

T3, not T1, remain disproportionate continue to make the development as a whole more prominent in the landscape. It notes that the removal of the original T3 would have brought greater resolution to these areas, but these effects are reduced and it is clear that the applicants have responded to the original comments.

The impacts having been reduced at these three locations and actively improved for most of the other viewpoints, consequentially, the Landscape Officer has removed thier objection.

5.8 **Transport Planning Team:** do not object but have stated that they do not agree with the conclusion of the TA and judge that the impact of the Construction HGV Traffic is significant. However, it agrees that the impact of the construction traffic can be supported by the local road network subject to revisions being made to the Construction Traffic Management Plan (CTMP) and secured through a planning condition. Further details regarding the access bellmouth improvements will be required by a planning condition.

Following the re-notification of the amended scheme, and the submission of the Supplementary Information report, which included updated trip generation information, the Transport Planning Team have offered further advice on the requirement for amendments to the CTMP, these have been relayed to the agent and will be secured by a planning condition. In addition, a wear and tear agreement is likely to be required.

5.9 **Civil Aviation Authority (CAA):** No response received

5.10 **Crofting Commission:** No response received

5.11 **Historic Environment Scotland (HES):** do not object to the application but it considers that there will be some adverse effect on the setting of nearby heritage assets including Barpannan, two chambered cairns, Vatten Duirinish and Dun Arkaig, broch. However, they do not consider that these impacts will be significant.

Following the re-notification of the amended scheme, and the submission of the Supplementary Information report, HES state that whilst they note that the proposed revisions do not primarily seek to reduce the effects on the historic environment, they nevertheless agree that the reduction in turbines is likely to reduce the impacts on the historic environment to a limited extent. However, they continue to disagree with the overall finding that there would be 'no impact' on the setting of Dun Arkaig (SM13662) and Barpann Cairns (SM893). Overall, HES are content that these amendments would not appreciably alter the level of effect on our historic environment interests and have nothing further to add to their original consultation response.

5.12 **Ministry of Defence (MOD)**: do not object to the application subject to conditions requiring that the development is fitted with MOD accredited aviation safety lighting, with the perimeter turbines fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point. In addition, they wish to be notified of the date construction starts and ends; the maximum height of construction equipment; and the latitude and longitude of every turbine.

5.13 **National Air Traffic Services (NATS):** do not object to the application following an agreement between NATS and the applicant providing a single cell radar blanking contract to alleviate concerns regarding the Tiree RADAR

5.14 **NatureScot (formerly Scottish Natural Heritage):** do not object to the application. It notes that the development would result in the permanent loss of blanket bog and peat, but it supports the applicant's proposals to offset this loss by restoring peatland within the adjacent forestry plantation, subject to minor revisions to the Outline Habitat Management Plan (OHMP). A planning condition is recommended which will deliver the peatland restoration via a revised version of the Habitat Management Plan.

Highlighting that the development would be visible from key viewpoints within the Cuillin Hills National Scenic Area (NSA) and Trotternish NSA, it does not consider that the proposal will adversely affect the qualities for which they have been designated or the integrity of either NSA.

It explains that, three Schedule 1 protected bird species use the wind farm site on a regular basis, but it is unlikely that the proposals will adversely affect the conservation status of these species, either at a regional or national scale.

Following the re-notification of the amended scheme, and the submission of the Supplementary Information report, NatureScot have confirmed their support for the re-siting of three turbine to areas of shallower peat. In addition, it welcomes the revisions made to the OHMP as they have produced a much-improved document, but request that the final details are secured by a planning condition.

5.15 **Royal Society for The Protection of Birds (RSPB)** Initially objected to the application as the EIAR baseline information was not robust enough and underestimated impacts upon avian species, in terms of habitat and collision risk. In addition, concerns were raised about the loss of class 1 peatland. Requested that Turbines 1-3 be removed, relocated and turbines T6 and T7 should be temporarily shut down during mid-April. Also concerned about the disturbance of a circular footpath link. Some concerns have been addressed through the removal of T1 and T2 and the re-siting of three turbines from the deep peat. Concerns remain regarding the footpath link and the required temporary shut down of T6 and T7 during the main Hen Harrier breeding season.

5.16 **Scottish Environment Protection Agency (SEPA):** do not object to the application following submission of further information on Ground Water Dependant Terrestrial Ecosystems and modifications to the application to relocate the infrastructure on areas of deep peat and how the forestry waste will be dealt with. In addition, SEPA requested planning conditions relating to the restoration of borrow pits and the submission of a final Peat Management Plan.

The agent submitted higher resolution Peat Probing Depth maps and the re-sited T5, T6 and T7 (previously T7, T8 and T9) onto shallower peat. SEPA consider that this will result in less disturbance of peat and other environmental receptors as well as reducing the volume of material needed to be sourced from the borrow pits. SEPA have withdrawn their objection subject to a number of planning conditions; in particular a 25m micro-siting allowance to make minor adjustments to the layout out

to further avoid small pockets of peat, the floating of the track between T3 and T4, the implementation of the mitigation measures outlined for the GWDTE and that the development is carried out in accordance with the Habitat Management Plan.

5.17 **Scottish Forestry:** do not object to the application and consider that Scottish Governments Control of Woodland Removal Policy is met, as the 23.64 ha deforested area is to be restored to peatland, and therefore 'enhancing priority habitats (in this particular case - blanket bog) and their connectivity'.

5.18 **Transport Scotland:** do not object to the application subject to planning conditions being attached to require the abnormal loads route to be first approved by the trunk roads authority, this will also include any accommodation measures, such as junction widening, traffic management and signage. Following the re-notification of the amended scheme and the submission of the Supplementary Information report, Transport Scotland have confirmed that they have nothing to add to their original response.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28 - Sustainable Design
29 - Design Quality & Place-making
30 - Physical Constraints
31 - Developer Contributions
53 - Minerals
54 - Mineral Wastes
55 - Peat and Soils
57 - Natural, Built & Cultural Heritage
58 - Protected Species
59 - Other important Species
60 - Other Importance Habitats
61 - Landscape
62 - Geodiversity
63 - Water Environment
64 - Flood Risk
65 - Waste Water Treatment
66 - Surface Water Drainage
67 - Renewable Energy Developments
68 - Community Renewable Energy Developments
72 - Pollution
77 - Public Access

6.2 West Highland and Islands Local Development Plan 2019

This plan reviewed and confirmed the boundaries for the designated Special Landscape Areas.

Highland Council Supplementary Planning Policy Guidance

6.3 **Onshore Wind Energy: Supplementary Guidance (November 2016)**

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

6.5 The document includes a Spatial Framework, which is in line with Table 1 of Scottish Planning Policy. The site lies within "an area with significant protection".

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

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

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

7. OTHER MATERIAL CONSIDERATIONS

Other Highland Council Guidance

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

Scottish Government Planning Policy and Guidance

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

7.3 SPP sets out continued support for onshore wind. It requires Planning Authorities to progress, as part of the Development Plan process, a spatial framework identifying areas that are most likely to be most appropriate for onshore wind farms as a guide

for developers and communities. It also lists likely considerations to be taken into account relative to the scale of the proposal and area characteristics (Para. 169 of SPP).

7.4 Other Relevant National Guidance and Policy

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

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

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

Planning Considerations

8.3 The key considerations in this case are:

a) Compliance with the development plan and other planning policy
b) Energy and Economic Benefits
c) Landscape and Visual Impact
d) Roads, Transportation and Wider Access
e) Built and Cultural Heritage
f) Impact on Natural Heritage (including protected species and ornithology)
g) Hydrology, Hydrogeology and Soils
h) Noise and Shadow Flicker
i) Telecommunications
j) Aviation
k) Forestry
l) Decommissioning

Compliance with the development plan and other planning policy

8.4 The Development Plan comprises the adopted Highland-wide Local Development Plan, 2012 (HwLDP), West Highlands and Islands Local Development Plan, 2019 (WestPlan). There are no site-specific allocations relating to this site.

Consequentially, the primary assessment for this application will be made against Policy 67 of the HwLDP which specifically relates to renewable energy, however, section 6.1 of this report also highlights the other policies which are relevant in the determination of this application.

8.5 Policy 67 requires consideration to be given to the contribution of the development towards renewable energy targets; positive and negative effects on the local and national economy; other material considerations including making effective use of existing and proposed infrastructure and facilities. Within this framework the Authority will support proposals where it is satisfied, that they are sited and designed in such a way as to ensure that they will not be significantly detrimental either individually or cumulatively with other developments. Particular regard is to be given to the following criteria.

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

This approach is commensurate with the concept of Sustainable Design as set out in Policy 28 of the Highland-wide Local Development Plan and the aims of Scottish Planning Policy to achieve the right development in the right place; it is not to allow development at any cost.

If the Council is satisfied that there will be no significant detrimental impact overall, then the application will accord with the Development Plan.

Onshore Wind Energy Supplementary Guidance (OSWEG)

8.6 The Council's Supplementary Guidance - Onshore Wind Energy, is a material consideration in the determination of planning applications. The supplementary guidance does not provide additional tests in respect of the consideration of development proposals against Development Plan policy. However, it provides a clear indication of the approach the Council towards the assessment of proposals, and thereby aid consideration of applications for onshore wind energy proposals.

8.7 The Supplementary Guidance which forms part of the development plan, provides a mapping system which categorises development potential within a three tier framework: "Group 1: Areas where wind farms will not be acceptable, Group 2: Areas of significant protection and Group 3: Area with potential for wind farm development". The application site is classified as falling within "Group 2 – Areas of Significant Protection". The Group 2 classification for this site is due to the site being located within an area of Carbon Rich Soils, deep peat and priority peatland habitat. Whilst

this classification does not prohibit wind farm development, the applicant needs to demonstrate that any significant effects on the qualities of these areas as a result of the development can be substantially overcome by siting, design or other mitigation.

8.8 The OSWESG provides strategic considerations that identify sensitivities and potential capacity for wind farm development. One of the six areas to be examined is the area of Skye and Lochalsh. The Council has yet to progress with its own assessment for this area. However, its approach methodology to the assessment of proposals is applicable and is set out in the OSWESG para 4.16 – 4.17. It provides a methodology for a judgement to be made on the likely impact of a development on assessed "thresholds" in order to assist the application of Policy 67. The 10 criteria will be particularly useful in considering landscape and visual impacts, including cumulative impacts of the proposed scheme. Consideration of the proposal against the criteria is contained within Appendix 3 to this report.

Scottish Planning Policy (SPP)

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

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

8.11 Criteria outlined within SPP for the assessment of applications for renewable energy developments include landscape and visual impact; effects on heritage and historic environment; contribution to renewable energy targets; effect on the local and national economy and tourism and recreation interests; benefits and dis-benefits to communities; aviation and telecommunications; development with the peat environment, noise and shadow flicker; and cumulative impact.

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

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

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

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

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

Energy and Economic Benefits

8.14 The Council continues to respond positively to the Government's renewable energy agenda. Nationally onshore wind energy in the 1st quarter of 2020 had an installed capacity of 13.75GW. Highland onshore wind energy projects in operation, under construction or approved as of 1 January 2019 have a capacity to generate 2.497GW; approximately 34% of the national installed onshore wind energy capacity. There is a further 1.696GW off-shore wind constructed, under-construction and consented.

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

8.16 The applicant has stated that the revised scheme would have the potential to generate 107,608MW hours per annum. The applicant also points out that in comparison to turbines with a 100m tip and 71m rotor (Ben Aketil and Edinbane Wind Farms and their readily available generation figures), the proposed 135m tip height and 115m rotor height assessed in the EIAR offer almost twice the generating capacity, at 4.2MW per turbine versus 2.3MW per turbine.

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

8.17 The proposed development anticipates a construction period of 12 months, then 30 years of operation, then several months of decommissioning. Such a project can offer significant investment/opportunities to the local, Highland, and Scottish economy including businesses ranging across construction, haulage, electrical and service sectors. However, there is also likely to be some adverse effects caused by construction traffic and disruption. Representations have raised the economic impact that turbines may have on tourism. The assessment of socio-economic impact by the applicant identifies that the development is unlikely to have a significant adverse impact on tourism.

8.18 The application has been accompanied by a socio-economic impact study which looks at both the construction and operational phases for the development. It estimates that the construction phases of the development could support a total of 40.7 person-years of gross temporary employment within the Highlands. The equivalent predicted total for Scotland is 152.9 person-years. In terms of Gross Value Added, this could result in £2.40 million going into the Highlands economy and £9.03 million in the Scottish economy. In terms of the operational phase, it is estimated that between 4 and 5 permanent direct jobs are likely to be created and between 1 and 2 indirect jobs created in the operational and maintenance supply chain.

8.19 Additional wider benefits associated with the proposed development include a shared ownership scheme for local communities to invest in the wind farm

Landscape and Visual Impact

8.20 The applicant has presented a number of submissions to illustrate the impact of the development upon the surrounding landscape and receptors, in particular from local roads and settlements and cumulatively with the with existing/ consented wind farm developments. The results of the applicant's Landscape and Visual Impact Assessment (LVIA) are outlined in Chapter 7 of the EIAR and SI report. A total of 16 viewpoints have been assessed with regard to landscape and visual impact. These viewpoints are representative of a range of receptors including recreational users of the outdoors, road users and residents. The EIAR was also accompanied by a Zone of Theoretical Visibility (ZTV) figures.

8.21 The methodology for the Landscape and Visual Impact Assessment generally follows that set out in Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3). Technical Appendix 7.1 of the EIAR sets out the methodology in greater detail. The significance of effect is categorised as 'significant' or 'not significant' and is assessed by combining all of the considerations and criteria outlines in Technical Appendix 7.1. The threshold for both landscape and visual impact is for a negligible or minor level of effect this is generally taken as not significant and a moderate or major level of effect is generally taken as significant. This is in line with the approach taken by Highland Council in the identification of significant effects.

8.22 In the assessment of each viewpoint, the applicant has come to a judgement as to whether the effect is significant or not. This is undertaken on a viewpoint by viewpoint and case by case basis. In assessing visual impacts in particular, it is important to

consider that the viewpoint is representative of particular receptors i.e. people who would be at that point and experiencing that view of the landscape not just in that single view but in taking in their entire surroundings.

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

Design and Layout Evolution:

8.24 The development will be largely seen from the north as a linear array of turbines situated between two existing operational wind farms. The design of the development has been derived from a balance between landscape character and visual amenity; environmental constraints; topography and ground conditions; and technological and operational requirements. This is set in the context of more limited availability of turbines below 150m in height.

8.25 In line with the EIA, and OWESG requirement, the applicant has illustrated and explained the steps, rationale and influences for any design changes. Chapter 2 of the EIAR makes it clear that the identification of constraints has been the driving force behind the development of the scheme. In particular, the potential landscape and visual impacts on receptors and how the development would relate to the existing landscape character and wind farms was a key element in the evolution of the turbine layout. The design process started with a clustered formation. As part of the supporting information for the major pre-application (18/02463/PREAPP) 11, 14 and 15 turbine layouts were considered. Each of these options were rejected by the applicants as having too many adverse effects on various locations, such as A850, Lonemore Church and Totaig. This evolved into a simplified linear layout, with a 10-turbine scheme presented under the 2018 pre-application. This was subsequently reduced to 9 turbines as part of the scoping application (18/05240/SCOP) and was originally presented as part of this planning application.

8.26 In order to address concerns with regard to landscape and visual impacts in terms of overall composition and the disproportionate impact from the most elevated turbines, the design has been further modified as follows:

- Removal of turbines T1 and T2 as numbered in the EIA Report, leaving the proposal as a 7-turbine scheme.
- In this amended scheme the 7 turbines have been renumbered such that the original T3 turbine is now numbered T1 with the other six turbines renumbered correspondingly and ending with the original T9 renumbered as T7;

In addition, the development also proposes the following design mitigation measures which are supported by the Councils OEWSG.

- Access Tracks - the overall requirements for these has been reduced by the use of the existing tracks for Ben Aketil and the reduction in turbine numbers.

- Turbine Design - the colour/finish on the turbines will match that used on the adjacent operational turbines.
- Building Design - the scale and design for the substation building is commensurate with an agricultural building and the final details and finish will be controlled by a planning condition.
- Other infrastructure - the cables to the substation will be grounded and the transformers for the individual turbines will be enclosed within the turbine mast.

8.27 Generally, it is considered that from the northern side the turbines as indicated by viewpoints 1, 2 and 12 would be large and dominant and the effect of the difference in size of the turbines and blades in comparison to the adjacent wind farms will be obvious. However, the gap between the existing wind farms is sufficient to ensure that each wind farm would be within its own setting and would not be viewed as a single large development. This will help the receptor to rationalise the scale by suggesting that the wind farms are of varying distance from the receptors. This does however have negative effects as it can lead to a perception of a reduced depth of the landscape. From several of the viewpoints such as 3, 5 and 6, there is a more of a complex overlap between the proposed and existing turbines. This is particularly noticeable when the existing operational turbines of Ben Aketil or Edinbane are closer to the receptor, as this can impact the viewers abilities to assimilate and understand the distance from the turbines and their relative sizes, thus leading to visual confusion.

Landscape Impact

8.28 The application site lies on hilly ground between the settlements of Edinbane and Dunvegan. The elevation of the proposed turbines range from 130m – 250m AOD. Given the location and nature of the development the turbines will be viewed from a number of Landscape Character Types (LCTs). Each of these LCTs cover much wider areas than would be subject to the effects of this proposal. Within 20km of the development the applicant's assessment identified that the proposed development is most likely to cause landscape effects within the following six LCTs:

- No. 357: Farmed and Settled Lowlands - Skye & Lochalsh;
- No. 358: Low Smooth Moorland;
- No. 359: Upland Sloping Moorland;
- No. 360: Stepped Moorland;
- No. 361: Stepped Hills; and
- No. 366: Landslide Edge and Undulating Ridge.

From this baseline the LCT were grouped by the similarity of baseline conditions which resulted in the identification of seven landscape character areas being assessed by the applicant. The applicant has identified significant adverse impacts on the Greshornish and coastal edge of Loch Snizort and Bracadale landscape character areas. The EIAR also identified minor adverse impacts on the other

landscape character areas but these are not considered to be significant. The Councils Landscape Officer has assessed the methodology and the assessment in the EIAR and is content that the development would not create a significant effect on the majority of landscape character types within the study area.

