

<b>Agenda Item</b>	<b>6.13</b>
<b>Report No</b>	<b>PLS/56/25</b>

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 22 August 2025

**Report Title:** 25/01011/FUL: Energiekontor UK Ltd

Land 3KM NW of 2 Farley Beauly

**Report By:** Area Planning Manager – South

### Purpose/Executive Summary

**Description:** Erection of two temporary meteorological masts up to 80m in height

**Ward:** 12 - Aird and Loch Ness

**Development category:** N10B Other Developments Local

**Reason referred to Committee:** 5 or more objections.

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** the application as set out in section 11 of the report.

## **1. PROPOSED DEVELOPMENT**

- 1.1 The proposed development is for the erection of 2no. 80m high Nexgen Tubular meteorological masts anchored to the ground via guy ropes.
- 1.2 The masts are intended to provide data for the proposed Ballach Wind Farm to inform the optimal placement of wind turbines. The masts will measure wind speed and direction, pressure and temperature over a period of 36 months. After this period the masts would be dismantled and the site restored to its original state.
- 1.3 Pre Application Consultation: None
- 1.4 Supporting Information:
- Policy Considerations Document
  - Cover Letter
  - Design and Access Statement
- 1.5 Variations: None

## **2. SITE DESCRIPTION**

- 2.1 The masts would be located on open moorland northeast of the Erchless Forest, southwest of Fairburn House, 2km northwest of Farley, and between 10.5km (Mast Location 1 as shown on submitted plans) and 8.3km (Mast Location 2 as shown on submitted plans) west of Beauly.
- 2.2 The site is accessed from the A831 near Erchless Castle and the Clan Chisholm Burial Ground. The existing estate access track off the A831, leading to a staging area, is wide and can accommodate large vehicles. All-Terrain Vehicles will be used to transport construction staff and mast components to the mast locations from the staging area using an existing estate track, with a short access across moorland only required for the final stages of the journey.
- 2.3 The site is remote and is within mountainous open moorland. It is not protected under any natural heritage designations. However, there are designations within the wider vicinity including the Glen Affric to Strathconon Special Protection Area (SPA), Glen Strathfarrar Site of Special Scientific Interest (SSSI), Strathglass Complex Special Area of Conservation (SAC), and Strathconon Monar and Mullardoch Special Landscape Area (SLA). These are designated for their protected species, blanket bogs and Caledonian forest.

## **3. PLANNING HISTORY**

- |     |            |   |                         |
|-----|------------|---|-------------------------|
| 3.1 | 29.11.2024 | 24/04177/SCOP - Scoping request for Ballach Wind Farm - Erection and Operation of a Wind Farm for a period of 35 years, comprising 36 turbines with a maximum blade tip height of 200m and 230m, along with a battery energy storage system (BESS) and ancillary infrastructure | Scoping Decision Issued |
|-----|------------|---|-------------------------|

## 4. PUBLIC PARTICIPATION

### 4.1 Advertised: Schedule 3

Date Advertised: 23.05.2025

Representation deadline: 06.06.2025

Timeous representations: 277

Late representations: 1

### 4.2 Material considerations raised are summarised as follows:

- a) Policy
- b) Potential effects of Caesium137 radiation
- c) Visual and Landscape Impact
- d) Ecological and Ornithological Impact
- e) Access and Infrastructure
- f) Land use
- g) Cumulative Impacts
- h) Flood risk

### 4.3 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](http://www.wam.highland.gov.uk/wam).

## 5. CONSULTATIONS

### 5.1 **Kilmorack Community Council:** Objection from Kilmorack Community Council:

"1. We were promised by THC Planning that there should be a buffer zone between Fairburn Wind Farm and those wind farms south of Inverness to protect our environment from over development. We would hold the Council to those promises.

2. No communication was received from Energie Kontour regarding this application by Kilmorack Community Council.

3. Low flying military training aircraft, often at night and in low visibility, plus air ambulance and coastguard transits this area to the west coast and the Tain ranges. Isolated high level (262ft -1473ft AMSL) masts are an unacceptable risk to these aircraft. The Precautionary Principle should be the primary interest for safety.

4. Proximity (3km-8km) to Golden Eagle protected area. The Glen Affric/Strathconan SPA. As these masts are likely to be sited within the breeding Golden Eagle home and core territory this runs contrary to the safe protection of this protected species.

5. Previous mast by SSE Renewables for the cancelled Fairburn Extension indicated insufficient wind for a wind farm as did the mast for ABO Wind. We cannot yet discuss the height of the proposed Balloch Wind Farm turbines which no doubt has something to do with the low wind previously measured but does take the new proposal to heights that will have a serious visual impact.

6. On siting of the 400KV OHL by SSEN we were informed that the line could not go behind the Farley Hill due to the peat and yet this proposal sits right above that peat.

The absence of any Deep Peat survey within the application is unacceptable. This should be a primary requirement on this site. Lack of compliance with Scottish Planning Policy and NatureScot guidance on Peatland Development is evident in this application.

7. We do not see this as simply a temporary structure as primarily it is a forerunner to a large wind farm and also it is listed as for three years. Most met masts are left in place for operational reasons should a wind farm be constructed. By only seeking approval for the masts, the developer is employing a tactic of project fragmentation. This approach circumvents comprehensive environmental scrutiny and public transparency by dividing the overall scheme into smaller parts. This runs contrary to the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

8. Access The access track is very steep and in poor condition. It is assumed this will need considerable preparation and will have some negative impact on the local area.

9. As this is only part of a much larger scheme, we must express serious concerns as to the impact on local roads and the cumulative impact of so many schemes overlapping their construction schedules.

10. The application lacks evidence of alignment with the Highland-wide Local Development Plan, Policy 28, which focuses on sustainable design, appropriately located, harmonious with the local character and delivering social, economic and environmental advantages. In this application we consider it falls short on all fronts."

