Bhlaraidh Wind Farm Extension

Planning Statement

December 2025

Document Classification | **Public**

sse Renewables

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1. Introduction

1.1. Overview

1.1.1. This Planning Statement (this "*Statement*") has been prepared by SSE Generation Ltd (hereinafter referred to as *"the Applicant*"), in support of its application under Section 36C of the Electricity Act 1989 (the "S36C application"). The S36C application proposes the variation of the Section 36 consent granted by Scottish Ministers in May 2023 under the Electricity Act 1989 for the construction and operation of the Bhlaraidh Wind Farm Extension (the "*Consented Development*"). The application is made in accordance with the relevant provisions under The Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013 (as amended).

1.1.2. The S36C application seeks a variation to the Description of Development contained in Annex 1 of the Consented Development and seeks to increase the implementation period from six to eight years. The proposed variations to the Description of Development are discussed in Section 2 of this Statement and can be summarised as follows:

- Increase in maximum tip height from up to 180m to up to 230m
- Increase in the size of hardstand areas to accommodate larger turbines
- Optimisation of onsite access tracks

1.1.3. The Consented Development with proposed variations as summarised above, will be referred to as the Proposed Varied Development.

1.1.4. Throughout this Planning Statement, reference will be made to the Environmental Impact Assessment Report (EIAR) which has been prepared in support of the S36C Application which will be referred to as "*the EIAR*". Reference will be made to relevant Chapters within the EIAR for more detailed information.

1.1.5. It is important to note that the site enabling works for the Consented Development have already been completed. These are detailed on the site layout plan, refer to **Figure 1.2: Site Layout.** The Applicant has submitted a number of documents to satisfy planning condition requirements with The Highland Council ahead of the intended construction start on the Consented Development prior to the project being paused. A summary of the status of each planning condition, for example, whether condition wording amendments are requested and S36C relevant condition satisfaction documents is included as part of the EIAR (refer to **EIAR, Volume 4, Technical Appendix 3.6: Planning Conditions Summary)** and is also discussed further in **Chapter 3: Approach to EIA**. Documents which have been submitted to satisfy conditions and have supported the impact assessments for the Proposed

Varied Development have been included in the EIAR, refer to **Volume 4, Technical Appendices: 3.6a-i**

1.1.6. **Chapter 2: Design Iteration and Proposed Varied Development** of the EIAR provides a full, detailed description of the Proposed Varied Development and a full site description. **Volume 2** of the EIAR contains the following figures:

- **Figure 1.1: Site Location Plan** shows the site location
- **Figure 1.2: Site Layout** shows the site layout of the Proposed Varied Development
- **Figure 1.3: Wider Site Layout Plan** shows the wider site layout for the Proposed Varied Development, and
- **Figure 1.4: Varied Development Vs Consented Development Layout** shows a comparison of the site layouts of the Consented Development and Proposed Varied Development, overlaid.

1.2. The Need /Benefits Case for the Proposed Varied Development

1.2.1. Regulation 3(1)(c) of the 2013 Regulations states that an explanation should be provided as to why it is proposed that the Section 36 consent should be varied.

Need for Proposed Varied Development

1.2.2. The Proposed Varied Development is required because the Consented Development is no longer a commercially viable project in its current form. This is due to a wide range of economic challenges currently facing the Global onshore wind industry, including supply chain cost escalation and the significantly higher Transmission Network Use of System (TNUoS) costs in the North of Scotland. All of these factors together significantly increased the risk profile for the project.

1.2.3. Following a thorough internal review of the Consented Development's design, the Applicant decided to increase the project's energy yield by raising the height of the wind turbine generators (WTGs), enabling access to higher wind speeds and greater output.

1.2.4. Without the taller turbines, the Consented Development would not be commercially viable and would not proceed to construction. This would result

in the permanent loss of the opportunity to establish a wind farm at this location, along with all the associated environmental and economic benefits.

1.2.5. For the purposes of this assessment, the benefits of the Proposed Varied Development will be looked at in direct comparison to the Consented Development.

Benefits of the Proposed Varied Development

1.2.6. The Proposed Varied Development would make an extremely valuable additional contribution to the achievement of the UK and Scottish Government '*whole system'* targets to decarbonise energy consumption by increasing the zero-carbon energy yield. The increased energy production would supply more homes with clean, renewable energy and an equivalent increase in CO_2 reduction, making a valuable contribution to the Scottish Climate Change Plan targets. This contribution is indeed greater than that of the Consented Development due to its higher MW capacity (increase from a capacity of 84MW for the Consented Development to 93-108MW (dependent on wind turbine model)). Further details on the statutory and policy framework are provided in **Chapter 4: Planning Policy**.

1.2.7. A further benefit of the Proposed Varied Development is the establishment of a community investment fund valued at £5,000 per Mega Watt (MW) of installed wind energy capacity per year and index linked to Consumer Price Index (CPI). A total of £2,500 per MW would be allocated to the local fund(s) and £2,500 per MW to the regional Highland Sustainable Development Fund as administered by the Applicant. Funding will be available for the operational life of the project. The Proposed Varied Development would offer a larger investment fund than the Consented Development due to its higher MW capacity.

1.2.8. A Socio-Economic Report has been submitted to support the S36C application for the Proposed Varied Development which details how the project would bring a wealth of socio-economic benefits to the local community. These benefits include the creation of jobs and opportunities for local businesses and suppliers during the construction phase and for the lifetime of the project.

1.2.9. Sections 3 & 4 of this planning statement will demonstrate that, for a similar level of impact, or minimal increase in comparison to the Consented Development, the significant additional benefits outlined above can be realised for the Proposed Varied Development.

1.3. Legislative Context

1.3.1. Consent under Section 36 of the Electricity Act 1989 is required prior to the construction, extension or operation of a generating station with a capacity in excess of 50 MW. Since the consenting of generating plant under Section 36 of the Electricity is a matter devolved to Scottish Government, determination of such applications for consent is the responsibility of Scottish Ministers. As noted above, the relevant Section 36 consent and associated deemed planning permission for the proposed development were granted in May 2023.

1.3.2. The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the 2017 EIA Regulations") apply to S36C applications. The EIAR has been prepared in accordance with the requirements of the 2017 EIA Regulations.

1.3.3. Schedule 9 of the Electricity Act 1989 requires the Applicant to consider the '*desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest'* and '*shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.'* These considerations are factored into formulating any proposal for generating stations that require consent under Section 36 as a result of which the requirements of Schedule 9 have been addressed through the Applicant's assessment of the proposed variation under S36C as reported in the EIA Report.

1.3.4. The regulatory context for the proposed varied development is referred to where relevant in this Statement.

1.4. Purpose of the Planning Statement

1.4.1. The purpose of this Planning Statement is to consider the land use policy issues relevant to the determination of the application. Policies will be assessed, and it will be demonstrated that the Proposed Varied Development is compliant with local and national planning policies and wider Scottish, UK and International legislation and guidance relating to Climate Change.

1.4.2. This Planning Statement will present the Proposed Varied Development within the context of the current Planning Framework, comprising the National Planning Framework 4 (NPF4) adopted in February 2023 and the relevant Local Development Plans which together which make up the Development Plan. The policies and guidance contained within the Development Plan are

material considerations and therefore should be appropriately weighed in the planning balance.

1.4.3. The key assumption of this Planning Statement is that the principle of a large-scale wind farm development has already been established as acceptable in this location through the Consented Development. Therefore, policy consideration within this statement will focus on the implications of the proposed variations in comparison to the Consented Development.

1.4.4. To ensure that this statement focuses solely upon the key issues and assessment of the proposal against the Planning Framework, it will confirm where the 2025 EIAR findings support policy requirements and provide a more detailed focus on those matters which the EIAR found to be significant. It is important to note that the information contained within the EIAR will give a more detailed focus to, and an explanation of, the issues discussed within this Planning Statement.

1.4.5. The Planning Statement is structured as follows:

- Section 2 describes the Proposed Varied Development
- Section 3 discusses energy legislation and policy matters and considers the Proposed Varied Development with reference to relevant renewable energy generation and GHG reduction targets;
- Section 4 assesses the Proposed Varied Development against the relevant policies of the Development Plan, including National Planning Framework 4 (NPF4); and
- Section 5 weighs up the case for the Proposed Varied Development providing concluding remarks on its overall acceptability.

2. The Bhlaraidh Extension Proposed Varied Development

2.1. Introduction

2.1.1. As stated in Section 1.2 above, the key benefit of the Proposed Varied Development is that it presents an opportunity to generate up to an extra 24MW, which is the equivalent to powering up to an additional 18,000 homes. This additional power will support Scotland's net zero targets and renewable energy ambitions.

2.2. Planning History

2.2.1. A Section 36 application for the Bhlaraidh Wind Farm Extension project (the Consented Development was submitted in August 2021 (the *"2021 Application").* Initially, the proposal was to install 18 WTGs, however 3 turbine locations were removed from consideration as the determination process progressed. Consent for 15 WTGs with a maximum ground to blade tip height of 180 metres was granted by the Scottish Ministers in August 2022 together with a direction under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 granting deemed planning permission.

2.2.2. The Scottish Ministers' decision letter for the Consented Development sets out their main considerations in determining the application and the relevant material considerations taken into account. The decision letter is contained within **Planning Statement – Technical Appendix 1: Bhlaraidh Wind Farm Extension Sec36 Decision Letter – 30.08.22**.

- the landscape and visual impacts and their cumulative effects including the
- effects of aviation lighting;
- the impact on designated sites and protected landscapes; and
- the extent to which the Proposed Development accords with and is supported
- by Scottish Government policy.

2.2.3. Key reasons given by the Scottish Ministers in granting consent for the Consented Development are outlined in the decision notice and are summarised as follows.

- **Renewable Energy Contribution**: supports Scotland's renewable energy targets and climate change commitments by increasing clean energy generation capacity.
- **Carbon Emission Reduction**: contributes to reducing greenhouse gas emissions, aligning with national and international climate goals.

- **Economic Benefits**: expected to deliver local economic benefits, including job creation during construction and operational phases of the Proposed Development. The Scottish Ministers are satisfied the Proposed Development has the potential for positive net economic benefits for the local communities of the Highlands and for Scotland
- **Landscape and Visual Impact**: impacts on landscape and visual amenity were not deemed significant enough to outweigh the benefits. Mitigation measures were considered sufficient. The Scottish Ministers note that in the response to the Application consultation the Highland Council stated *"On balance, and subject to the removal of turbines 13, 14 and 18, it is considered that the landscape and visual impact of the scheme can be seen as acceptable".* It is also noted by the Scottish Ministers that in the response to the additional consultation The Highland Council stated that, overall, the impact of the removal of the three turbines would be *"reduced from VPs, by improving the overall composition through horizontal containment, removing the most prominent/perceptible turbines and reduced stacking or density of turbines".*
- **Wildlife and Ecology**: Environmental assessments concluded that impacts on protected species and habitats could be managed through conditions and mitigation strategies.
- **Public Interest and Policy Alignment**: The proposal aligns with national planning policy and is considered to be in the public interest. The proposal was found to be consistent with relevant national and local planning policies, including Scotland's Onshore Wind Policy Statement and National Planning Framework 4 (NPF4)

2.3. Proposed Varied Development Description

Site Location

2.3.1. Regulation 3(1)(b) of the 2013 Regulations specifies that the location of the Proposed Varied Development must be identified by reference to a map. As stated above Fig 1.1 of the EIAR shows the location of the Proposed Varied Development.

2.3.2. The site of the Proposed Varied Development (**Figure 1.1**) ("the Site") remains as per the Consented Development. The Site is located on the Glenmoriston Estate, north-west of Invermoriston. The British National Grid (BNG) reference for the centre point of the Turbine Development Area is (NH) 239512, 820991.

2.3.3. A full site description is set out in Chapter 2 of the EIAR.

Proposed Varied Development – Key Components

2.3.4. Regulation 3(1)(b) of the 2013 Regulations specifies that the Proposed Varied Development should be described. The key components of the Proposed Varied Development are as follows:

- 15 WTGs each with internal transformers, a maximum tip height of 230m and nominal rotor diameter of 163m.
- Crane hardstanding and associated laydown area at each WTG location;
- A new on-site substation, welfare building and storage;
- On site access tracks (of which approximately 8.1 km is new access tracks and approximately 13.5 km are existing tracks, where upgrades may be required to facilitate delivery of the WTG components);
- A network of underground cabling to connect each WTG to the on-site substation;
- A LiDAR unit to collect meteorological and wind speed data, and associated hard stand; and
- Any associated ancillary works required.

2.3.5. The maximum capacity of the Proposed Varied Development will between 93MW and 108MW depending on the model of wind turbine selected. This is an increase from the Consented Development which proposed a maximum capacity of 84 MW.

Proposed Varied Development / Consented Development Comparison

2.3.6. **Table 2.1** summarises the differences between the Consented Development and the Proposed Varied Development in terms of the description of development.

Table 2.1 Summary of Differences between the Consented Development and the Proposed Varied Development (replicated from EIAR)

S36 Consent (Annex 1 Description of Development)	S36c Proposed Variations
15 turbines each with a maximum blade tip height of up to 180m	15 turbines each with a maximum blade tip height of up to 230m. While the overall layout of the scheme is not substantially changed, due to the increase in tip height and resultant change to wake zones and increased safety buffer for topple distance, some turbines have necessarily been repositioned.
Crane hardstandings for each turbine	The size of the hardstands has increased to reflect the proposed candidate turbine model. Some hardstands have also been repositioned /reorientated to improve and reduce earthworks requirements and in response to turbine repositioning.
Approximately 7.9km of new access tracks	Very slight change to the approximate length of the new track to approximately 8.1km Some spurs may get longer, especially T10, but this is balanced against some shorter spurs (T16 + T05). It is estimated that just over 100m – 200m of additional track is required. 1.4km of access track was constructed in 2024 as part of the site enabling works.
Approximately 13.5km of existing access tracks	No change.
An onsite substation	No change. The substation platform has been constructed during site enabling works up to 275mm below final ground level (bFGL) as part of the Site Enabling Works in 2024. The final 275mm profile and construction of the substation building and associated infrastructure is still to occur as part of the main works. The transformer configuration is expected to change slightly,
Eight turning heads	Nine turning heads to accommodate turbine supplier delivery requirements for larger components.
Up to eight borrow pit search areas;	Up to seven borrow pit search areas two of which have been worked and reinstated during Enabling Works and shall not be reused during main works
Two temporary construction compounds;	No change
A single permanent LIDAR station;	No change
A concrete batching plant	No change
Six new access track water crossings	No change

Two routes of cross country cabling approximately 700m and 1200m in length.	Two routes of cross country cabling approximately 730m and 1010m in length. (total 1740m).

3. Climate Change, Energy Legislation & Policy Considerations

3.1. Introduction

3.1.1. This section provides a commentary on legislation, policy and other relevant statements and reports which together comprise the legislation and policy in place to address climate change, reduce greenhouse gas (GHG) emissions and maximise renewable energy production. Only the most salient pieces of energy legislation and policy considered to be of most relevance to the Proposed Varied Development are discussed.

3.2. Legislation Framework

3.2.1. To demonstrate the scale of local, national and global support for tackling climate change and for renewable energy, the key legislation and policies are summarised below. The relevance of this legislation and policies to the Proposed Varied Development (with a capacity of between 93-108MW) will also be discussed. The following paragraphs clearly demonstrate the global support for tackling climate change, for renewable energy and a transition away from fossil fuels.

International legislation and Reports

3.2.2. **Paris Agreement 2015** is a global treaty adopted at COP21 to combat climate change with it aims to limit global temperature rise to well below 2°C, ideally 1.5°C. The Agreement Requires all 195 UN member countries to submit and update Nationally Determined Contributions (NDCs) every 5 years. The UK ratified the agreement on 17 November 2016, influencing its domestic energy and climate policy.

3.2.3. The **United Nations (UN) Emissions Gap Report 2024** assesses the gap between current GHG emission trends and targets needed to meet Paris goals warns that current policies may lead to 2.6–3.1°C warming by century's end. The report calls for: 42% global emissions reduction by 2030; 57% reduction by 2035; Stronger Nationally Determined Contributions (NDCs) and rapid action via renewables, energy efficiency, and reforestation

3.2.4. While the **Outcomes of the Conference of Parties 28 ('COP28')** in Dubai in December 2023 did not call for a full phasing out of the use of fossil fuels,

there was a call for countries to transition away from fossil fuels with some noting that this marks the "*beginning of the end*" of the fossil fuel era.

3.2.5. The Proposed Varied Development supports the UK's NDC and the Paris Agreement in that it would directly reduce reliance on fossil fuels and hence help to lower GHG emissions. The UK's ratification of the Paris Agreement has shaped domestic energy policy (e.g., net zero by 2050) – a target to which the Proposed Varied Development will go towards to a greater extent than the Consented Development given that it will increase the capacity of the wind farm by up to 24MW. A project of up to 108MW demonstrates tangible progress toward these targets.

UK Legislation

3.2.6. **The Climate Change Act 2008**[1] became law on 26 November 2008 and introduced a legally-binding target for the UK to reduce greenhouse gas (GHG) emissions by at least 80% by 2050, relative to 1990 levels It also established The Committee on Climate Change. This was updated by the **Climate Change Act 2008 (2050 Target Amendment) Order 2019**[2] which committed the UK to net zero emissions by 2050.

3.2.7. **The Climate Change (Scotland) Act 2009**[3] set a target of 80% emissions reduction by 2050, with a 42% interim target by 2020 and introduced Public Bodies Climate Change Duties, requiring sustainable and climate-conscious decision-making.

3.2.8. **The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019**[4] raised ambition to net zero by 2045, ahead of the UK-wide target and introduced annual reporting and emphasized a Just Transition.

3.2.9. **The Climate Change (Emissions Reduction Targets) (Scotland) Act (2024**) abandons the interim emissions reduction targets due to acknowledgement of 75% reduction by 2030 as "*being out of reach*". It replaced interim targets with five-year carbon budgets to guide progress toward 2045 net zero.

3.2.10. **The Energy Act 2023** became law on 26 October 2023[5] and aims to reduce reliance on fossil fuels and boost domestic clean energy production. It

[1] Climate Change Act 2008

[2] The Climate Change Act 2008 (2050 Target Amendment) Order 2019

[3] Climate Change (Scotland) Act 2009

[4] Climate Change (Emissions Reduction Targets) (Scotland) Act 2019

[5] Energy Act 2023

supports investment in green technologies and energy independence and has been described as the most significant energy legislation in a generation.

3.2.11. Upon the Act's introduction, then Energy Security Secretary Claire Coutinho stated, *"The Energy Act is the most significant piece of energy legislation in a generation. It will drive investment in clean energy technologies and support thousands of skilled jobs nationwide. It establishes the groundwork for greater UK energy independence, making us more secure against threats like Putin, and helps us to power Britain with British energy."*

3.2.12. As has already been stated, the Proposed Varied Development provides measurable emissions reductions for UK and Scottish climate targets and aligns with duties on public bodies to act sustainably. In terms of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2024, the output from the Proposed Varied Development can be factored into Scotland's carbon budgets, showing progress toward net zero by 2045 (a legally binding net zero target for Scotland), and when comparing the Proposed Varied Development to the Consented Development it is important to emphasise that this will be an addition of up to 24MW towards the net zero target.

3.2.13. The Energy Act 2023 explicitly supports investment in renewables to generate clean electricity domestically, and to reduce reliance on fossil fuels, which it is evident that the Proposed Varied Development will do. Claire Continho's statement in paragraph 3.2.12, the Energy Act, highlights the Act's role in driving clean energy investment and job creation. The Proposed Varied Development embodies this vision creating employment during construction, operation, and maintenance of the wind farm. For more information relating to employment generation as a result of the Proposed Varied Development, refer to the stand-alone Socio-Economic Report submitted along-side the S36C Application.

UK Energy Policy

3.2.14. **The Climate Change Committee – 2024 Progress Report to Parliament** (published July 2024)[6] Overall the report showed mixed progress in different sectors and certain gaps in government policies. The report also stated that the UK was at risk of missing up and coming carbon budgets unless urgent action was taken to accelerate emissions reductions. There is strong support for the deployment of clean energy technologies. To meet the targets, the report states that annual offshore wind installations must increase at least

[6] Progress in reducing emissions 2024 Report to Parliament - Climate Change Committee

threefold, onshore wind installations need to double, and solar installations must grow fivefold.