8.29 The Greshornish and coastal edge of loch Snizort' character area is located to the north of the site. The ZTV indicates that there is theoretical visibility from much of the character area, although woodland would provide some screening. However, the EIAR assessment considers that much of the views from this area are oriented towards the sea to the north and thus away from the site. When viewed by receptors this site will be seen in the context of the two existing wind farms and wouldn't extend the existing pattern of wind farm development within the character area. However, the development would appear against the skyline and would be more prominent than the adjacent wind farms. The assessment considers that this will affect the simple backdrop of this character area. Consequentially the applicant considers that this gives rise to a 'moderate adverse' level of effect which is classified as significant. While the assessment is not disputed, the Council's Landscape Officer considers that these matters are more important for their effect on visual resource than the landscape character.

8.30 The Bracadale character area is located between 4-15km from the development. The ZTV analysis indicates that the development could theoretically be seen from much of this area, however, the EIAR considers that much of the key views are towards the bay and within the foreground of the coastal settlements and not towards the development. When visible the wind farm would be seen in between the existing wind farms and would not increase the collective horizontal extent of these turbines. However, the turbines would appear larger and more prominent on the skyline than the existing wind farms. This would reduce the simplicity of the interior hill backcloth over the loch and the applicant considers that this gives rise to a 'moderate adverse' level of effect which is classified as significant. The Planning Authority agree with this assessment.

8.31 Whilst significant effects have been identified, the applicant contends that from these areas the turbines would be seen in the context of the existing wind farms and wouldn't extend outside of the existing pattern of wind farm development within these character areas. However, the proposed turbines would appear more prominent on the skyline than the adjacent wind farms, but it is agreed that the significant landscape effects will be contained within 10km of the site and the landscape effects of the proposed development would not extend the landscape impacts of the beyond those of the existing wind farms in the area.

8.32 With regard to National Scenic Areas (NSAs), the applicant has stated in the EIAR that the proposed development would have a negligible effect on the two NSAs within the study area. NatureScot raise no objection to the scheme and concur with this assessment. They state that for both the Trotternish NSA and Cullin Hills NSA that the viewing distance and presence of existing wind farms in the landscape, means that the proposals will not have an adverse effect.

8.33 In terms of local designations, the EIAR considers that there would be some minor adverse effects from the two closest Special Landscape Area (SLA) (North West Skye and Greshornish) but that given the development location within the context of existing operational wind farms the proposed scheme would not conflict with the special qualities of the SLAs. There would be a low level of visibility of the proposed development from the Trotternish and Tianavaig SLA. Views from the summits of the hills are panoramic and Ben Sca wind farm would appear as just one element in the distance within a mixed composition of visual elements. The Planning Authority and NatureScot agree with the applicant's conclusion that the proposed development would not compromise the special qualities or integrity of the SLA.

Wild Land Areas (WLAs)

8.34 The proposed development is not located within a WLA and therefore Paragraph 215 of Scottish Planning Policy does not apply. However, there are two WLAs within 40km of the turbines: WLA 22: Duirinish – between 11km and 18km from the site and WLA 23: Cuillin – between 20 and 36km from the site. The general test considering the effects on wild land as set out in Paragraph 169 of SPP and reflected in Policy 67 of the Highland-wide Local Development Plan and the Onshore-Wind Energy Supplementary Guidance is considered relevant. This policy requires consideration of the impacts on the wild land area, with regards to:

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

NatureScot published descriptors for each of the 42 Wild Land Areas across Scotland in January 2017. These descriptors set out wild land qualities for each of the Wild Land Areas and are based on the particular combinations of the wild land attributes and influence when experienced. Volume 4a Technical Appendix 7.4 of the EIAR contains a wild land assessment and considers overall that the development would not have a significant adverse impact upon the key qualities and attributes of the WLAs.

8.35 For WLA 22: Duirinish, the key qualities and attributes are the dramatic coastal edge and extensive inland peatland with a stepped landform profile that rises to distinctive hills. The EIAR contends that as the development would be screened from the majority of the area and importantly the dramatic coast and moorland interior. When visible (min 11km away) the development will be seen in the context of the adjacent wind farm and other built development within the foreground, consequentially, the development would only have minor effects on the WLA attributes and qualities. The Planning Authority and NatureScot agree with this assessment.

8.36 For WLA 23: Cuillin the key qualities and attributes are detailed as the high steep, rocky mountains, which contrasts with the peatland and sea; a circle of mountains that contain a remote and secluded interior; a strong contribution of the sea to the remoteness and the sense of naturalness and a concentrated mountain area accessed by many different visitors to experience the wild land qualities. The EIAR sets out that visibility of the development would be available from the mountain tops, but the turbines would be distant features (min distance of 20km away) and set

adjacent to the existing wind farms with other built development in the mid-foreground. NatureScot and the Planning Authority agree with the applicant's assessment that the development would have negligible effects on the WLA attributes and qualities.

Visual Impact

8.37 The ZTV demonstrates that the proposed development would theoretically be visible at a distance of up to 40km but would be concentrated within the 20km study area. It must be noted that the ZTV presents a worst-case scenario and does not include elements such as trees and buildings which would reduce visibility in some locations.

8.38 Visibility of the development will be restricted by landforms within the applicant's study area. This screening will be particularly effective for areas to the east of the proposed development by the hills adjacent to the development site including: Beinn a' Chearcaill; Ben Uigshader; and Beinn a' Ghlinne Bhig.

8.39 Similarly, the proposed turbines would be screened from many places to the west by Ben Horneval; and Ben Vic Askill. Similar to other wind energy development in the area, the ZTV and EIAR indicate that the site will be visible from more elevated ground and slopes which face the site, most notable being the:

- east facing slopes and tops of Duirinish, approximately 10-12km west of the site. However, further to the west, beyond Macleod's Tables, views would generally be screened;
- the east facing slopes of Beinn Chreagach, Waternish, approximately 5km north west of the site;
- south and south west facing slopes and tops of Greshornish, approximately 3km north of the site and higher ground within Edinbane;
- south-west facing slopes of Trotternish, including The Storr to the east and north-east of the site; and
- Loch Bracadale and the north facing slopes and tops of its islands, approximately 5k-10km south- west of the site.

8.40 The applicant has submitted a cumulative ZTV which includes the operational wind farms of Edinbane and Ben Aketil (see Volume 3a Technical Appendix Figure 7.4). This indicates that for the majority of the theoretical coverage for Ben Sca there will also be joint visibility with the two adjacent wind farms. The Planning Authority consider that the main effects will be within 10km of the site, but some effects will be experienced up to 15km. Although Ben Sca would increase the number of turbines visible it is not considered that the proposal would not materially increase visibility of turbines into areas of Skye which do not already view the existing wind farms.

8.41 In terms of the consented but not yet built schemes, Glen Ullinish (5km to the south) and Beinn Mheadhonach (11km south east), the cumulative ZTV shows that much of the joint visibility with Ben Sca would be within 15km of the site. Beyond these distances visibility would be limited to areas of open water or landforms screen views toward the development. However, from the north only Ben Sca would be visible due to intervening landform to the south of the site screening the consented but not yet

build development. It is not considered that the single turbines of Sumardale and Meadale, which are located 11km and 12km to the south, south-east of the site, would have a significant cumulative impact.

8.42 A range of visual receptors for the development have also been assessed in the EIAR. These have been accompanied by 16 viewpoints and photomontages/ wireframes. The photomontages have been submitted in various angles of view, to comply with both The Highland Councils visualisation standards and NatureScot's guidance. NatureScot have confirmed that the visualisations comply with their guidance. While some concern has been raised with the applicant over the photomontages produced to Highland Council Standards due to overbleaching of the sky and the mismatch between the orientation of the proposed and existing turbines, they are still considered sufficient to make an assessment and have been improved in the SI report.

8.43 The visual receptors for the development have been assessed in the EIAR. The applicant has identified major adverse significant effects on receptors at Viewpoints 2 (Edinbane Top Road) and 12 (road to Greshornish). At Viewpoints 1 (A850), 3 (B884 junction), 5 (road to Feorlig) and 6 (Roag) the applicant has identified moderate adverse effects which are also considered to be significant. The views from the remaining viewpoints have not been assessed as significant by the applicant. The intervening distance between the viewpoint and the scheme, the limited magnitude of change due to the baseline of the existing wind farms is the most common reason for these viewpoints not being assessed as significant.

8.44 The Council considers visual impact using the criterion set out in Section 4 of the Onshore Wind Energy Supplementary Guidance. The assessment against this criterion is contained in Appendix 3 to this Report and comes to a view as to whether the threshold set out in the guidance is met or not. To support this, a viewpoint appraisal has also been undertaken. This is contained within Appendix 2 of this report.

8.45 The Planning Authority agrees with the EIAR assessment and overall significance and magnitude of effect attributed to the majority of the viewpoints including VP1 (A850), VP2 (Upper Edinbane), VP3 (B884), VP5 (Feorlig), VP6 (Roag), VP7(Macleod's Tables), VP12 (Greshornish), VP13 (A87), VP14 (The Storr), VP16 (Bruach na Frithe) and VP17 (Lochmaddy Ferry route).

8.46 Whilst the Planning Authority agree with the majority of the applicant's viewpoint assessments there is some divergence. The main difference is in the magnitude of impact which would be experienced by receptors. It is considered that this was underplayed by the applicant in a number of viewpoints, in particular VP8 (A87 road), VP9 (A863), VP15 (Beinn Edra).

- Viewpoint 8 (A87 Road11.3km to the north east of the site): The original scheme resulted in the turbines encroaching on the higher ground which together with the use of taller turbines results in turbines 1-4 being the highest points on the skyline. This increases the focus of turbines and was considered to have an adverse effect in the views toward Macleod's Tables and the Cuillins and be at least moderate and adverse in nature.

- Viewpoint 9 (A863 Road near the settlements of Ullinish, Gearymore and Ose. 7.6km from the site). The original scheme failed to place sufficient weight on the proposed development 'bridging' the higher ground which separates the existing wind farms. Its location on the higher ground emphasises the difference in height of turbines within each wind farm and the domination of the central landform by the Ben Sca turbines which would have created a moderate adverse and significant visual effect.

- Viewpoint 15 (Beinn Edra, northern part of the Trotternish Ridge, 18.8km to the north east of the site): Although Ben Sca would be further from the Macleod's Tables than Ben Aketil the original scheme failed to give sufficient weight to the impact of turbines 1-3 which would have been in part of the view where the hills drop to the sea at Idrigill Point. This is an important feature where sky, sea and land meet and the effects of these three turbines would be disproportionately adverse due to the sensitivity of the scenic composition.

In addition, the Planning Authority also regard the effects at several other viewpoints as being under-assessed in terms of sky-lining and impact upon the overall composition. In particular this relates to VPs 4 (Totaig) and 18 (Ben Tianavaig) Whilst this is not considered to push the effect into the significant category the adverse effect is considered to be disproportionate to the number of turbines visible.

8.47 Throughout the visual assessment undertaken by Officers, Turbines 1-3 or 1-4 were considered the main source of significance in effects. In addition, to the aforementioned viewpoints, this is also the case for viewpoints in which the Planning Authority did not contest the EIAR assessment. In particular, VP 1 (A850) where Turbines 1 and 3 are seen to be beyond the skyline, creating a different dynamic from Ben Aketil in a composition where Ben Sca can otherwise be said to mirror the character of Ben Aketil. In VP5, turbines 1-3 are identified in the assessment as encroaching on the hill summit to the detriment of the visual composition.

8.48 In response, to the Officers' concerns the applicant was asked to remove turbines T1, T2 and T3. In response, the applicant contended that the landscape and visual impact assessment submitted was robust and that the removal of the three highest yielding turbines for the development would see the overall yield fall below 100,000 MWH. This would lead to a disproportionately higher 34.51% reduction in yield, as a result of removal of the highest yielding turbine, in comparison to a 23% reduction in yield for a 7-turbine scheme. Consequentially, the reduction in renewable generation from the removal of the three turbines would be considerable. However, the removal of turbines T1 and T2 was secured by negotiation and was considered to offer a suitable balance between the national policy and climate change agenda and the residual environmental effects. The remaining 7 turbines have been renumbered such that the original T3 turbine is now numbered T1 with the other six turbines renumbered correspondingly and ending with the original T9 renumbered as T7. The revised scheme has resulted in the removal of two of the three most elevated turbines. In coming to an opinion on the acceptability of this development, the secured design changes have played an important factor of the visual acceptability

of the scheme. The following provides a summary of the issues and the impact of the revised scheme on some of the viewpoints. It is considered that these changes are most noticeable in VPs 8, 9, 15.

8.49

- Viewpoint 8 (A87): The removal of turbines 1 and 2 has created a more compact group of turbines which has reduced the overall extent of the development. It has also increased the gap between the existing wind farms, this is further aided by a reduction in the encroachment onto the higher land. Overall, the removal of turbines 1 and 2 has improved the composition and visual impact of the development from this VP. However, the residual effects of the original T3 remain disproportionate and continue to make the development as a whole more prominent in the landscape. The removal of the original T3 (in addition to the removal of the original T1 and T2) would have brought a more compact scheme and addressed the outstanding concerns, however, the residual impacts have been improved and the Landscape Officer has removed her objection.

8.50

- Viewpoint 9 (A863 Road near the settlements of Ullinish, Gearymore and Ose): The removal of turbines 1 and 2 have again reduced the overall extent of the development and the removal of the two most visibility turbines will reduce its prominence within it local landscape setting. However, again, the removal of the original T3 (in addition to the removal of the original T1 and T2) would have brought a greater resolution, however, the residual impacts have been reduced and the Landscape Officer has removed her objection.

8.51

- Viewpoint 15: (Beinn Edra, northern part of the Trotternish Ridge): The removal of turbines 1 and 2 have reduced the overall extent of the wind farm and the extent to which the proposed development would be seen in front of the sea at Idrigill Point. The removal of turbines 1 and 2 has improved the visual composition of from this VP. However, again, the removal of the original T3 (in addition to the removal of the original T1 and T2) would have brought an improved design when viewed by receptors at this viewpoint, however, the residual impacts have been reduced to an acceptable level and the Landscape Officer has removed her objection.

8.52 The Planning Authority considered that the assessments for viewpoints 4 (Totaig) and 18 (Ben Tianavaig) were under under-assessed due to the impact of sky-lining and impact upon the overall composition, although this was not considered to change the identified visual impacts to a level where significant effects would be identified in EIA terms. However, the removal of turbines 1 and 2, has resulted in a considerable reduction in the amount of development seen in VP 4. In terms of VP 18 the amended scheme has removed two of the highest turbines which has reduced the scale and extent of the turbines from this viewpoint.

8.53 The amended scheme has also provided overall improvements to the remaining viewpoints in terms of general composition, prominence and extent of the development viewed. This is particularly evident where the local landform screens a greater proportion of the development. However, significant visual impacts will remain at the following viewpoints:

- VP 1 (A850, 2.2km from the site) represents the views of receptors to the north west of the site, which are mainly from vehicles, but includes walkers on nearby paths to Greshornish. All of the turbines will be visible and the difference in scale of the turbines between the proposed and existing wind farms will be evident from this VP. The removal of T1 and T2 has reduced the number of turbines seen beyond the skyline, which has improved the composition. The removal of the original T3 would have further improved views from this VP. However, overall, there is considered to be a sufficient separation distance between the developments to allow the receptor to read them as separate scheme, thus minimising confusion and direct comparison. Therefore, when taken as a whole the visual impact at this viewpoint, while significant, is considered acceptable.

- VP 2 (Edinbane Top Road, 3km from the site) represents views from residential receptors on the Upper Edinbane road. Given the proximity of the development to this VP the turbines would be clearly visible and appear prominent and the scale of the turbines in comparison to the existing will be noticeable. The removal of T1 and T2 has reduced the number of turbines seen from the VP and has increased the separation distance with Edinbane wind farm. This will ensure that the development is not visually read as a single large development and will help the receptor to rationalise the scale by suggesting that the wind farms are of varying distance from the receptors. However, given the proximity to the site and the nature of the receptor the turbines will still appear prominent from this VP and the magnitude of change for the amended scheme is still judged as major adverse and significant. Further assessment of the impact upon residential receptors in this location is provided in para 8.56.

- VP 3: Junction of the B884 road between Dunvegan, Orbost and Glendale (7.1km to the south west of the site). From this VP the proposed turbines seen beyond the existing Ben Aketil wind turbines and would appear larger than the operational turbines which creates a more complex viewing image. The removal of T1 and T2 has reduced the number of turbines and the extent of the development seen from the VP. However, the turbines still remain prominent and the complex overlapping with the Ben Aketil turbines does remain. However, when take as a whole the visual impact at this viewpoint, while significant, is considered acceptable.

- VP 5: a road junction between the A863 and a local road close to Feorlig (5.2km from the site). The encroachment onto the hill summit was to the detriment of the composition as it increased the extent of the turbine range within this view. The removal of T1 and T2 has reduced the spread of the turbines and limited the encroachment upon the hill. This has resulted in a reduction in the extent of the development that can be seen at this VP. However, the removal of the original T3 would have further improved views from this VP. However, when take as a whole the visual impact at this viewpoint, while significant, is considered acceptable.

- VP6: Roag (7km to the south west of the site): The turbines will be seen in the context of the existing adjacent wind farms and will overlap with Ben Aketil and extend further towards the Edinbane than the existing Ben Aketil turbines and create a more complex image. The removal of T1 and T2 has reduced the spread of the turbines so the proposed development does not extend beyond the visual extent of Ben Aketil. It has also removed two of the higher turbines which has reduced the overall scale of the development. The removal of the original T3 (in addition to the removal of the original T1 and T2) would have improved this further. However, when take as a whole the visual impact at this viewpoint, while significant, is considered acceptable.

- VP 12: Minor road to Greshornish (4.6km to the north of the site). The turbines will be prominent from this VP. However, the turbines will be set apart from the Edinbane turbines and will overlap with some of the Ben Aketil and would appear larger than the existing turbines. the removal of turbines 1 and 2 has increased the separation distance between the Edinbane wind farm. The separation distance from Edinbane wind farm and that the Ben Aketil turbines are set further below the skyline will help the receptor to rationalise the scale by suggesting that the wind farms of varying distance from the receptors. Given the proximity to the site this remains a prominent visual viewpoint. However, when take as a whole the visual impact at this viewpoint, while significant, is considered acceptable.