5.2 **Historic Environment Team (Archaeology):** The predicted impacts on unrecorded historic environment assets resulting from these two masts are low. It is not considered that specific mitigation is justified and so no condition is recommended.

5.3 **Ministry of Defence:** The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

Low Flying Fixed Wing military low flying training takes place throughout the United Kingdom down to a height of 250ft above ground level and in certain designated areas down to a height of 100ft above ground level. A development containing towers of the height and at the location you propose may have an impact on low flying operations. We have produced a map which indicates areas in the UK where the MOD is more likely or less likely to object to tower planning applications on the grounds of interference with low flying operations. The following link will take you to this map, which has been produced only for guidance and does not offer definitive advice on the MODs position.

<http://webarchive.nationalarchives.gov.uk/20140802171818/https://restats.decc.gov.uk/cms/aviation-safeguarding-maps/>

In this case the development falls within Low Flying Area 14 (LFA 14), an area within which fixed wing aircraft may operate as low as 250 feet or 76.2 metres above ground level to conduct low level flight training. The addition of met masts in this location has

the potential to introduce a physical obstruction to low flying aircraft operating in the area.

To address this impact, and given the location and scale of the development, the MOD require conditions are added to any consent issued requiring that the development is fitted with aviation safety lighting and that sufficient data is submitted to ensure that structures can be accurately charted to allow deconfliction. [Planning note – see conditions 4 and 5].

- 5.4 **Highlands and Islands Airport Authority:** Our preliminary assessment shows that, at the given position and height, this development would not infringe the safeguarding criteria and operation of Inverness Airport.

Therefore, Highlands and Islands Airports Limited has no objections to the proposal.

- 5.5 **National Air Traffic Services:** The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

- 5.6 **Civil Aviation Authority:** No response.

- 5.7 **NatureScot Informed Decision:** The proposed meteorological masts lie approximately 4.5km from the [Glen Affric to Strathconon Special Protection Area](#) (SPA) protected for its breeding golden eagle population.

The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the 'Habitats Regulations') apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017. 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). The NatureScot website has a summary of the legislative requirements ([The Habitats Directive and Habitats Regulations](#)).

It appears from the information available, that in this case the proposal is not connected with or necessary for the conservation management of the site. Hence, further consideration is required.

Our advice is that it is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly. An appropriate assessment is therefore not required. This is due to the distance of the proposal site from the SPA and the fact that there is little risk of disturbance to SPA breeding golden eagles through the transport and erection of the meteorological masts.

There may be wider countryside golden eagle territories in the Gleann Goibhre area and we would therefore recommend that the applicant seeks advice from the Highland Raptor Study Group regarding whether there are any active nest sites within close proximity (<1km) should it be proposed to carry out construction during the golden eagle breeding season (February to September). We would also recommend that our [Guidance – Assessment and mitigation of impacts of power lines and guyed meteorological masts on birds](#) is followed in relation to guy marking to lower collision risk.

## **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **6.1 National Planning Framework 4 (2023) (NPF4)**

Policy 1 - Tackling the Climate and Nature Crises

Policy 2 - Climate Mitigation and Adaptation

Policy 3 - Biodiversity

Policy 5 – Soils

Policy 11 - Energy

Policy 22 - Flood Risk and Water Management

Policy 26 - Business and Industry

Policy 29 - Rural Development

### **6.2 Highland Wide Local Development Plan 2012 (HwLDP)**

28 - Sustainable Design

29 - Design Quality and Place-making

30 - Physical Constraints

31 - Developer Contributions

36 - Development in the Wider Countryside

55 - Peat and Soils

58 - Protected Species

59 - Other important Species

60 - Other Importance Habitats

61 – Landscape

74 - Green Networks

75 - Open Space

77 - Public Access

78 - Long Distance Routes

### **6.3 Inner Moray Firth Local Development Plan 2 (2024) (IMFLDP2)**

No specific policies apply.

### **6.4 Highland Council Supplementary Planning Policy Guidance**

Developer Contributions (March 2018)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Green Networks (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Highland Renewable Energy Strategy and Planning Guidelines (May 2006)

Physical Constraints (March 2013)

Special Landscape Area Citations (June 2011)

Standards for Archaeological Work (March 2012)

Sustainable Design Guide (Jan 2013)

## **7. OTHER MATERIAL POLICY CONSIDERATIONS**

7.1 None.

## **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) siting and design
- c) access and infrastructure
- d) environmental radioactivity
- e) ecology and ornithology
- f) any other material considerations

### **Development plan/other planning policy**

8.4 NPF4 Policies 1-3 apply to all development proposals nationwide. When considering all development proposals, significant weight will be given to the global climate and nature crises. Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats, and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions where possible.

8.5 NPF4 Policy 5 (Soils) states that development proposal will only be supported if they are designed accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and in a manner that protects soil from damage including from compaction and erosion and that minimises soil sealing.

8.6 NPF4 Policy 22 (Flood Risk and Water Management) states that development proposals at risk of flooding or in a flood risk area will only be supported if they are for essential infrastructure where the location is required for operational reasons. NPF4 includes all forms of renewable, low carbon and zero emission technologies for electricity generation. While the masts are not sited directly within a flood risk

constraint on SEPA's flood maps the general upland area has surface water flooding identified at many points. As these meteorological masts are relatively low impact on the land and would reasonably constitute essential infrastructure as defined in NPF4 the proposal complies with this policy.