3.2.15. In terms of planning, a key priority is to remove barriers for heat pumps, electric vehicle charge points, and onshore wind. In Scotland, the National Planning Framework 4 (NPF4) has established a positive policy framework to achieve this, as discussed in Section 3.

3.2.16. In July 2024, the new UK Government published a '**Policy Statement on Onshore Wind**,[7]' which committed to doubling onshore wind energy by 2030. This includes immediately lifting the de facto ban on onshore wind in England, in place since 2015.

3.2.17. **Clean Power 2030 Action Plan; A new era of clean electricity**[8] primary aim is for the UK to achieve clean power by 2030 to increase energy security and improve affordability, while reducing greenhouse gas emissions. The plan lays out key measures to meet its goal of decarbonising the electricity grid by 2030, including sweeping changes to planning, grid connections, and renewable energy policies.

3.2.18. In the Ministerial foreword, the Secretary of State Ed Milliband highlights that since Russia's invasion of Ukraine, Britain has faced a severe cost of living crisis due to its dependence on volatile fossil fuel markets. He goes on to state that this has affected every family and business, leaving the country vulnerable to future energy shocks. The solution proposed is to rapidly transition to clean, homegrown energy to reduce this vulnerability.

3.2.19. It is clear from summaries of UK energy policies referenced above that there is strong support for the deployment of renewable energy. This Proposed Varied Development represents a significant opportunity to respond directly to this action plan by committing to up to 108MW of clean homegrown energy which is up to 24MW more than what was proposed for the Consented Development.

Scottish Energy Policy

3.2.20. **Onshore Wind Policy Statement 2022 (OWPS)** Onshore wind is deemed **"mission critical"** for achieving Scotland's climate targets. Onshore Wind development was recognised for its role in energy security, biodiversity, and land use transformation (e.g. peatland restoration). Planning guidance (linked to NPF4) **supports taller, more efficient turbines** and prioritises climate and

[7] Policy statement on onshore wind - GOV.UK

[8] Clean Power 2030 Action Plan: A new era of clean electricity – main report - GOV.UK

community benefits and lastly emphasises a **just transition**, ensuring local communities benefit socially and economically from wind developments.

3.2.21. Section 3.6 of the Statement discusses landscape and visual considerations, linking them with NPF4 (covered in Section 4 of this Planning Statement). Paragraph 3.6.1 states that taller and more efficient turbines will be required to meet climate change targets, which will alter the landscape. This clear statement from the Scottish Government acknowledges that achieving net-zero will result in noticeable landscape changes, which society must accept. Policy 11(e)(ii) of NPF4 also recognizes this point. While not all renewable energy projects will receive approval, the OWPS aspires to ensure that "the right development happens in the right place." Paragraph 3.6.2 emphasizes that greater weight will now be given to a development's contribution to the climate emergency and community benefits in the planning balance. To meet legally binding climate change targets, decision-makers must recognize the enhanced need for more onshore wind to achieve the 2030 20GW ambition.

3.2.22. **Draft Energy & Just Transition Plan (2023)**[9] vision is for a net zero energy system by 2045 that is secure, affordable, and equitable and focuses on economic opportunity and fairness during the energy transition.

3.2.23. The **2023 Progress in Reducing Emissions Report to the Scottish Parliament**[10]**,** published in March 2024, highlighted several key points. Scotland missed its 2021 emissions target (51.1% reduction) — the 8th miss in 12 years and the UK's Climate Change Committee (CCC) declared the 2030 target "beyond credible" due to insufficient policies. In response, the Scottish Government abandoned the 75% by 2030 target in April 2024 but reaffirmed commitment to net zero by 2045.

3.2.24. The **Programme for Government was published in September 2024**[11] and represents the latest statement of the Scottish Government's priorities across various issues. Although it is not specifically an energy policy document, it includes significant statements on how the Scottish Government plans to address the climate emergency, nature crisis, and renewable energy, among other topics. The statement prioritises tackling the climate and nature crises, citing recent breaches of the 1.5°C warming threshold and reiterates Scotland's renewable energy potential as a key environmental and economic asset. Lastly, it commits to publishing the final Energy Strategy and Just

[9] Draft Energy Strategy and Just Transition Plan - gov.scot

[10] Progress in reducing emissions in Scotland - 2023 Report to Parliament - Climate Change Committee

[11] Programme for Government 2024-25: Serving Scotland

Transition Plan, doubling renewable ambitions and creating a clean energy pipeline.

3.2.25. The Proposed Varied Development which has a capacity of up to 108 MW is strongly supported by the Scottish policy framework as described above. It is directly aligned with national climate and energy targets, embodies the OWPS 2022 mission-critical role of onshore wind, contributes to energy security, biodiversity, and just transition goals and it helps address emissions shortfalls. The additional capacity of up to 24MW of power generated for the Proposed Varied Development when compared to the Consented Development provides an even stronger case for the Proposed Varied Development when assessing against the Scottish energy policies.

Progress towards Net Zero Targets in Scotland

3.2.26. The legally binding commitment to achieve net zero by 2045, as reaffirmed through the Climate Change (Emissions Reduction Targets) (Scotland) Act 2024, provides a clear national policy framework that strongly supports the delivery of large-scale renewable energy projects such as the Proposed Varied Development. While the interim 2030 target has been abandoned and annual emissions targets replaced with broader carbon budgeting, the overarching requirement to decarbonise Scotland's energy system remains unchanged. In this context, National Planning Framework 4 (NPF4) explicitly prioritises developments that contribute meaningfully to net zero goals. The Proposed Varied Development will deliver substantial carbon savings, enhance energy security, and contribute directly to Scotland's renewable energy pipeline, thereby aligning with both the legislative framework and national planning priorities. This policy environment confirms that the project represents the type of development necessary to ensure Scotland remains on track to meet its long-term climate obligations.

4. The Development Plan

4.1. Introduction

4.1.1. As an application under the Electricity Act (1989), this legislation provides the relevant considerations to determine the application, with the Development Plan not having primacy but still, potentially, containing material considerations of relevance. An appraisal of the Development Plan is provided within this section.

4.1.2. The statutory Development Plan as it relates to this S36C application comprises the following documents:

- National Planning Framework 4 (NPF4) – adopted 13th February 2023;
- The Highland-wide Local Development Plan (HwLDP) (adopted April 2012).
- Onshore Wind Energy Supplementary Guidance November 2016 including Addendum Supplementary Guidance: 'Part 2b', December 2017
- Emerging Highland Local Development Plan (Evidence Report)
- Inner Moray Firth Local Development Plan 2 (IMFLDP2) (adopted June 2024)

4.2. National Planning Policy Framework 4 (NPF4) (2023)

4.2.1. Adopted in February 2023, NPF4 sets out the long-term vision for development and investment across Scotland and has replaced Scottish Planning Policy (SPP) and National Planning Framework 3 (NPF3).

4.2.2. NPF4 represents Scotland's long-term plan to 2045 that guides spatial development, sets out national planning policies, designates national developments and highlights regional spatial priorities. NPF4 has refocussed national planning policy upon the response to the growing climate and nature crises. The delivery of new renewable energy infrastructure is central to that response.

Impact of NPF4

4.2.3. While not all renewable energy applications will be granted permission and there is still a need for decision makers to apply the *'planning balance'*, it is widely agreed that the introduction of NPF4 is having a material effect upon the weight that decision makers give to the global climate emergency and

nature crisis. While not all renewable projects are approved, the framework has tilted the balance toward supporting green energy.

4.2.4. Two wind farm proposals initially recommended for refusal were later approved after NPF4 was introduced. In the case of **Clashindarroch II** Windfarm, the Reporter revised their stance, citing greater importance now placed on renewable energy contributions and emissions targets (the Scottish Government's Planning and Environmental Appeals Division (DPEA) Reference WIN-110-2, 3 March 2023)[12]. In the case of **Shepherd's Rig** Windfarm (post NPF4 Supplementary Report to Ministers (DPEA Reference WIN-170-2005, 2 March 2023)[13], the updated policy context led to a reassessment, where the benefits to renewable energy targets outweighed previous concerns about recreational impacts.

4.2.5. As is stated in Section 1.2 and Section 2.1 of this statement, the Proposed Variation Development will make a significantly improved contribution to emissions targets than the Consented Development. It is the Applicant's view that this additional contribution outweighs the minimal impacts assessed to be not significant in the EIAR of the Proposed Variation Development when compared to the Consented Development. Furthermore, and as previously noted, the Applicant is unable to proceed with the construction of the Consented Development due to its lack of economic viability. Consequently, if consent is not granted for the Proposed Varied Development, the opportunity to establish a wind farm at this location could be lost, and as a consequence, no contribution will be made toward renewable energy targets from this otherwise promising development site.

4.2.6. The Proposed Varied Development would provide renewable generation and would make a more meaningful contribution than the Consented Development to targets within this key timescale and that is a very important consideration.

NPF4 - Policies

4.2.7. NPF4 sets out a list of national planning policies to assess applications, alongside national developments and spatial priorities for different regions within Scotland. NPF4 is an outcome focused document, with each of the 33 planning policies accompanied by statements on 'Policy Intent' and 'Policy Outcomes'.

[12] Scottish Government - Energy Consents Unit - Application Details

[13] Scottish Government - Energy Consents Unit - Application Details

4.2.8. NPF4 states that the policy sections of NPF4 are to be used in the determination of planning applications and the policies should be "*read as a whole".* NPF4, Part 3 states:

4.2.9. "The policy sections are for use in the determination of planning applications. The policies should be read as a whole. Planning decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. It is for the decision maker to determine what weight to attach to policies on a case-by-case basis. Where a policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies."

4.2.10. The aforementioned Chief Planner letter dated 27 June 2024 (paragraph 4.1.3), confirms that 'the sections on *'policy intent' within NPF4 are provided to help decision makers deliver on policy aspirations*. The Chief Planner discussed the implementation of NPF4 and reinforced the position of the Scottish Ministers that *'policies in NPF4 should be read and applied as a whole and that conflicts between policies are normal and to be expected'*

4.2.11. For the purposes of this Proposed Varied Development, the relevant policies are as follows:

- Policy 1: Tackling the Climate and Nature Crisis
- Policy 3: Biodiversity
- Policy 4: Natural Places
- Policy 5: Soils
- Policy 7: Historic Assets and Places
- Policy 11: Energy.
- Policy 22: Flood Risk and Water Management
- Policy 25: Community Wealth Building
- Policy 33: Minerals.

4.2.12. NPF4 requires that significant weight should be placed on the climate crisis and on the contribution of developments to renewable energy and reduction of greenhouse-gas-emission targets, respectively. These policies provide additional support for the Proposed Varied Development and are used to assess the proposals conformity with this part of the development plan.

4.2.13. Policy 11 of NPF4 is the policy most relevant in the consideration of wind energy development and hence the Proposed Varied Development and will therefore be assessed first.

Policy 11 – Renewable Energy

4.2.14. The intent of Policy 11 is "To encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS)." The policy outcome is stated as the "Expansion of renewable, low-carbon and zero emissions technology".

4.2.15. Policy 11(a) states that "Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported…." It is clarified in Policy 11 (a)(i) that this includes wind farm development proposals albeit outside National Parks and National Scenic areas (Policy 11(b)).

4.2.16. There is no doubt that the wording of Policy 11 (a)(i) supports new wind development. However, consideration should be given to the fact that NPF4 Part 3 states "where a policy states that development will be supported, it is in principle, and it is for the decision maker to take account of all other relevant policies". The principle of the development of a wind farm in this location has already been established by the Consented Development, however the Proposed Varied Development still requires to be assessed against other policies within NPF4, and a balanced decision made. Each application should be treated on its own merits having regard to assessment criteria within Policy 11 (e) which will be explored in more detail in the commentary provided in the table below.

4.2.17. Policy 11 (c) states that development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. As stated in paragraph 2.2. of Section 2 of this statement, in the Scottish Minister's decision letter for the Consented Development, it is stated that the Scottish Ministers are satisfied that the proposed Development has the potential for positive net economic benefits for the local communities of the Highlands and for Scotland. The Maximising Socio-economic Benefits Statement which accompanies the Section 36C application, provides more detail with regard to the Applicants proposed contributions to the local community for the Proposed Varied Development. In summary, the Statement confirms that the Applicant has committed to maintain a community benefit fund of £5,000 per megawatt, in alignment with the Highland Council's Social Value Charter. The statement also confirms that the project will support local supply chains, promote skills development, and ensure fair work practices, including the payment of Living Wages. As part of this Statement, an Economic Impact Assessment has been conducted using the Scottish Renewables and BiGGAR Economics framework in line with Policy 11 (c).

4.2.18. It is clear from the Socio-Economic Benefit Report that overall, the Proposed Varied Development is expected to generate substantial economic benefits for both the Highlands and Scotland, as outlined in the impact assessment conducted by BiGGAR Economics.

4.2.19. In terms of addressing Policy 11 (e), it will be demonstrated in the following table (**Table 4.1)** how mitigation measures proposed have addressed any additional impacts of the Proposed Varied Development when compared to the Consented Development. The design principles established for the Consented Development remain as embedded mitigation to the Proposed Varied Development as they have already been established as acceptable mitigation for the perceived impacts of the Consented Development. See the relevant chapters of the **2021 EIAR** and the **2022 AIR** of the Consented Development for further information on additional mitigation measures to address impacts.

Table 4.1 Assessment of Policy 11 (e)

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker.	***Impacts to Communities & Individual Dwellings*** <u>Residential Amenity</u> As is stated within the EIAR (**Volume 1, Chapter 8 – Landscape and Visual**) there are no properties which would experience a view of the development within 2km of the turbines. The following residential receptors were scoped into the EIAR for assessment of effects from the Proposed Varied Development in comparison to the Consented Development. • R7 (Properties south of Dores) • R9 (Easter and Wester Aberchalder and Migovie) • R12 (Garthbeg, Corriegarth Lodge and nearby properties) • R13 (A range of properties in the vicinity of the B862 minor public road in the area near Whitebridge) • R14 (Knockie Estate Cottages and properties in vicinity including Knockie Lodge Hotel) A full and robust comparative assessment was undertaken and is demonstrated within Chapter 8 and the associated Figures and Technical Appendices. Although some new significant effects were identified for

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	residential receptor R13, the assessment demonstrates that for most receptors the increase in turbine size would not change the previously assessed effects such that they would be considered significant. In terms of mitigation, no additional mitigation is proposed other than mitigation embedded within the design of turbine location and site location. Visual Impact Most viewpoints and routes included in the visual assessment for the Proposed Varied Development, it was concluded that they would experience similar visual effects to those previously identified for the Consented Development, several are expected to see an increase in visual effects primarily due to the greater height and prominence of the larger turbines, which will make them more noticeable from certain viewpoints and routes. Although some new significant effects were identified, for most receptors the increase in turbine size would not change the previously assessed effects such that they would be considered significant. As with any additional impact on residential receptors, in terms of mitigation, no additional mitigation is proposed other than mitigation embedded within the design of turbine location and site location. A full assessment of the visual impact of the Proposed Varied Development in comparison to the Consented Development is provided in **EIAR, Volume 1, Chapter 8: Landscape and Visual.**

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	Aviation Lighting The **EIAR, Volume 4, Technical Appendix 8.9: Landscape and Visual Assessment of Lighting** describes the impacts of the proposed aviation lighting scheme on residential receptor groups. Proposed visible lighting to be installed on five wind turbines for the Proposed Varied Development, which is a change from the Consented Development which had no requirement for any visible lighting. Perceived significant effects were identified for two out of five residential groups within the study area during low light conditions and the hours of darkness. Additional mitigation measures are suggested in the Bhlaraidh Extension Wind Farm Aviation Lighting Assessment Report which are currently still in discussion with the Civil Aviation Authority. Mitigation measures suggested including reduced lighting intensity at different vertical angles and the dimming of the visible aviation lights based on meteorological visibility (refer to **Volume 4, Technical Appendix 8.9** of the EIAR for more detailed information). Noise **Chapter 11: Noise and Shadow Flicker** of the EIAR considers noise arising from the construction, operation and decommissioning phases. The findings of this assessment were that noise and vibration from both construction and decommissioning are not expected to increase for the Proposed Varied Development in comparison with the Consented Development. The operational noise effects of the Proposed Varied Development have been predicted and assessed in accordance with

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	ETSU-R-97 and the IOA GPG, and in comparison to the Consented Development's noise limit. It was found that operational noise levels would be within the consented noise limit, and it was therefore concluded that such effects would remain as **not significant** and therefore no additional mitigation measures have been proposed. <u>Shadow Flicker</u> **Chapter 11: Noise and Shadow Flicker** also addresses the impact of the shadow flicker on residential amenity. As is explained in this chapter of the EIAR, Scottish Government Guidance states that shadow flicker should not be a problem where there are at least 10 rotor diameters separation between turbines and dwellings. It has been demonstrated that there are no dwellings located within 11 rotor diameters of a turbine, and therefore shadow flicker effects are considered to remain **not significant** and therefore no additional mitigation measures have been proposed. It has been demonstrated that, where necessary, project design and mitigation measures have been put in place to address impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker from the Proposed Varied Development in comparison to the Consented Development. For a full assessment refer to **EIAR, Volume 1, Chapters 8, 11, and 15** (and all relevant Appendices) of the EIAR. It is considered that **Policy 11 (e)(i)** has been fully addressed.

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
ii. significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable;	This section of **Policy 11** indicates that proposals are typically acceptable if significant landscape and visual impacts are confined to a local area and/or appropriate design mitigation measures have been implemented. However, it is clear from this policy that if landscape and visual impacts go beyond localised and appropriate design mitigation has been put in place the impacts would also generally be acceptable. In terms of the mitigation of landscape and visual impacts, embedded mitigation in terms of the design of the wind farm, for example the location of the turbines has already been demonstrated through the design Consented Development. Although the Proposed Varied Development turbines would be 50 m taller than those of the Consented Development, the majority of the identified receptors in the study area would experience very similar effects from the 2 schemes. Increased visual effects would be experienced by five VPs, two residential receptors and two routes (refer to **Chapter 8: Landscape and Visual Tables 8.8, 8.9, 8.10** and **8.11** which summarise a comparison of the effects). The landscape assessment has found that while there would be increases in effect within two Landscape Character Types (LCTs), significant effects would be localised and limited to LCT 222, within which the Proposed Varied Development would be located. While there would be an increase in the level of effect within the Loch Ness and Duntelchaig SLA, significant effects would be localised. Within other designated and protected landscapes it is considered that effects are unlikely to increase to significant levels.

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	Although not directly comparable, the Proposed Varied Development is anticipated to give rise to some increased and/or new significant effects. Cumulative landscape impacts are predicted for one LCT as well as for the Loch Ness and Duntelchaig SLA, with new significant effects concentrated around Meall Fuar-mhonaidh. For other LCTs and the wider SLA, effects are expected to remain not significant. Cumulative visual impacts are forecast at two viewpoints, one residential grouping, and two routes, while for other visual receptors cumulative effects are predicted to remain not significant. Although the addition of the Proposed Varied Development to the cumulative baseline will increase turbine visibility in certain areas, this would generally align with the pattern established by the Consented Development. While individually these are considered to constitute a material change in the effects on the receptors, when assessed within the broader framework of the scheme they represent only a modest adjustment to the overall impact. In terms of the impact of Aviation Lighting on Landscape and Visual, **Volume 4, Technical Appendix 8.9: Landscape and Visual Assessment of Aviation Lighting** of the EIAR provides a detailed assessment of the impact of aviation lighting. The majority of the representative VPs, residential groupings, and routes were selected for inclusion within the aviation lighting assessment have been identified as likely to experience similar effects to those identified for the main LVIA (**Volume 1, Chapter 8: Landscape and Visual**).