8.54 The most significant impacts will be experienced in close proximity of the site as represented by VPs 2 and 12. However, these findings of significant effect do not mean that the scheme as a whole is unacceptable visually. The matter of visual impact does however have to be considered in the round with all other matters to allow the Planning Authority to come to a view as to whether the proposed extension is significantly detrimental overall. The revised scheme is considered to have resulted in perceptible improvements to the composition of the wind farm from the majority of viewpoints and the adverse effects on the perception of scale and distance in the landscape have been ameliorated in a number of views. It is considered that these changes are most noticeable in VPs 8, 9, 15, 4 and 18. An improved separation from Edinbane turbines has also been achieved in a number of views, which has generally benefitted the cumulative composition and interpretation of the scale of turbines within the landscape.

8.55 However, it is still considered from a number of viewpoints residual effects from the original T3 (T1 under the amended scheme) remain disproportionate continue to make the development as a whole more prominent in the landscape. The removal of the original T3 would have further reduced the visual impacts of the development, but these effects are reduced and it is clear that the applicants have responded to the original comments and consequentially the Councils Landscape Officer has withdrawn her objection to the application. In addition, whilst noting the effects, NatureScot consider that taken in the context of turbine availability, turbine efficiency (and therefore climate change benefits) and possible future repowering of the existing wind farms it has have no objection.

8.56 In relation to residential amenity, the OWESG states that the Council considers all residential buildings to be particularly sensitive to wind energy development and for this scheme concerns have been highlighted by third party representations. Where larger scale developments are proposed within 2km of residential buildings and settlements, applicants will be expected to clearly demonstrate how potential impacts on amenity have been avoided or mitigated. The nearest residential property is 2.3km from the site, so in addition, to the visualisations which looked at representative views for residential receptors, the applicant has undertaken a Residential Visual Amenity Assessment (RVAA) (Volume 4a Technical Appendix 7.3). The initial study area was 3.5km from the site and includes the properties within Upper Edinbane. 21 properties were scoped out due to be derelict or views being limited by existing landform or vegetative screening. A further 69 properties were fully assessed in the RVAA. For those properties where the largest magnitude of effect has been identified (i.e. high) a further assessment was undertaken to establish whether the effect had reached the RVAA threshold. Of the 69 properties, 51 were considered to experience a low or medium change to their residential visual amenity. 18 properties were considered to be 'high' in the assessment of likely change and these were all located within Upper Edinbane (this was also the location for VP 2), however, none of the properties were considered to reach the RVAA threshold or would be deemed to be unattractive places to live as a result of the turbines.

8.57 The RVAA concluded that while the propose development would be clearly visible from their view the position of the turbines typically 3.0km to 3.4km away on the opposite side of the strath would limit their imposition on the views. In addition: the layout of the proposed development is such that the southernmost turbines extend away from the Edinbane properties contributing to the perception of the turbines being physically separated from the property; and views are open and panoramic from the Upper Edinbane properties and extend to include the full sweep of the Greshornish peninsula and at least the southern extent of Loch Greshornish and (to the north west), however, the proposed development (to the south west) would not disrupt this view which is important to the visual amenity of these properties

8.58 The turbines, as viewed from these properties, would be presented in a linear manor along the horizon and the full extent of the scheme would be evident. The reduction of the two turbines has reduced the number and horizontal spread of the turbines from this viewpoint and increased the gap between the Edinbane turbines. Nevertheless, it is acknowledged that these properties will experience a high degree of change. It is however accepted on balance that the effects would not render the properties as what may be regarded as unattractive places to live. Other matters that relate to residential amenity are covered in section 8.93 of this report.

8.59 Views of the development will be available from local paths and for walkers in the area, however, these are largely transitory in nature and often seen in the context of the existing wind farm development in the area. From the Greshornish area when looking back up the loch from the land or from a boat the turbines will appear prominent which may draw attention away from the loch. From the Trotternish Ridge (VPs 14 and 15) the scheme would be an increase the number of turbines visible from this VP and due to the overlap with Ben Aketil would result in a more complex view. From Macleod's Tables, the turbines would appear bigger than the existing turbines. However, the position of the scheme would not increase the overall spread

of turbines in the view and it would be one element within a much wider panorama. From the Cuillins (VP 16) the proposed development would be seen as a distant element within a wider panorama and seen in the context of the existing wind farms.

8.60 Beyond a cumulative assessment of the operational wind farms, consideration has been given to the cumulative effect with the existing consented schemes, most notably Glen Ullinish which is located approx. 5km to the south of the site. Ben Sca does not have significant cumulative impacts with Glen Ullinish Wind Farm due to the location of the proposed developments. In particular there are no cumulative views of Glen Ullinish and Ben Sca will be available from VPs 2 and 12 which were identified as having the most significant residual impacts. It will however add to the sequential view of wind turbines when travelling on the A863 and A850.

8.61 In conclusion, the site does not lie within any local, regional or national landscape designations. The development will be largely be seen situated between two existing operational wind farms and due to the proximity, the proposal would not materially increase visibility of turbines into areas of Skye which do not already view the existing wind farms. Whilst significant effects have been identified these are predominately in close proximity to the site. However, the overall the design improvements have improved the composition of the development, resulting in a less intrusive proposal particularly from the more scenic and distant viewpoints. The amended scheme is considered to have found a balance between landscape character and visual amenity; environmental constraints; topography and ground conditions; and technological and operational requirements.

Roads, Transportation and Wider Access

8.62 It is anticipated that the turbine components will arrive at the Port Kyle of Lochalsh then be transported to site via the A87(T) and the A850-Dunvegan Road. This route has previously been employed for construction of the neighbouring Edinbane and Ben Aketil Wind Farms and is also expected to be the route for most construction vehicles. The results of the applicant's assessment are outlined in EIAR, Chapter 12 and SI report Chapter 12.

8.63 The applicant has highlighted its commitment to preparing a finalised Construction Traffic Management Plan (CTMP) for the delivery of abnormal loads with the aim of reducing conflict between abnormal load traffic and other road users. A framework for the CTMP had been submitted with the application, but the applicant anticipates that the final and more detailed would be secured by a planning condition and would involve further consultation with Police Scotland, Transport Scotland and the Councils Transport Planning Team.

8.64 The applicant acknowledges the potential for the tourist traffic on Skye to be affected by the transportation of abnormal loads is recognised. It would include a number of measures to reduce the effects of the construction of the proposed development on local receptors and communities, including the effects from turbine deliveries (abnormal loads). The final CTMP would take into account the use of the road network during peaks in particular those associated with the tourist season. It would seek to minimise disruption associated with deliveries on the road network of Skye. The CTMP would be include reference to the tourist season and would take into account the seasonal tourist traffic. An element of preparation of the CTMP would be

a trial run, which would be undertaken through a special licence, with the Roads Authorities and Police Scotland in attendance. It would also include the requirement to carefully consider the way in which the site entrance is managed. The CTMP would require that a Traffic Control system is implemented.

8.65 The Access, Traffic and Transport analysis together with the initial CTMP has been assessed by Transport Scotland who have confirmed that they consider the information to be appropriate at this stage. Consequentially, they have no objection to the development but request that planning conditions relating to the movement of abnormal loads and signalisation required on the trunk road network are attached to the consent. The Council's Transport Planning Team also have no objection to the development, subject to revisions being made to the Construction Traffic Management Plan (CTMP) and secured through a planning condition.

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

8.67 There is an existing access track and bellmouth junction which is to be upgraded from the A850 which previously served the construction of the nearby Ben Aketil Wind Farm. In addition, approximately 3.3km of new onsite access tracks spurring from the existing Ben Aketil Wind Farm track will be constructed to provide links between each individual turbine. The Councils Transport Planning Team have no objection to this aspect of the development, subject to further details regarding the access bellmouth improvements being secured by a planning condition.

8.68 The site, like most land in Scotland, is subject to the provisions of the Land Reform (Scotland) Act 2003. There are tracks running through and around the site and the wider area, providing rich opportunities to access the outdoors. The most likely direct impact is during the construction phase where some access will be restricted. Any impacts arising through the construction or operational phases of development can be managed through outdoor access management which should cover both construction and operation of the wind farm. This could be secured by condition.

8.69 During the pre-application process the Councils Access Officer considered that as the internal wind farm tracks once constructed could link with the adjacent farm tracks and provide the potential for good multi use access opportunities for all abilities. Generally, access tracks for windfarms have a good standard of surface and are of a gentler gradient than typical forestry tracks within the Skye area. This can be of great benefit to disabled scooter users and the less able who otherwise have little countryside access opportunities in the area.

8.70 In addition, to the main turbine tracks, the applicant is also proposing to create a linking footpath the with the existing Edinbane Wind Farm and creating a circular pedestrian loop. RSPB have objected to this part of the proposal and consider that this would increase the disturbance to the avian populations and request that it is withdrawn. However, it must be noted that NatureScot have who are the statutory

consultee on these matters have offered no adverse comment in relation to this part of the proposal. The additional footpath is considered to be of benefit to the local and visiting walkers and without an objection from NatureScot this element of the proposal is considered on balance to be acceptable. Further details will be controlled by a planning condition and will include the provision of an easy opening pedestrian gate to the side of vehicular access gates.

Built and Cultural Heritage:

8.71 The results of the applicant's assessment are outlined in EIAR, Chapter 11 and SI report Chapter 11. A walk over survey of the site has been undertaken and the application is supported by a Cultural Heritage Impact Assessment, this looked at both direct impacts and indirect impacts with a targeted assessment of national features up to 10km.

8.72 In terms of direct impacts, there are no designated sites within the development site and the application concludes that there are no predicted significant construction effects or operational effects on known heritage assets. There is archaeological evidence within the proposed site for agricultural features from the post-medieval period, however all identified sites/features have been avoided by the proposed layout of the development. The potential for unknown subterranean assets of the post- medieval period is reported as low to moderate, the potential for unknown assets of the medieval and prehistoric periods it is low, and the potential for the Roman period it is very low. The Councils Historic Environment Team (HET) have no objection to the development and consider that the application provides a comprehensive study of the predicted impacts. HET support the recommended mitigation methodology which is for avoidance in the first instance followed by a targeted watching brief during the construction phase, this can be controlled by a planning condition.

8.73 There are a number of heritage assets within the wider area and as such there are potential for indirect impacts. However, the impact assessment concludes that there are no predicted significant construction effects or operational effects on the setting of known heritage assets. Historic Environment Scotland (HES) have no objection to the development and are broadly content with the methodology employed. Whilst they are content that there will be no significant impacts, they disagree that there will be 'no impact' upon two scheduled monuments, Barpannan, two chambered cairns, Vatten (south-west of the site and within 5km of the turbine study area) and Dun Arkaig Broch (south-east of the site and located within the 10km near outer study area). Instead HES conclude that there will be some adverse indirect impact, but this will not be significant. The Planning Authority agree with this assessment.

Impact on Natural Heritage (including protected species and ornithology)

8.74 The EIAR and SI has identified and assessed impacts on protected species, ornithology, ecology and designated sites. The results of the applicant's assessment are outlined in chapters 8 and 9 of EIAR and SI reports and survey commitments are outlined in chapter 16. The application is also supported by a Phase 1 Habitat Survey, National Vegetation Classification Survey, GWDTE survey, fish habitat assessment, mammal and bat survey, Peat Management Plan and a CEMP.

8.75 There are no statutorily designated ecological sites within the application boundary. Within 10km there are three designations (see section 2.5), but as these are designated for either geological interest or for marine features, it is unlikely that these will be affected by this development.

8.76 The site lies within a Class 1 area peatland as detailed on the NatureScot's (formally SNH) Carbon and Peatland 2016 map and is of national importance. The Scottish Government recognises the importance of healthy peatlands for matters such as climate change and consequentially, it is important that any damage is mitigated, and any loss is compensated for. In addition to the mitigation measures outlined in the Peat Management Plan, the applicant proposals to offset peat loss by restoring 23.6ha of degraded bog within the existing conifer plantation. This would involve the felling of 20ha of conifer trees, increasing the water table through ditch blocking and surface smoothing. NatureScot had no objection to the scheme and support the proposals in principle subject to a finalised Habitat Management Plan and the restoration being secured by a planning condition. RSPB initially, raised concerns about the permanent loss and fragmentation of a Class 1 peatland and suggested that the restoration should also include the neighbouring peat hags, scorched moorland and burn or failed forestry in the surrounding area.

8.77 The removal of two turbines and associated infrastructure, together with the re-siting of three turbines away from deep peat has resulted in 0.61ha less blanket bog being lost and 1.87ha of wet heath being lost when compared to the 9-turbine scheme. The total loss for the development is now 8.91 ha of blanket bog and 0.89 ha of wet heath. RSPB welcome the changes and note the applicant's intention to assess the feasibility of peat hag restoration. NatureScot support the changes and reiterate their support to offset the loss through peatland restoration subject to a planning condition controlling the final Habitat Management Plan.

8.78 In terms of forestry waste, SEPA required assurances that whole tree harvesting would be utilised rather than mulching. Whole tree harvesting has proven on other sites to best facilitate peatland restoration, as mulching has been proven to cause extended nutrient release which delays peatland habitat restoration. This request was also reiterated by RSPB. In response, the Outline Habitat Management Plan (oHMP) provide a commitment of whole tree harvesting and removal of the proposal for mulching; and the commitment to investigate peat hag restoration. SEPA request that a condition is applied to ensure that the development is undertaken in line with the oHMP. RSPB are also content with the commitment.

8.79 No protected mammal species were found within the site boundary and no breeding or resting sites were located. NatureScot are content with the methodology and consider that the site is unlikely to be important for these species. Nevertheless, usage of an area can change over time and NatureScot welcome the commitment to carry out a pre-construction mammal survey, this will be controlled by a planning condition. A bat survey was carried out, NatureScot agree with the findings that the overall of common pipistrelle activity can be considered to be low and no further mitigation is necessary.

8.80 The impacts of this development on ornithology are related to displacement during the construction phase and potential collision risk through the operation phase of the development. The applicant has undertaken flight activity survey, breeding and raptor surveys. RSPB are concerned that the baseline ornithological data is insufficient to provide a robust picture. However, NatureScot are satisfied that the surveys follow appropriate guidance and take into account of its advice issued at the scoping stage.

8.81 The proposed development is located approximately 15km from Cuillins Special Protection Area (SPA) classified for its breeding golden eagles. The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitat Regulations") or, for reserved matters the Conservation of Habitats and Species Regulations 2010 as amended apply. Consequently, the Highland Council is required to consider the effect of the proposal on the SPA before it can be consented (commonly known as Habitats Regulations Appraisal), see Appendix 4.

8.82 NatureScot's guidance suggests a 6km connectivity distance for golden eagles, as this development is considerably further away direct impacts on territorial eagles within the SPA are very unlikely. When factoring in the predicted collision risk to golden eagles from Ben Sca wind farm, the cumulative mortality rate for all the constructed and consented wind farms on Skye remains well below the level at which Favourable Conservation Status of the regional population may be threatened. Therefore, indirect, population scale effects which might affect the SPA are unlikely. NatureScot advise that the based upon the information presented there is unlikely that the proposals will adversely affect the conservation status of Golden eagle. Consequentially, it is not considered that an Appropriate Assessment is required. However, RSPB, consider that the development will effectively displace hunting golden eagles from a significantly larger area of foraging ground and the EIAR underestimates this displacement. The extent of this displacement could be reduced by the removal of T1, T2 and T3 from the upper slopes of Ben Sca.

8.83 Following the amended scheme, RSPB have confirmed that they welcome the removal of T1 and T2 (albeit on landscape grounds) which will reduce the impact of the development on the avian use of the upper section of the Ben Sca ridge. NatureScot consider that the collision risk of the revised proposals to bird species of conservation concern has been recalculated due to the reduction in turbine, but the differences from the original proposal are slight. They reiterate that the development is unlikely to adversely affect the conservation status of Golden eagle.

8.84 Studies of operational wind farms in Europe indicate that White-tailed eagles are more vulnerable to colliding with wind turbines than many other raptor species. NatureScot are satisfied that the predicted annual collision (for either the original 9 turbine and amended 7 turbine scheme) mortality combined with the other operational and consented wind farms on Skye will not adversely affect the conservation status of the White-tailed eagle. The developer has also accepted NatureScot's requirement for the regular removal of carrion to avoid attracting eagles, this will be controlled by a planning condition. However, RSPB raised concerns regarding collision risk and requested the removal of T1, T2 and T3 from the upper slopes of Ben Sca or the temporary shut down during the highest risk period of April/early May. Following the removal of T1 and T2, RSPB have further commented

that a recent study has indicated that painting one turbine blade an alternate colour substantially reduced collision risk and should be considered for this development. However, this is considered to raise potential visual impact issues and as the NatureScot who are the statutory advisor to the Planning Authority have no objection to the scheme it is not considered reasonable to take this forward.

8.85 Hen Harrier have nested adjacent to the proposed wind farm within the period of the EIAR and this area has been a locally important breeding area for many years. Harrier flight behaviour means they are seldom at collision risk. Although Hen Harrier build a new nest each year, they can show strong site fidelity and therefore are likely to nest in the vicinity of the wind farm site in future years. Consequentially, NatureScot consider that the development is unlikely to adversely affect the conservation status of the Hen Harrier and they welcome the commitment to include a pre-commencement Hen harrier surveys in the final Construction and Environmental Management Plan (CEMP). RSPB raised concerns with regards to collision risk and works taking place during the breeding season and consideration should be given to the temporary shutting down of T6 and T7 during mid-April. However, as NatureScot who are the statutory advisor to the Planning Authority have no objection to the scheme.

Hydrology, Hydrogeology and Soils

8.86 The EIAR and SI has identified, assessed impacts and offered mitigation measure on Hydrology, Hydrogeology and Soils. The results of the applicant's assessment are outlined in chapter 10 of the EIAR and SI reports. In addition, the applicant is committed to ensuring that a finalised Construction Environment Management Plan (CEMP) will be in place to ensure that potential sources of pollution on site can be effectively managed throughout construction and in turn during operation. A draft CEMP has been submitted with the application.