- 8.7 NPF4 Policy 29 (Rural Development) states that development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported including essential infrastructure.
- 8.8 NPF4 Policy 11 (Energy) encourages all forms of renewable energy development onshore and offshore. The proposed meteorological masts are being constructed and would stand in place for a temporary period of three years to allow meteorological data to be gathered, this will assist in determining if the area is suitable for wind development.
- 8.9 The proposal is for the temporary siting of 2No. meteorological masts. Subject to ensuring that the development is adequately sited and designed (including ancillary infrastructure (e.g. guy ropes), has appropriate access arrangements, and mitigates any potential environmental, ecological and ornithological impacts, then the proposal will be considered to comply with the Development Plan.

### **Siting and Design**

- 8.10 The two masts would be sited at approximately 330m (Location 1) and 380m (Location 2) altitude on an area of upland moorland.
- 8.11 The masts would be no more than 80m high and would introduce a significant vertical feature into the landscape. The visual impacts of the masts are also not considered to be significant as although tall, they have a relatively slim profile, measuring at 254mm at the base and 200mm at the tip.
- 8.12 The height of the masts are considered to be significant for the area, however the remoteness and inaccessibility of the sites mean that they are unlikely to be seen from distance from public receptors within the wider landscape. The nearest housing is the Hydro Cottage at Orrin Dam, approximately 3.2km to the northwest.
- 8.13 For the masts to be erected they require guy wires with attached bird deflectors to extend from the main structure at various heights, and these are then anchored to the ground to provide the mast with stability. These tethers and the ground anchoring would have a relatively low impact on the ground.

### **Access and infrastructure**

- 8.14 A staging area for the development is proposed near Erchless Forest Cottage, approximately 500m north of the A831, and approximately 6km southwest of the proposed masts. This is located in an area already used by Erchless Estate for various estate management activities and would only be in use for the storage and transportation of materials, contractors and equipment, minimising disturbance to upland moorland vegetation and peat.



- 8.15 Access from the staging area to the mast locations will be by ATVs utilising the existing track, passing through multiple gates to reach the site.
- 8.16 The materials for the mast are light and can be handled from the track to the proposed locations.
- 8.17 Representations suggest that the road network will be unable to handle the additional traffic resulting from this development and a potential wind farm. The design and access statement provided by the applicant demonstrates that deliveries to the staging area will be kept to a minimum and the road network can handle what is proposed in connection with this development – two temporary meteorological masts. Any future wind farm application would be assessed on its own merits, and such an assessment would include consideration of the suitability of the road network.
- 8.18 In relation to safeguarding aeronautical and navigation interests, statutory consultees have indicated that they have no objections to the proposal, subject to conditions relating to aviation lighting, and the works to erect the masts.

### **Environmental radioactivity**

- 8.19 Representations refer to the potential of radioactivity levels changing due to disturbance of ground. It should be noted that the level of disturbance to the ground caused by the proposal is very limited and relates mainly to ground anchoring for the mast. The Contaminated Land team have advised that environmental radioactivity is monitored and reported annually by SEPA in the Radioactivity in Food and the Environment (RIFE) series. Section 8.8 of the most recent report, RIFE-29 (2023), states:

“Two overseas accidents have had direct implications for the UK: Chernobyl (1986) and Fukushima Dai-ichi (2011)...For Chernobyl, the main sustained impact on the UK environment was in upland areas, where heavy rain fell in the days following the accident, but activity concentrations have now reduced substantially.”

Earlier RIFE reports provide detailed monitoring data and dose estimates, confirming that residual levels of Cs-137 in the UK environment have declined significantly over time.

Based on this evidence, and in the absence of any credible pathway for significant release or exposure arising from the proposed works, the risk of Cs-137 contamination is assessed to be extremely low. It does not present a material concern requiring further regulatory action.

- 8.20 SEPA as the competent body providing advice on environmental protection on such matters to the Planning Authority has not raised any concern regarding radioactivity.

### **Ecology and Ornithology**

- 8.21 Representations refer to the potential negative impacts on golden eagles due to the distance between the sites and the Glen Affric to Strathconon SPA, designated for its Golden Eagle population, suggesting that the masts have the potential to be a collision and electrocution risk. In addition, representations highlight that the site is

known for Black Grouse and wader which are red listed Birds of Conservation Concern. A condition can be used to address the impact on birds.

- 8.22 Advice from NatureScot is that it is unlikely that the proposal will have a significant effect on any qualifying interests (of the designated site) either directly or indirectly and therefore an appropriate assessment is therefore not required due to the distance of the proposal site from the SPA and the fact that there is little risk of disturbance to SPA breeding Golden Eagles through the transportation and erection of the meteorological masts.
- 8.23 Notwithstanding, there may be wider countryside Golden Eagle territories in the Gleann Goibhre area and NatureScot has recommended that the applicant seeks advice from the Highland Raptor Study Group regarding whether there are any active nest sites within close proximity (<1km) should it be proposed to carry out construction during the golden eagle breeding season (February to September). NatureScot also recommend that their 'Guidance – Assessment and mitigation of impacts of power lines and guyed meteorological masts on birds' (2025) is followed in relation to guy marking to lower collision risk. These matters can be controlled by appropriate informatives and conditions.
- 8.24 Representations also suggest that the proposal should be subject to an EIA. The proposal does not meet the threshold for EIA [Schedule 2 (3)(j)(ii)] as set out by The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. A Screening Opinion is therefore not required. It is noted that a scoping opinion (24/04177/SCOP) for the proposed Ballach Wind Farm has been issued. Should an application be made for a windfarm it will be accompanied by an EIA.

### **Other material considerations**

- 8.25 Representations suggest that the proposal will cause undue impact to the levels of tourism in the area. The area where the masts are to be sited is very remote from public receptors. It is not considered that the masts will have any significant impact on tourism interests in the area.
- 8.26 As the proposal is for the temporary siting of two masts, it is considered appropriate to control this by condition limiting their siting for a period of 36 months, with the masts removed from site at the end of this period and the site reinstated.