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	While the aviation lights would be theoretically visible from large parts of the Study Area, the majority of landscape and visual receptors are located over 5 km away, meaning that they would only ever perceive the aviation lighting at lower levels of intensity. The aviation lights would generally represent a small but perceptible change within the wider landscape and views. Given the rural nature of the Study Area, there are relatively few places outside of the settlements and routes, where receptors would regularly be present to experience the effects of the aviation lights. This assessment concludes that the effects of visible aviation lighting, would be significant from one LCT, the Loch Ness and Duntelchaig SLA, four VPs, two residential groups and the Great Glen Way. This is largely due to the absence of artificial light within the study area and receptors which would therefore generally be more sensitive to this type of change. While this represents a significant adverse effect, its limited duration (during low light conditions and the hours of darkness) means it is clearly outweighed by social, environmental, or economic benefits of at least local importance. Furthermore, residual effects may be reduced through additional mitigation measures, which could be agreed upon through ongoing engagement with aviation stakeholders, thereby potentially lessening the overall impact of aviation lighting. These mitigation measures include reduced lighting intensity at different vertical angles and the dimming of lights based on meteorological visibility (refer to **Section 2** of **EIAR, Volume 4, Technical Appendix 8.9)**

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	Overall, the EIAR LVIA concluded that the Proposed Varied Development would result in some increased significant effects on landscape character and visual amenity, affecting relatively localised parts of the wider landscape and visual amenity. Although there would be some increases in anticipated effects identified in the Proposed Varied Development LVIA, including some new significant effects, the findings are broadly consistent with the Consented Development LVIA. As is explained in the conclusion of **Volume 1, Chapter 8** in the EIAR, mitigation for landscape and visual effect for the Consented Development was undertaken through an iterative design process from which the preferred layout evolved. The Proposed Varied Development turbines have remained in predominantly similar positions as the Consented Development turbines as this is still considered to be the optimal layout based on the iterative design process. In terms of the limited occasions whereby there is an increase in the perceived visual impact of the Proposed Varied Development when compared to the Consented Development, additional mitigation measures are not feasible. However, it is the considered that these increases in landscape and visual impact are not deemed significant enough to outweigh the overall benefits of the Proposed Varied Development as has already been described. It is considered that **Policy 11 (e)(ii)** has been fully addressed.

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
iii. public access, including impact on long distance walking and cycling routes and scenic routes;	As stated above, the design principles adopted during the design iterations for the Consented Development were to ensure that the final design of the development was the most suitable for the Site. These design principles included avoiding or minimise setting effects on heritage assets; avoid siting of turbines on areas of the Site identified to be visually sensitive from key views, including the elevated ridge of Carn Tarsuinn and the south eastern corner of the Site; avoiding skyline effects, backgrounding, and inconsistent turbine spacing, such as relatively large gaps, outliers or excessive overlapping turbines to minimise visual confusion and ensure a balance / compact array from key views. Existing tracks and infrastructure are utilised, where practical, in order to reduce the footprint of the Proposed Varied Development; The Site is located in a remote area, which is not well-known for walking or rambling, with no official paths, cycle paths or recreation routes running through the site. An Outdoor Access Plan was produced to satisfy Condition 26 of the Consented Development. Due to the relatively minor changes associated with the Proposed Varied Development in comparison to the Consented Development, it is not anticipated that the Proposed Varied Development would result in an increase of onsite activity during construction, and therefore it would not have any additional impact on public access, walking routes, cycle routes and scenic routes during the construction phase. There could potentially be some disruption to public access and temporary access restrictions caused by construction traffic activity and around active

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	work zones as would be the case for the Consented Development, however clear signage and other mitigation measures will be implemented to minimise any disruption during this short period. During the operational phase of the Proposed Varied Development, all access tracks will remain open to the public. **Volume 1, Chapter 8: Landscape and Visual** of the EIAR, addresses visual amenity considerations in relation to impacts on walking, cycling and scenic recreation routes of the Proposed Varied Development when compared to the Consented Development. The impacts and mitigation measures proposed have already been addressed as part of the assessment of **Policy 11 (e)(ii).** It is considered therefore, that impacts on public access, including impact on long distance walking and cycling routes and scenic routes from the Proposed Varied Development in comparison to the Consented Development is negligible. It has been demonstrated that, where necessary, project design and mitigation measures have been put in place to address impacts. For a full assessment of the landscape and visual impacts refer to **EIAR, Volume 1, Chapter 8: Landscape and Visual.** In terms of disruption during the construction phase, the mitigation measures described in the existing **CEMP** (**EIAR, Volume 4, Technical Appendix 3.6e)** still apply and therefore **Policy 11 (e)(iii)** has been fully addressed.
iv. impacts on aviation and defence interests including seismological recording;	**EIAR, Volume 1, Chapter 15: Aviation and Radar** of the EIAR addresses all matters relating to the impacts of the Proposed Varied Development in comparison to the Consented Development on aviation and radar. The

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	increased turbine tips heights of the Proposed Varied Development to 230m compared with 180m for the Consented Development meant that an additional aviation lighting assessment was required. The assessment, carried out by Wind Farm Low Flying Aviation Consultants (WFLFAC) (see **Volume 4, Technical Appendix 15.1: Bhlaraidh Extension Wind Farm Aviation Lighting Assessment Report (Wind Farm Low Flying Aviation Consultants (WFLFAC))** proposed both visible and infra-red aviation lights to be installed on the Proposed Varied Development's wind turbines. The lighting scheme, which has subsequently been approved by the CAA, includes installation of five visible lights on turbines T02, T05, T06, T09 and T17 which is a change from the Consented Development which had no requirement for any visible lighting. The infra-red lighting requirement for the Proposed Varied Development also increased compared with the Consented Development with MoD specification lighting required on all turbines i.e. T01, T02, T03, T04, T05, T06, T07, T08, T09, T10, T11, T12, T15, T16 and T17. The Applicant will submit an Aviation Safety & Lighting Scheme to The Highland Council prior to the commencement of construction. With the approved lighting scheme implemented, the impacts to aviation and radar receptors during the construction, operation and decommissioning phase of the Proposed Varied Development has been assessed as **negligible** and therefore, not significant, with the implementation of standard mitigation as outlined in **EIAR, Volume 1, Chapter 15: Aviation & Radar** prepared in support of the Proposed Varied Development.

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	It has been demonstrated that, where necessary, that project design and mitigation measures have been put in place to address impacts on aviation and defence interest as a result of the Proposed Varied Development in comparison to the Consented Development. It is considered that **Policy 11 (e)(iv)** has been fully addressed.
v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;	As is addressed in Volume 1, **Chapter 2: Design Iteration and Proposed Varied Development** of the EIAR it was established through the EIAR Scoping exercise that there was a potential for encroachment into a telecommunication link exclusion zone should the locations of some turbines be relocated within a 50m micro-siting allowance. In order to avoid this, restrictions have been placed on the micro-siting allowance for 3 wind turbines generator to below 50m. This mitigation measure therefore has addressed any impacts on the telecommunications installation on site. It has been demonstrated that, where necessary, project design and mitigation measures have been put in place to address impacts on telecommunications interests as a result of the Proposed Varied Development in comparison to the Consented Development and therefore **Policy 11 (e)(v)** has been fully addressed.
vi. impacts on road traffic and on adjacent trunk roads, including during construction;	**Volume 1, Chapter 12: Traffic and Transport** of the EIAR outlines that, following the scoping exercise and further consultation, a further Traffic

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	and Transport assessment were deemed unnecessary to include in the assessment for the Proposed Varied Development and is scoped out of the EIAR. However, a screening assessment was requested to be undertaken to review the potential traffic impact of the Proposed Varied Development when compared to that of the Consented Development, in line with the requirements of the scoping responses. A Traffic Management Plan (CTMP) (**EIAR Volume 4, Appendix 12.1**) has been submitted alongside the application to account for changes in turbine specifications and the delivery schedule. However, no alterations are proposed to the delivery routes or the overall access strategy. It is confirmed in the assessment in **EIAR**, **Volume 1, Chapter 12** that the effects associated with the Proposed Varied Development are the same as those for the Consented Development. All effects are negligible and temporary in nature. It has been demonstrated that no additional mitigation measures are required to offset or mitigate the impact of the Proposed Varied Development therefore **Policy 11 (e)(vi)** has been fully addressed.
vii. impacts on historic environment;	Impacts on the historic environment are assessed in **EIAR**, **Volume 1, Chapter 7: Archaeology and Cultural Heritage** of the Proposed Varied Development EIAR. It is clear from the conclusions of the assessment that the Operational and Cumulative Effects of the Proposed Varied Development remain unchanged from the Consented Development. This includes the effects from night-time aviation lighting which is not expected to impact heritage assets. As is stated in **Volume 1, Chapter 7**, there were

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	no direct physical impacts during construction that required mitigation for the Consented Development and no planning conditions were imposed. It is concluded in **Volume 1, Chapter 7**, that while minor adverse effects on the cultural significance of nearby heritage assets may persist, they are not greater than those previously assessed. Therefore, no further mitigation or enhancement measures are necessary beyond those already embedded in the design. Overall, no significant residual cultural heritage effects have been identified throughout the EIAR. It has been demonstrated that, where necessary, project design and mitigation measures have been put in place to address the impacts on the historic environment as a result of the Proposed Varied Development in comparison to the Consented Development and therefore **Policy 11 (e)(vii)** has been fully addressed.
viii. effects on hydrology, the water environment and flood risk;	***Hydrology and the Water Environment*** **Volume 1, Chapter 9: Hydrology and Hydrogeology** of the EIAR assesses the perceived impacts on hydrology and hydrogeology as a result of the Proposed Varied Development. It is considered that the proposed changes to the layout of the development will not change the Consented Development impact assessment conclusions and the residual effects on hydrological and hydrogeological receptors as a result of the Proposed Varied Development are also considered to be negligible to minor adverse effects and therefore **not significant** in EIA terms.

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	The embedded mitigation and the commitment to use industry good practice during construction and operation made for the Consented Development in relation to hydrology or hydrogeology remain wholly applicable for the Proposed Varied Development. For further detail on the revised assessment of Effects for the Proposed Varied Development, refer to **Chapter 9: Hydrology and Hydrogeology** of the EIAR. ***Flood Risk*** **Chapter 9: Hydrology and Hydrogeology** confirms that the Site's risk to flooding for the Consented Development was designated to be low to negligible risk and this is not expected to change for the Proposed Varied Development. The Flood Risk Assessment associated with the Consented Development (as stated in Chapter 9, refer to **2021 EIAR, Volume 4, Technical Appendix 9.2: Flood Risk Assessment**) considered risks to the River Moriston SAC, local surface water environment (including all watercourses considered to have a high sensitivity), groundwater (with respect to superficial deposits and bedrock geology) and Private Water Supplies (with respect to locations sourced from surface waters). The Site's risk to flooding was deemed to be low to negligible risk and this is not expected to change for the Proposed Varied Development. It has been demonstrated that, where necessary, project design and mitigation measures have been put in place to address effects on hydrology, the water environment and flood risk as a result of the

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	Proposed Varied Development in comparison to the Consented Development and therefore **Policy 11 (e)(viii)** has been fully addressed.
ix. biodiversity including impacts on birds;	***Ecology*** Impacts on Ecology as a result of the Proposed Varied Development are assessed in Volume 1, Chapter 5: Ecology of the EIAR. The conclusions of this chapter are that overall, through the implementation of embedded mitigation and targeted mitigation, compensation, and enhancement measures the Proposed Varied Development is not expected to result in any new or materially different significant adverse ecological effects compared to the Consented Development. The proposals align with best practice guidance and statutory policy, ensuring that biodiversity conservation and restoration are integral to the development's lifecycle. ***Peatland*** Both the Consented Development and Proposed Varied Development considered impacts to geological receptors, including peat. The significance of effects for both the Consented Development and Proposed Varied Development were assessed as **negligible** to **minor** and therefore, not significant. A full assessment of the effects during the

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	construction, operation and decommissioning phases of the Proposed Varied Development in **EIAR, Chapter 10: Geology and Soils.** This chapter concludes that the standard and additional mitigation outlined in **2021 EIAR, Chapter 10: Geology and Soils,** and the **Construction and Environmental Management Plan (EIAR, Volume 4, Technical Appendix 3.6 (e): CEMP)** remains applicable. No revised or updated mitigation measures are required for the Proposed Varied Development. ***Ornithology*** **Volume 1, Chapter 6: Ornithology** of the EIAR assesses the effects of collision risk associated with the Proposed Varied Development on relevant Important Ornithological Features (IOFs) in comparison to the Consented Development. This was considered to be the only impact that could potentially differ from those predicted for the Consented Development. All other effects on previously identified IOFs were determined to remain as previously predicted for the Consented Development and no additional IOFs were identified for the Proposed Varied Development. As is confirmed in **Chapter 6** of the EIAR, no significant collision risks for IOFs are predicted from the Proposed Varied Development, and no new mitigation measures are required beyond those already outlined in the 2021 EIAR and 2024 Breeding Bird Protection Plan (refer to **Appendix 3.6(i)** of the EIAR). However, in response to consultee comments, it is proposed that existing ornithology monitoring programmes be reviewed to assess the need for

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	updated operational monitoring of black grouse, golden eagle, and wader species (golden plover and greenshank). The updated HMP would also incorporate SSE's Avian Incident Search Protocol with reporting procedures to NatureScot, and measures such as marking deer fences to reduce collision risks for black grouse. No significant effects on IOFs were predicted for either the Consented Development or the Proposed Varied Development. The mitigation and enhancement measures proposed for black grouse, breeding diver species and breeding golden eagle as part of the Habitat Management Plan (HMP) (refer to **Volume 4, Technical Appendix 3.6a: Habitat Management Plan** of the EIAR) for the Consented Development remain appropriate and effective for the Proposed Varied Development. ***Conclusion*** Further detailed assessment undertaken in 2024 to refine the outline HMP to satisfy planning condition 18 of the Consented Development concluded that the proposed peatland restoration as presented in the final HMP (**Volume 4, Technical Appendix 3.6a)** represented the full extent of what is achievable at the Site. The measures identified in the final HMP, and supporting Biodiversity Net Gain Report **(Volume 4, Technical Appendix 3.6c)** and Deer Management Plan (DMP) (**Volume 4, Technical Appendix 3.6d**), were concluded to deliver significant biodiversity enhancements for both the Consented Development and Proposed Varied Development, in line with NPF4.

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
	It has been demonstrated, in the relevant Chapters of the EIAR and the associated Technical Appendices and Figures, that, where necessary, project design and mitigation measures have been put in place to address effects on biodiversity (including birds) to address the Proposed Varied Development in comparison to the Consented Development, and therefore **Policy 11 (e)(ix)** has been fully addressed.
x. impacts on trees, woods and forests;	The impacts of the development on Forestry were scoped out of the EIAR. The Gatecheck 1 Report which is contained within **Volume 4, Technical Appendix 3.4: Gatecheck 1 Report** of the EIAR provides detail with regard to consultee responses. Further consultation with THC and confirmation that the Forestry Chapter could be scoped out is contained with **Volume 4, Technical Appendix 3.5: Post Gatecheck 1 Report Consultation Responses.** It has been demonstrated that no mitigation measures are required to be put in place to address the impacts on trees, woods and forests as a result of the Proposed Varied Development in comparison to the Consented Development and therefore **Policy 11 (e)(x)** has been fully addressed.
xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;	The approach to decommissioning has not changed from the approach presented for the Consented Development. An updated Decommissioning and Restoration Plan would be submitted by the Applicant as part of the Condition Discharge Programme.

Policy 11(e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:	Commentary
xii. the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and	As above under (xi).
xiii. cumulative impacts.	Each chapter of the EIAR assesses the cumulative impacts of the Proposed Varied Development as appropriate.

4.2.20. The above assessment of Policy 11 Part (e) affirms in its evaluation of the identified impacts of the Proposed Varied Development in comparison to the Consented Development, that the impacts are broadly similar with only slight differences as referenced when relevant. Even given these slight differences, substantial weight must be placed on the proposal's contribution to renewable energy generation and the reduction of greenhouse gas emissions. The policy explicitly acknowledges that landscape and visual effects are anticipated; however, where such impacts are contained and/or suitably mitigated, they are generally regarded as acceptable. The scale of the Proposed Varied Development is directly linked to its contribution, and Policy 11 requires that any impacts be evaluated in light of these benefits. As has already been stated in Section 1.2 above, the benefits of the proposal clearly outweigh the impacts. Again, it should be emphasised that if the Proposed Variation Development does not receive consent, none of the benefits associated with either the Proposed Variation Development or the Consented Development will be realised due to the lack of economic viability of the Consented Development meaning it will not proceed to construction in its current form.

4.2.21. **Table 4.2** below provides a Policy Assessment of the relevant NPF4 policies referenced above in paragraph 4.2.11.

Table 4.2 NPF4 Policy Assessment

NPF4	Summary	Commentary
Policy 1 (Tackling the climate and nature crises)	Development proposals should be considered against the global climate and nature crises, considering just transition, conserving assets and rural revitalisation.	Policy 1 states that, when considering all development proposals, "*significant weight will be given to the global climate and nature crises".* The main policy outcome is to create zero carbon, nature positive places. The language used is very clear in the Policy and reflects the seriousness that the Government places on Climate Change and the Nature Crisis. The policy reflects a significant shift in Scottish National Planning Policy and erases any doubt with regard to weight that should be applied to these matters in the planning balance. As previously stated throughout this statement, the Proposed Varied Development offers a substantially greater contribution to national energy targets compared to the Consented Development. Furthermore, withholding consent for the Proposed Varied Development would result in the loss of a valuable opportunity to support the Government's net zero objectives. Without approval, the site would remain undeveloped for wind farm purposes, as the Consented Development is not economically viable and would therefore not proceed to construction. **Chapter 14: Climate Change** of the EIAR confirms the findings of the updated Scottish Government Carbon Calculator to reflect the final design of the Proposed Varied Development (refer to **Volume 4, Technical Appendix 14.1**: **Carbon Calculator** of the EIAR**).** With a shorter payback period, the Proposed Varied Development will begin displacing emissions associated with electricity generated by burning fossil fuels earlier in its lifespan. After 2.1 years, the electricity generated is estimated to be carbon neutral and will displace grid electricity generated from fossil fuel sources. The site would effectively achieve a net gain status and begin contributing to national efforts to reduce greenhouse gas emissions, supporting Scotland's target of reaching net zero carbon emissions by 2045. The Proposed Varied Development was therefore evaluated to have an overall beneficial effect on climate change. **It is considered therefore that the Proposed Varied Development is compliant with NPF4 Policy 1.**

Policy 3 (Biodiversity)	Enhance biodiversity by strengthening nature networks & implementing nature-based solutions. Policy 3(b): development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity.	**See commentary associated with Policy 11 (e)(ix) in table 4.1 above.** From the conclusions of the assessment contained within Chapters 5, 6 and 10 of the EIAR and all associated assessments and Appendices, it is clear that the Proposed Varied Development is compliant with Policy 3. The Consented Development HMP & DMP (**EIAR, Volume 4, Technical Appendices 3.6a & 3.6d respectively**) include the following measures for biodiversity enhancement: • Restoration of 31.88ha of peatland, which represents the full extent of peatland restoration achievable within the Site. • Planting 23.64ha of a low-density Caledonian woodland in land outside the Site. This will increase woodland cover in the wider area and provide a foraging resource for black grouse (*Lyrurus tetrix*) while maintaining open ground for foraging golden eagle (*Aquila chrysaetos*). • Planting 23.25ha of montane scrub in land outside of the Site. This will increase habitat heterogeneity in the wider area and improve habitat for golden eagle prey species, such as grouse and hares. • Installing artificial nesting habitat for black-throated divers (*Gavia arctica*). This will increase nesting opportunities for this species. • Reduction in red deer grazing pressure on habitats across the Site. This is expected to increase natural generation and tree growth within the Site. A Biodiversity Net Gain (BNG) assessment was undertaken for the above measures (refer to **EIAR, Volume 4, Technical Appendix 3.6c**). This report details the methodology and results of the BNG assessment for the Development. This BNG assessment concludes that the Development and its associated HMP meet with the requirements of NPF4 Policy 3. **Provides significant biodiversity benefits:** As evidenced through a 4% gain documented in the toolkit, and wider habitat enhancements (which cannot be quantified) which will occur through the

		Deer Management Plan (which will reduce grazing pressure, allowing both habitat condition to improve and natural woodland regeneration), along with improved habitats for black grouse and prey species for golden eagle, nesting provision for black throated divers and contribution to the Regional Eagle Conservation Management Plan. **Include nature networks, linking to and strengthen habitat connectivity**: The proposed Caledonian woodland and montane scrub planting, will provide closer links to woodland located to the east. **Includes management arrangements for long term retention and monitoring:** Management and monitoring is set out within the HMP and will allow the success of the habitat restoration and enhancement to be tracked against the predicted BNG values. The overall impacts of the Proposed Varied Development were very similar to the Consented Development, albeit with some minor differences to habitat loss and modifications. Due to these overall similarities, the measures proposed for the Consented Development were found to be appropriate for the Proposed Varied Development in delivering significant biodiversity enhancement for species and habitats in line with NPF4 **It is considered therefore that the Proposed Varied Development is compliant with NPF4 Policy 3.**
Policy 4 (Natural Places)	To protect, restore and enhance natural assets making best use of nature-based solutions.	The most relevant parts of this Policy to the assessment of impacts of the Proposed Varied Development are parts 4 (b) (c) (d) & (g). These policies seek to protect natural places as will be described below. ***Special Area of Conservation or Special Protection Areas (Policy 4 (b)*** The River Moriston Special Area of Conservation (SAC) is the only identified European protected site within the vicinity of the Proposed Varied Development.