8.87 In order to protect the water environment a number of measures have been highlighted by the applicant for inclusion in the CEMP including the adoption of sustainable drainage principles, and measures to mitigate against effects of potential chemical contamination and sediment release. This includes at least a 50m setbacks from water courses. SEPA support this approach. The Councils Flood Risk Management Team have offered no objection to the application. A final version of the CEMP will be secured by a planning condition in consultation with statutory agencies; namely SEPA and NatureScot.

8.88 Initially SEPA objected to the development on the grounds of a lack of information regarding the impacts on Ground Water Dependent Terrestrial Ecosystems (GWDTE). In particular, further information was requested regarding the proximity and direction of flow in relation to the access tracks and turbines and the detailed location of the M32 springs, M6 flushes, bog pools. In addition, the submitted Habitat Report mentions some areas of peat hags, if these hags are actively eroding and are a result of over-grazing or trampling then SEPA would encourage the restoration of these areas along with the peatland restoration of the forestry area. Following the submission of the required information SEPA have withdrawn their objection subject to a proposed mitigation measures being secured by a planning condition.

8.89 The majority of the site contains peat and the application has been accompanied by a Peat Management Plan. Initially, SEPA objected and requested further information relating to the location of the proposed floating tracks, the submission of a high-resolution peat probing map (showing the individual probing depths), the type of peat being excavated, quantity of peat to be excavated and how the peat will be re-used. SEPA have withdrawn their objection following the submission of further information, the re-siting of T5, T6 and T7 (previously T7, T8 and T9) onto shallower peat and a planning condition required the floating of the access track between T3 and T4. The amendments are considered to result in less disturbance of peat and other environmental receptors.

8.90 However, whilst SEPA have withdrawn their objection, there are still some elements which they consider could be improved upon but are content to deal with these through micro-siting post-consent. For example, it considers that T3 could be 'flipped' onto the opposite side of the track where the peat appears to be shallower and the track between T6 and BP2 could be adjusted to avoid the deepest pockets peat and to include floating sections. In this regard the developer has requested a micro-siting allowance of 25m. Micro-siting can play an important role in avoiding small pockets of deep peat or other sensitive features on the site like groundwater dependant terrestrial ecosystems. SEPA therefore request that a condition is applied enabling the applicant to microsite the built elements of the scheme up to 25m. RSPB also welcome a micro-siting allowance to further reduce the impact upon deep peat. A finalised Peat Management Plan and micro-siting for up to 25m will be secured through planning condition.

8.91 Three potential borrow pits areas have been identified. SEPA have requested that further details of the borrow pit restoration be secured by a planning condition. This will need to include, cross sections detailing the restoration profile, the different types of materials (overburden, peat, turves etc) used and at what specified depths. If peat is being utilised the SEPA will require information regarding stability, and whether any impermeable aggregate bunds need to be constructed within the base of the borrow pit (such as series of cells) to ensure stability and allow progressive restoration to contain the peat and maintain hydrological conditions. Any cut off drains around the borrow pits should be shown on a site plan, clearly demonstrating that clean water will be captured before entering the site and directed away from the working area and access tracks. This clean water should not be mixed with dirty water construction SuDS.

8.92 Surface water management and risks of pollution as a result of these workings will be addressed via the Controlled Activities Regulations (CAR) Construction Site Licence.

Noise and Shadow Flicker

8.93 The applicant has submitted a noise assessment in support of the application (Chapter 13 of the EIAR and SI). This predicted that the noise levels from Ben Sca are below the simplified ETSU standard across all assessed wind speeds. Additional cumulative noise information was also provided as requested by the Councils Environmental Health Team, this took into account Ben Aketil and Edinbane.

8.94 Environmental Health has advised they have no objection to the application but have recommended that a noise condition which considers the cumulative noise limits between the proposed development and operational and consented wind farm schemes at noise sensitive properties. Furthermore, given the distances involved construction noise is unlikely to be a significant issue. Where necessary, Environmental Health has powers under the Control of Pollution Act 1974 to control and restrict construction activities to reduce the impact of noise if complaints were to arise.

8.95 Shadow flicker may occur under certain combinations of geographical position and time of day, when the sun passes behind the rotors of a wind turbine and casts a shadow over neighbouring properties. As the blades rotate, the shadow flicks on and off, an effect known as shadow flicker. The effect can only occur inside buildings, where the flicker appears through a window opening. The nearest residential receptor, Upperglen, is located over 2km from the development. Given the distance no shadow flicker effects from the proposed development are anticipated.

Telecommunications

8.96 No concerns have been raised in relation to potential interference with radio / television reception in the locality. The Council has a standard practice of requiring developers to address adverse impacts that may emerge during construction and over the initial year of operation when problems may be detected and/or experienced. It is recommended that a planning condition is attached to secure a scheme of mitigation should an issue arise.

Aviation

8.97 National Air Traffic Services (NATS) raised an objection in relation to potential radar interference at Tiree. The applicants have entered into a single cell radar blanking contract with NATS and the objection has now been withdrawn. The Ministry of Defence have no objection but request that the turbines are fitted with MOD accredited aviation safety lighting, this will be secured by a condition.

Forestry

8.98 As the development is located within a commercial forestry plantation, it is considered that there will be a significant loss of trees as a result of this development. The applicant anticipates that 23.64 ha of conifer plantation will be removed (20ha of conifer trees) 1.85ha to directly accommodate the development and the rest to be restored and managed for peatland habitat. Any tree felling operations not directly connected to development proposals should be subject to approval under Forestry and Land Management (Scotland) Act 2018, while any development proposals involving woodland removal need to be assessed against the requirement of Scottish Governments Control of Woodland Removal Policy (CoWRP). As this will result in the enhancement of priority habitats Scottish Forestry consider that it meets the aims of the CoWRP and have no objection to the scheme.

Decommissioning

8.99 The applicant has advised that at the end of their operational life, if the decision is made to decommission the wind farm, rather than apply to extend the lifetime or repower the site, then all turbine components, transformers, substation and associated buildings and infrastructure will be removed from the site. New site tracks constructed during development of the wind farm would remain in situ. Foundations/ crane pads and substation compound foundations would remain on site; the exposed concrete plinths would be removed to a depth of 1m below the surface, re-graded with soil and replanted. Cables would be cut away below ground level and sealed. The applicant anticipates decommissioning would take up to 12months to complete.

8.100 The applicant acknowledges that these matters will not be confirmed until the time of the submission of the Decommissioning and Restoration Plan (DRP) and accept that this will be the subject of a planning condition. This will allow the final version to reflect the best practice and guidance available at the time. The DRP would be submitted to and approved in writing by The Highland Council in consultation with NatureScot and SEPA no later than 12 months prior to the final decommissioning of the wind farm. The detailed DRP would be implemented within 18 months of the final decommissioning of the development unless otherwise agreed in writing with the planning authority.

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

Other material considerations

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

Non-material considerations

8.103 The issue of community benefit is not a material planning consideration. In line with Council policy and practice, community benefit considerations are undertaken as a separate exercise and generally parallel to the planning process.

8.104 The matters of impact on property value and a lack of offer of adequate compensation from the applicant are not material planning considerations.

Matters to be secured by Section 75 Agreement

8.105 None.

9. CONCLUSION

9.1 The Scottish Government gives considerable commitment to renewable energy and encourages planning authorities to support the development of wind farms where they can operate successfully and situated in appropriate locations. The project has the potential to contribute an additional 29.4MW renewable energy capacity towards Scottish Government targets. However, as with all applications, the benefits of the proposal must be weighed against potential drawbacks and then considered in the round, taking account of the relevant policies of the Development Plan.

9.2 The application has attracted several letters of representation objecting to this development from members of the public. There are no outstanding objections from statutory consultees, subject to the recommended planning conditions. It is important to consider the benefits of the proposal and the potential drawbacks and when assessing it against the policies of the Development Plan.

9.3 The application has not raised fundamental objections from those statutory agencies involved with local infrastructural networks (road, telecommunications, etc.) and environmental resources (water, soils, peat, etc.). Parties have recognised the potential mitigation proposed by the applicant. Most have requested planning conditions to safeguard local assets such as local and trunk roads. The adoption of good construction practices through a CEMD can help minimise risk to local ecological, ornithological and habitat resource.

9.4 The development is likely to give an economic boost to the area through the construction period and make a contribution to meeting renewable energy targets. Policy 67 - Renewable Energy Developments highlights the balance that the Council has to strike between the delivery of proposals which make a contribution towards meeting the renewable energy generation targets and the protection of natural resources which contribute to the overall character of the Highland area.

9.5 As with any development of this type, it will have a visual impact. The scale of turbines presented in this application are large however it is considered that with the reduced scheme the visual impact is considered on balance to be acceptable. These changes have reduced the magnitude of the impact of this development and addressed many concerns over the development. It is therefore considered that this scheme's benefits now outweigh any impacts.

9.6 The Council's response to this application is considered against the policies set out in the Development Plan, principally Policy 67 of the Highland-wide Local Development Plan with its eleven tests which are expanded upon with the Onshore Wind Energy Supplementary Guidance. This policy also reflects policy tests of other policies in the plan, for example Policy 28. This policy also draws in the range of subject specific policies as also contained within the HwLDP as listed in section 6.1 above. Given the above analysis the application would, on balance, accord with the Development Plan.

9.7 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: Not applicable

10.3 Community (Equality, Poverty and Rural): Not applicable

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

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued N

Subject to the above, it is recommended that planning permission be

GRANTED, subject to the following:

Conditions and Reasons

1. The Planning Permission is granted for a period of 33 years from the date of Final Commissioning, comprising an operational period of up to 30 years from the date of Final Commissioning and a period of up to 3 years for decommissioning and site restoration to be completed in accordance with a scheme to be approved under Condition 6 of this permission. Written confirmation of the Date of Final Commissioning must be provided to the planning authority no later than one calendar month after the event.

   Reason: To define the duration of the consent.

2. For the avoidance of doubt, unless amended by the terms of this permission, the development shall be constructed and operated in accordance with the provisions of the application, the submitted plans, the Environmental Impact Assessment Report January 2020 and the Supplementary Report August 2020. This permission shall be for up to 7 turbines and sited as shown on the Site Layout Plan (SI Figure 3.1).

   Reason: In order to clarify the terms of permission.

3. No turbines shall be erected until full details of the proposed wind turbines have been submitted to and approved in writing by the Planning Authority. These details shall include:

a) the make, model, design, direction of rotation (all wind turbine blades shall rotate in the same direction), power rating, sound power level and dimensions of the turbines to be installed, and
b) the external colour and/or finish of the wind turbines to be used (including towers, nacelles and blades) which shall be non-reflective, pale grey semi-matte.

Thereafter, the wind turbines shall be installed and operate in accordance with these approved details and the wind turbines shall be maintained in the approved colour, free from rust, staining or discolouration until such time as the wind farm is decommissioned.

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

4. None of the turbines, anemometer, power performance mast, switching station, transformer building or enclosure, ancillary building or above ground fixed plant shall display any name, logo, sign or advertisement (other than health and safety signage) unless and until otherwise approved in writing by the Planning Authority.

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

5 No development shall commence on the sub-station until final details of the external appearance, dimensions, and surface materials of the substation building, associated compounds, construction compound boundary fencing, external lighting and parking areas have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the substation building, associated compounds, fencing, external lighting and parking areas shall be constructed in accordance with the approved details.

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

6 No development shall commence unless and until a decommissioning, restoration and aftercare strategy has been submitted to, and approved in writing by, the Planning Authority (in consultation with NatureScot and SEPA). The strategy shall include

a) decommissioning of the Development and restoration and aftercare of the site;
b) proposals for the removal of the Development, the treatment of ground surfaces; and
c) the management and timing of the works and environmental management provisions.

Thereafter, not later than 12 months prior to the decommissioning of the Development, a detailed Decommissioning and Restoration Plan (DRP), based upon the principles of the approved interim plan, shall be submitted to, and approved in writing by, the Planning Authority, in consultation with NatureScot and SEPA. The IDRP and subsequent DRP shall include, unless otherwise agreed in writing with the Planning Authority and in accordance with legislative requirements and published best practice at time of decommissioning details about the removal of all elements of the Development, relevant access tracks and all cabling, including where necessary details of (a) justification for retention of any relevant elements of the Development, b) the treatment of disturbed ground surfaces, c) management

and timing of the works, d) environmental management provisions and e) a traffic management plan to address any traffic impact issues during the decommissioning period. The DRP shall be implemented as approved. In the event that the Final DPR is not approved by The Highland Council in advance of the decommissioning, unless otherwise agreed by the Planning Authority the Interim IDRP shall be implemented.

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

Reason: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

7 The Wind Farm Operator shall, at all times after the First Export Date, record information regarding the monthly supply of electricity to the national grid from the site as a whole and electricity generated by each individual turbine within the development and retain the information for a period of at least 12 months. The information shall be made available to the Planning Authority within one month of any request by them. In the event that:

i. any wind turbine installed and commissioned fails to supply electricity on a commercial basis to the grid for a continuous period of 6 months, then unless otherwise agreed, the wind turbine, along with any ancillary equipment, fixtures and fittings not required in connection with retained turbines, shall, within 3 months of the end of the said continuous 6 month period, be dismantled and removed from the site and the surrounding land fully reinstated in accordance with this condition; or

ii. the wind farm fails to supply electricity on a commercial basis to the grid from 50% or more of the wind turbines installed and commissioned and for a continuous period of 12 months, then the Wind Farm Operator must notify the Planning Authority in writing immediately. Thereafter, the Planning Authority may direct in writing that the wind farm shall be decommissioned and the application site reinstated in accordance with this condition. For the avoidance of doubt, in making a direction under this condition, the Planning Authority shall have due regard to the circumstances surrounding the failure to generate and shall only do so following discussion with the Wind Farm Operator and such other parties as they consider appropriate.

Paragraph (i) and (ii) shall not apply if such outages are out with the operator's control or as a consequence of any emergency or requirement of National Grid. In these instances the planning authority shall be informed of the turbine shutdowns, reasons for the turbine shut downs and timescales for the outages within 5 working days of the turbines being switched off.

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

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

8 No development shall commence until

i. Full details of a guarantee, bond or other financial provision to be put in place to cover all of the decommissioning and Site restoration measures outlined in the Decommissioning and Restoration Plan approved under condition 6 of this permission have been submitted to, and approved in writing by, the planning authority. For the avoidance of doubt the bond must be able to be called upon by The Highland Council and be enforceable against the operator and landowner and/ or leaseholder; and

ii. Confirmation in writing by a suitably qualified independent professional that the amount of financial provision proposed under part (i) above is sufficient to meet the full estimated costs of all decommissioning, dismantling, removal, disposal, Site restoration, remediation and incidental work, as well as associated professional costs, has been submitted to, and approved in writing by, the planning authority; and

iii. Documentary evidence that the guarantee, bond or other financial provision approved under parts (i) and (ii) above is in place has been submitted to, and confirmation in writing that the financial provision is satisfactory has been issued by, the planning authority.

Thereafter, the Operator, and Leaseholder and/or Landowner, shall:

i. Ensure that the guarantee, bond or other financial provision is maintained throughout the duration of this permission; and

ii. Pay for the guarantee, bond or other financial provision to be subject to a review five years after the commencement of development and every five years thereafter until such time as the wind farm is decommissioned and the Site restored.

Each review shall be:

a) conducted by a suitably qualified independent professional; and

b) published within three months of each five year period ending, with a copy submitted upon its publication to both the landowner(s) and the Planning Authority; and

c) approved in writing by the planning authority without amendment or, as the case my be, approved in writing by the Planning Authority following amendment to their reasonable satisfaction.

Where a review approved under part (c) above recommends that the amount of the guarantee, bond or other financial provision should be altered (be that an increase or decrease) or the framework governing the bond or other financial provision requires to be amended, the Operator, and Leaseholder and/or Landowner shall do so within one month of receiving that written approval, or another timescale as may be agreed in writing by the planning authority, and in accordance with the recommendations contained therein.

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

9 All wind turbines, buildings, masts, areas of hardstanding and tracks shall be constructed in the location shown on plan reference Site Layout Plan (SI Figure 3.1) Wind turbines, buildings, masts, areas of hardstanding and tracks may be adjusted by micro-siting within the site. However, unless otherwise approved in advance in writing by the Planning Authority in consultation with NatureScot and SEPA, micrositing is subject to the following restrictions:

a) the wind turbines and other infrastructure hereby permitted may be microsited within 25 metres;
b) No wind turbine foundation shall be positioned higher, when measured in metres Above Ordinance Datum (AOD), than the position shown Site Layout Plan (SI Figure 3.1)
c) No micro-siting shall take place within areas of peat of greater depth than the original location;
d) No micro-siting shall take place within areas hosting Ground Water Dependent Terrestrial Ecosystems (including unmapped M32 habitats);
e) No element of the proposed development should be located closer than 50m to the top of the bank of any watercourse; and
f) All micro-siting permissible under this condition must be approved in advance in writing by the Environmental Clerk of Works (ECoW).

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

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

10 No development shall commence unless and until a scheme for the working and restoration of each borrow pit has been submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA). The scheme shall include:

a) A cross section capturing the restoration profile should be submitted demonstrating the different types of materials (overburden, peat, turves etc) used and at what specified depths.

b) If peat is being utilised in the restoration of the borrow pit, it should be clearly demonstrated how catotelmic peat will remain stable, and whether any impermeable aggregate bunds need to be constructed within the base of the borrow pit (such as series of cells) to ensure stability and allow progressive restoration to contain the peat and maintain hydrological conditions.
c) Any cut off drains around the borrow pits should be shown on a site plan, clearly demonstrating that clean water will be captured before entering the site, and directed away from the working area and access tracks. This clean water should not be mixed with dirty water construction SuDS.

Therafter, the approved scheme shall be implemented in full.

Reason: To ensure that excavation of materials from the borrow pits is carried out in a manner that minimises the impact on road safety, amenity and the environment, and to secure the restoration of borrow pits at the end of the construction period.

11 Borrow pit blasting shall only take place on the site between the hours of [10.00 to 16.00 on Monday to Friday inclusive and 10.00 to 12.00 on Saturdays], with no blasting taking place on a Sunday or on national public holidays, unless otherwise approved in advance in writing by the planning authority.