### **Non-material considerations**

- 8.27 Representations refer to the potential of future wind farm development on the site and within the immediate area:
- Ballach windfarm which the proposal (25/01011/FUL) would provide meteorological data for
  - Fairburn windfarm which is operational is approximately 400m to the north of the application site (25/01011/FUL) boundary
- 8.28 It is understood that the Ballach (s36) windfarm application is due to be submitted imminently. Each application must be assessed solely on its own respective merits.

- 8.29 Representations also suggest that the application's period for representations was not afforded fairly to the public to object. The proposal has been subject to the normal statutory advertisement process in the local press.

### Matters to be secured by Legal Agreement / Upfront Payment

- 8.30 None.

## 9. CONCLUSION

- 9.1 The proposal is for the erection of 2no. 80m high Nexgen Tubular meteorological masts on open moorland northeast of the Erchless Forest, west of Beaully.
- 9.2 The location, siting and design of the masts is considered to be acceptable and does not have an unacceptable landscape, visual, environmental, or ecological impact, and can be accessed easily and without detriment to the public road. Accordingly, the proposal is considered to accord with the Development Plan policies.
- 9.3 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: Not applicable            |
| 10.5 | Risk: Not applicable                                    |
| 10.6 | Gaelic: Not applicable                                  |

## 11. RECOMMENDATION

<b>Action required before decision issued</b>	n
Notification to Scottish Ministers	n
Conclusion of Section 75 Obligation	n
Revocation of previous permission	n

Recommended to **GRANT** the application subject to the following conditions and reasons:

1. Planning permission is hereby granted for a temporary period only and shall cease to have effect on 29.08.2028. Prior to the cessation date, the application site shall be cleared of all development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended)) and reinstated in accordance with a scheme approved in writing by the Planning Authority under condition 3 of this permission.

**Reason:** To ensure that any development which has ceased to serve its intended purpose is removed from the site, in the interests of visual amenity.

2. No development shall commence until full details of a scheme for restoring the application site to its condition prior to the temporary development being carried out, have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the site shall be reinstated in accordance with these approved details prior to the cessation of this permission.

**Reason:** To ensure that the site is properly restored to its original condition in the interest of protecting the soil and landscape quality of the site.

3. Prior to the commencement of construction of the meteorological masts, or deploying any construction equipment to temporal structure(s) 50 metres or more in height (above ground level) the developer shall submit an aviation lighting scheme for the approval in writing of the Planning Authority in consultation with the Ministry of Defence defining how the development will be lit throughout its life to maintain civil and military aviation safety requirements as determined necessary for aviation safety by the Ministry of Defence.

This shall set out:

- a) details of any construction equipment and temporal structures with a total height of 50 meters or greater (above ground level) that will be deployed during the construction of the meteorological masts and details of any aviation warning lighting that they will be fitted with; and
- b) The locations and heights of all meteorological masts featured in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the met mast; the type(s) of lights that will be fitted and the performance specifications(s) of the lighting type(s) to be used.

Thereafter the developer shall exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed shall remain operational for the lifetime of the development.

**Reason:** To maintain aviation safety.

4. The developer shall notify the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information:

- a) The date of the commencement of the erection of meteorological masts;
- b) The maximum height of any construction equipment to be used in the erection of the meteorological masts;
- c) The date any meteorological mast is brought into use; and
- d) The latitude and longitude and maximum height of each meteorological mast.

For the avoidance of doubt, the Ministry of Defence shall be notified of any changed to the information supplied in accordance with these requirements and the completion of the construction of the development.

**Reason:** To maintain aviation safety.

- 5. Bird flight deflectors shall be fitted to all meteorological mast guy wires at 5m intervals. Stops or clamps shall be fitted to the guy wires to prevent the deflectors slipping down the wires. For the avoidance of doubt the mast shall be inspected and maintained each year before April to ensure the deflectors remain in place.

**Reason:** In order to protect the natural heritage interests of the site.

- 6. All construction activities shall be undertaken outside of the Black Grouse lekking and bird breeding season (March to July inclusive) to avoid impacts on lekking black grouse and breeding birds. Any future maintenance visits and associated works shall avoid the peak lekking season (15<sup>th</sup> March to 15<sup>th</sup> May). Any use of helicopters for site construction, demolition, or maintenance, shall be undertaken outside of the Black Grouse lekking and bird breeding season.

**Reason:** In order to protect the natural heritage interests of the site.

## **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.

## **INFORMATIVES**

### **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.

### **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.

### **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](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

### **Mud and Debris on Road**

Please note that it is 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.

### **Construction Hours and Noise-Generating Activities**

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place

outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact [env.health@highland.gov.uk](mailto:env.health@highland.gov.uk) for more information.