It was identified within the 2021 EIAR supporting the Consented Development that there are no significant effects on River Moriston SAC, as a result of the Consented Development. As is confirmed in **Chapter 5: Ecology of the EIAR,** the differences between the Consented Development and the Proposed Varied Development are not anticipated to give rise to different effects on the River Moriston SAC. This was agreed with NatureScot during the scoping exercise for the EIAR and therefore this SAC was scoped out of the EIAR. No further assessment of the River Moriston SAC was deemed to be required in keeping with Policy 4(b).

National Scenic Areas & SSSI (Policy 4 (c))

Glen Affric NSA (only assessed for effects from aviation lighting)

For the Proposed Varied Development, a comparative assessment of the effects on the Special Landscape Qualities for the Glen Affric NSA was carried out for the effects of aviation lighting only. The impacts during daylight hours were scoped out of the EIAR. Full details of this analysis can be seen in **Chapter 8: Landscape and Visual** of the EIAR and associated relevant Appendices, specifically **EIAR Volume 4, Technical Appendix 8.9: Landscape and Visual Assessment of Aviation Lighting**

Aviation Lighting was not required for the Consented Development due to the height of the turbines. The conclusions of the assessment of Aviation Lighting for the Proposed Varied Development was that while the aviation lighting could result in a slight, localised alteration to the sense of remoteness and a localised **Minor** (not significant) effect there would be a **Negligible** (not significant) effect overall.

Levishie Wood Site of Special Scientific Interest (SSSI)

The differences between the Consented Development and Proposed Varied Development were not anticipated to give rise to different effects on the Levishie Wood Site of Special Scientific Interest (SSSI). As stated in the EIAR **Chapter 5: Ecology**, the 2021 EIAR for the Consented

Development identified significant adverse effects on the Levishie Wood Site of Special Scientific Interest (SSSI), but residual effects were not significant. Indeed, the assessment of effects of the Consented Development after the implementation of embedded mitigation measures (as demonstrated in the HMP and DMP which are part of the **EIAR, Volume 4, Technical Appendices 3.6a and 3.6d**, respectively) were assessed to be beneficial. As with the Consented Development, therefore, any potential adverse effects on the qualities for which the Levishie Forest SSSI has been designated would not be significant and indeed would be beneficial as explained within the associated HMP and DMP.

It is considered therefore that the Proposed Varied Development is compliant with NPF4 Policy 4 (c).

Local landscape Designations

Policy 4 (d) deals with local landscape designations and contains a different policy approach to that which was contained within the former SPP. Policy 4, states:

"*Development proposals that affect a site designated as …a local landscape area in the LDP will only be supported where: Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance".*

Loch Ness and Duntelchaig Special Landscape Area (SLA)

Landscape effects for the Proposed Varied Development would generally be similar to those of the Consented Development. As stated within **Chapter 8: Landscape and Visual Assessment** of the EIAR, the overall landscape effect on Loch Ness and Duntelchaig SLA from the Proposed Varied Development, when compared to the Consented Development, is anticipated to rise from a localised **Minor** (not significant) impact to a broader **Minor** (not significant) impact, with a localised escalation to

Moderate (significant) around Meall Fuar-mhonaidh. For a full assessment see **Volume 4, Technical Appendix 8.4: Assessment of Designated and Protected Landscapes** of the EIAR.

The taller turbines and increased prominence of the Proposed Varied Development experienced from occasional areas to the east of Loch Ness would appear similar to the Consented Development although may slightly increase the impression of a more developed upland context to the west (refer to **Chapter 8** for more detailed assessment).

It is noted, however, that this assessment above, excludes the impact of aviation lighting on this SLA which is discussed in the following paragraph.

Volume 4, Technical Appendix 8.9: Landscape and Visual Assessment of Aviation Lighting, of the EIAR concludes that the aviation lighting on the Proposed Varied Development would generate a localised Moderate (significant) effect around the western ridge and summit of Meall Fuar-mhonaidh, while the overall impact on the SLA would remain Minor (not significant). Importantly, Meall Fuar-mhonaidh would continue to form a key component of the SLA, and its relationship to the wider setting of the Great Glen would remain unaffected.

The main reasoning for the significant effect along the western ridge and summit of Meall Fuar-mhonaidh is largely due to the absence of artificial light within the study area and receptors which would therefore generally be more sensitive to this type of change. It was therefore concluded that the inclusion of the aviation lighting would result in significant effects during low light conditions and the hours of darkness. However, the Applicant proposes to engage with aviation stakeholders to agree a lighting solution which may result in a reduced visual effect as confirmed in **Volume 4**, **Technical Appendix 8.9** of the EIAR.

In assessing **NPF4 Policy 4(d),** it is concluded that the impact of aviation lighting from the Proposed Varied Development on the SLA would be confined to periods of low light and hours of darkness. While this represents a significant adverse effect, its limited duration means it is clearly outweighed by social, environmental or economic benefits ranging from national to local importance. Furthermore, residual effects may be reduced through additional mitigation measures, which could be agreed prior to

construction works as part of the final Aviation Lighting Scheme, therefore potentially lessening the overall impact of visible aviation lighting on the SLA.

Landscape Character Types

The assessment found that a localised significant effect would occur only within LCT 222 (Rocky Moorland Plateau – Inverness) where impacts are localised around the site. This is an increase from that of the Consented Development where by the impact was found to be not signifcant. In contrast, LCT 224 (Farmed and Wooded Foothills) and LCT 225 (Broad Steep-sided Glen) would experience effects that are not significant, although the taller turbines of the Proposed Varied Development would appear more prominent in some views. Overall, while the development increases visibility and prominence compared to the Consented Development, only one Landscape Character Type (LCT 222) is predicted to experience a significant landscape effect.

The effects of aviation lighting are as follows:

- LCT 222: Rocky Moorland Plateau – Inverness Locally Moderate (significant), elsewhere Minor-Moderate (not significant)
- LCT 224: Farmed and Wooded Foothills Locally Minor-Moderate, elsewhere Minor (not significant)
- LCT 225: Broad Steep-Sided Glen Locally Minor, elsewhere Negligible (not significant)

This is reflective of a localised Medium magnitude of change reducing to Low overall. It was assessed that this would result in **Minor-Moderate** (not significant) overall effects, with areas of localised **Moderate** (significant) effect relating to the potential for the aviation lights to influence the sense of remoteness within this LCT and the contrast between the plateau and the adjoining more settled straths and glens

It is considered therefore that the Proposed Varied Development is compliant with NPF4 Policy 4 (d).

***Wild Land Areas (WLA*) (only night time visual impact due to proposed Aviation Lighting)**

Policy 4 (g) states that Development in NatureScot Wild Land Areas is only supported for renewable energy or small-scale rural/community needs, with a required Wild Land Impact Assessment, and when no buffer zones or external effects are considered significant.

Two WLAs were identified as requiring assessment for the Consented Development. These two WLAs were scoped out of the Proposed Varied Development EIAR for daytime assessment but were scoped in for night-time visual impact of visible aviation lighting (see **Volume 4, Technical Appendix 8.9** of the EIAR). A short summary of the conclusions of these assessments is provided below. For a full assessment see EIAR, **Chapter 8: Landscape and Visual Assessment.**

WLA19: Braeroy – Glenshirra – Creag Meagaidh

Effects for WLA 19 were identified as **Minor** (not significant) within a very localised area for the Consented Development and generally **Negligible**, with no perceptible effects predicted for any of the Wild Land Qualities (WLQs). The Zone of Theoretical Visibility (ZTV) indicates very little additional visibility within this area for the Proposed Varied Development, although the turbines would be perceived as larger in comparison with adjacent turbines. The areas affected are already influenced by existing wind turbines at closer proximity and therefore any changes to the attributes and perceptual responses of wild land which contribute to the WLQs are likely to be limited and unlikely to increase to a significant level.

WLA 19 was not identified as having potential to experience effects as a result of visible aviation lighting (see **EIAR, Volume 4, Figure A8.9.4: Visible Aviation Lighting Designated and Protected Landscapes with Theoretical Intensity ZTV**).

WLA 24: Central Highlands

The 2021 LVIA for the Consented Development identified localised **Minor** (not significant) effects to this WLA within areas north of Glen Cannich, with no perceptible effect predicted for any of the WLQs. For the Proposed Varied Development, the ZTV indicates some small areas of increased intervisibility to the west of the Proposed Varied Development, in areas where the effect was considered to be **Negligible** for the Consented Development due to the perceptibly closer presence of the Operational Development. A limited increase in intervisibility is indicated in the areas to the north of Glen Cannich, from where the Proposed Varied Development turbines would appear slightly larger than the Consented Development Turbines, but would continue to be seen in the context of other operational developments which already affect the sense of wildness. It is considered unlikely that effects would increase to a level that would be significant.

WLA 24 was identified as having the potential to experience effects as a result of the visible aviation lighting **EIAR, Volume 4, Figure A8.9.4: Visible Aviation Lighting Designated and Protected Landscapes with Theoretical Intensity ZTV**) A full assessment of the impact of visible aviation lighting is contained within the **EIAR, Volume 4, Technical Appendix 8.9: Landscape and Visual Assessment of Aviation Lighting.** To summarise, while the aviation lights would be experienced in some of the *"open and exposed panoramic views over an awe-inspiring and extensive range of mountains*" described as part of WLQ1*,* they would be unlikely to reduce the *"prevailing absence of human artefacts and contemporary land use across the WLA interior"* experienced in these views, as they would be experienced outside of the WLA in views where other lights are already present. The sense of remoteness within the mountain interior which also contributes to WLQ2 would not be affected, largely due to the limited theoretical visibility within these parts of the WLA and distance at which the aviation lights would be experienced. No significant effects are anticipated for any of the WLQs. It was assessed that the effect on the WLA would be **Minor** (not significant).

		From the conclusions of the assessments contained within Chapter 5 and Chapter 8 of the EIAR and the related Appendices, it is clear that the Proposed Varied Development is compliant with Policy 4.
Policy 5 (Soils)	Policy 5 states that where development on peatland, carbon rich soils or priority peatland habitat is proposed, a detailed site-specific assessment is required to identify baseline likely effects and net effects. The policy's core aim is to safeguard carbon-rich soils, promote the restoration of peatlands, and minimise soil disturbance resulting from development activities. Notably, renewable energy projects are identified in Part (c) as a form of development that may be acceptable in principle on peatland sites, due to their potential to deliver significant carbon emission reductions and contribute positively to	See commentary on Peatland associated with **Policy 11 (e)(ix)** in table 4.1 above. As stated, from the conclusions of the assessment contained within **Chapters 10: Geology and Soils** of the EIAR and all associated assessments and Appendices, it is clear that the Proposed Varied Development is compliant with **Policy 5.**

	peatland restoration efforts.	
Policy 7 (Historic Assets and Places)	The purpose of Policy 7 is to safeguard and enhance historic assets, places, and their settings while enabling sensitive and positive development. In terms of scheduled monuments, the policy states development will only be supported if direct impacts are avoided, that the integrity of the setting should be protected and exceptional justification is provided, and impacts are minimised.	See commentary associated with **Policy 11 (e)(vii)** in table 4.1 above. From the conclusions of the assessment contained within **Chapter 7: Archaeology and Cultural Heritage** of the EIAR and all associated assessments and Appendices, it is clear that the Proposed Varied Development is compliant with **Policy 7.**
Policy 22 (Flood risk and water management)	This policy seeks to "strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding" Policy 22(c) notes that development proposals must not increase the risk of	The conclusion of the assessment is that the Proposed Varied Development will not result in any change to the significance of effects and there are no additional effects on hydrological or hydrogeological receptors when compared to the Consented Development. See commentary associated with **Policy 11 (e)(viii) in table 4.1 above.**

	surface water flooding and manage all rain and surface water through sustainable drainage systems.	
Policy 25: Community Wealth Building	The purpose of this policy is to promote a fairer, more inclusive economy by ensuring that development proposals contribute to local prosperity and reduce inequality.	The Maximising Socio-economic Benefits Statement which accompanies the Section 36C application, provides full details of the Applicants proposed contributions to the local community. In order to avoid repetition, see the aforementioned Statement. This clearly demonstrates how the Proposed Varied Development will contribute to local prosperity. It is formally recognised in **Policy 25**, that the Scottish Government has adopted the internationally recognised Community Wealth Building (CWB) model, which focuses on keeping wealth circulating locally. Built on five principles including plural ownership, local financial power, fair employment, progressive procurement, and socially productive use of land and property, theCWB aims to strengthen communities by embedding economic benefits within local areas. In practice, this means encouraging projects that enhance resilience, reduce inequalities, boost local spending, and prioritise local supply chains and services. It also involves creating jobs within communities, supporting community-led initiatives, and enabling community ownership of assets. The Proposed Varied Development contributes to these wider CWB aims by strengthening local supply chains, fostering skills and workforce development, and empowering communities in line with NPF4's Policy 25.
Policy 33: Minerals	The purpose of this policy is to support the sustainable management of resources and minimise the impacts of the extraction of minerals on	Policy 33 (e) states that *"Development proposals for borrow pits will only be supported where: i. the proposal is tied to a specific project and is time-limited; ii. the proposal complies with the above mineral extraction criteria taking into account the temporary nature of the development; and iii. appropriate restoration proposals are enforceable"* Following construction, the utilised borrow pits would be reinstated with a suitable restoration profile as was the case with the Consented Development. A Construction and Environment Management Plan (CEMP) (refer to **Appendix 3.6 (e)** of the EIAR provides detail on the Borrow Pit Method of Works. In

	communities and the environment.	addition, a Borrow Pit Scheme of Works will be submitted to The Highland Council prior to the commencement of construction works.

4.3. Highland-wide Local Development Plan (2012)

4.3.1. In addition to NPF4, the adopted Development Plan includes the Highland Wide Local Development Plan (2012).

4.3.2. The Highland-wide Local Development Plan (HwLDP) was adopted by the Highland Council in April 2012 and sets out the overarching vision, spatial strategy and general planning policies to guide development across the local planning authority for a 20-year period. The relevant planning policies are outlined below.

4.3.3. **Table 4.3** below summarises the relevant policies, which address the same topics already discussed in relation to National Planning Framework, signposts to the assessment above is therefore provided for each HwLDP policy.

Table 4.3 Highland Wide Local Plan Policy Assessment

Policy	Policy Summary	Where Assessed
Policy 28 – Sustainable Development	This policy confirms the Council will support developments which promote and enhance the social, economic and environmental wellbeing of the people within the Highlands. Proposed developments will be assessed on a range of criteria which protect and ensure sustainable use of existing and future infrastructure, built and natural resources and residential amenity. The policy advises that where it is considered to be significant due to its nature, size or location, it will only be supported if no reasonable alternatives exist and where there are over-riding strategic benefit or satisfactory mitigating measures are incorporated. Policy 28 requires that all development proposals must demonstrate compatibility with the Sustainable Design Guide: Supplementary Guidance, requires that all developments should: • conserve and enhance the character of the Highland area; • use resources efficiently; • minimise the environmental impact of development; and • enhance the viability of Highland Communities	Conformity with this policy has been confirmed in **Table 4.2** above by the criteria of **NPF4 Policy 1 (Tackling the climate and nature crises), Policy 3 (Biodiversity) ,Policy 4 (Natural Places), Policy 7 (Historic Assets and Places**) and in **Table 4.1** by the criteria of **Policy 11 (e) (i),(ii), (iii), (vi), (vii), (viii), (ix)**
Policy 29 – Design Quality and Place-making;	Development is required to make a positive contribution to the architectural and visual quality of the place where it is located, demonstrating sensitivity and respect towards the local distinctiveness of the landscape architecture, design and layout.	Conformity with this policy has been assessed in **Table 4.2** above by the criteria of **NPF4 Policy 7 (Historic Assets and Places)** and in **Table 4.1** by the criteria of **Policy 11 (e) (i),(ii), (iii), (vii)**

Policy 36 – Development of Wider Countryside	Development proposals in the wider countryside (outside towns and hinterland areas) are supported if they: • Are well-sited and designed to fit the landscape and local character • Do not negatively impact natural, built, or cultural heritage • Can be safely accessed and serviced without harming infrastructure • Offer appropriate small-scale housing, tourism, or economic uses • Align with supplementary guidance, such as Housing in the Countryside There's a strong emphasis on protecting the rural environment while allowing sustainable, well-integrated development.	Conformity with this policy has been assessed in **Table 4.2** above by the criteria of **NPF4 Policy 3** (**Biodiversity), Policy 4 (Natural Places) & Policy 7 (Historic Assets and Places)** and in **Table 4.1** by the criteria of **Policy 11 (e) (i),(ii), (iii), (vii), (viii), (ix), (x)**
Policy 54 - Mineral Waste	The Council promotes the reduction and reuse of mineral, construction, and demolition waste. Applicants must submit a Waste Management Plan detailing how waste will be minimised, treated, recovered, and disposed of responsibly.	A Waste Management Plan was submitted as part of the Construction and Environmental Management Plan (CEMP) for the Consented Scheme. A revised Waste Management Plan will be submitted to The Highland Council prior to the commencement of construction works. It is therefore considered that confirmity with **Policy 54** has been established with the submission of a Waste Management Plan as part of the CEMP.