Reason: To ensure that blasting activity is carried out within defined timescales to control impact on amenity.

12 There shall be no Commencement of Development unless the Planning Authority has approved in writing the terms of appointment by the Company of an independent Ecological Clerk of Works (ECoW) in consultation with NatureScot and SEPA. The terms of appointment shall;

a. Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the environmental statement and other information lodged in support of the application, the Construction and Environmental Management Plan, approved in accordance with condition 15 the Habitat Management Plan approved in accordance with condition 18, [any species or habitat management plans identified in the Environmental Statement] and other plans approved ("the ECoW works");
b. Require the EcoW to report to the Company's nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
c. Require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site;
d. Have power to stop to the job / activities being undertaken within the development site when ecological interests dictate and/or when a breach or potential breach of environmental legislation occurs to allow for a briefing of the concern to the Company's nominated construction project manager; and
e. Require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW Works at the earliest practical opportunity.

The EcoW shall be appointed on the approved terms throughout the period from Commencement of Development, throughout any period of construction activity and during any period of post construction restoration works approved.

No later than 18 months prior to decommissioning of the Development or the expiration of this consent (whichever is the earlier), the Company shall submit details of the terms of appointment by the Company of an independent ECoW throughout the decommissioning, restoration and aftercare phases of the Development to the Planning Authority for approval in consultation with SNH and SEPA. The ECoW shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the Development.

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

13 No development shall commence until the Planning Authority has approved in writing the terms of appointment by the Company of an independent and suitably qualified environmental consultant to assist the Planning Authority in monitoring compliance with the terms of the deemed planning permission and conditions attached to this consent ("PMO"). The terms of appointment shall;

a. Impose a duty to monitor compliance with the terms of the deemed planning permission and conditions attached to this consent;
b. Require the PMO to submit a monthly report to the Planning Authority summarising works undertaken on site; and
c. Require the PMO to report to the Planning Authority any incidences of non-compliance with the terms of the terms of the deemed planning permission and conditions attached to this consent at the earliest practical opportunity.

The PMO shall be appointed on the approved terms throughout the period from Commencement of Development to completion of post construction restoration works.

Reason: To enable the development to be suitably monitored to ensure compliance with the consent issued.

14 No development shall commence unless and until a finalised Construction Environmental Management Plan ("CEMP") outlining site specific details of all on-site construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling, has been submitted to and approved in writing by the Planning Authority. The CEMP shall include:

a) the mitigation measures described within the Environmental Impact Assessment Report Jan 2020 and the Supplementary Report August 2020, has been submitted to, and approved in writing by the Planning Authority in consultation with NatureScot, and SEPA.
b) An updated Schedule of Mitigation (SM) drawing together all approved mitigation proposed in support of the application and other agreed mitigation (including that required by agencies and relevant planning conditions attached to this permission)
c) Habitat and Species Protection;
    a. a species protection plan, including a pre-commencement mammal survey and timescale for undertaking this work; and

b. a bird protection plan, including a pre-commencement Hen Harrier survey and timescale for undertaking this work;

d) Pollution Prevention and Control;
e) Dust Management;
f) Noise and Vibration Mitigation;
g) Site Waste Management;
h) Surface and Ground Water Management;
i) Drainage and sediment management measures from all construction areas including access track improvements; and mechanisms to ensure that construction will not take place during periods of high flow or high rainfall.
j) Water Course Management;
k) Peat Stability, Slide Risk and Management;
l) Public and Private Water Supply Protection Measures;
m) Emergency Response Plans; and
n) Methods for monitoring, auditing, reporting and the communication of environmental management on site and with the Planning Authority;
o) Other relevant environmental management as may be relevant to the development.

The Development shall be implemented thereafter in accordance with the approved CEMP unless otherwise approved in advance in writing by the Planning Authority.

Reason: To ensure that all construction operations are carded out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Impact Assessment Report January 2020 and Supplementary Report August 2020 which accompanied the application, or as otherwise agreed, are fully implemented.

15 Construction work which is audible from any noise-sensitive receptor shall only take place on the site between the hours of 0700 to 1900 on Monday to Friday inclusive and 0700 to 1300 on Saturdays, with no construction work taking place on a Sunday or on a Public Holiday. Outwith these specified hours, construction activity shall be limited to concrete pours, wind turbine erection and delivery, maintenance, emergency works, dust suppression, and the testing of plant and equipment.

Reason: In the interests of amenity to restrict noise impact and the protection of the local environment.

16 No development shall commence unless and until a Construction Traffic Management Plan ("CTMP") has been submitted to and approved in writing by the Planning Authority in consultation with the Trunk and Local Roads Authorities. The approved CTMP shall be carried out as approved in accordance with the timetable specified within the approved CTMP. The CTMP shall include proposals for:

a) The routeing of all traffic including HGV and abnormal indivisible loads on the road network.
b) An assessment of the type and volume of traffic proposed (including HGV traffic).

c) An assessment of the suitability of the proposed routes to support the proposed traffic including identification of any sensitive receptors such as structures, schools and lengths of the road which are susceptible to damage due to the construction and abnormal traffic along these routes.
d) Where necessary the developer shall undertake inspection and assessment of any structures along the public road subject to extra-ordinary traffic or abnormal loads as agreed with the Council.
e) Consideration of appropriate mitigation to the public road to support any significant increase in HGV traffic or any abnormal load movements, this will include the widening and strengthening of delivery routes.
f) Consideration of any concurrent construction traffic from other developments where this is significant (greater than 10%).
g) Confirmation that a 'wear and tear' agreement under Section 96 of the Roads (Scotland) Act 1984 has been put in place with the local roads authority, including the posting of a financial bond covering initial construction or when undertaking significant repairs during the operational phase or at decommissioning. This shall include a pre-start condition inspection of the construction routes and arrangements for monthly interim inspections and a final inspection post construction.
h) Details of all traffic management and signage and lining arrangements to be put in place, including any temporary repositioning of street furniture. The avoidance of school start and finish times and voluntary 20mph speed restrictions through settlements.
i) Provisions for emergency vehicle access.
j) Identification of a nominated person to whom any road safety or maintenance issues can be referred to;
k) A finalised route assessment including swept path analysis for access by vehicles carrying abnormal loads and a trial run when this is considered necessary by the Local Roads Authority.
l) Plans showing the detailed and dimensioned proposals for the upgrade of the site access to accommodate the construction traffic and demonstrating the required visibility splay as detailed in the Council's Roads and Transport Guidelines for New Development.
m) Confirmation of the proposed liaison and consultation with local representatives to ensure that information regarding the construction traffic is made available.
n) detail the proposals to ensure that there is no discharge of mud or other deleterious matter onto the public road. It shall include provision of a vacuum road sweeper if reasonably requested by the Roads Authority due to problems with mud or other discharge onto the road from the site or site traffic.
o) A dimensioned plan and accompanying statement explaining the parking requirements and provision for the construction site alongside the proposals for material drop off and storage to ensure that there is no impact on the safety of the adjacent public road.

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

17 No development shall commence until a Finalised Habitat Management Plan ("HMP"),which will include the mitigation measures described within the Environmental Impact Assessment Report Jan 2020 and the Supplementary Report August 2020, has been submitted to, and approved in writing by the Planning Authority in consultation with NatureScot, and SEPA. The information shall include

a) The proposed habitat management of the site during the period of construction, operation, decommissioning, restoration and aftercare, and shall provide for the maintenance, monitoring and reporting of habitat on site;
b) Full details of the peatland restoration and timescales for implementation;
c) The additional information required on page 3, of NatureScot consultation response dated 2nd October 2020 (relating to peatland eagles and carrion);
d) the provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the habitat plan objectives. In particular, the approved habitat management plan shall be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Commissioning and submitted for the written approval of the Planning Authority in consultation with NatureScot and SEPA.

Unless and until otherwise agreed in advance in writing with the Planning Authority, the approved HMP (as amended from time to time) shall be implemented in full.

Reason: In the interests of good land management and the protection of habitats.

18 The proposed route for any abnormal loads on the trunk road network must be approved by the trunk roads authority prior to the movement of any abnormal load. The accommodation measures on the A87 trunk road as detailed in the EIA Technical Appendix 12.1 Route Survey Report including the removal of street furniture, junction widening, traffic management must similarly be approved.

Reason: To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network

19 Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the trunk road authority before delivery commences.

Reason: To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network

20 No development shall commence until a finalised Peat Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot, and SEPA. The details shall include the mitigation measures described within the Environmental Impact Assessment Report Jan 2020 and the Supplementary Report August 2020, and the requirements outlined in sections 4.3 – 4.5 of SEPAs response letter dated 28 Feb 2020. The development shall not be carried out other than in accordance with the approved details.

Reason: In the interests of peat management.

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

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

22 No development shall commence until the Wind Farm Operator has provided the Planning Authority, Ministry of Defence, Defence Geographic Centre and NATS with the following information, and has provided evidence to the Planning Authority of having done so;

- the date of the expected commencement of each stage of construction;
- the height above ground level of the tallest structure forming part of the Development;
- the maximum extension height of any construction equipment; and
- the position of the turbines and masts in latitude and longitude.

Reason: In the interests of aviation safety.

23 No turbine shall be erected until a scheme for aviation lighting for the wind farm consisting of Ministry of Defence accredited infra-red aviation lighting has been submitted to and approved in writing by the Planning Authority in consultation with the MoD. The turbines shall be erected with the approved lighting installed and the lighting shall remain operational throughout the duration of the permission. No lighting other than that described in the scheme may be applied at the Site, other than as required for health and safety, unless otherwise approved in advance and in writing by the planning authority.

Reason: In the interests of aviation safety.

24 No development shall commence until a Television Reception Mitigation Plan has been submitted to, and approved in writing by, the Planning Authority. The Television Reception Mitigation Plan shall provide for a baseline television reception survey to be carried out prior to the installation of any turbine forming part of the Development, the results of which shall be submitted to the Planning Authority. For the avoidance of doubt the scheme shall include, but not be limited to:

- Details of publication and publicity for the scheme;
- Timescale for investigation of any claims within a reasonable timescale;
- details for reporting mechanism to the planning authority the number of complaints / claims;
- details of the length of the operation of the mitigation scheme. This shall be no less than 18 months of the first export of electricity from the site; and
- details of the bond to be placed with the planning authority to ensure funds are available to deliver the mitigation plan.

The approved Television Reception Mitigation Plan shall thereafter be implemented in full.

Any claim by any individual person regarding television picture loss or interference at their house, business premises or other building, made during the period from installation of any turbine forming part of the Development to the date falling twelve months after the date of Final Commissioning, shall be investigated by a qualified engineer appointed by the Company and the results shall be submitted to the Planning Authority. Should any impairment to the television signal be attributable to the Development, the Company shall remedy such impairment so that the standard of reception at the affected property is equivalent to the baseline television reception.

Reason: To ensure local television services are sustained during the construction and operation of this development.

25 No development shall commence until an Access Management Plan ("AMP") has been submitted to and agreed in writing by the Planning Authority. The AMP should ensure that public access is retained in the vicinity of Wind Farm during construction, and thereafter that suitable public access is provided during the operational phase of the wind farm. The plan shall also include full details of the proposed footpath link to the existing Edinbane Wind Farm tracks. The approved plan shall be implemented in full, unless otherwise approved in writing with the Planning Authority.

Reason: In the interests of securing public access rights.

26 For the avoidance of doubt the section of access track between turbines 3 and turbines 4 shall be floated, unless otherwise first agreed in writing by the Planning Authority in consultation with SEPA.

Reason: To minimise the impact upon peat.

27 The development shall not be carried out other than in accordance with the mitigation measures outlined in Chapter 10 Table 10-1 of the Supplementary Report August 2020 which relate to the unmapped M32 habitats, unless otherwise first agreed in writing by the Planning Authority in consultation with SEPA.

Reason: To minimise the impact upon habitats.

28 No development shall commence until an updated Schedule of Mitigation has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot and SEPA. The document shall include provision for

a) An updated Schedule of Mitigation (SM) including all mitigation identified in the Environmental Impact Assessment Report, January 2020, the Supplementary Report August 2020 and any additional mitigation otherwise included as conditions on this planning permission;

b) A timetable for the implementation of each element of mitigation;

c) Processes to control / action changes from the agreed Schedule of Mitigation.

Thereafter all mitigation identified in the approved document shall be implemented in full in accordance with the timescales included in the schedule of mitigation.

Reason: to ensure the delivery of required mitigation to ensure the impacts of the proposed development on the receiving environment are managed.

29 The rating level of noise imissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed 30dB LA90 at any noise sensitive location existing at the time of consent and:

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

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

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

C) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the Local Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken.

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

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

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

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

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

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

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

F) Where a further assessment of the rating level of noise imissions from the wind farm is required pursuant to Guidance Note 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (E) above unless the time limit for the submission of the further assessment has been extended in writing by the Local Authority.

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

H) Where it is proposed to operate any turbine in a reduced running mode in order to meet the limits, no turbine shall be erected until a curtailment plan for the turbines has been submitted and approved in writing by the local planning authority. The curtailment plan shall demonstrate how the limits will be complied with and shall include the following:

i. Definition of each noise reduced running mode including sound power data;

ii. The wind conditions (speed & direction) at which any noise reduced running mode will be implemented;

iii. Details of the manner in which the running modes will be defined in the SCADA data or how the implementation of the curtailment plan can be otherwise monitored and evidenced.

The Curtailment Plan shall be implemented in accordance with the approved details

I) Prior to the First Export Date, the wind farm operator shall submit to the Local Authority for written approval, a scheme of mitigation to be implemented in the event that the rating level, after adjustment for background noise contribution and any tonal penalty, is found to exceed the conditioned limits. The scheme shall define any reduced noise running modes to be used in the mitigation together with sound power levels in these modes and the manner in which the running modes will be defined in the SCADA data.

J) The scheme referred to in paragraph I above should include a framework of immediate and long term mitigation measures. The immediate mitigation measures must ensure the rating level will comply with the conditioned limits and must be implemented within seven days of the further assessment described in paragraph F being received by the Local Authority. These measures must remain in place, except during field trials to optimise mitigation, until a long term mitigation strategy is ready to be implemented.

Guidance Notes for Noise Condition

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

Note 1

(a) Values of the $L_{A90,10\text{-minute}}$ noise statistic should be measured at the complainant's property (or an approved alternative representative location as detailed in Note 1(b)), using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated before and after each set of measurements, using a calibrator meeting BS EN 60945:2003 "Electroacoustics - sound calibrators" Class 1 with PTB Type Approval (or the equivalent UK adopted standard in force at the time of the measurements) and the results shall be recorded. Measurements shall be undertaken in such a manner to enable a tonal penalty to be calculated and applied in accordance with Guidance Note 3.

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

(c) The $L_{A90,10\text{-minute}}$ measurements should be synchronised with measurements of the 10-minute arithmetic mean wind speed and wind direction data and with operational data logged in accordance with Guidance Note 1(d) and rain data logged in accordance with Note 1(f).

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

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

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

Note 2

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

(b) Valid data points are those measured during the conditions set out in the assessment protocol approved by the Local Authority but excluding any periods of rainfall measured in accordance with Note 1(f).

(c) Values of the $L_{A90,10\text{-minute}}$ noise measurements and corresponding values of the 10-minute standardised ten metre height wind speed for those data points considered valid in accordance with Note 2(b) shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) shall be fitted to the data points to define the wind farm noise level at each integer speed.

Note 3

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

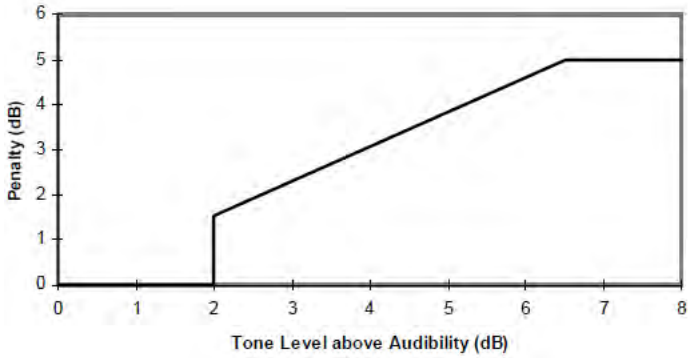
(b) For each 10-minute interval for which $L_{A90,10\text{-minute}}$ data have been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise imissions during 2 minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure shall be reported.

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

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

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

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



Note 4

(a) If a tonal penalty is to be applied in accordance with Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Note 3 at each integer wind speed within the range set out in the approved assessment protocol.

(b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Note 2.

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

(d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the indepe..dent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

i. Repeating the steps in Note 2, with the wind farm switched off, and determining the background noise (L_3) at each integer wind speed within the range set out in the approved noise assessment protocol.

ii. The wind farm noise (L_1) at this speed shall then be calculated as follows where L_2 is the measured level with turbines running but without the addition of any tonal penalty:

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

iii. The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L_1 at that integer wind speed.

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

Reason: In the interest of amenity.

REASON FOR DECISION
All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

REASONED CONCLUSION

The Council's assessment of the information presented within the EIA Report and other environmental information in relation to the development is contained within the Report of Handling. Residual significant effects have been identified in relation to landscape and visual effects.

The Council is satisfied that this reasoned conclusion is still up to date.

The Council is satisfied that other effects/issues can be addressed by way of mitigation. A detailed description of the proposed mitigation and monitoring is contained within Chapters 5, 7 – 15 of the EIA Report and Supplementary Information Report and the Report of Handling. A Schedule of Commitments is contained within Chapter 16 of the EIA Report and Supplementary Information Report.

The Council has incorporated the requirement for a schedule of mitigation and monitoring within the conditions of this permission.

All documents can be viewed online at https://wam.highland.gov.uk/wam/ and searching using the case reference number.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION
In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within FIVE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.

2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: http://www.highland.gov.uk/yourenvironment/roadsandtransport

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud & Debris on Road

Please note that it an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: www.nature.scot/protecting-scotlands-nature/protected-species

Major Development Site Notice

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

Trunk Roads Authority Consent

You are informed that this consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland. Please contact the Route Manager via 0141 272 7100 to obtain permission. The Operating Company have responsibility for co ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure that all necessary permissions are obtained.