### **Protected Species – Halting of Work**

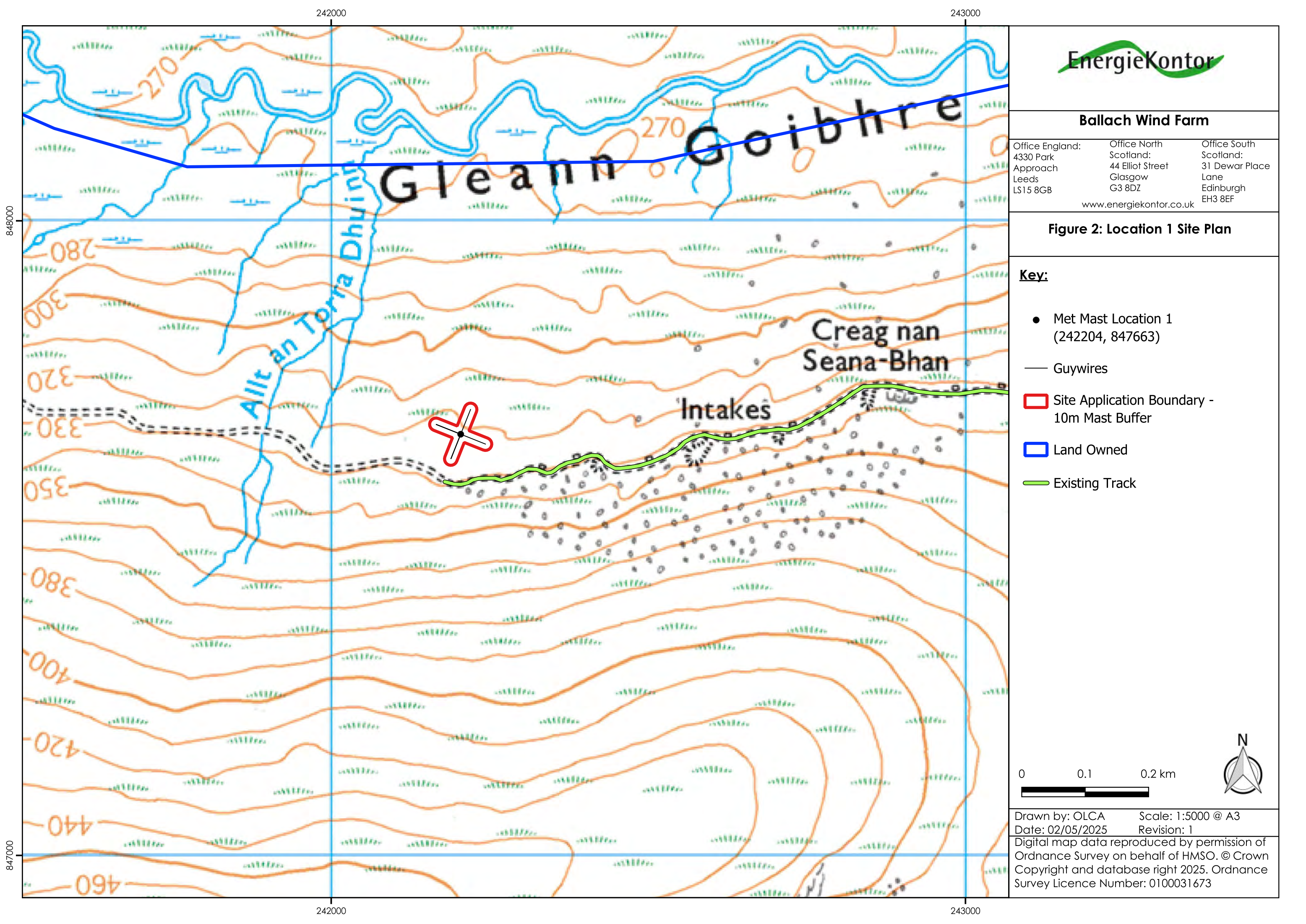
You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it 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: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

### **Golden Eagles**

There may be wider countryside golden eagle territories in the Gleann Goibhre area and NatureScot have recommended that the developer seeks advice from the Highland Raptor Study Group regarding whether there are any active nest sites within close proximity (<1km) should it be proposed to carry out construction during the golden eagle breeding season (February to September). NatureScot also recommend that their 'Guidance – Assessment and mitigation of impacts of power lines and guyed meteorological masts on birds' (2025) is followed in relation to guy marking to lower collision risk.

Signature:	Bob Robertson
Designation:	Area Planning Manager - South
Author:	Ross McAteer
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 - 000002 Location/Site Layout Plan – Figure 2 Plan 2 - 000003 Location/Site Layout Plan - Figure 3 Plan 3 - 000004 Access Layout – Figure 4 Plan 4 - 000005 REV 2 Elevations – 80M H1 Mast Install Area Plan 5 - 1-MA-80-001 REV 2 Elevations – 80M H1 Mast GA





**Ballach Wind Farm**

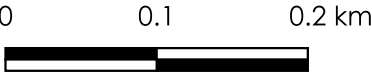
Office England: 4330 Park Approach Leeds LS15 8GB	Office North Scotland: 44 Elliot Street Glasgow G3 8DZ	Office South Scotland: 31 Dewar Place Lane Edinburgh EH3 8EF
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**Figure 2: Location 1 Site Plan**