Policy 55 – Peat & Soils	Proposals must demonstrate that unnecessary disturbance, degradation or erosion of peat and soils has been avoided. Development causing unacceptable impacts will not be supported unless it can be clearly shown that the resulting social, environmental, or economic benefits outweigh the adverse effects. Where development on peat is unavoidable, a Peat Management Plan is required to evidence how impacts have been minimised and appropriately mitigated.	Conformity with this policy has been assessed in **Table 4.2** above by the criteria of **NPF4 Policy 5 (Soils)**
Policy 57 – Natural, Built and Cultural Heritage	Requires proposals to be assessed taking account of the level of importance and type of heritage features, the form and scale of development and the impact on the feature and its setting. The policy sets a series of criteria based on level of features importance (local, regional or international). Technical Appendix 2 of the HwLDP defines the features. For features of local / regional importance – developments will be permitted if it can be demonstrated that they will not have an unacceptable effect. For features of national importance, where any significant adverse effects arise, they must be clearly outweighed by social or economic benefits of national importance. In international designations development with adverse effects on integrity will only be allowed where no alternative solution exists and there are imperative reasons of overriding public interest (IROPI).	Conformity with this policy has been assessed in **Table 4.2** above by the criteria of **NPF4 Policies 4 (Natural Places)** and **7(Historic Assets and Places)**
Policy 58 – Protected Species	Requirement for developers to carry out appropriate surveys to determine whether protected species are present on a site before submitting a planning application. If protected species are found, the proposal must include suitable mitigation to avoid or minimize harm. This could involve changes to design, timing of works, or habitat enhancements.	Conformity with this policy has been assessed in **Table 4.2** above by the criteria of **NPF4 Policies 3 (Biodviersity)** and **4 (Natural Places**)

	Development that would likely have an adverse effect—either individually or cumulatively on **European Protected Species** will only be permitted if there is 1) no satisfactory alternative 2) there are **imperative reasons of overriding public interest (IROPI)**, such as public health or safety, 3) It can be demonstrated that the development will not be detrimental to the population of the species concerned or its conservation status.	
Policy 60 - Other Important Habitats and Article 10 Features	This policies set out the need to avoid significant adverse effects on the integrity or special qualities of international or nationally designated natural and built environment sites.	Conformity with this policy has been assessed in **Table 4.2** above by the criteria of **NPF4 Policies 3 (Biodviersity)** and **Policy 4 (Natural Places)**
Policy 61 – Landscape	New development should be sensitively designed to respect and respond to the distinctive landscape features and special qualities of its surrounding area, with consideration given to cumulative impacts. Proposals that actively seek to enhance the local landscape character are encouraged. In assessing applications, the Council will refer to Landscape Character Assessments to ensure that development aligns with the area's visual and environmental context.	Conformity with this policy has been assessed in **Table 4.2** above by the criteria of **NPF4 Policy 4 (Natural Places)**
Policy 63 – Water Environment	Supports proposals that do not compromise the objectives of the Water Framework Directive (2000/60/EC), aimed at the protection of the water environment.	Conformity with this policy has been assessed in **Table 4.1** above by the criteria of **NPF4 Policy 11 (e) (viii) Renewable Energy**
Policy 64 – Flood Risk	Development should not occur in areas where there is a significant risk of flooding, especially in areas identified as Potentially Vulnerable Areas (PVAs). Future flood risk scenarios must be considered, especially with rising sea levels and increased rainfall intensity. Flood risk	Conformity with this policy has been assessed in **Table 4.1** above by the criteria of **NPF4 Policy 11 (e) (viii) Renewable Energy**

	assessment should be provided for proposals in or near flood prone areas and development should not increase flood risk elsewhere.	
Policy 66b – Surface Water Drainage	All proposals must be drained by SustainableDrainage Systems (SuDS) designed in accordance with CIRIA C697.	Conformity with this policy has been assessed in **Table 4.1** above by the criteria of **NPF4 Policy 11 (e) (viii) Renewable Energy**
Policy 67 - Renewable Energy Developments	Policy 67 firstly refers to the need for renewable energy development proposals to be "*well related to the source of the primary renewable resources that are needed for their operation*". A second requirement of Policy 67 is that the Council will consider a Proposed Varied Development's contribution "*towards meeting renewable energy generation targets*". The policy also states that the Council will consider "*any positive or negative effects [the Proposed Varied Development] is likely to have on the local and national economy*". The Highland Council (THC) will have regard to proposals able to "*demonstrate significant benefits including by making effective use of existing and proposed infrastructure or facilities*". Finally, Policy 67 requires a proposed development to be assessed against 11 factors with regard to predicted significant effects, and a judgement has to be reached as to whether or not such effects would be "*significantly detrimental overall*"..	The Proposed Varied Development meets this requirement as the "*primary renewable resource*" for its operation is wind. As stated in Section 2 of this Planning Statement, the Proposed Varied Development has an indicative installed capacity of up to 108 MW of wind generation and would therefore make a valuable (and nationally important) contribution to unmet international, UK and Scottish Government climate change and renewable electricity and energy generation targets. The standalone Maximising Socio-Economic report confirms that the Proposed Varied Development would contribute to the attainment of economic development objectives at local and national levels. The Proposed Varied Development will realise a range of benefits.See **Table 4.2, NPF4 Policy 25** for more information on the Applicant's proposals to maximise socio-economic benefit. Wth reference to the 11 factors which the proposed varied development should be assessed against as to whether or not significant effects would be significantly detrimenal overall, these factors broadly align with the criteria of **NPF4 Policy 11 (e)** and other relevant NPF4 policies and have been assessed in

		Table 4.1 and further examined in other NPF4 policies in **Table 4.2** above. It is therefore concluded that the landscape, visual, and broader environmental impacts of the Proposed Varied Development would not be unacceptable, nor would they result in significant overall harm, in accordance with the provisions of **Policy 67.**
Policy 72 – Pollution	Proposals likely to cause significant pollution whether noise, air, water, or light will only be supported if accompanied by a thorough assessment detailing the nature, extent, transmission, and impact on the receiving environment, with appropriate mitigation measures implemented where required.	A Pollution Protection Plan was submitted as part of the Construction and Environmental Management Plan (CEMP) for the Consented Scheme. A revised Pollution Protection Plan will be submitted to The Highland Council prior to the commencement of construction works. It is therefore considered that confirmity with **Policy 72** has been established with the submission of a Pollution Protection Plan as part of the CEMP.
Policy 77 – Public Access	Provides protection to Core Paths and access points to water or rights of way and presumption of retention and enhancement of amenity value. Alternative access must be equally safe and attractive if required.	Conformity with this policy has been assessed in **Table 4.1** above by the criteria of **NPF4 Policy 11 (e) (iii) Renewable Energy**

4.4. Emerging Highland Local Development Plan (HLDP)

4.4.1. The Highland Council is currently preparing a new local development plan for the Highland Region. The Highland Local Development Plan Evidence Report Chapters are currently out for consultation. Once this consultation period is complete, the next stage of the process is for THC to submit the Evidence Report to the Scottish Government for Gatecheck review in 2026.

4.4.2. The HLDP Evidence Report 4 -Climate Change and Energy draft, is, as of November 2025, under review with a forecast date for completion being December 2025. At the time of writing this document holds no weight for decision making and therefore there are no aspects to discuss.

4.5. Onshore Wind Energy Supplementary Guidance (2016) including Addendum Supplementary Guidance: 'Part 2b', December 2017

4.5.1. The Onshore Wind Energy Supplementary Guidance ('OWESG') was adopted in November 2016 and contains an Addendum SG ('Part 2b') which was adopted in December 2017. As adopted Supplementary Guidance, they form part of the development plan. As was confirmed in the Decision Letter for the Consented Development, it was the Planning Authority's view that the Consented Development was supported by its Local Development Plan and Supplementary Guidance. As has already been demonstrated within this statement, the effects of the Proposed Varied Development in comparison to the Consented Development are minimal. Having reviewed the criteria set out in the supplementary guidance it is clear that the Proposed Varied Development is compliant with this guidance.

4.6. Inner Moray Firth Proposed Local Development Plan 2 (IMFLDP2) (Adopted June 2024)

4.6.1. The IMFLDP2 provides a vision, strategy and policies and subsequently provides settlement statements and allocations. The plan encourages the development of renewable energy infrastructure, including wind, solar, hydro, and marine energy, in appropriate locations. It aligns with the National Planning Framework 4 (NPF4), which prioritizes low-carbon energy developments.

4.6.2. Policies 23 and 24 of IMFLDP2 relate to renewable energy development specifically. Policy 23 states: *""The Council will support proposals for renewable energy development, including wind, hydro, solar and emerging technologies, where they are consistent with national policy and contribute to meeting net zero targets. Proposals must demonstrate that they will not result in unacceptable significant adverse impacts, either individually or*

cumulatively, on landscape and visual amenity; communities and residential amenity; natural, built and cultural heritage; and other receptors. Applications should also set out measures for mitigation, decommissioning and site restoration." It has clearly been demonstrated in Section 4.2 of this statement that any additional effects experienced as a result of the Proposed Varied Development, when compared to the Consented Development would not result in unacceptable significant adverse impacts either individually or cumulatively and is therefore consistent with National Policy and with Policy 23.

4.6.3. Policy 24 of the IMFLDP2 states that The Highland Council (THC) will support onshore wind energy projects in areas of greatest potential for wind energy, subject to consideration of *"impacts on aviation and defence interests, noise, shadow flicker, safety, and cumulative effects. Developers must provide details of decommissioning and restoration".* Sections 4.2 and 4.3 of this statement, explains that in each of the chapters of the EIAR consideration to the impacts on each of these areas has been given to any additional effects of the Proposed Varied Development when compared to the Consented Development.

5. Conclusion

5.1.1. As has been referenced throughout this statement the scope of the determination of this Section 36C Application applies only to the assessed impacts of the Proposed Varied Development in comparison to the assessed impacts of the Consented Development. The EIAR has assessed all likely impacts of the Proposed Varied Development in comparison to the Consented Development

5.1.2. It has been demonstrated throughout this statement that the proposed variations do not introduce any significant adverse environmental impacts beyond those identified in the Consented Development. Any environmental effects previously identified in the EIAR for the Consented Development were considered to be outweighed by the socio-economic benefits at both local and broader scales and its contribution towards net zero targets and this remains the same for the Proposed Varied Development.

5.1.3. Indeed, by enhancing the positive outcomes of the Consented Development without increasing the environmental burden, the Proposed Varied Development reflects a best practice approach that would inevitably result in:

- a wealth of socio-economic benefits to the local community
- even greater valuable contribution to the achievement of the UK and Scottish Government 'whole system' targets to decarbonise energy consumption by increasing the annual zero-carbon energy yield of the wind farm;
- an increase in energy production to supply more homes with clean, renewable energy and an equivalent increase in CO2 reduction, making a valuable contribution to the Scottish Climate Change Plan targets; and
- reduce the UK's dependence on volatile fossil fuel markets, by improving domestic energy production and making the UK more self-sufficient when it comes to the energy it uses.

APPENDIX 1:

BHLARAIDH WIND FARM EXTENSION DECISION LETTER – 30.08.22

Energy and Climate Change Directorate
Energy Consents Unit

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Scottish Government
Riaghaltas na h-Alba
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Jane MacDonald
Consents Manager
SSE Renewables Limited
1, Waterloo Street
Glasgow
G2 6AY

30 August 2022

Dear Ms MacDonald

CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 AND DEEMED PLANNING PERMISSION UNDER SECTION 57(2) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 FOR THE CONSTRUCTION AND OPERATION OF BHLARAIDH WIND FARM EXTENSION IN THE HIGHLAND COUNCIL PLANNING AUTHORITY AREA

Application

I refer to the application ("the Application") made on 16 August 2021 under the Electricity Act 1989 ("the Electricity Act") by SSE Renewables on behalf of SSE Generation Limited ("the Company") for the construction and operation of the Bhlaraidh Wind Farm Extension ("the Proposed Development") an electricity generating station with a generating capacity in excess of 50 megawatts ("MW"). The Company is incorporated under the Companies Acts (company number 02310571) and having its registered office at 1 Forbury Place, 43 Forbury Road, Reading, United Kingdom RG1 3JH.

This letter contains the Scottish Ministers' decision to grant section 36 consent for the Proposed Development as described at Annex 1.

Planning Permission

In terms of section 57(2) of the Town and Country Planning (Scotland) Act 1997 the Scottish Ministers, may on granting consent under section 36 of the Electricity Act for the construction and operation of a generating station, direct that planning permission be deemed to be granted in respect of that generating station and any ancillary development.

This letter contains the Scottish Ministers' direction that planning permission is deemed to be granted.

Background

The Proposed Development is located on land owned by the Glenmoriston Estate which is west of Loch Ness and the Great Glen in an area of high rocky plateau. The open, undulating moorland of the Site features several rocky outcrops, small hills, many lochs, lochans, watercourses and areas of bog. The nearest settlement is the village of Invermoriston which is approximately 5 kilometres ("km") to the south. Fort Augustus is approximately 16 km to the south and Inverness approximately 35km to the south west.

The Proposed Development will be located on adjoining land to the east of the operational Bhlaraidh Wind Farm which is also owned and operated by the Company.

Bhlaraidh Wind Farm was granted consent and deemed planning permission in January 2014. It has 32 turbines, each with a blade tip height of 135 metres ("m") and a maximum generating capacity of up to 108MW. It has been operational since August 2017.

The Proposed Development will utilise access tracks and roads and other infrastructure currently in place for Bhlaraidh Wind Farm. The Proposed Development will act as an extension to the operational Bhlaraidh Wind Farm.

The location of the Proposed Development is at the edge of the safeguarded area for Inverness Airport which is approximately 61km to the northeast. It is also within the Ministry of Defence ("MoD") Low Flying Area 14 which is designated as a low priority military flying area.

The Proposed Development is within the catchment of the River Moriston Special Area of Conservation ("the SAC") which is designated for Atlantic Salmon and Fresh Water Mussel. The Proposed Development's temporary construction compound will be located 18.75m to the north of the SAC. It is however separated from the SAC by the main A887 road and would be constructed on previously disturbed ground that is currently bare/gravelled and used for vehicle parking. (see **Conservation of Habitats and Species Regulations** below).

The period of consent applied for relating to construction and operation of the Proposed Development is 50 years.

Aviation lighting

Article 222 of the UK Air Navigation Order 2016 requires medium intensity (2000 candela) steady red aviation warning lights to be mounted as close as possible to the top of all structures at or above 150m above ground level. This lighting would be required to be visible at night. In advance of the Application being submitted the Company secured agreement with the Civil Aviation Authority ("the CAA") that despite the turbines of the Proposed Development being above 150m there would be no requirement for such aviation warning lights on any turbine. The basis of this was that while the tip heights of the Proposed Development are higher than the operational Bhlaraidh Wind Farm, the topography at the Proposed Development is lower and therefore the height above sea level is lower.

The CAA advised that the only lighting required would be "*infra-red lights to MoD specification installed on the nacelles of perimeter turbines: Turbines 2, 5, 7, 13, 18, 28 and 31*" none of which would be visible at night.

Additional Information – amendments to the Proposed Development

The number of turbines applied for in the Application was 18, each with a maximum blade tip height of 180m. In its consultation response to the Scottish Ministers, the Highland Council advised that it would raise no objection to the Proposed Development subject to the removal of turbines 13, 14 and 18 and associated infrastructure and the imposition of conditions. The Company agreed to do so. The Scottish Ministers subsequently made a formal request, in accordance with Regulation 19 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations, to the Company for Additional Information in respect of effects and impacts, if any, that the removal of the three turbines would have. In March 2022 the Company submitted the requested Additional Information and the statutorily required consultation was initiated by the Scottish Ministers on 25 March 2022.

The locations of the remaining 15 turbines are unchanged from those in the 18 turbine Proposed Development. The turbine numbering is the same as that set out in the Application documentation.

The CAA-approved lighting scheme included provision of lights to delineate the perimeter of the combined operational Bhlaraidh Wind Farm and the 18 turbine Proposed Development. This scheme included lights on turbines 13, 14 and 18 of the Proposed Development but as a result of their removal the approved lighting scheme has been re-designed and to maintain the marking of the eastern boundary of the Proposed Development, turbines 15 and 17 will now be fitted with infra-red lighting.

Legislation

Under paragraph 2(1) of Schedule 8 to the Electricity Act and the (Applications for Consent) Regulations 1990 ("the Consents Regulations") made under the Electricity Act, the relevant Planning Authority – the Highland Council in this case - is required to be notified in respect of a section 36 consent application.

On 16 August 2021, in accordance with the Electricity Works (Environmental Impact Assessment)(Scotland) Regulations 2017 ("the EIA Regulations") and The Electricity Works (Miscellaneous)(Coronavirus)(Scotland) Regulations 2020, the Company submitted an Environmental Impact Assessment report ("the EIA report") in support of the Application describing the Proposed Development and giving an analysis of its environmental effects.

In accordance with requirements of the EIA Regulations and the requirements of the Consents Regulations, the EIA report and all associated documentation was made available for public inspection. Notices were published in the Edinburgh Gazette as well as in national newspapers, on the application website and in newspapers circulated in the respective local communities affected by the Proposed Development

informing the public of the application and, if they wished to do so, how representations to the Scottish Ministers could be made.

To comply with the EIA Regulations, the Scottish Ministers are required to consult the relevant Planning Authority, as well as Historic Environment Scotland ("HES"), the Scottish Environment Protection Agency ("SEPA") and NatureScot and other persons that are likely to be concerned by the Proposed Development by reason of their specific environmental responsibilities.

In March 2022, the Company submitted Additional Information relating to changes of likely significant effects (or lack of) resulting from the removal of three turbines as required by the Highland Council. In accordance with Regulation 20 of the EIA Regulations, the Additional Information was made available for public inspection. Further notices were published in the Edinburgh Gazette, the application website and in newspapers circulated in the respective local communities informing the public of the Additional Information and, if they wished to do so, how representations to the Scottish Ministers could be made.

To comply with the EIA Regulations, the Scottish Ministers, with regards to the Additional Information, are required to consult the relevant Planning Authority, as well as HES, SEPA and NatureScot and other persons that are likely to be concerned by the Proposed Development by reason of their specific environmental responsibilities.

The Scottish Ministers are satisfied that, in accordance with requirements of both the Consents Regulations and the EIA Regulations, a notice of the Proposed Development was published on the application website and advertised in local and national press. The Application and the Additional Information were also placed in the public domain, and the opportunity given for those wishing to make representations to do so. Notifications were sent to the Highland Council as the relevant Planning Authority as well as to HES, SEPA and NatureScot.

The Scottish Ministers have had regard to the requirements regarding publicity and consultation laid down in the Consents Regulations and EIA Regulations and are satisfied that the general public as well as statutory and other consultees have been afforded the opportunity to consider and make representation on the Proposed Development.

The Scottish Ministers have had regard to the matters set out in Schedule 9 of the Electricity Act in respect of the desirability of preserving the natural beauty of the countryside, of conserving flora, fauna and geological and physiological features of special interest and of protecting sites, buildings and objects of architectural, historic, or archaeological interest. The Scottish Ministers shall avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters.

In accordance with section 36(5A) of the Electricity Act, before granting any section 36 consent the Scottish Ministers are also required to:

- obtain SEPA advice on matters relating to protection of the water environment; and

- have regard to the purposes of Part 1 of the Water Environment and Water Services (Scotland) Act 2003.

SEPA's advice has been considered as required with due regard given to the purposes of Part 1 of the Water Environment and Water Services (Scotland) Act 2003. In addition to highlighting regulatory requirements, SEPA advised that they have no objection to the Proposed Development subject to the imposition of conditions. These are included in Annex 2.

The Scottish Ministers are satisfied that the EIA report (including the Additional Information) has been produced in accordance with the EIA Regulations. The Scottish Ministers have assessed the environmental impacts of the Proposed Development and taken the environmental information, being the Application, EIA report, the Additional Information, consultation responses and representations into consideration in reaching their decision.

The Scottish Ministers consider that there is sufficient information to be satisfied that the Company has had regard to the desirability of preserving the natural beauty of the countryside, of conserving flora, fauna, and geological and physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic, or archaeological interest.

The Scottish Ministers are satisfied that the Company has done what it reasonably can to mitigate any effect, which the proposals would have on the natural beauty of the countryside, or any such flora, fauna, features, sites, buildings or objects.

The Scottish Ministers are satisfied that the Company has avoided so far as possible, causing injury to fisheries or to stock of fish in any waters.

Conservation of Habitats and Species Regulations

The Conservation of Habitats and Species Regulations 2017 ("the Habitats Regulations") require the Scottish Ministers to consider whether the Proposed Development would be likely to have a significant effect on a European site or European offshore marine site (either alone or in combination with other plans or projects), as defined in the Habitats Regulations, and if the Proposed Development is directly connected with or necessary to the management of the site.

In their response to the Application consultation NatureScot advised that the following 'European sites' are close to the Proposed Development and consequently, the Scottish Ministers, in compliance with the Habitats Regulations, are required to undertake an Appropriate Assessment in respect of each of them:

- the Loch Knockie and Nearby Lochs Special Protection Area (designated for slavonian grebe);
- the Loch Ruthven Special Protection Area (designated for slavonian grebe);
- the North Inverness Lochs Special Protection Area (designated for slavonian grebe);
- the River Moriston Special Area of Conservation (designated for Atlantic salmon and fresh water pearl mussel).

The Scottish Ministers can confirm that the relevant Appropriate Assessments have been carried out (see Annex 4). The environmental information to inform the appraisals relating to the Special Protection Areas and the Special Area of Conservation listed above was presented Appendix 6.4 (Habitats Regulations Appraisal – Volume 4) the EIA report which accompanied the Application.

In Appendix 5.4 (Fish Habitat and Population Baseline Survey) of Volume 4 of the EIA report it is stated that "*the access route (an existing track to the operational wind farm) and some peripheral areas of the site drain towards the River Morison*". This relates to a stream, Allt Loch a'Chrathaich, which a survey found to carry "*almost no water due to abstraction*" and "*therefore almost entirely unsuited to fish production*". It was stated in Appendix 5.4 "*Migratory salmonids (salmon and sea trout) do not have access to the development site due to the presence of natural obstacles*". The River Moriston SAC was not subject to a Habitats Regulations Appraisal in the EIA report. Information relevant to and required for an Appropriate Assessment to be completed in respect of the River Moriston SAC was subsequently provided by NatureScot.

The Appropriate Assessments have therefore been produced using information already advertised in accordance with the EIA regulations. The conclusion of the Scottish Ministers is that, subject to the mitigation measures identified in Chapter 16 (Schedule of Environmental Commitments) in Volume 1 of the EIA report, secured through the imposition of conditions attached to the planning permission at Annex 2, the Proposed Development will not, either alone or in combination with other Developments, adversely affect the integrity of any qualifying interest of any of the designated sites listed above.