Definition of Terms Used in this Decision Notice

"Wind Turbine Noise Level" means the rated noise level due to the combined effect of all the Wind Turbines, excluding existing background noise level but including any tonal penalty incurred under the methodology described in ETSU-R -97, pages 99-109.

"Wind Farm Operator" means the individual(s), organisation(s) or company(ies) responsible for the day-to-day operation of the windfarm, who may or may not also be the owner of the windfarm.

"Background Noise Level" means the ambient noise level already present within the environment (in the absence of noise generated by the development) as measured and correlated with Wind Speeds.

"Wind Speeds" means wind speeds measured or calculated at a height of 10 metres above ground level on the site at a specified Ordnance Survey grid reference agreed in writing by the Planning Authority

"Night hours" means 23:00- 07:00 hours on all days.

"Noise-Sensitive Premises" means any building, structure or other development that, on the date of this planning permission, exists or is yet to exist but benefits from extant planning permission, the lawful use of which falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) or is as a flat or static residential caravan. Where such documents exist, this definition also includes any other premises defined as being noise-sensitive within any Environment Statement or other assessment or survey submitted in support of the planning application. For the purposes of this definition, 'premises' includes any relevant curtilage.

Signature:	Acting Head of Development Management – Highland
Author:	Alison Harvey Planner – Skye and Lochalsh
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 - Site Layout Plan (SI Figure 3.1)
	Plan 2 - Typical turbine Elevation (Figure 3)
	Plan 3 - Typical Control Building Elevation (Figure 5)
	Plan 4 - ZTV to blade tip – 7 Turbine Scheme
	Plan 5 - Cumulative ZTV with Ben Aketil and Edinbane WF (Figure 7.4)
	Plan 6 - Operational Turbines within over 50m within 15km (Figure 7.3)
	Plan 7 - Site Layout Evolution (SI Figure 2.3)

Appendix 2 – Viewpoint Assessment Appraisal – Visual Impact

Viewpoint (VP)		Receptor	Sensitivity of Visual Receptor	Magnitude of Impact	Residual Effect on Visual Amenity at Viewpoint	Notes
VP 1: A850 Road 2.2km from the site	APP	Road users/ some recreational from local walkers	Medium	Medium	Moderate adverse Significant	This is a VP close to the site and as expected with the nature of the development, there would be residual effects from this location. General agreement with the EIAR assessment. However, Turbines 1, and 3 would be seen to be beyond the skyline, creating a different dynamic from Ben Aketil in a composition where Ben Sca can otherwise be said to mirror the character of Ben Aketil. The removal of T1 and T2 has reduced the number of turbines seen beyond the skyline, which has improved the composition. However, the removal of the original T3 would have further improved views from this VP. Some lower sections of the access tracks and borrow pits would be evident and prominent in the short term. The visual effects would largely be from transitory receptors when travelling along the A850. Main views for recreational users of local footpaths near the A850 are largely away from the development and towards the loch. The existing plantation would also limit views.
	THC		Medium	Medium	**Moderate adverse Significant**	
VP 2 Edinbane (southern end of the top road) 3km from the site	APP	Residential	High	High	Major adverse Significant	General agreement with the EIAR assessment. The removal of T1 and T2 has reduced the number of turbines seen from the VP and has increased the separation distance with Edinbane wind farm. However, given the proximity to the site the turbines will still appear prominent from this VP and the magnitude of change is judged as significant as stated within the EIAR.
	THC		High	High	**Major adverse Significant**	

VP 3: Junction of the B884 road between Dunvegan, Orbost and Glendale. 7.1km to the south west of the site.	APP	Road users The viewpoint is located just outside of the North West Skye SLA.	Medium	Medium	Moderate adverse Significant	General agreement with the EIAR assessment. The proposed turbines would be seen beyond the existing Ben Aketil wind turbines and would appear larger than these turbines and create a more complex viewing image.
	THC		Medium	Medium	**Moderate adverse Significant**	The removal of T1 and T2 has reduced the number of turbines and the extent of the development seen from the VP. However, the turbines still remain prominent and the complex overlapping with the Ben Aketil turbines does remain. Consequentially, the magnitude of change is judged as significant as stated within the EIAR. However, this is a largely transitory view from users of the B884 when traveling east and north. Closer to Lonemore and Kilmuir visibility of the turbines would reduce due to intervening landform.
VP4: Totaig 12.6km from site	APP	Road users travelling along the road southwards and within the crofting settlement	High	Low	Minor adverse Not significant	The visual effect is of a small number of turbines in a rational composition. However, the effects of the introduction of turbines 1-4 on the skyline is underestimated in the EIAR and, combined with the scale of the turbines and rotors potentially increases the magnitude of change to Medium. Whilst this is not considered to push the effect into the significant category the adverse effect is considered to be disproportionate to the number of turbines visible. Due to the removal of T1 and T2, only views of the top of the tower, hub and blade of T1 and the blade tip of T2 would be seen. This has resulted in a reduction in the extent of the development that can be seen at this VP. Consequentially, the overall magnitude of change is judged as not significant as stated within the EIAR.
	THC		High	Medium	Minor adverse Not significant	
VP5: from a road junction between the A863 and a local road close to Feorlig	APP	Road users	Medium	Medium	Moderate adverse Significant	Largely a transitory view from users travelling north from Feorlig or along the A863. General agreement with the EIAR assessment.

5.2km from the site.	THC		Medium	Medium	**Moderate adverse Significant**	The turbines are seen in the context of Ben Aketil Wind Farm. However, turbines 1-3 are considered to encroach on the hill summit to the detriment of the composition by increasing the extent of the turbine range within this view. The removal of T1 and T2 has reduced the spread of the turbines and limited the encroachment upon the hill. This has resulted in a reduction in the extent of the development that can be seen at this VP. However, the removal of the original T3 would have further improved views from this VP.
VP6: Roag 7km to the south west of the site.	APP	Residential and road users	High	Medium	**Moderate adverse Significant**	General agreement with the EIAR assessment. The turbines will be seen in the context of the existing adjacent wind farms and will overlap with Ben Aketil and extend further towards the Edinbane than the existing Ben Aketil turbines and create a more complex image. The removal of T1 and T2 has reduced the spread of the turbines so the proposed development does not extend beyond the visual extent of Ben Aktel. It has also removed two of the higher turbines which has reduced the overall scale of the development. The removal of the original T3 (in addition to the removal of the original T1 and T2) would have improved this further.
	THC		High	Medium	**Moderate adverse Significant**	
VP 7: Macleods Table North 11.3km to the south west of the site.	APP	Recreational – hillwalkers	High	Low	Minor adverse Not significant	General agreement with the EIAR assessment. The development would add another line of wind farm development in this locality, the turbines would also appear larger and add to the complexity of the view. The amended scheme has reduced the scale and extent of the scheme from this VP. Consequentially, the overall magnitude of change is judged as not significant as stated within the EIAR.
	THC		High	Low	Minor adverse Not significant	
VP 8: A87 Road 11.3km to the north east of the site	APP	Road users	Medium	Low	Minor adverse Not significant	Generally, the EIAR is supported. However, the consequences of the skylining of turbines is under-assessed. The turbines encroach on the higher ground which provides separation between the existing developments at Edinbane

	THC		Medium	Medium	Minor adverse Not significant	and Ben Aketil, and the combination of this higher elevation and taller turbine creates an effect where turbines 1-4 become the highest points on the skyline, overtopping both the Macleod's Tables and the Cuillin. This effect creates increased focus on the wind energy cluster, giving it a visual weight, which challenges the iconic hills. This is regarded as a significant effect which is at least moderate and adverse in nature. The removal of turbines 1 and 2 has improved the visual impact of the development from this VP. However, the residual effects of the original T3 remain disproportionate and continue to make the development as a whole more prominent in the landscape. The removal of the original T3 (in addition to the removal of the original T1 and T2) would have brought a greater resolution. However, the amendments are considered to reduce the significance of the effects.
VP 9: A863 Road near the settlements of Ullinish, Gearymore and Ose. 7.6km from the site	APP	Road users lies near to the boundary of the North West Skye SLA.	Medium	Low	Minor adverse Not significant	The assessment recognises that there is an adverse effect in the proposed development 'bridging' the higher ground which divides the existing developments, visually from this location, but fails to place sufficient weight on this.
	THC		Medium	Medium	Minor adverse Not significant	It is considered that the difference in scale of turbines, rotors particularly, between Ben Sca and the existing turbines and in the layout character between Ben Aketil and Edinbane are sufficiently pronounced that Ben Sca cannot pull the composition together to read as one development. In contrast, its location in relation to the higher ground emphasises the difference of each of the developments and creates a jarring effect, which will be further compounded in the wider view if seen with Glen Ullinish. The domination of the central landform by the Ben Sca turbines undermines the existing mitigation and creates a significant visual effect of moderate adverse nature. The removal of turbines 1 and 2 has improved the visual impact of the development from this VP. However, the residual effects of the original T3 remain disproportionate and continue to make the development as a whole more

						prominent in the landscape. The removal of the original T3 (in addition to the removal of the original T1 and T2) would have brought a greater resolution. However, the amendments are considered to reduce the significance of the effects.
VP 10 / VP 11	Viewpoints scoped out of main assessment with agreement with THC and NatureScot.					
VP 12: Minor road to Greshornish 4.6km to the north of the site.	APP	Road users located within the Greshornish SLA	High	High	Major adverse Significant	General agreement with the EIAR assessment that the turbines will appear prominent from this VP. The turbines will be set apart from the Edinbane turbines and will overlap with some of the Ben Aketil turbines. Whilst the development will still appear as prominent sat along the hill skyline, the removal of turbines 1 and 2 has increased the separation distance between the Edinbane wind farm. However, given the proximity to the site this remains a prominent visual viewpoint and the magnitude of change is judged as significant as stated within the EIAR.
	THC		High	High	**Major adverse Significant**	
VP 13: A87 (Eyre) 9.2km to the north east of the site.	APP	Road users	Medium	Low	Minor adverse	General agreement with the EIAR assessment. From this VP blades tips of six of the turbines would be seen and the hub and blades of one turbine. During good visibility these partial views of the blade tips may appear confusing to the receptor as the full source of the movement is not seen. The removal of two turbines will reduce the scale and extent of the scheme from this VP, with only the blade tips of five turbines possible. Consequentially, the overall magnitude of change is judged as not significant as stated within the EIAR.
	THC		Medium	Low	Minor adverse Not significant	
VP 14: The Storr 17km to the north east	APP	Recreational – hillwalkers VP lies within the Trotternish and Tianavaig SLA.	High	Negligible	Negligible	General agreement with the EIAR assessment. From this VP the site would be seen between the existing Edinbane and Ben Aketil wind farms. There would be an increase in the number of turbines visible from this VP and due to the overlap with Ben Aketil would result in a more complex view. Against MacLeod's Tables, the turbines would appear bigger than the existing turbines. However, the position of the scheme would not increase the overall spread of turbines in the view.
	THC		High	Negligible	Negligible	

						The amended scheme has removed two of the three highest turbines; this had reduced the scale and extent of the scheme from this VP. Consequentially, the overall magnitude of change is judged as not significant.
VP 15: Beinn Edra northern part of the Trotternish Ridge 18.8km to the north east of the site.	APP	Recreational – hillwalkers	High	Negligible	Negligible	The assessment fails to consider the detail of the composition created by the proposed development in this view. The assessment correctly highlights the proximity to Macleod's Tables, but in identifying that Ben Sca would be further from the Tables than Ben Aketil is, it fails to consider that the effect of that distance brings turbines 1-3 into the part of the view where the hills drop to the sea at Idrigill Point. In terms of the composition of the view, this is an important feature where sky, sea and land meet. Considering this, the residual effect creates an effect which cannot be fully viewed as insignificant. The effect is disproportionately adverse due to the sensitivity of the scenic composition. The removal of turbines 1 and 2 has improved the visual impact of the development from this VP. However, the residual effects of the original T3 remain disproportionate and continue to make the development as a whole more prominent in the landscape. The removal of the original T3 (in addition to the removal of the original T1 and T2) would have brought a greater resolution. However, the amendments are considered to reduce the significance of the effects.
	THC		High	Medium	Minor adverse Not significant	
VP 16: Bruach na Frithe, Cuillin ridge 25.3km from the site	APP	Recreational – hillwalkers within The Cuillins NSA.	High	Negligible	Negligible	General agreement with the EIAR assessment. From the VP, the scheme would be seen in between the existing Edinbane and Ben Aketil wind farms. There would be an increase in the number of turbines visible from this VP but there would be no overlapping of turbines and it would not increase the overall spread of turbines in the view. Two of the three highest turbines has been removed, this had reduced the scale and extent of the scheme from this VP.
	THC		High	Negligible	Negligible	

VP 17: Uig – Lochmaddy Ferry Route	APP	Ferry passengers	Medium	Negligible	Negligible	Agreement with the EIAR assessment. The amended scheme has removed two of the three highest turbines from the southern; this has not reduced the overlapping but has reduced the general scale and extent of the scheme from this VP.
	THC		Medium	Negligible	Negligible	
VP 18: Ben Tianavaig 18.4km to the east of the site.	APP	Recreational – hillwalkers	High	Low	Minor Not significant	The EIAR assessment does not give sufficient and appropriate weight to the effects of the skylining of the development when seen in a context where existing developments are backdropped against the hills. Skylining of turbines 1-3 particularly, where the nacelle is above the skyline, creates an additional competing focus in the view. Whilst this is not considered to push the effect into the significant category the adverse effect is considered to be disproportionate to the number of turbines visible. Two of the three highest turbines, this had reduced the scale and extent of the scheme from this VP. Whilst the removal of the original T3 would have further aided this composition, the improvements made are considered to strike an acceptable balance. Consequentially, the overall magnitude of change is judged as not significant.
	THC		High	Medium	Minor adverse Not significant	

Interpretation notes

- The methodology followed is the same as that set out by the applicant in Technical Appendix 7.1 of the EIAR.
- APP is short for Applicant
- THC is short for The Highland Council
- Where text is highlighted in bold in the column titled “Overall”, this means that a significant effect has been identified.

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

Criterion 1 is related to relationships between settlements/key locations and the wider landscape. The nearest settlement is Edinbane and Blackhill. From Blackhill, views are limited due to its lo-lying elevation and local screening and when seen it would appear above the forested skyline, to the side of the existing Edinbane turbines and away from the main views towards Loch Greshornish. However, from parts of Edinbane and in particular the elevated houses along the top road at Upper Edinbane there is no screening and the development would be prominent with clear views of the turbines available. Views of the scheme will be available from the approach roads to Edinbane, in particular the A850 and from the minor road from Greshornish. When travelling towards the site from the north, the proposed and existing turbines sit beyond the settlement of Edinbane and will be visible, however, there position is not considered to result in the encirclement of the settlement. The proposed development meets the threshold of Criterion 1.

Criteria 2 and 5 are related to the amenity and visual appeal of transport routes. As discussed under Criteria 1 and 2, the turbines would be visible from the A850 While there will be significant effects, it is for sections of the route and not the route as a whole. The proposed turbines would increase the numbers it would not materially increase the extent of turbines seen over the operational schemes. However, it is likely to add to the sequential view of wind turbines when travelling on the A863 and A850 when the consented scheme of Glen Ullinish is factored in. As discussed in criteria concerns were raised about views the A87 (VP8) and the potential conflict with the Cuillins and MacLeod's Tables. The amended scheme has reduced this impact. Other impacts have been identified along the B884 with the potential overlapping with the Ben Aketil turbines (VP 3). Overall, the proposed development meets the threshold of Criteria 2 and 5.

Criterion 3 is related to the extent to which the proposal affects the fabric and setting of valued natural and cultural landmarks. In terms of natural landmarks, there is theoretical visibility of the development from the Cuillins, Macleod's Tables and the Trotternish Ridge and are represented by viewpoints 16, 7, 14 and 15. Appendix 2 of this report identifies that the majority would not have a significant impact. Generally, the scheme will increase the number of turbines visible but not the overall horizontal extent of the turbines. Concerns were expressed regarding the sky-lining and elevated nature of the highest turbines which had the potential to challenge the iconic hills of Macleod's Tables and the Cuillin (VP 8). The reduction in the number of turbines has improved the overall composition and separation distance between the existing wind farms. The removal of turbines 1 and 2 has ameliorated the impact of this to a certain degree, it is considered that the removal of turbine 3 would have brought a greater resolution. However, there are no outstanding objections from consultees.

There are no Scheduled Ancient Monuments, Listed Buildings or Conservation Areas within the application site (Inner Study Boundary) or within 2km of the site boundary. There are a number of heritage assets within the wider area and as such there are potential for indirect impacts. The applicant's assessment in this regard is generally accepted by statutory consultees. However, there is considered to be some adverse indirect impact upon Barpannan chambered cairns and Dun Arkaig Broch, however, it is acceptable that the impact will not be significant. The proposed development meets the threshold of Criterion 3.

Criterion 4 is related to the amenity and visual appeal of key recreational routes and ways. Views of the development will be available from local paths and for walkers in the area, however, these are largely transitory in nature and often seen in the context of the existing wind farm development in the area. From the Greshornish area when looking back up the loch from the land or from a boat the turbines will appear prominent which may draw attention away from the loch. From the Trotternish Ridge (VPs 14 and 15) the scheme would be an increase the number of turbines visible from this VP and due to the overlap with Ben Aketil would result in a more complex view. From Macleod's Tables, the turbines would appear bigger than the existing turbines. However, the position of the scheme would not increase the overall spread of turbines in the view and it would be one element within a much wider panorama. From the Cuillins (VP 16) the proposed development would be seen as a distant element within a wider panorama and seen in the context of the existing wind farms. Overall, the proposed turbines will sit within the envelope of the existing wind farms will not overwhelm, or otherwise significantly detract from the visual appeal of the recreational routes in the area. The proposed development meets the threshold of Criterion 4.

Criterion 6 is related to pattern of development. The pattern of development is discussed under Criteria 1 above in so far as it relates to encirclement of Edinbane. The amended scheme has improved the composition and existing relationship with the operational turbines in a number of the views. However, when the proposed turbines sit behind the existing wind farms this creates a more complex visual image (e.g. VPs 3, 5 and 6). However, overall, although Ben Sca would increase the number of turbines visible from locations on Skye which already experience visibility of the two existing farms, it is not considered that the proposal would not materially increase visibility of turbines into areas of Skye which do not already view the existing wind farms.