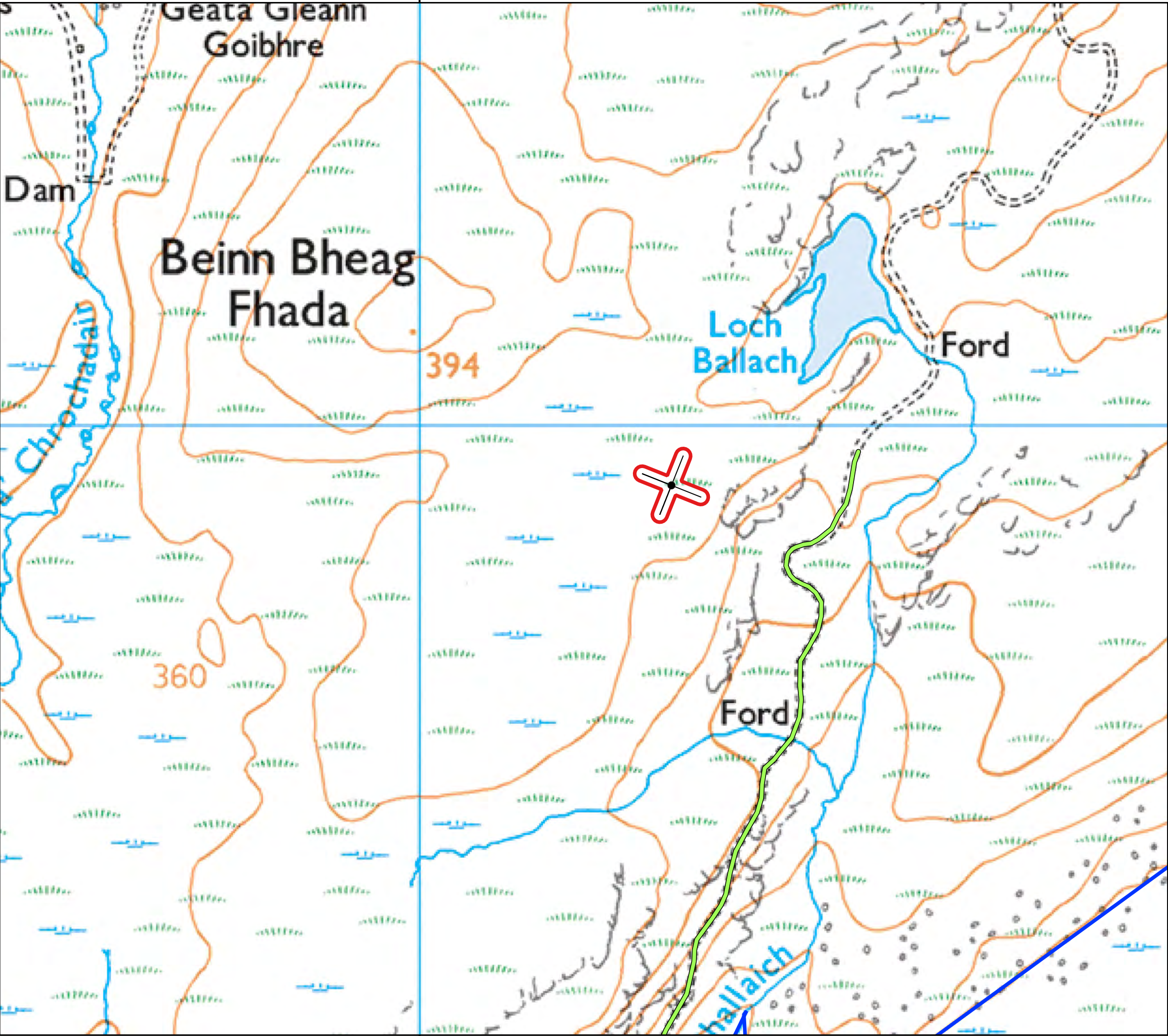
**Key:**

- Met Mast Location 1  
(242204, 847663)
- Guywires
- Site Application Boundary -  
10m Mast Buffer
- Land Owned
- Existing Track



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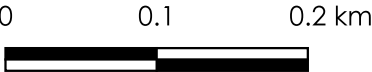
**Ballach Wind Farm**

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**Figure 3: Location 2 Site Plan**

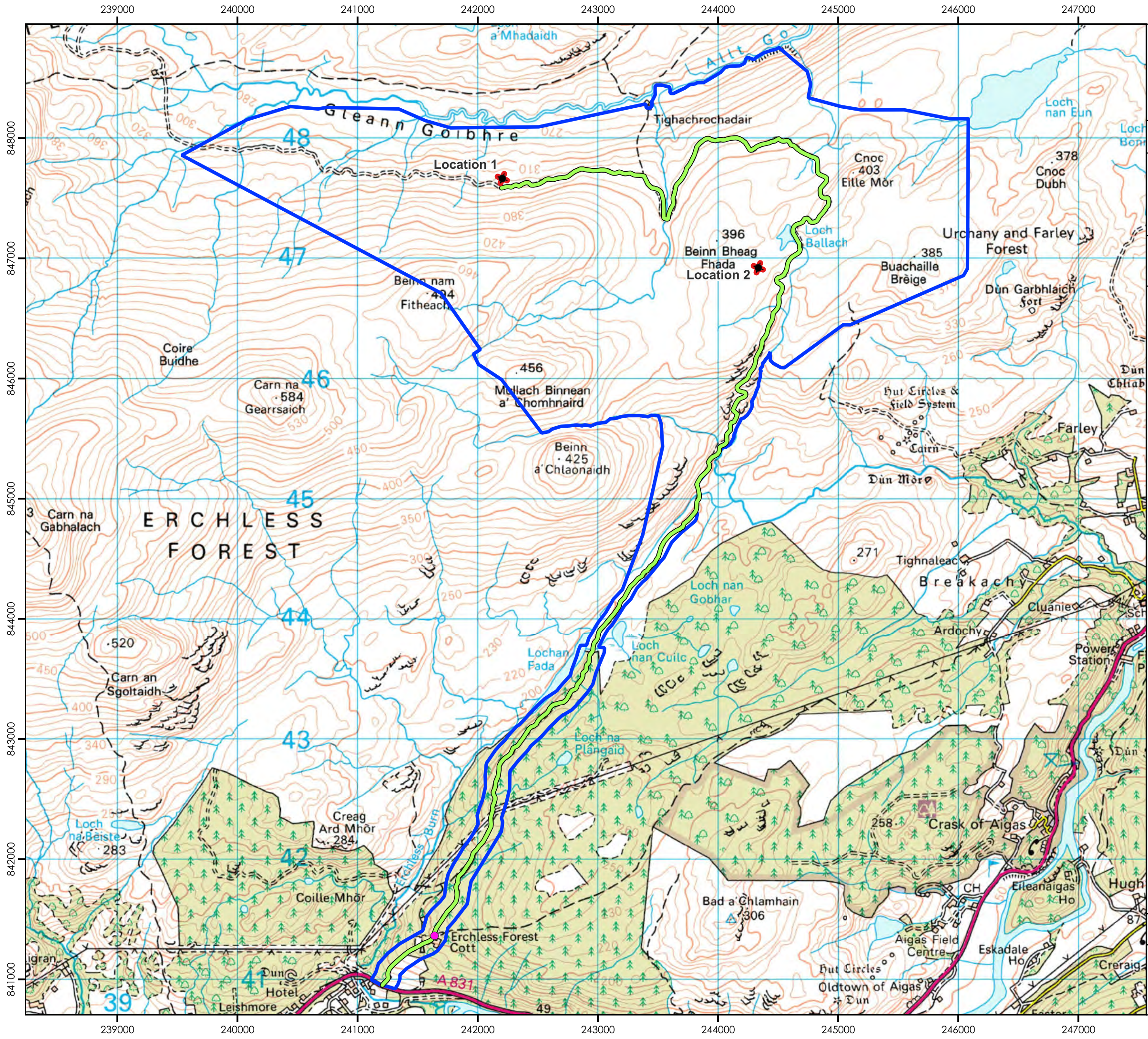
**Key:**

- Met Mast Location 2  
(244335 , 846921)
- Guywires
- 10m Mast Buffer
- Land Owned
- Existing Track