Consultees Responses

A summary of all consultation responses is provided below. The full responses are available on the Energy Consents Unit website www.energyconsents.gov.scot

Statutory Consultees

The Highland Council assessed the Proposed Development against a wide range of national and local policies including the following:

- National Planning Framework 3;
- Scottish Planning Policy (June 2014);
- Highland Wide Local Development Plan 2012;
- Inner Moray Firth Local Development Plan (IMFLDP) (2015);
- The Highland Council Supplementary Guidance (Onshore Wind Energy Supplementary Guidance, Nov 2016 (OWESG).

Having received no objection from any internal consultee (eg the Council's Development Plans Team, Flood Risk Management Team, Forestry Team and Environmental Health Officer) the Highland Council concluded that the Proposed Development is **"***on balance, considered acceptable in terms of the Development Plan, national policy and is acceptable in terms of all other applicable material considerations subject to the removal of turbines 13, 14 and 18 and associated infrastructure*" and **do not object** subject to the removal of these turbines and the

imposition of conditions. The conditions sought by the Highland Council are contained in Annex 2.

In response to the Additional Information consultation, the Highland Council maintained their no objection subject to the removal of the three turbines and the imposition of conditions.

The Scottish Ministers have given consideration to the Highland Council's responses to both consultations and have imposed appropriately worded conditions at Annex 2.

HES do not object to the Proposed Development on the basis that it would not have any "*direct physical effects*" on any assets within their remit. HES also advised that they are "*content*" that the Proposed Development "*would not affect the integrity of the setting of scheduled monuments in the surrounding area*". HES also advised that they are "*satisfied*" that the Proposed Development "*would not raise issues of national interest for our remit*".

HES maintained this position in their response to the Additional Information consultation.

NatureScot do not object to the Proposed Development. In their response to the Application consultation NatureScot raised concerns regarding the following:

- impacts on the River Moriston SAC;

Please see **Conservation of Habitats and Species Regulations** above.

- impacts on Golden Eagle;

NatureScot have concerns regarding the impacts the Proposed Development will have on available habitat for Golden Eagles which will have negative implications for the population in the region. They noted however, that there would be scope for an improved Habitat Management Plan to include "*a regional scale management plan for Eagles which would mitigate the negative effects"* of the Proposed Development.

In response to the Additional Information consultation NatureScot advised "*We welcome the commitments to a habitat management plan. Again our advice is that basic details should be provided ahead of any consent, such as the minimum area which will be managed and an accompanying map of the area*".

The Scottish Ministers have given consideration to NatureScot's responses relating to Golden Eagles and have imposed appropriately worded conditions at Annex 2.

- landscape and visual impacts;

NatureScot advised that although they were in agreement with the conclusions in the EIA report regarding landscape and visual impacts (singular and cumulative), they believed that the Proposed Development would have significant adverse landscape and visual effects on three views:

- from the promoted Suidhe viewpoint on the B862 on the south-eastern side of Loch Ness;
- from Meall Fuar-mhonaidh which is popular with both tourists and local walkers; and
- from the B862 south of Foyers and from nearby settlement as represented by Viewpoint 7 where the Proposed Development would be seen with the proposed Corriegarth 2 Wind Farm.

In their response to the Additional Information consultation NatureScot stated "*The removal of 3 turbines slightly improves the design of the wind farm when seen from most viewpoints. This is due to a more balanced composition of the turbine layout and the removal of outlying turbines when seen from some viewpoints*".

- impacts on carbon rich soils, deep peat and priority peatland habitat.

In their response to the Application consultation, NatureScot welcomed "*the tentative offer*" from the Company "*to restore a larger area of peatland*". NatureScot also stated "*We advise that the permanent loss of habitat cannot be offset, but improving the condition of other areas does go some way to mitigating that permanent loss. It is also the case that it takes many years for restored peatland to deliver all the services of the original habitat and that at least some restoration failures should be anticipated*". They also stated "*We recommend that an updated OHMP* [Outline Habitat Management Plan]*, to taking this into account, is provided prior to any consent and secured by condition*".

In their response to the Additional Information consultation NatureScot welcomed the commitment to a Habitat Management Plan and regional Eagle conservation management plan. In relation to impacts on carbon rich soils, deep peat and priority peatland habitat NatureScot repeated their advice regarding the requirement for an updated Outline Habitat Management Plan which should "*include to a commitment to restore several times the area currently being offered*".

The Scottish Ministers have given consideration to NatureScot's responses relating to impacts on carbon rich soils, deep peat and priority peatland habitat and have imposed appropriately worded conditions at Annex 2 which secure the recommended mitigation measures.

SEPA do not object to the Proposed Development subject to the imposition of conditions relating to :

- a finalised Peat Management Plan;
- adherence to the mitigation measures outlined in chapter 16 (Schedule of Environmental Commitments of Volume 1 of the EIR report; and
- the implementation of the design changes and further actions outlined in Table 5.5.4 of Appendix 5.5 (Peatland Condition Assessment) in Volume 4 of the EIA report to limit impact on high quality habitat.

SEPA also asked for conditions relating to:

- micro-siting of turbines of up to 50m should not go onto deeper peat;

- so that they can be suitably protected from disturbance during construction the requirement to physical marking on site of two specific mire habits (identified as 2a and 2b in the M11 Target Notes on Figure 5.6 – Assessed Groundwater Dependent Terrestrial Ecosystems – Volume 2 of the EIA report;
- adherence to a finalised Habitat Management Plan with no less than 6.93 ha of peatland improvement works;
- the restoration of borrow pits;
- a finalised Decommissioning and Restoration Plan

SEPA maintained this position in their response to the Additional Information consultation.

The Scottish Ministers have given consideration to SEPA's responses to both consultations and have imposed appropriately worded conditions at Annex 2 to secure their recommendations.

Non-statutory consultees

In their response to the Application consultation **Defence Infrastructure Organisation** ("DIO") advised that, subject to conditions, they have no objection to the Proposed Development. DIO advised "*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 turbines in this location has the potential to introduce a physical obstruction to low flying aircraft operating in the area*". To address this they require conditions for infra-red lighting to be installed on each of the perimeter turbines. DIO also require a condition relating to "*Aviation Charting and Safety Management*" whereby they are informed in advance of turbines being erected; the maximum height of all construction equipment used to erect the turbines; the date on which the turbines commence operation and the latitude and longitude and maximum heights of each wind turbine and any anemometer mast/s.

DIO maintained this position in their response to the Additional Information consultation.

The Scottish Ministers have given consideration to DIO's responses to both consultations and have imposed appropriately worded conditions at Annex 2.

In their response to the Application consultation **Fort Augustus & Glenmoriston Community Council** stated concerns relating to:

- impacts on public access for recreation purposes;
- light pollution caused by aviation lighting;
- increased traffic through local communities.

Fort Augustus & Glenmoriston Community Council did not respond to the Additional Information consultation. The Scottish Ministers have given consideration to Fort Augustus & Glenmoriston Community Council's response and are satisfied that the imposition of appropriately worded conditions at Annex 2 will address the issues raised.

In their response to the Application consultation **Glenurquhart Community Council** objected to the Proposed Development for the following reasons:

- it "*is visually intrusive and highly visible from the top of a Meall Fuar-mhonaidh, spoiling views to the west*";
- it "*is in a sensitive area with many lochans and peat areas which will be carved up by roads and crane pads during construction and later maintenance access*";
- "*Construction of roads and associated drainage ditches will have a catastrophic impact on the flora and fauna, particularly in relation to access for amphibians and fish life in the area*";
- "*There are a number of re-wilding projects currently being planned for surrounding areas, expansion of this development could have an adverse impact on these projects, and a balance should be sought between the potentially conflicting projects. We do not see that this has been noted in the application being considered*";
- "*Rather than expansion of windfarms consideration needs to be given to alternative renewable energy generation schemes*".

Glenurquhart Community Council maintained this position in their response to the Additional Information consultation.

In their response to the Application consultation **RSPB Scotland** stated that they object to the Proposed Development because of "*insufficient assessment of the impacts*" it will have on slovanian grebe. However, RSPB Scotland also state that this will be the case "*Unless a condition is attached to any consent stating construction of turbines 18 and 13 shall be outwith the breeding season for Slavonian Grebe (April – August) or, alternatively, details of appropriate mitigation are submitted as part of a Breeding Birds Protection Plan*".

RSPB Scotland also requested conditions relating to "*additional habitat restoration and positive habitat management*" including the protection of Black Grouse during the lekking season and "*appropriate levels of deer control*" to protect the Levishie Wood SSSI, designated for its upland birch woodland.

In their response to the Additional Information consultation RSPB Scotland stated that following the removal of turbine 13 and turbine 18, their objection was withdrawn. The requirement for the imposition conditions stated in the response to the Application consultation was re-stated.

The Scottish Ministers have given consideration to RSPB Scotland's responses to both consultations and have imposed appropriately worded conditions at Annex 2 which secure the recommended mitigation measures.

In their response to the Application consultation **Scottish Water** stated that they have no objection to the Proposed Development. They advised that there are no Scottish Water drinking water catchments or water abstraction sources which are designated as Drinking Water Protected Areas under the Water Framework Directive in the area that may be affected by the Proposed Development. However, they also advised that the Proposed Development may impact on existing Scottish Water assets and this

requires to be discussed between the Company and Scottish Water. This position was maintained in their response to the Additional Information consultation.

In their response to the Application consultation **Strathglass Community Council** objected to the Proposed Development for a number of reasons:

- impacts on peat;
- impacts on the Glen Affric National Scenic Area and National Nature Reserve in terms of nature and visual impacts;
- adverse economic impacts due to visual impacts on Glen Affric; and
- adverse impacts upon wild land areas and the Loch Ness and Duntelchaig Special Landscape Area.

It considers these impacts would be as a result of the Proposed Development on its own as well as cumulatively with other Developments around the area.

Strathglass Community Council maintained their objection in their response to the Additional Information consultation.

The following consultees stated in their responses to the Application consultation that they have no objection to the Proposed Development:

- Aberdeen International Airport;
- British Horse Society;
- Crown Estate Scotland;
- Highland & Islands Airports Limited;
- Joint Radio Company;
- NATS safeguarding.

BT stated in their response to the Application consultation that they had no objection to the Proposed Development. They did not submit a response to the Additional Information consultation. In response to both the Application consultation and the Additional Information consultation Mountaineering Scotland advised that they had "*no comments to make at this time*" and Fisheries Management Scotland advised that Ness District Salmon Fishery Board should be consulted.

The following consultees did not submit responses to either consultation:

- Beauly District Salmon Fishery Board;
- Civil Aviation Authority;
- John Muir Trust;
- Marine Scotland Science;
- Ness & Beauly Fisheries Trust;
- Ness District Salmon Fishery Board;
- Nuclear Safety Directorate;
- Scottish Rights of Way and Access Society (ScotWays);
- Visit Scotland.

Internal Scottish Government Advisors

Ironside Farrar are advisors to the Scottish Ministers on Peat Landslide and Hazard Risk Assessment ("PLHRA"). Ironside Farrar advised that a revised PLHRA submitted by the Company was considered sufficient.

Scottish Forestry do not object to the Proposed Development because it "*has very limited potential to impact on the forests and/or woodlands in the area*". They did not respond to the Additional Information consultation.

Transport Scotland do not object to the Proposed Development subject to there being conditions relating to visibility splays from the access; a Construction Traffic Management Plan, details of the final abnormal road route; wheel washing facilities and any temporary traffic measures required must be undertaken by a quality assured traffic management consultant.

The Scottish Ministers have attached appropriately worded conditions within Annex 2 which give effect to Transport Scotland's requirements.

Representations

A total of 29 representations were received, 13 being objections to the Proposed Development and 16 being in support of it.

Issues raised in the representations objecting to the Proposed Development included:

- landscape and visual impacts, singularly and cumulatively;
- proliferation of wind turbines in the area;
- impacts on Glen Affric National Scenic Area;
- impacts on tourism;
- impacts on Central Highlands Wild Land Area;
- increased traffic through local communities;
- micro siting allowance;
- impacts of aviation lighting;
- concrete turbine foundations will remain after wind farm ceases operation.

Issues raised in the representations in support of the Proposed Development included:

- socio-economic benefits to the area's business community;
- creation of jobs;
- contribution to the Scottish Government meeting its targets on reducing carbon emissions.

The representations are available to view in full on the Energy Consents Unit website www.energyconsents.gov.scot

It is noted by the Scottish Ministers that neither the Highland Council nor NatureScot objected in relation to impacts on the Glen Affric National Scenic Area or the Central Highlands Wild Land Area. It also noted by the Scottish Ministers that the aviation lighting agreed to by the CAA does not involve night time lighting that is visible to the

human eye and that no objection was received in relation to impacts of aviation lighting from the Highland Council or Naturescot. With regards to micro siting, the 50m allowance agreed is the standard allowance and a condition will be imposed which ensures that, if it is utilised, it will avoid, as far as possible, any consequent adverse impacts. It is noted by the Scottish Ministers that no consultee, including SEPA, objected to or raised any concerns relating to the 50m micro siting allowance.

The Scottish Ministers are satisfied that the matters raised in the objections have been appropriately assessed and taken into account in the determination of the Proposed Development.

Public Inquiry

In terms of paragraph 2(2) of Schedule 8 to the Electricity Act if a planning authority makes an objection and that objection is not withdrawn, the Scottish Ministers must cause a Public Inquiry to be held unless the Scottish Ministers propose to accede to the application subject to such modifications or conditions as will give effect to the objection of the planning authority. In this case the Highland Council did not object to the Proposed Development subject to the removal of three turbines and the imposition of conditions. The Company agreed to this and submitted Additional Information detailing the anticipated effects and impacts regarding the removal of three turbines. In response to the Additional Information consultation the Highland Council stated that they did not object to the Proposed Development subject to conditions. Consequently, a Public Inquiry is not a statutory requirement.

Paragraph 3 of Schedule 8 provides that where the Scottish Ministers are not, by virtue of paragraph 2(2), to cause a Public Inquiry to be held, but objections or copies of objections have been sent to the Scottish Ministers, the Scottish Ministers must consider those objections together with all other material considerations with a view to determining whether a Public Inquiry should be held with respect to the application and, if they think it appropriate to do so, they must cause a Public Inquiry to be held.

The Scottish Ministers have considered the objections raised by Fort Augustus & Glenmoriston Community Council, Glenurquhart Community Council and Strathglass Community Council and those raised in the thirteen public representations and, having taken all material considerations into account, decided that a Public Inquiry is not required.

The Scottish Ministers are content there is sufficient information to be able to make an informed decision on the Application and that they can weigh all the conflicting issues without recourse to hold a Public Inquiry.

The Scottish Ministers are satisfied that both the public and the consultative bodies have been afforded ample opportunity for their objections to be made and that little would be added to the Scottish Ministers' understanding of parties' positions by discussing representations in a Public Inquiry forum.

THE SCOTTISH MINISTERS' CONSIDERATIONS

Policy Context Climate Change and Renewable Energy Targets

Climate Change and Renewable Energy Targets

The seriousness of climate change, its potential effects and the need to cut carbon dioxide emissions, remain a priority of the Scottish Ministers. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, introduced a target of net zero greenhouse gas emissions by 2045 at the latest. Scotland will also have to reduce emissions by at least 75% by 2030 and 90% by 2040. Scotland's Climate Change Plan 2018-2032, sets out the road map for achieving those targets and has set the goal of 50% of Scotland's energy need to be met by renewable energy by 2030. The Climate Change Plan Update (CPPu) was published in December 2020 and sets out the Scottish Government's approach to deliver a green recovery and pathway to deliver world leading climate change targets.

Scottish Energy Strategy and Onshore Wind Policy Statement

Scottish Energy Strategy ("SES") and Onshore Wind Policy Statement ("OWPS") were published in December 2017. SES sets out a vision for the future energy system in Scotland through to 2050 and sets out the priorities for an integrated system-wide approach that considers the use and supply of energy for heat, power and transport. SES provides a long-term vision to guide energy policy decisions to tackle the challenges of decarbonising heat and transport in order to meet Scotland's long-term energy and climate change targets.

The OWPS reaffirms the vital role for onshore wind in meeting Scotland's energy targets. The statement sets out the Scottish Government's position for the ongoing need for more onshore wind development and capacity in locations across Scotland where it can be accommodated in appropriate locations.

National Planning Framework 3 ("NPF3")

NPF3 was published in June 2014 and it sets out the long term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy, that has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland, and the transition to a low carbon economy. NPF3 sets out strategic outcomes aimed at supporting the vision;

- a successful, sustainable place;
- a low carbon place;
- a natural resilient place; and
- a connected place.

NPF3 establishes the Scottish Government's commitment to establishing Scotland as a leading location for the development of renewable energy technology. Amongst its wide-ranging policies, NPF3 sets out the need for a strategy to reduce reliance on fossil fuels. It emphasises, not just the challenges in embracing a renewable and low

carbon economy, while protecting and sustaining environmental assets, but also the wider benefits that this will bring, especially in employment creation. It sets out that onshore wind will continue to make a significant contribution to the diversification of energy supplies.

Scottish Planning Policy ("SPP")

SPP aligns itself with NPF3 and contains guidance in respect of the granting of consent for wind farm development and is to be read and applied as a whole. It sets out overarching principal polices to be applied to all development and subject policies which set out guidance in respect of development management.

An overarching principle of SPP is that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits over the longer term. The aim is to achieve the correct development in the right place. It is not to allow development at any cost. SPP sets out that polices and decisions should be guided by certain principles giving due weight to:

- net economic benefit;
- the contribution to renewable energy targets;
- supporting delivery of infrastructure, including energy; and
- protecting natural heritage, including landscape and the wider environment.

SPP also states that the planning system should support the development of a diverse range of electricity generation from renewable energy technologies, including the expansion of renewable energy generation capacity.

In respect of protected species, SPP advises that the presence (or potential presence) of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is present on a site or may be affected by a proposed Development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the Development and any impacts must be fully considered prior to the determination of an application.

Local Development Plan

The Highland Council considered the Proposed Development against the following:

- Highland Wide Local Development Plan 2012;
- Inner Moray Firth Local Development Plan (IMFLDP) (2015);
- The Highland Council Supplementary Guidance;
- Onshore Wind Energy Supplementary Guidance, Nov 2016 (OWESG);
- Other Supplementary Guidance including:

    - 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);
- Physical Constraints (March 2013);
- Special Landscape Area Citations (June 2011);
- Standards for Archaeological Work (March 2012); and
- Trees, Woodlands and Development (Jan 2013).

Policy 61 of the Highland-wide Local Development Plan states that new Developments should be designed to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed. This would include consideration of the appropriate scale, form, pattern and construction materials, as well as the potential cumulative effect of Developments where this may be an issue.

Policy 67 of the Highland-wide Local Development Plan states that "*renewable energy development should be well related to the source of the primary renewable resource needed for operation, the contribution of the proposed development in meeting renewable energy targets and positive/negative effects on the local and national economy as well as all other relevant policies of the Development Plan and other relevant guidance*". Policy 67 also states that proposed developments will be supported if they "*are located, sited and designed such as they will not be significantly detrimental overall, individually or cumulatively with other developments*".

It is noted by the Scottish Ministers that within the context of the Highland Wide Local Development Plan, the Highland Council's stated position is that a proposed development "*will accord*" with the provisions of the Highland Wide Local Development Plan if they are "*satisfied*" that it isn't "*significantly detrimental overall*".

It is also noted by the Scottish Ministers that in its response to the Additional Information consultation, the Highland Council stated that "*Subject to the application of conditions recommended in the response sent to the Energy Consents Unit in Feb 2022 and as modified by Members of the South Planning Applications Committee*" the Proposed Development "*accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations*".

Emerging Policy

Scotland 2045: Our Fourth National Planning Framework Draft ("Draft NPF4") was laid in Parliament on 10 November 2021. The Draft NPF4 sets out the spatial strategy with a shared vision that is to guide future development in a way which reflects the overarching spatial principles: sustainable places, liveable places, productive places and distinctive places. Relevant policies in Draft NPF4 strengthen the support afforded to renewable energy development proposals which are not sited in National Scenic Areas or National Parks, setting out that renewable energy proposals should be supported in principle unless the impacts identified are unacceptable.

Onshore Wind Policy Statement Refresh 2021: Consultative Draft was published in October 2021. This sets out that additional onshore wind will be vital to Scotland's future energy mix and in meeting net zero targets.