Criteria 7 and 9 are related to the separation between development/and or clusters both in visual and landscape terms. The majority of the viewpoints provided show the proposed development in the context of the existing operational wind farms. As discussed in Criteria 6 above, although Ben Sca would increase the number of turbines visible it is not considered that the proposal would not materially increase visibility of turbines into areas of Skye which do not already view the existing wind farms. In addition, the secured amendments have improved the separation distance in a number of viewpoints. Criteria 7 and 9 are considered to be met.

Criterion 8 is related to perception of landscape scale and distance. As the scheme is set close to existing wind energy developments, there is potential for this collective to undermine scale and perception. From the northern side Ben Sca will either be sufficiently spaced or set in front of the existing developments (e.g. VPs 1, 2, 12). This will help the receptor to rationalise the scale of the turbines by suggesting that the wind farms of varying distance from the receptors. However, when the proposed turbines sit behind the existing wind farms this creates a more complex visual image (e.g. VPs 3, 5 and 6) and impact on the viewers abilities to assimilate and understand the distance from the turbines and their relative sizes, thus leading to visual confusion. Overall, the amended scheme is considered acceptable and limits creating visual confusion despite the differences in scale of the turbines to others in the area in a number of the key views. Therefore, it meets the threshold of Criterion 8.

Criterion 10 is related to distinctiveness of landscape character. is related to distinctiveness of landscape character. For the avoidance of doubt this does not relate to landscape

designations. Consideration should be given to the variety of landscape character as one travels through the area and how that changes and transitions as one moves through the area. It is not considered this is adversely affected and that overall the proposal is considered to meet the threshold of the criterion.

Appendix 4 – Habitat Regulations Appraisal

Installation and operation of up to 7 wind turbines with maximum blade tip height of 135m and associated infrastructure

20/00013/FUL

CONSIDERATION OF PROPOSALS AFFECTING EUROPEAN SITES

Cullins Special Protection Area

The status of Cullins Special Protection Area means that the requirements of the Conservation (Natural Habitats, & c.) Regulations 1994 as amended (the 'Habitats Regulations') or, for reserved matters the Conservation of Habitats and Species Regulations 2017 as amended apply.

This means that where the conclusion reached by the Council on a development proposal unconnected with the nature conservation management of a Natura 2000 site is that it is likely to have a significant effect on those sites, it must undertake a Habitat Regulations Appraisal of the implications for the conservation interests for which the areas have been designated. The need for Appropriate Assessment extends to plans or projects out with the boundary of the site in order to determine their implications for the interest protected within the site.

This means that the Council, as competent authority, has a duty to:

- Determine whether the proposal is directly connected with or necessary to site management for conservation; and, if not,
- Determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then
- Make an Appropriate Assessment of the implications (of the proposal) for the site in view of that site's conservation objectives.

The competent authority can only agree to the proposal after having ascertained that it will not have an adverse effect on the integrity of the sites. If this is not the case and there are not alternative solutions, the proposal can only be allowed to proceed if there are imperative reasons of overriding public interest, which in this case can include those of a social or economic nature.

Screening of Likely Significant Effects

It is evident that the proposal is not connected with or necessary to site management for conservation, hence further consideration is required. Given the sites status the proposed wind farm has the potential to have a likely significant effect on the qualifying interests due to impacts arising from operation of the Proposed Development. The Council is therefore required to undertake a habitat regulations appraisal of the implications of the proposal on the above named European designated site.

Cullins SPA

NautreScot (formally Scottish Natural Heritage (SNH)) have advised in its response to the planning application on received 6th April 2020 that in its view, it is unlikely that the proposal will have a significant effect on the qualifying interest either directly or indirectly. An appropriate assessment is therefore not required. This is because:

NatureScot guidance suggests using a 6km connectivity distance for golden eagles and this proposal is considerably further away, so direct impacts on territorial eagles within the SPA are very unlikely.

Factoring in the predicted collision risk to golden eagles (0.04 annual collision rate, 0.7%-1.1% increase in mortality) from Ben Sca wind farm, the cumulative mortality rate for all the constructed and consented wind farms on Skye remains well below the level at which Favourable Conservation Status of the regional population may be threatened. Therefore, indirect, population scale effects which might affect the SPA are unlikely.

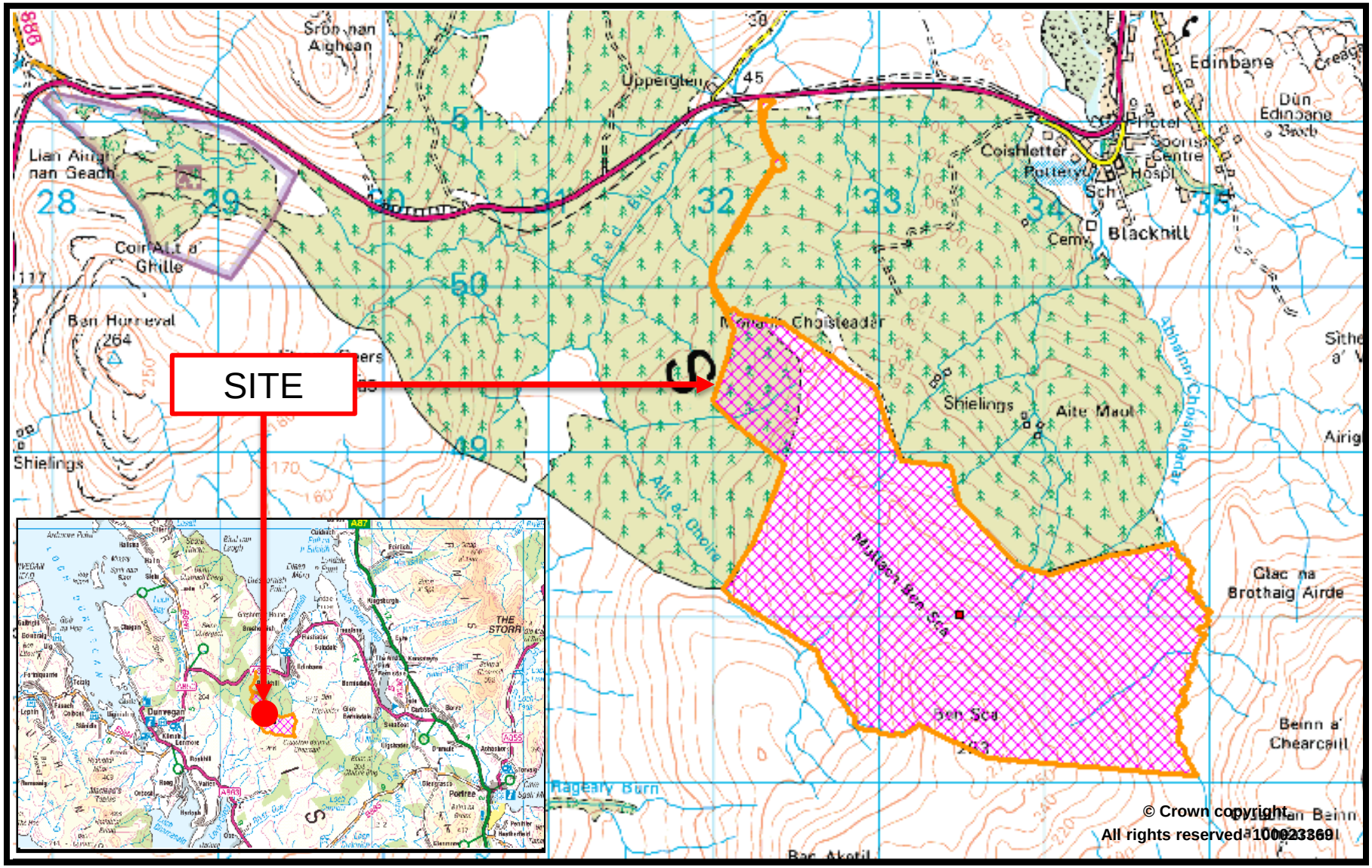
As a result of the lack of likely significant effects, as competent authority, The Highland Council is ***not required*** to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests and can be scoped out of the appropriate assessment.

HIGHLAND COUNCIL APPRAISAL OF THE PROPOSAL

- The proposal is not directly connected with or necessary to site management for conservation;
- The proposal is not likely to have a significant effect on the site either individually or in combination with other plans or projects; therefore;
- An Appropriate Assessment of the implications (of the proposal) is not required.

The impacts on the Cullins SPA have been considered. The mitigation proposed by the applicant in relation to good practice in construction and operation as well as the remoteness of the site for the qualifying features of the SPA should be sufficient to address any significant risk and avoid an impact on the integrity of the designated sites and their qualifying features.

Overall, it can be therefore concluded that it is unlikely that any significant effects will adversely affect the site integrity of Cullins SPA.



The Highland Council
Comhairle na Gàidhealtachd

Planning and Development Service

Location Plan
20/00013/FUL

Ben Sca Wind Farm - Installation and operation of up to 7 (previously 9) wind turbines with maximum blade tip height of 135m and associated infrastructure

November 2020

Scale:

131000 132000 133000 134000 135000

851000 850000 849000

LEGEND

- APPLICATION BOUNDARY
- PROPOSED TURBINE LOCATION
- EXISTING WATERCOURSE CROSSING
- PROPOSED TRACK LAYOUT - FLOATED
- EXISTING TRACK
- PROPOSED TRACK LAYOUT
- POTENTIAL BORROW PIT
- PROPOSED CRANE PAD
- PROPOSED SUBSTATION
- PROPOSED CONSTRUCTION COMPOUND

N

T1 T2 T3 T4 T5 T6 T7

BP1 BP2 BP3

Monadh Choisleadar

Meal Tobar Iain

Ben Aketil Wind Farm

Aite Maol

Ben Sca

Coishletter

Blackhill

Glac na Brothaig Isle

Glac na Brothaig Airde

Beinn a' Chearcaill

Edinbane Wind Farm

Loch Snizort

Uig

Dunvegan

Portree

Drynoch

ISLE OF SKYE

Sound of Raasay

0 200 400 600 800 1,000

Metres

405.07767.00002.12.3.1.1 SI - Site Layout

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BEN SCA WIND FARM

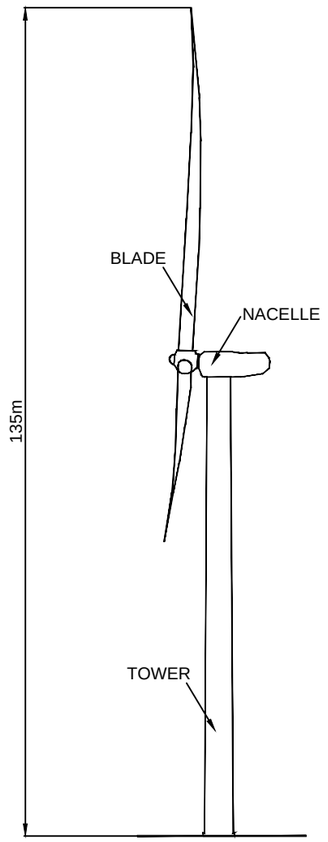
SUPPLEMENTARY INFORMATION CHAPTER 3

SITE LAYOUT

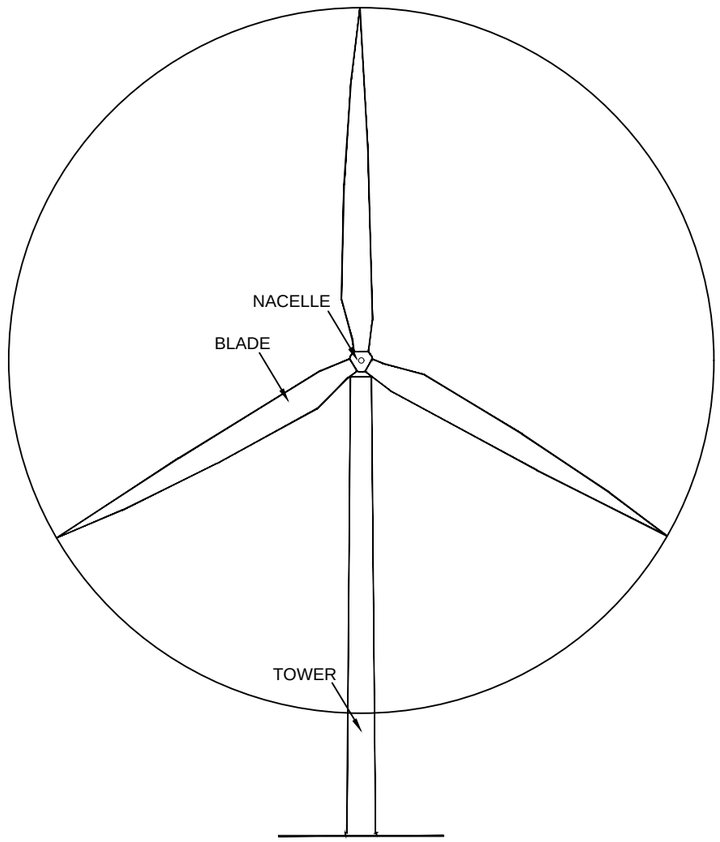
SI FIGURE 3.1

Scale 1:15,000 @ A3

Date AUGUST 2020



SIDE ELEVATION



FRONT ELEVATION

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PLANNING APPLICATION

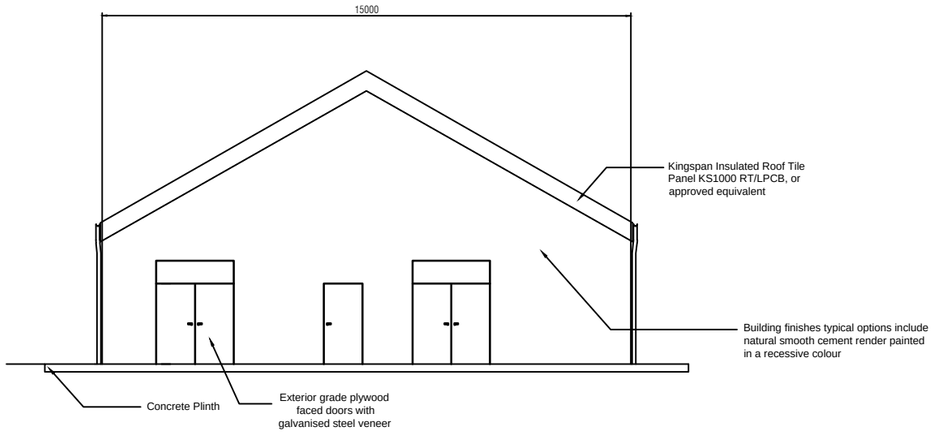
TYPICAL TURBINE ELEVATION

FIGURE 3

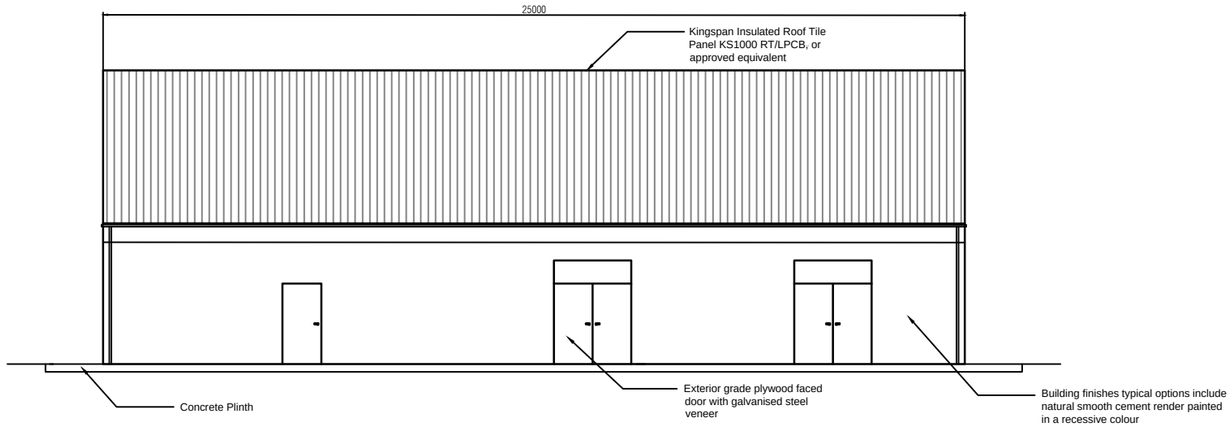
Scale 1:1000 @ A3

Date JANUARY 2020

07767.00002.3-2.0 Typical Turbine Elevation.dwg



CONTROL BUILDING ELEVATION



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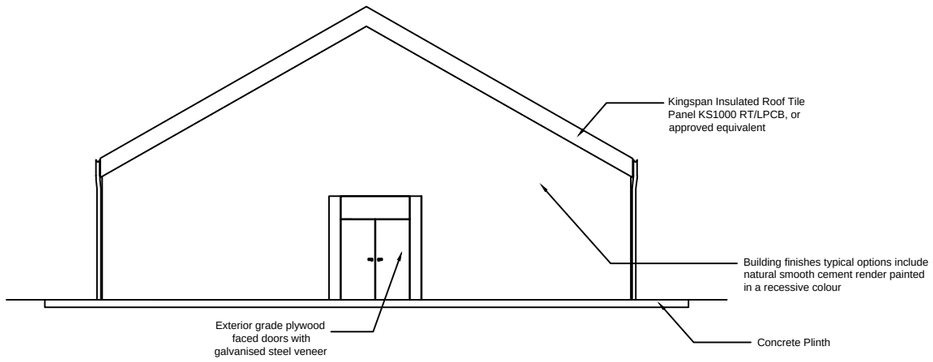
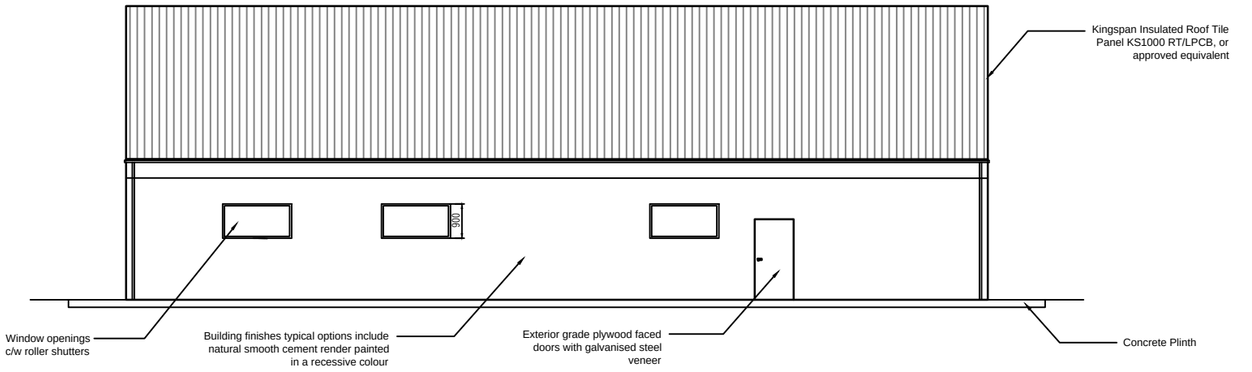


CONTROL BUILDING ELEVATION



CONTROL BUILDING ELEVATION

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PLANNING APPLICATION

TYPICAL CONTROL BUILDING ELEVATION

FIGURE 5

Scale: N.T.S @ A3

Date: JANUARY 2020

07767.00002..3-10.0.Typical Control Building Elevations.dwg

80000 90000 100000 110000 120000 130000 140000 150000 160000 170000 180000 190000

890000 880000 870000 860000 850000 840000 830000

40km
30km
20km
10km

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18

LEGEND

- APPLICATION BOUNDARY
- APPLICATION BOUNDARY BUFFERS
- PROPOSED TURBINE LOCATION
- VIEWPOINT LOCATION

ZONES OF THEORETICAL VISIBILITY NO. OF TURBINES VISIBLE (TO BLADE TIP)

- 1 - 3
- 3 - 5
- 5 - 7

NOTES

This Zone of Theoretical Visibility (ZTV) has been generated using ESRI ArcGIS Spatial Analyst extension. The digital terrain model (DTM) has been derived from OS Terrian 5 dataset (accuracy of +/- 2m) up to 5km from proposed turbines of Ben Sca, and OS Terrain 50 dataset (accuracy of +/-10m). Earth curvature has been included in the ZTV calculation and refraction of light has been applied using ESRI default settings. The ZTV has been generated from a viewing height of 2m above ground level which falls within recommendations by "Visual Representation of Windfarms" prepared for Scottish Natural Heritage (SNH) February 2017 - Version 2.2.