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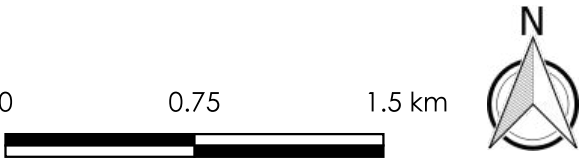


### Ballach Wind Farm

Office England: 4330 Park Approach Leeds LS15 8GB	Office North Scotland: 44 Elliot Street Glasgow G3 8DZ	Office South Scotland: 31 Dewar Place Lane Edinburgh EH3 8EF
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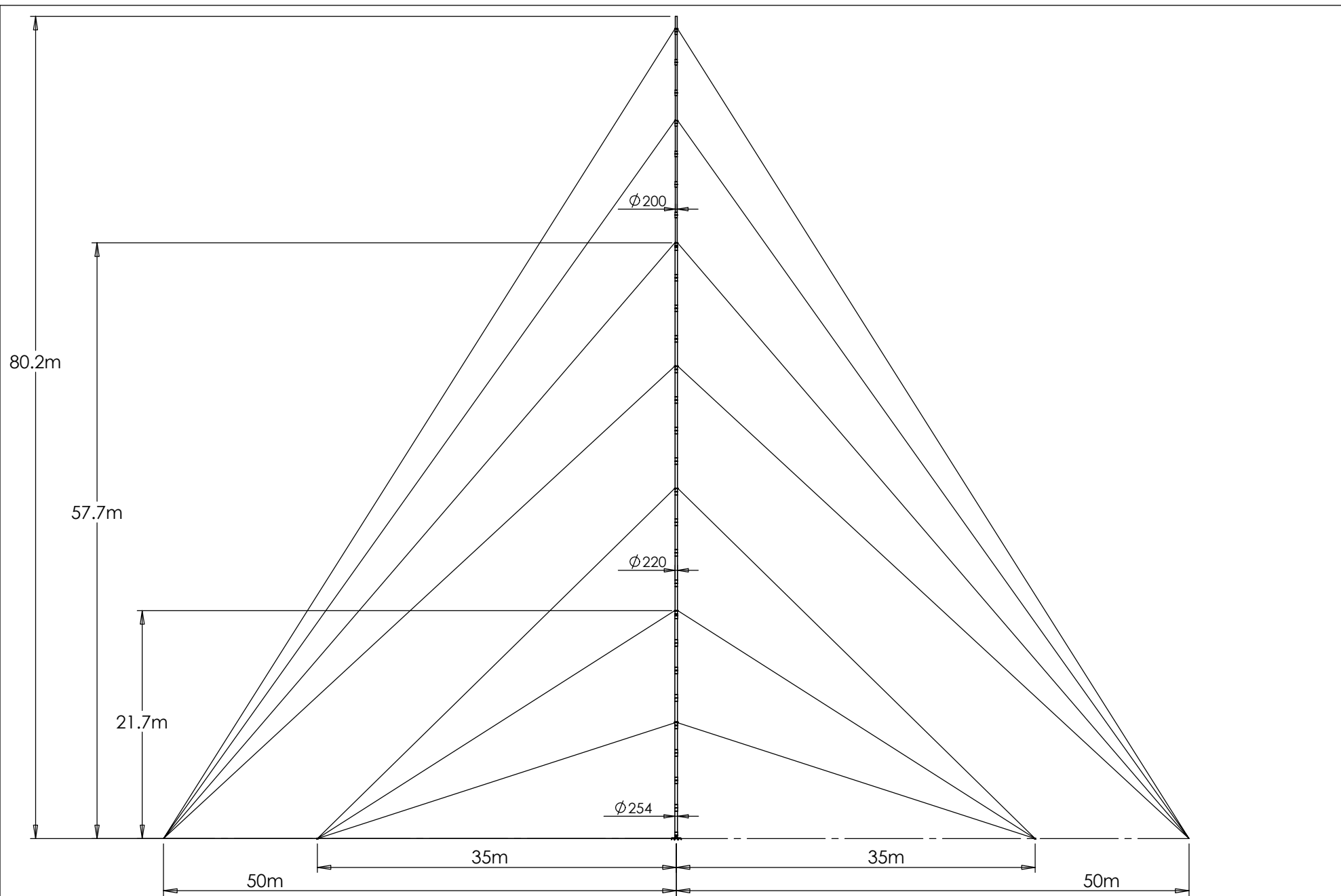
Figure 4: Access Plan

- Key:**
- Met Mast Location 1  
(242204 , 847663)
  - Met Mast Location 2  
(244335 , 846921)
  - Guywires
  - Site Application Boundary -  
10m Mast Buffer
  - Land Owned
  - Existing track
  - Haulier Unloading Point  
and Staging Area  
(241639 , 841362)