The Scottish Ministers have considered both Draft NPF4 and Onshore Wind Policy Statement Refresh 2021: Consultative Draft. Taking account that both are at the consultative draft stage the Scottish Ministers have afforded them limited weight.

Main Determining Issues

Having considered the Application, the EIA report, the Additional Information, responses from consultees, the representations and Scottish Government policies, the Scottish Ministers consider that the main determining issues are:

- the landscape and visual impacts and their cumulative effects including the effects of aviation lighting;
- the impact on designated sites and protected landscapes; and
- the extent to which the Proposed Development accords with and is supported by Scottish Government policy.

Assessment of the Determining Issues

Landscape and Visual Impacts including cumulative effects and aviation lighting

Landscape and Visual Impacts including cumulative effects

In consideration of the Proposed Development, the Scottish Ministers have taken into account the Landscape and Visual Impact Assessment ("LVIA") presented within the ***EIA Report - Volume 1: Chapter 8: Landscape and Visual*** and the ***Additional Information Report (March 2022): Chapter 8 – Landscape and Visual***. Comments made by consultees and in public representations were also taken into consideration.

The landscape in which the Proposed Development is located is categorised as a Rocky Moorland Plateau Landscape Character Type. This is described as "*open, gently rolling and undulating moorland plateaux with distinct edges, containing small hills formed by rocky outcrops and low areas of varying scale*".

Outwith the Site of the Proposed Development there are several distinctive hill summits, including Meall Fuar-mhonaidh which slopes steeply down to the Great Glen. To the west, this plateau transitions to a rugged, exposed landscape of large mountains and small lochs, while to the north there is the wooded Glen Urquhart and the farmed broad Strathglass valley. Glen Moriston is located to the south.

With regards to the Rocky Moorland Plateau Landscape Character Type in which the Proposed Development will be located (ie Separation of Glen Urquhart and Glen Moriston) it is stated in the Highland Council ***Onshore Wind Energy Supplementary Guidance (November 2016)*** that "*Large turbines*" should:

- be set back from Key Routes (see **Note** below);
- preserve mitigation established by current schemes;
- maintain spacing and scale of existing development pattern;
- minimise visual confusion from higher ground to the west and north with Meall Fuar-mhonaidh.

(**Note**: Key Routes are defined in *Onshore Wind Energy Supplementary Guidance (November 2016**)*** as "An important route that captures the essence of an area's particular qualities".)

The Highland Council's ***Onshore Wind Energy Supplementary Guidance (November 2016)*** also contains the Landscape Sensitivity Appraisals which identifies Key Views, Key Routes and Gateways as well as Landscape Character Area sensitivities and guidance and it sets out ten distinct landscape and visual related criteria against which the Highland Council will assess the Proposed Development.

In ***EIA Report - Volume 1: Chapter 8: Landscape and Visual*** the Company concluded that, following their analysis of the Proposed Development's landscape and visual effects against these ten criteria, "*there would be no significant effect on any of the Key Views, Key Routes or Gateways*" and that "*the landscape and visual effects of the Proposed Development, although locally significant for some visual receptors would not lead to the threshold for any of the ten THC criteria being exceeded*".

The Landscape and Visual Impact Assessment ("LVIA") which was included in the EIA report, assessed nine individual Landscape Character Types ("LCTs") with regards to effects and impacts on landscapes. It is stated in ***EIA Report - Volume 1: Chapter 8: Landscape and Visual*** that the "*landscape assessment did not identify any significant landscape effects upon landscape character types*".

With regards to cumulative landscape effects, the ***EIA Report - Volume 1: Chapter 8: Landscape and Visual*** concludes "*All effects to landscape character, designated and protected landscapes resulting from the Proposed Development would not be significant. This is largely due to the proximity of the Proposed Development adjacent to the Operational Development and context of other existing wind developments in the landscape which provides a precedent in most areas for the types of effects which would be experienced*".

With regards to cumulative visual effects, the ***EIA Report - Volume 1: Chapter 8: Landscape and Visual*** concludes "*The majority of visual effects anticipated to result from the Proposed Development would not be significant, including on receptors at viewpoints, in settlements and properties and on routes. This is generally due to the natural screening provided by the surrounding landform and the proximity of the Proposed Development to the Operational Development which would be seen together in most views. The presence of the Operational Development and other existing wind developments often reduces the sensitivity of the part of the view affected, and also reduces the perceptibility of changes that would result from the Proposed Development*".

It is noted by the Scottish Ministers, that in their response to the Application consultation, NatureScot concluded that despite impacts on views especially from Meall Fuar-mhonaidh and from the B862 south of Foyers "*We agree with the findings of the LVIA that this proposal would incur no significant effects on landscape character and on valued landscapes*" and that, in their response to the Additional Information consultation, they stated "*The removal of 3 turbines slightly improves the design of the wind farm when seen from most viewpoints. This is due to a more balanced composition of the turbine layout and the removal of outlying turbines when seen from some viewpoints*".

The Scottish Ministers note that, in their response to the Application consultation, NatureScot stated that they were in agreement with the Company's conclusion that apart from one viewpoint, there would be no significant cumulative landscape effects caused by the Proposed Development. It is also noted by the Scottish Ministers that in their response to the Additional Information consultation, NatureScot stated that the removal of three turbines "*slightly improves the design of the wind farm when seen from most viewpoints*" and that their advice regarding landscape and visual effects remains unchanged from that stated in their response to the Application consultation.

With regards to Meall Fuar-mhonaidh, the impacts on which were raised by NatureScot and other consultees, the Highland Council advised in their response to the Application consultation that "*mitigation was secured for the existing operational scheme, in the form of removal of turbines, to try and limit the 'spill of the turbines over the natural buffer of Carn Tarsuinn'. The current scheme does undermine this mitigation*". In their response to the Additional Information consultation the Highland Council advised "*There was a concern that the originally submitted 18-turbine scheme undermined the previously secured mitigation. The proposed turbines would appear more prominent than the operational turbines seen behind due to their closer proximity to the view and increased size and would detract from longer views west to distant mountains. It was anticipated that the removal of the three turbines would assist in drawing back the turbines from this viewpoint*". The Highland Council also advised in their response that the removal of the three turbines made the Proposed Development "*appear further away from receptors at this viewpoint, thereby potentially increasing the perceived distance to wind development. It would also very slightly reduce the perceived difference in scale between the proposed turbines and the operational development*" and "*The removal of tracks to T13 and T18 and to T14, along with turning head amendments near T17 and T16 would also result in perceptible improvements from this viewpoint. Tracks would be less visible and would contribute to the perception of the wind turbines being more distant in the view*". It is noted by the Scottish Ministers that, with regards to Meall Fuar-mhnoaidh, the Highland Council concluded that as a result of the removal of the three turbines "*the composition"* of the Proposed Development *"would be improved, and although it is acknowledged that this will not change the overall effect in EIA terms at this viewpoint, which is still considered to be moderate (significant), it does make the effects more acceptable to the Council*".

The Scottish Ministers note that in the response to the Application consultation the Highland Council stated "*On balance, and subject to the removal of turbines 13, 14 and 18, it is considered that the landscape and visual impact of the scheme can be seen as acceptable*". It is also noted by the Scottish Ministers that in the response to the Additional consultation the Highland Council stated that, overall, the impact of the

removal of the three turbines would be "*reduced from VPs, by improving the overall composition through horizontal containment, removing the most prominent/ perceptible turbines and reduced stacking or density of turbines*".

The Scottish Ministers also note that in their response to the Application consultation and again in their response to the Additional Information consultation, the Highland Council agrees with NatureScot's assessment of the Proposed Development's effects on landscape character.

Having considered the EIA report, the Additional Information, the consultation responses and the representations, the Scottish Ministers are satisfied that whilst there are landscape and visual impacts, these are tolerable when weighed against the benefits of the Proposed Development.

Impact on designated sites and protected landscapes

Concerns regarding the impact the Proposed Development would have on designated sites and protected landscapes were raised in consultation responses from community councils and in representations received by the Energy Consents Unit.

With regards to impacts on European sites as defined in the Habitats Regulations please see **Conservation of Habitats and Species Regulations** above and Annex 4 of this letter. Additionally, it is noted by the Scottish Ministers that in their response to the Application consultation, NatureScot concluded that the Proposed Development "*will not adversely affect the integrity*" of the Loch Ruthven, North Inverness Lochs and Loch Knockie and Nearby Lochs Special Protection Areas.

The site of the Proposed Development is not covered by any statutory, international, regional or local landscape-related designations. Glen Affric National Scenic Area ("NSA") is located approximately 11.6km from the Proposed Development. The closest Wild Land Area ("WLA") is *WLA 25: Central Highlands* which is approximately 10.6km from the site. Whilst WLAs are not designated landscapes, they are afforded protection through Scottish Planning Policy. In terms of local landscape designations, the Loch Ness and Duntelchaig Special Landscape Area ("SLA") is approximately 1.9km from the Proposed Development.

Levishie Wood Site of Special Scientific Interest ("SSSI"), designated as a SSSI for its upland birch woodland, is approximately 1.4km from the Proposed Development. It is noted by the Scottish Ministers that NatureScot, Scottish Forestry and the Highland Council's Forestry Team did not raise any concerns in relation to impacts on Levishie Wood SSSI.

With regards to impacts on other designated sites and protected landscapes the Company concluded in ***EIA Report - Volume 1: Chapter 8: Landscape and Visual*** ***"****The assessment of potential landscape effects has considered Landscape Character Types (LCTs) identified by NatureScot and designated and protected landscapes, including, in particular, National Scenic Areas (NSAs), Wild Land Areas (WLAs) and Special Landscape Areas (SLAs). There would be no significant landscape effects to any of these areas as a result of the Proposed Development*".

It is noted by the Scottish Ministers that following assessment, NatureScot stated in their response to the Application consultation "*We agree with the findings of the LVIA that this proposal would incur no significant effects on landscape character and on valued landscapes*" and "*We agree with the LVIA findings that effects on WLAs in the study area would not be significant*".

It is also noted by the Scottish Ministers that in reference to Glen Affric NSA, NatureScot stated "*We agree with the LVIA findings that effects on this NSA would not be significant*". It is also noted by the Scottish Ministers that the Highland Council did not raise any concerns regarding impacts on the Glen Affric NSA or in fact, any other designated site or protected landscape.

Having considered the EIA report, the Additional Information, the consultation responses and the representations, the Scottish Ministers are satisfied that the Proposed Development will not adversely impact on any designated site or protected landscape and that it will not adversely affect the conservation objectives of any SAC or SPA.

Extent to which the Proposed Development accords with and is supported by Scottish Government policy

Scotland's renewable energy and climate change targets, energy policies and planning policies are all material considerations when weighing up the Proposed Development. NPF3, SPP, the Energy Strategy and the Onshore Wind Policy Statement make it clear that renewable energy deployment remains a priority of the Scottish Government. This is a matter which should be afforded significant weight in favour of the Proposed Development.

The Scottish Ministers are satisfied that the matters pertaining to SPP have been assessed in the Application, EIA report, Additional Information and considered in responses from the Planning Authority, SEPA, NatureScot and other relevant bodies. As previously set out, SPP contains guidance in respect of the granting of development consent for wind farm development. SPP is to be read and applied as a whole. It sets out overarching Principal Polices to be applied to all development and Subject Policies which set out guidance in respect of development management.

An overarching principle of SPP is that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits over the longer term. The aim is to achieve the right development in the right place. It is not to allow development at any cost. This means that decisions and policies should be guided by certain principles including, among others, giving due weight to net economic benefit; supporting the delivery of infrastructure; supporting climate change mitigation and protecting natural heritage. The aims of these policies require to be considered and balanced when reaching a decision on applications for wind energy development.

SPP advises that proposals for energy infrastructure developments should always take account of spatial frameworks for wind farms where these are relevant. SPP identifies a number of considerations to be taken into account when determining energy infrastructure developments (set out at SPP paragraph 169) including but not

limited to, landscape and visual, cumulative impact, net economic impact, and contribution to the renewable energy generation targets. The Scottish Ministers in making their determination on the Application have balanced these considerations, decided what weight is to be given to each, and reached a view, set out below, as to where the balance of benefit lies.

SES and OWPS set out targets for the increase in the supply of renewable energy. The OWPS in particular reaffirms the vital role for onshore wind in meeting Scotland's energy targets. The statement sets out the Scottish Government's position for the ongoing need for more onshore wind development in locations across Scotland where it can be accommodated.

The Scottish Ministers have considered the landscape and visual effects that the Proposed Development will have and are satisfied that will not create any unacceptable adverse effects. The Scottish Ministers are also satisfied that it will not have any significant effects on protected species, National Scenic Areas or National Parks.

The transition to a low carbon economy is an opportunity for Scotland to take advantage of our natural resources to grow low carbon industries and create jobs.

In the ***Bhlaraidh Extension Additional Information Report*** the Company sets out revised socio economic information based on a 15 turbine Development. The Company estimates that there would be a capital cost of £79.6 million with £11.8 million being added to the Highland economy and £30.5 million to the wider Scottish economy. The Company estimate that annually, during the operation phase of the Proposed Development, £0.6 million would be added to the Highland economy and £1 million to the wider Scottish economy. 10 jobs would be created in Highland and 17 in Scotland.

Whilst the overall net economic benefits are estimations of the effects of the Proposed Development, the Scottish Ministers are satisfied the Proposed Development has the potential for positive net economic benefits for the local communities of the Highlands and for Scotland.

The Scottish Ministers consider that that the Proposed Development will make a valuable contribution towards meeting greenhouse gas emission and renewable electricity targets, as well as the diversification of energy supplies.

The carbon payback time is the measurement indicator to assess the influence of the Proposed Development on climate change. The shorter the payback period, the greater the benefit the Proposed Development would have in displacing emissions associated with electricity generated by burning fossil fuels. The estimated carbon payback period for the Proposed Development is 2.4 years when compared to the fossil fuel mix. Had the Proposed Development remained an 18 turbine Development this would have been 2.5 years.

The Scottish Ministers consider that the effects, including cumulative effects, of the Proposed Development will result in some environmental impacts but these are considered acceptable in the context of the benefits that the Proposed Development

will bring in terms of net economic benefit, contributing to renewable energy and climate change targets, while protecting the natural environment. On balance, it is considered that the Proposed Development is sustainable development.

The Scottish Ministers are satisfied that the Proposed Development will provide a contribution to renewable energy targets and carbon savings, and that it is entirely consistent with the Scottish Government's policy on the promotion of renewable energy and its target date for net-zero emissions of all greenhouse gases by 2045.

The Scottish Ministers are satisfied that the Proposed Development will provide carbon savings and that these savings will be of an order that weighs in its favour and will contribute to the Scottish Government's strategic priorities.

Taking everything into account, the Scottish Ministers are content that the Proposed Development is supported by Scottish Government Policies.

Reasoned Conclusions and Determination

Environment

The Scottish Ministers are satisfied that the Application, the EIA report and the Additional Information have been produced in accordance with EIA Regulations.

The Scottish Ministers have fully considered the Application, the EIA report, the Additional Information, the consultation responses, the representations and all other material information and are satisfied that the environmental impacts of the Proposed Development have been sufficiently assessed and taken into consideration in the decision making process. Taking into account the above information and assessment, and subject to conditions, the Scottish Ministers consider the environmental effects of the Proposed Development are acceptable.

The Scottish Ministers are satisfied having regard to current knowledge and methods of assessment, that this reasoned conclusion addresses the likely significant effects of the Proposed Development on the environment. The Scottish Ministers are satisfied that this reasoned conclusion is up to date.

The Scottish Ministers' Determination

Subject to the conditions set out in **Annex 2 - Part 1**, the Scottish Ministers **grant consent** under section 36 of the Electricity Act 1989 for the construction and operation of the Bhlaraidh Wind Farm Extension, as described in **Annex 1,** in the Highland Council area.

Subject to the conditions set out in **Annex 2 - Part 2,** the Scottish Ministers direct that **planning permission be deemed to be granted** under section 57(2) of the Town and Country Planning (Scotland) Act 1997 in respect of the Development described in the Application and at **Annex 1**.

Section 36 consent and expiry of Planning Permission

The consent hereby granted will last for a period of 50 years from the earlier of:

i. The date when electricity is first exported to the electricity grid network from all of the wind turbines hereby permitted; or
ii. The date falling 18 months after electricity is generated from the first of the wind turbines hereby permitted.

Section 58(1) of the Town and Country Planning (Scotland) Act 1997 provides that planning permission lapses if development has not begun within a period of 3 years. Section 58(2) of that Act enables the Scottish Ministers to direct that a longer period is allowed before planning permission lapses.

The Scottish Ministers consider that because of the complexities of constructing a generating station of this scale, and the timescales associated with grid connection, a period of 5 years from the date of this direction, is typically appropriate. As a consequence of the potential delays the Covid 19 pandemic may have on predicted construction timescales the Scottish Ministers consider it is reasonable to add an additional year to typical timescales.

The Scottish Ministers therefore direct that section 58(1) of the Town and Country Planning (Scotland) Act 1997 is not to apply with regard to that planning permission and that planning permission is to lapse on the expiry of a period of 6 years from the date of this direction if there has been no development within that period.

In accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, the Company must publicise notice of this determination and how a copy of this decision letter may be inspected on the application website, in the Edinburgh Gazette and a newspaper circulating in the locality in which the land to which the application relates is situated.

Copies of this letter have been sent to the public bodies consulted on the Application including the Planning Authority, NatureScot, SEPA and HES. This letter has also been published on the Scottish Government Energy Consents website at http://www.energyconsents.scot

The Scottish Ministers' decision is final, subject to the right of any aggrieved person to apply to the Court of Session for judicial review. Judicial review is the mechanism by which the Court of Session supervises the exercise of administrative functions, including how the Scottish Ministers exercise their statutory function to determine applications for consent. The rules relating to the judicial review process can be found on the website of the Scottish Courts:

https://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/rules-of-court/court-of-session/chap58.pdf?sfvrsn=12

Your local Citizens' Advice Bureau or your solicitor will be able to advise you about the applicable procedures.

Yours sincerely

REDACTED

Ruth Findlay
A member of the staff of the Scottish Ministers

ANNEXES

ANNEX 1 - Description of the Development;
ANNEX 2 - Conditions;

- Part 1 conditions attached to Section 36 consent;
- Part 2 conditions attached to deemed planning permission;

ANNEX 3 - Site layout plan;
ANNEX 4 - Habitat Regulations Appraisals/Appropriate Assessments;

- Annex 4(1) - Loch Knockie & Nearby Lochs SPA;
- Annex 4(2) - Loch Ruthven SPA;
- Annex 4(3) - North Inverness Lochs SPA;
- Annex 4(4) - River Moriston SAC.

ANNEX 1

Description of the Development

The Development comprises an electricity generating station known as Bhlaraidh Wind Farm Extension with a generating capacity greater than 50MW, located on adjoining land to the east of the operational Bhlaraidh Wind Farm on the Glenmoriston Estate, near Invermoriston in the administrative area of the Highland Council. The period of consent granted relating to construction and operation is 50 years. The principal components of the Development comprise:

- 15 turbines each with a maximum blade tip height of up to 180m;
- crane hardstandings for each turbine;
- approximately 7.9 km of new access tracks;
- approximately 13.5km of existing access tracks;
- an onsite substation;
- eight turning heads;
- up to 8 borrow pit search areas;
- two temporary construction compounds;
- a single permanent LIDAR station;
- a concrete batching plant;
- 6 new access track water crossings; and
- two routes of cross country cabling approximately 700m and 1200m in length.

Section 36 consent conditions

1. Notification of Date of First Commissioning & Date of Final Commissioning

Written confirmation of the Date of First Commissioning and the Date of Final Commissioning shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month after those dates.

Reason: *To allow the Planning Authority and the Scottish Ministers to calculate the date of expiry of the consent*.

2. Commencement of development

(1) The Commencement of development shall be no later than 6 years from the date of this consent, or such other period as the Scottish Ministers may direct in writing.

(2) Written confirmation of the intended date of Commencement of development shall be provided to the Scottish Ministers and the Planning Authority as soon as is practicable after deciding on such a date.

Reason: *To ensure that the consent is implemented within a reasonable period. And to allow the Planning Authority and the Scottish Ministers to monitor compliance with obligations attached to this consent and deemed planning permission as appropriate.*

3. Non-Assignation

This consent may not be assigned without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignation of the consent (with or without conditions) or refuse assignation as they may, in their own discretion, see fit. The consent shall not be capable of being assigned, alienated or transferred otherwise than in accordance with the foregoing procedure. The Company shall notify the Planning Authority in writing of the name of the assignee, principal named contact and contact details within 14 days of written confirmation from the Scottish Ministers of an assignation having been granted.