The following assumption should be noted:

•The proposed Ben Sca turbine blade tip height of 135m has been used for generating the ZTV.

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BLADE TIP ZONES OF THEORETICAL VISIBILITY

7 TURBINE SITE LAYOUT

EXTRA VISUALS PACK FIGURE

Scale 1:350,000 @ A3

Date OCTOBER 2020

1:1,000 Metres

405.07767.00002.12.7.1.0 SI - Blade Tip Zone of Theoretical

80000 90000 100000 110000 120000 130000 140000 150000 160000 170000 180000 190000

890000 880000 870000 860000 850000 840000

40km 30km 20km 10km

N

0 5 10 15 20
Kilometres

LEGEND

- APPLICATION BOUNDARY
- APPLICATION BOUNDARY BUFFERS
- PROPOSED BEN SCA TURBINE LOCATIONS
- BEN AKETIL AND EXTENSION TURBINES
- EDINBANE TURBINES

ZTV

- BEN SCA ONLY
- EDINBANE ONLY
- BEN AKETIL ONLY
- BEN SCA AND EDINBANE
- BEN SCA AND BEN AKETIL
- EDINBANE AND BEN AKETIL
- ALL THREE VISIBLE

NOTES

This Zone of Theoretical Visibility (ZTV) has been generated using ESRI ArcGIS Spatial Analyst extension. The digital terrain model (DTM) has been derived from OS terrain 50 dataset with an accuracy of +/-10m. Earth curvature has been included in the ZTV calculation and refraction of light has been applied using ESRI default settings. The ZTV has been generated from a viewing height of 2m above ground level which falls within recommendations by "Visual Representation of Windfarms" prepared for Scottish Natural Heritage (SNH) February 2017 - Version 2.2.

The following assumptions should be noted:

•The ZTV has been generated using the proposed turbine locations for Ben Sca, and the existing turbine locations for Edinbane and Ben Aketil and Extension.

•The proposed and existing turbine blade tip heights have been used for generating the ZTV and are listed below:
•Ben Sca = 135m
•Ben Aketil = 100m
•Edinbane = 100m

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BEN SCA WIND FARM

EIA REPORT - CHAPTER 7

ZONES OF THEORETICAL VISIBILITY: BEN SCA WITH EDINBANE AND BEN AKETIL

FIGURE 7.4

Scale 1:350,000 @ A3

Date JANUARY 2020

405.07767.00002.29.7.4.0 ZTV - Ben Sca with Edinbane and Ben Aketil

110000 120000 130000 140000 150000

860000

850000

BEN AKETIL AND EXTENSION

EDINBANE

MEADLE WIND TURBINE

SUMARDALE CROFT

N

0 2 4 6 8 10

Kilometres

LEGEND

APPLICATION BOUNDARY

5km BUFFERS OF APPLICATION BOUNDARY

PROPOSED BEN SCA TURBINE LOCATIONS

STATUS OF CUMULATIVE WIND FARMS

OPERATIONAL

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BEN SCA WIND FARM

EIA REPORT - CHAPTER 7

OPERATIONAL CUMULATIVE WIND FARMS: TURBINES OVER 50M WITHIN 15KM

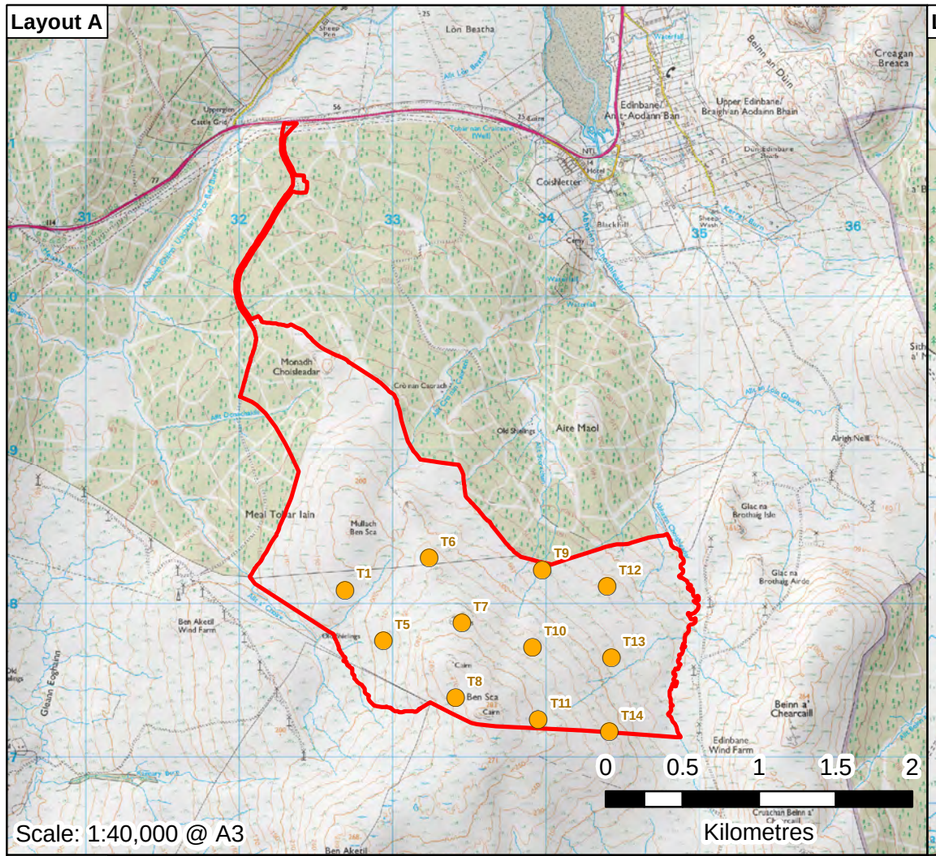
FIGURE 7.3

Scale 1:150,000 @ A3

Date JANUARY 2020

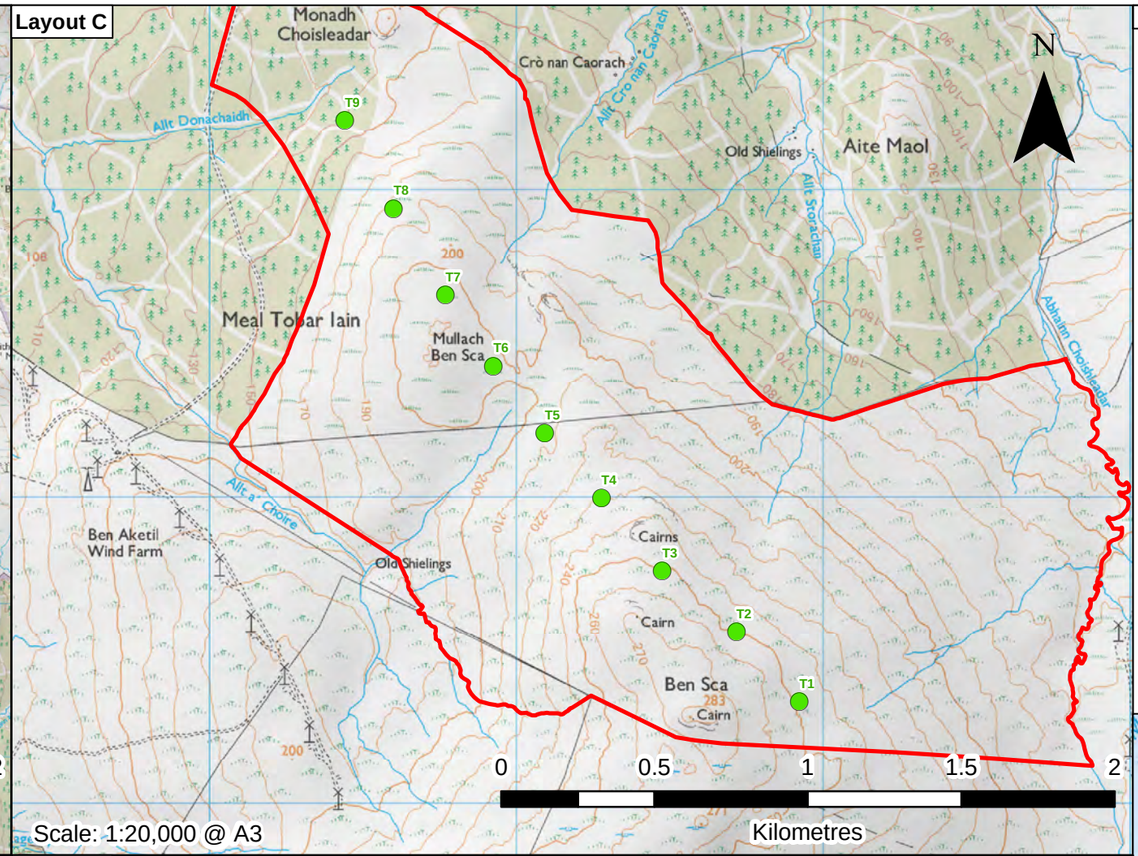
405.07767.00002.29.7.3.0 Operational Windfarms

Layout A



Scale: 1:40,000 @ A3

Layout C

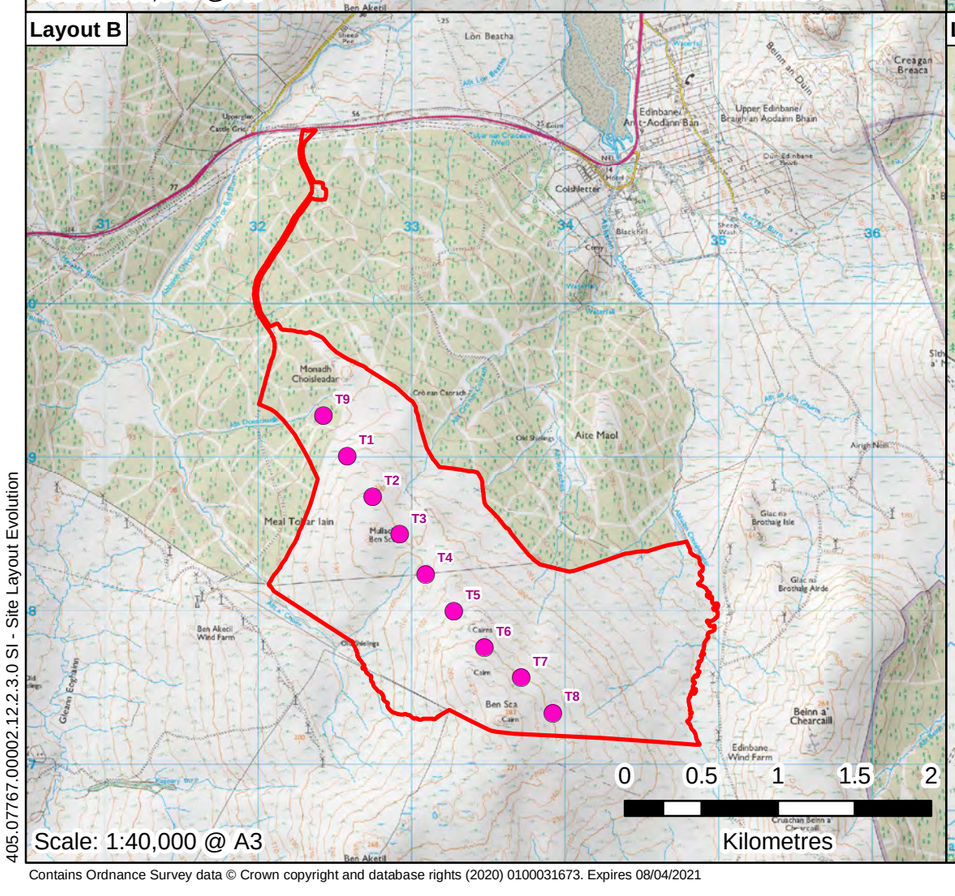


Scale: 1:20,000 @ A3

LEGEND

- APPLICATION BOUNDARY
- PROPOSED TURBINE LOCATIONS (LAYOUT A)
- PROPOSED TURBINE LOCATIONS (LAYOUT B)
- PROPOSED TURBINE LOCATIONS (LAYOUT C - PREVIOUS LAYOUT - EIA)
- PROPOSED TURBINE LOCATIONS (LAYOUT D - SI LAYOUT)

Layout B



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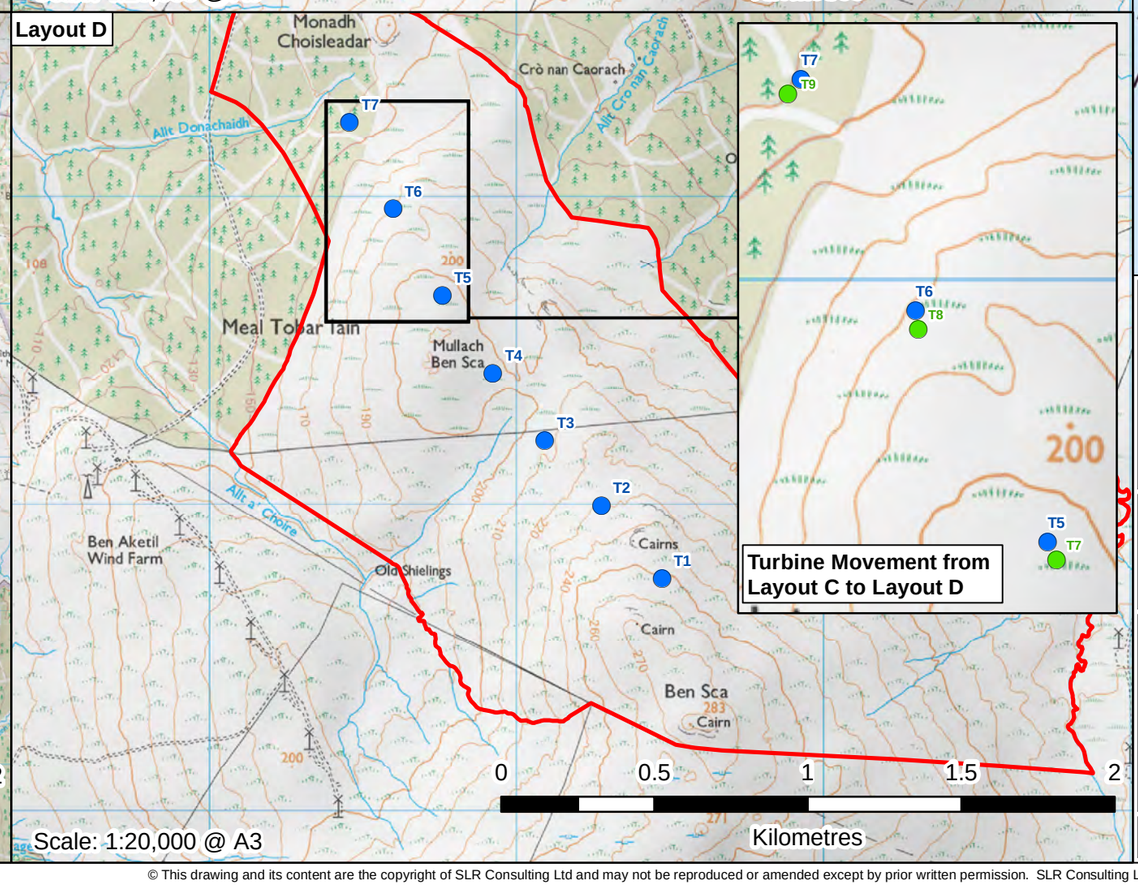
Layout D



Scale: 1:20,000 @ A3

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BEN SCA WIND FARM

SUPPLEMENTARY INFORMATION CHAPTER 2

SITE LAYOUT EVOLUTION

SI FIGURE 2.3

Scale: AS SHOWN ON PLAN

Date: AUGUST 2020

405.07767.00002.12.2.3.0 SI - Site Layout Evolution