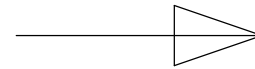
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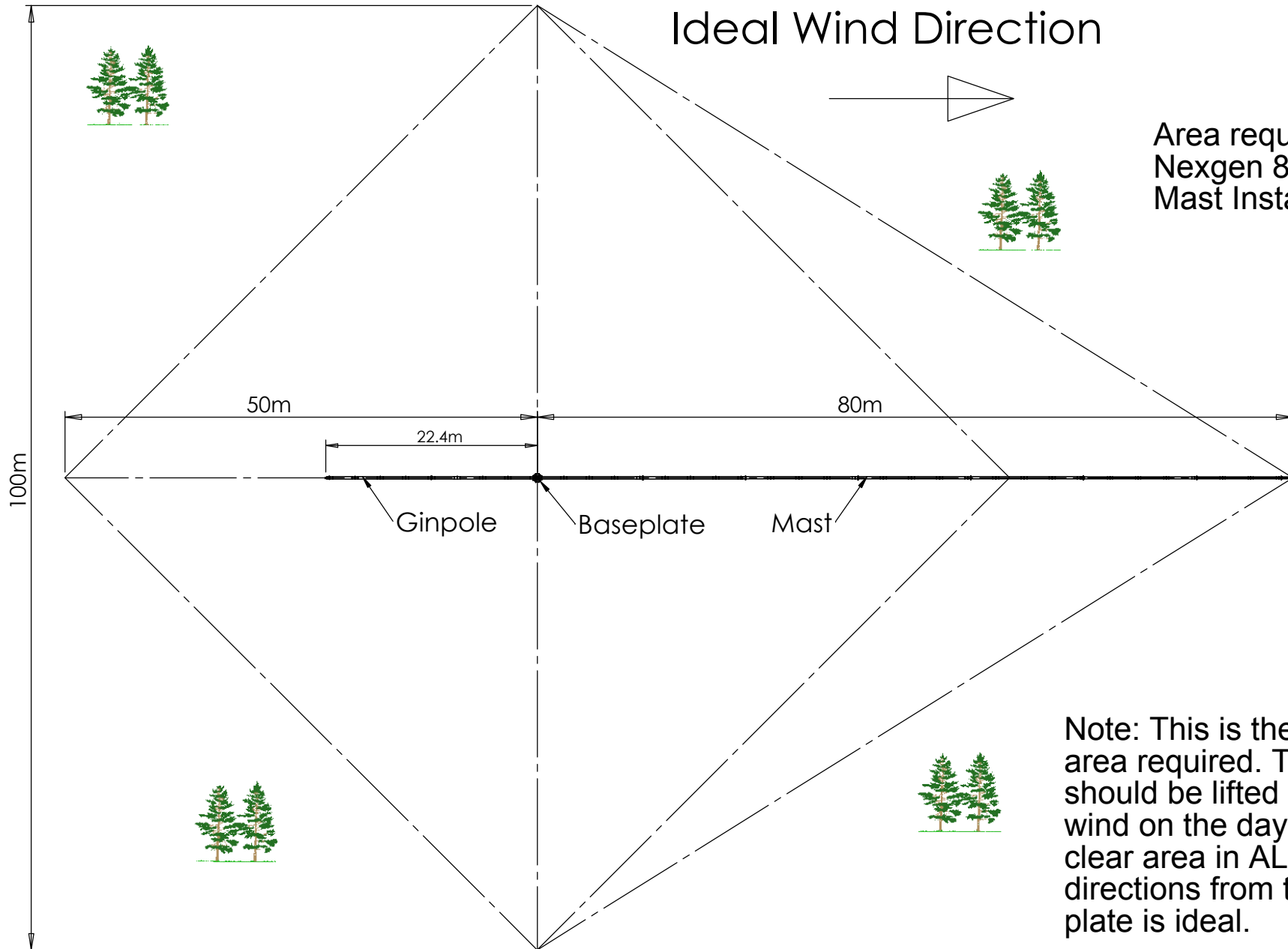


<b>Title:</b> 80m H1 Mast GA	<b>Material:</b> Mild Steel (Plated)	<b>Notes:</b> - All dimensions are in mm unless otherwise stated - Do not scale drawing - Debur all edges	THE INFORMATION CONTAINED IN THIS DRAWING IS THE SOLE PROPERTY OF WESTERN WIND POWER. ANY REPRODUCTION IN PART OR AS A WHOLE WITHOUT THE WRITTEN PERMISSION OF WESTERN WIND POWER IS PROHIBITED.	<b>Drawn by:</b> J. Amaya	Western Windpower Wallbridge Industrial Estate Stroud GL5 3JU Tel: 01453 759 408 email: info@nexgenwind.com
<b>DWG #:</b> 1-MA-80-001	<b>Revision:</b> 2	<b>Scale:</b> 1:500		<b>Date:</b> 21-March-13	

# Ideal Wind Direction



Area required for a  
Nexgen 80m H1  
Mast Installation.



Note: This is the MINIMUM  
area required. The mast  
should be lifted into the  
wind on the day. 80m  
clear area in ALL  
directions from the base  
plate is ideal.

<b>Title:</b> 80m H1 Mast Install Area	<b>Material:</b> Mild Steel	<b>Notes:</b> - All dimensions are in mm unless otherwise stated - Do not scale drawing - Debur all edges	THE INFORMATION CONTAINED IN THIS DRAWING IS THE SOLE PROPERTY OF WESTERN WIND POWER. ANY REPRODUCTION IN PART OR AS A WHOLE WITHOUT THE WRITTEN PERMISSION OF WESTERN WIND POWER IS PROHIBITED.	<b>Drawn by:</b> J. Amaya	Western Windpower Wallbridge Industrial Estate Stroud GL5 3JU Tel: 01453 759 408 email: info@nexgenwind.com
<b>DWG #:</b> For Planning	<b>Revision:</b> 2	<b>Scale:</b> 1:600		<b>Date:</b> 22-March-13	