Reason: *To safeguard the obligations of the consent if transferred to another company.*

4. Serious Incident Reporting

In the event of any serious breach of health and safety or environmental obligations relating to the development during the period of this consent, the Company will provide written notification of the nature and timing of the incident to the Scottish Ministers, including confirmation of remedial measures taken and/or to be taken to rectify the breach, within 24 hours of the incident occurring.

Reason: *To keep the Scottish Ministers informed of any such incidents which may be in the public interest.*

Conditions to be attached to deemed planning permission

5. Implementation in accordance with approved plans

(1) Except as otherwise required by the terms of the section 36 consent and deemed planning permission, the Development shall be undertaken in accordance with the application:

(a) including the approved drawings listed at Annex 3 (Figure 2.2 Site Layout Plan, Bhlaraidh Extension Additional Information Report, March 2022);
(b) the Environmental Impact Assessment Report ("the EIAR") as supplemented or amended by the Additional Information Report dated March 2022; and
(c) other documentation lodged in support of the application.

Reason: *to ensure that the Development is carried out in accordance with the approved details.*

6. Site Enabling Works

The Site Enabling Works shall not commence until a detailed scheme of all Site Enabling Works (including off-site and on-site works) has been submitted to and approved in writing by the Planning Authority. This shall include a timetable for all enabling works and shall be submitted a minimum of 1 month in advance of the proposed date of commencement of any Site Enabling Works.

Reason: *To ensure the final details of the Site Enabling Works have regard for rural setting of the Development Site and the potential impact of such works on the infrastructure of the area.*

7. Design and Operation of Wind Turbines

No development, with the exception of the Site Enabling Works, shall commence until full details of the proposed wind turbines hereby permitted, 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.
(c) No text, sign or logo shall be displayed on any external surface of the wind turbines, save those required by law under other legislation.
(d) Thereafter, the wind turbines shall be installed and operate in accordance with these approved details and, with reference to part (b) above, the wind turbines shall be maintained in the approved colour and

monitored to ensure no significant rust, staining or dis-colouration occurs until such time as the wind farm is decommissioned.

(e) All wind turbine blades shall rotate in the same direction.

Reason: *To ensure the Planning Authority is aware of the wind turbine details and to protect the visual amenity of the area.*

8. Signage

No 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.*

9. Design of Sub-station, Ancillary Buildings and other Ancillary Development

(1) No development, with the exception of the Site Enabling Works, shall commence, unless and 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.

(2) The substation building, associated compounds, fencing, external lighting and parking areas shall be constructed in accordance with the details approved under paragraph (1).

Reason: *To safeguard the visual amenity of the area.*

10. Micro-siting

(1) All wind turbines, buildings, masts, areas of hardstanding and tracks shall be constructed in the location shown on plan reference Site Layout Plan (Figure 2.2 Additional Information Report). 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, SEPA and the ECoW, micrositing is subject to the following restrictions:

(a) the wind turbines and other infrastructure hereby permitted may be microsited within 50 metres with the exception of the sub-station which may be microsited within 100m;

(b) No wind turbine foundation shall be positioned higher, when measured in metres Above Ordinance Datum (AOD), than 10m above the position shown on plan reference Site Layout Plan (Figure 2.2 Additional Information Report);

(c) No micro-siting shall take place within areas of peat deeper than currently shown for the relevant infrastructure on Figure 10.2 of the Environmental Impact Assessment Report; and
(d) All micro-siting permissible under this condition must be approved in advance in writing by the Environmental Clerk of Works ("ECoW") (see condition 12).

(2) 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 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.*

11. Borrow Pit – Blasting

Blasting shall only take place on the site between the hours of 07.00 to 19.00 on Monday to Friday inclusive and 07.00 to 13.00 on Saturdays, with no blasting taking place on a Sunday or on a Public Holiday.

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

12. Ecological Clerk of Works ("ECoW")

(1) No development or Site Enabling Works shall take place unless and until the terms of appointment of an independent Ecological Clerk of Works ("ECoW") by the Company have been submitted to and approved in writing by the Planning Authority (in consultation with NatureScot and SEPA). The terms of appointment shall:

(a) impose a duty to monitor compliance with the ecological, ornithological and hydrological commitments provided in the Environmental Impact Assessment Report ("the EIAR"), the Additional Information Report and other information lodged in support of the Application, the Construction Environmental Management Plan (condition 13), the Peat Management Plan (condition 17), the Habitat Management Plan (condition 18), the Species Specific Surveys and Protection Plans (condition 13(2)(m)) and other plans approved in terms of the conditions of this planning permission ("the ECoW Works");
(b) advise on micrositing proposals issued pursuant to Condition 10;
(c) require the ECoW to report to the nominated Construction Project Manager any incidences of non-compliance with the ECoW Works at the earliest practical opportunity and stop the job where any breach has been identified until the time that it has been reviewed by the Construction Project Manager; and

(d) require the ECoW to report to the Planning Authority any incidences of non- compliance with the ECoW Works at the earliest practical opportunity.

(2) The ECoW shall be appointed on the approved terms during the establishment of the Habitat Management Plan and throughout the period from Commencement of development to completion of post construction reinstatement works.

(3) No later than eighteen months prior to decommissioning of the Development or the expiry of the section 36 consent (whichever is the earlier), details of the terms of appointment of an ECoW by the Company throughout the decommissioning, restoration and aftercare phases of the Development shall be submitted for the written approval of the Planning Authority.

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. Construction Environmental Management Plan ("CEMP")

(1) No development or Site Enabling Works shall commence until a works specific Construction Environmental Management Plan ("CEMP"), related to the phase or phases of works or development to be undertaken has been submitted to and approved in writing by the Planning Authority. The CEMP shall outline site specific details of all on-site construction works, post- construction reinstatement, drainage and mitigation, together with details of their timetabling.

(2) The CEMP for each phase of works or development shall include (but is not limited to);

(a) site waste management plan (dealing with all aspects of waste produced during the construction period other than peat), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment;
(b) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
(c) a dust management plan;
(d) a drainage management plan, demonstrating how all groundwater, surface water and waste water arising during and after development is to be managed and prevented from polluting any watercourses, water abstractions and private water supplies if relevant, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water. Any temporary drainage during construction should be designed to accommodate a 1:200 year storm event;
(e) details of sewage disposal and treatment;
(f) details of temporary site illumination;
(g) the method of construction of the crane pads;
(h) the method of construction of the wind turbine foundations;

(i) the method of working cable trenches;
(j) the method of construction and erection of the wind turbines and meteorological masts;
(k) details of post-construction restoration/reinstatement of the working areas not required during the operation of the Development, including construction access tracks, borrow pits, construction compound, storage areas, laydown areas, access tracks, passing places and other construction areas, all of which are to be provided no later than 6 months prior to the date of first commissioning, unless otherwise agreed in writing by the Planning Authority. Wherever possible, reinstatement is to be achieved by the careful use of turfs removed prior to construction works. Details should include all seed mixes to be used for the reinstatement of vegetation;
(l) confirmation that the M11 mire habitat identified in Target Note 2 on Figure 5.6 shall be physically marked on site so that it can be suitably protected from disturbance during construction.
(m) Species specific surveys and Protection Plans carried out at an appropriate time of year for the species concerned, by a suitably qualified person. The surveys shall cover black grouse, slavonian grebe, golden eagle, greenshank, golden plover, black and red divers, otter, water vole and bats. The survey results and any mitigation measures required for these species on site shall be set out in a species mitigation and management plan, which shall inform construction activities.
(n) Details of for the submission of a quarterly report summarising work under taken at the site and compliance with the conditions imposed under the Deemed Planning Consent during the period of construction and post construction reinstatement.

Reason: *To ensure that all construction operations are carried 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 which accompanied the application, or as otherwise agreed, are fully implemented.*

14. Watercourse Design

All new watercourse crossings shall be designed following the recommendations in the Watercourse Crossing Schedule (Appendix 9.1 -Additional Information Report: Updated Watercourse Crossing Schedule) and if single span bridges are required these shall be designed to pass the 1 in 200-year flood plus an allowance for climate change. All existing watercourse crossings which require to be replaced shall be designed following recognised best practice guidance.

Reason: *In the interests of protecting the water environment.*

15. Access Standard

Visibility splays shall be provided and maintained on each side of the access to the A887 trunk road, to the satisfaction of the Planning Authority, after consultation with Transport Scotland as the Trunk Roads Authority. These splays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the setback dimension) and the nearside trunk road carriageway measured

215 metres (the y dimension) in both directions from the intersection of the access with the trunk road, unless otherwise agreed in writing with the Planning Authority. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the setback dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.

Reason: *To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road and to ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the A887 trunk road is not diminished.*

16. Construction Traffic Management Plan ("CTMP")

No development or Site Enabling Works shall commence until a works specific Construction Traffic Management Plan ("CTMP"), related to the phase or phases of works or development to be undertaken has been submitted to and approved in writing by the Planning Authority in consultation with the Trunk and Local Roads Authorities and Police. The final CTMP shall be submitted no later than six months prior to commencement. 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) A risk assessment for transportation during daylight and hours of darkness;
(b) Proposed traffic management and mitigation measures within any settlements along the access routes, as required. Measure such as temporary speed limits, suitable temporary signage, road markings and the use of speed activated signs should be considered;
(c) Consultation and agreement with the Trunk Roads Authority and the Planning Authority to determine appropriate scope and timescales for delivery of any required road safety audit of the A887 and any subsequent mitigation which may be required in the vicinity of the Torgoyle Bridge;
(d) Consultation and agreement with the Trunk Roads Authority and the Planning Authority to determine appropriate scope and timescales for the delivery of any required road safety audit of the A82 and subsequent mitigation which may be required in the vicinity of any settlements which construction traffic and deliveries of abnormal loads may pass through. This shall be limited to Drumnadrochit, Fort Augustus and Invermoriston;
(e) A contingency plan prepared by the abnormal load haulier. The plan shall be adopted only after consultation and agreement with the Police and the respective Roads Authorities. It shall include measures to deal with any haulage incidents that may result in public roads becoming temporarily closed or restricted;
(f) A procedure for the regular monitoring of road conditions and the implementation of any remedial works required as may be reasonably attributable to the project's construction plant and vehicle movements during the construction period;
(g) A detailed protocol for the delivery of abnormal loads/vehicles, prepared in consultation and agreement with interested parties. The protocol shall

identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of abnormal load movements in the local media. Temporary signage, in the form of demountable signs or similar approved, shall be established, when required, to alert road users and local residents of expected abnormal load movements. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved. All such movements on roads shall take place out with peak times on the network, including school travel times and shall avoid local community events;

(h) During the delivery period of the wind turbine construction materials any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland before delivery commences;

(i) Wheel washing facilities shall be provided at an appropriate point within the site adjacent to the access from the A887 trunk road so as to prevent vehicles depositing debris on the trunk road;

(j) Wheel washing facilities shall be provided at an appropriate point within the site adjacent to the access from the A887 trunk road so as to prevent vehicles depositing debris on the trunk road; and

(k) During the operational stage of the Development, advance written notification and approval of the Planning Authority in consultation with the respective Roads Authorities, and community councils is required for any significant HGV or Abnormal Load movement required during this period.

Reason: *To ensure that the construction of the windfarm is carried out appropriately and does not have an adverse effect on the environment, and to protect road safety and the amenity of all users of the public road and rights of way.*

17. Peat Management Plan

No development or Site Enabling Works shall commence until a works specific finalised Peat Management Plan ("PMP"), related to the phase or phases of works or development to be undertaken, has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot and SEPA. The PMP shall include:

(a) the mitigation measures described within the Environmental Impact Assessment Report, the Additional Information and other information submitted in support of the Application;

(b) The implementation of the design changes and further actions outlined in Table 5.5.4 (Recommendations for Design of Proposed Development) of Appendix 5.5 – EIAR: Volume 4: Peatland Condition Assessment) to limit impact on high quality habitat;

(c) a demonstration of how micrositing and other measures have been used to further minimise peat and good quality peat habitat disturbance.

The development shall not be carried out other than in accordance with the approved PMP.

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

18. Habitat Management Plan ("HMP")

(1) No development, with the exception of the Site Enabling Works, shall commence unless and until a finalised Habitat Management Plan ("HMP"), has been submitted to, and approved in writing by the Planning Authority in consultation with NatureScot, and SEPA. The information shall include:

(a) the mitigation measures contained in the EIAR and be based upon the Outline Plan provided (Appendix 5.7 – EIAR: Volume 4: Outline Habitat Management Plan);
(b) 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;
(c) a scheme of works for peatland restoration works to deliver peatlands commensurate with the quality of the habitat that will be lost directly and indirectly and take advantage of the opportunity for peatland restoration across the site of the Bhlaraidh Wind Farm and Bhalraidh Wind Farm Extension;
(d) a scheme for planting of montane vegetation (such as juniper and willow). The scheme shall include details of all areas to be planted, the planting mix proposed and details of management of these areas for the lifetime of the Development;
(e) a suitable area to leave deer stalking grallochs or carcasses outwith the windfarm development area is identified;
(f) a scheme for the delivery of biodiversity enhancement which shall include an emphasis on biodiversity enhancements for black grouse and golden eagle;
(g) a scheme for the protection and enhancement of the Golden Eagle population has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt the scheme shall deliver aims and objectives which complement those of the Regional Eagle Conservation Management Plan. Thereafter the approved scheme shall be implemented through the construction, operation and decommissioning of the Development.
(h) 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.

(2) 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 protecting ecological features and to ensure that the development secures positive effects for biodiversity.*

19. Borrow Pits – Scheme of Works

(1) No development or Site Enabling Works shall commence unless and until a scheme for the working and restoration of [the/each] borrow pit has been prepared in advance of each phase of works and submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA). The scheme shall include:

(a) a detailed working method statement based on site survey information and ground investigations;
(b) details of the handling of any overburden (including peat, soil and rock);drainage measures, including measures to prevent surrounding areas of peatland, water dependant sensitive habitats and Ground Water dependent Terrestrial Ecosystems (GWDTE) from drying out;
(c) a programme of implementation of the works described in the scheme; and
(d) details of the reinstatement, restoration and aftercare of the borrow pit(s) to be undertaken at the end of the construction period, including topographic surveys of pre-construction profiles and details of topographical surveys to be undertaken of the restored borrow pit profiles.

(2) The approved scheme shall be implemented in full.

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

20. Deer Management Plan

No development, with the exception with the exception of the Site Enabling Works, shall commence until a Deer Management Plan ("DMP") has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot. The DMP will set out proposed long term management of deer using the Development site and shall provide for the monitoring of deer numbers on site from the period from Commencement of development until the date of completion of restoration. The approved DMP shall thereafter be implemented in full.

Reason: *To protect ecological interests.*

21. Redundant Turbines

In the event that any wind turbine installed and commissioned fails to produce electricity on a commercial basis to the public network for a continuous period of 12 months, then unless otherwise agreed in writing with the Planning Authority, after consultation with the Scottish Ministers and NatureScot, such wind turbine will be deemed to have ceased to be required. If deemed to have ceased to be required, the

wind turbine and its ancillary equipment will be dismantled and removed from the site within the following 12-month period, and the ground reinstated to the specification and satisfaction of the Planning Authority after consultation with the Scottish Ministers and NatureScot.

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

22. Aviation Safety – Lighting

No development, with the exception of Site Enabling Works, shall commence until a scheme for aviation lighting for the Development consisting of Ministry of Defence ("MoD") 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.

Reason: *in the interests of aviation safety.*

23. Aviation Safety

At least 14 days prior to the commencement of the erection of the turbines the Company has provided the Planning Authority, Ministry of Defence, Defence Geographic Centre and National Air Traffic Services ("NATS") with the following information and has provided evidence to the Planning Authority of having done so.

(a) the date of the commencement of the erection of wind turbine generators;
(b) the maximum height of any construction equipment to be used in the erection of the wind turbines;
(c) the date any wind turbine generators are brought into use;
(d) the latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s).

Reason: *In the interests of aviation safety.*

24. Site Decommissioning, Restoration and Aftercare

(1) The Development will be decommissioned and will cease to generate electricity by no later than the date fifty 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 Generation without prior written approval of the Scottish Ministers in consultation with the Planning Authority.

(2) No development or Site Enabling Works 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 outline measures for the decommissioning of the Development and restoration and aftercare of the site and shall include proposals for the removal of the Development, the treatment

of ground surfaces, the management and timing of the works and environmental management provisions.

(3) Not later than 3 years before decommissioning of the Development or the expiration of this consent (whichever is the earlier), a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted for the written approval of the Planning Authority in consultation with NatureScot and SEPA.

(4) The detailed decommissioning, restoration and aftercare plan shall provide updated and detailed proposals, in accordance with relevant guidance at that time, for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include (but is not limited to):

(a) site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
(b) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
(c) a dust management plan;
(d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
(e) details of anticipated impacts on the road networks and vehicle types and movements;
(f) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
(g) details of measures for soil storage and management;
(h) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
(i) details of measures for sewage disposal and treatment;
(j) temporary site illumination;
(k) the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;
(l) details of watercourse crossings; and
(m) a species protection plan based on surveys for protected species (including birds) carried out no longer than eighteen months prior to submission of the plan.

(5) The Development shall be decommissioned, site restored and aftercare thereafter undertaken in accordance with the approved plan, unless otherwise agreed in writing in advance with the Planning Authority in consultation with NatureScot and SEPA.

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.*

25. Financial Guarantee

(1) No development or Site Enabling Works shall commence unless and until a bond or other form of financial guarantee in terms reasonably acceptable to the Planning Authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations referred to in condition 24 is submitted to the Planning Authority.

(2) The value of the financial guarantee shall be agreed between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations referred to in condition 24.

(3) The financial guarantee shall be maintained in favour of the Planning Authority until the date of completion of all decommissioning, restoration and aftercare obligations referred to in condition 24.

(4) The value of the financial guarantee shall be reviewed by agreement between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with decommissioning, restoration and aftercare obligations and best practice prevailing at the time of each review.

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.*

26. Outdoor Access Plan

(1) No development or Site Enabling Works shall commence until a finalised and detailed Outdoor Access Plan has been submitted to and approved in writing by the Planning Authority. The purpose of the plan shall be to maintain public access routes to site tracks and paths during construction, and to enhance public outdoor access in the long-term. The Outdoor Access Plan shall include details showing:

(a) all existing access points, paths, core paths, tracks, rights of way and other routes whether on land or inland water), and any areas currently outwith or excluded from statutory access rights under Part One of the Land Reform (Scotland) Act 2003, within and adjacent to the application site;
(b) any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or effect on curtilage related to buildings

or structures;

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

(d) the location design and specification for a pass gate at locked gate at NH395172 this and other gate locations which, in this case, should be installed before construction starts.

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

Reason: *In the interests of securing public access rights.*

27. Community Liaison Group

No development or Site Enabling Works shall commence unless and until a Community Liaison Plan has been approved in writing by the Planning Authority after consultation with the relevant local community councils. This plan shall include the arrangements for establishing a Community Liaison Group to act as a vehicle for the community to be kept informed of project progress by the Company. The terms and condition of these arrangement must include that the Community Liaison Group will have timely dialogue in advance on the provision of all transport-related mitigation measures and keep under review the timing of the delivery of turbine components. The terms and conditions shall detail the continuation of the Community Liaison Group until the wind farm has been completed and is fully operational. The approved Community Liaison Plan shall be implemented in full.

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

28. Site Inspection Strategy

(1) Prior to the Date of Final Commissioning, the Company shall submit an outline Site Inspection Strategy (Outline SIS) for the written approval of the Planning Authority. The Outline SIS shall set out a strategy for the provision of site inspections and accompanying Site Inspection Reports (SIR) to be carried out at 25 years of operation from the Date of Final Commissioning and every five years thereafter.

(2) No later than 24 years after the Date of Final Commissioning, the Company shall submit a final detailed Site Inspection Strategy (Final SIS), based on the principles of the approved Outline SIS for the written approval of the Planning Authority. The Final SIS shall set out updated details for the provision of site inspections and accompanying Site Inspection Reports (SIR), in accordance

with relevant guidance at that time, to be carried out at 25 years of operation from the Date of Final Commissioning and every five years thereafter.

(3) At least one month in advance of submitting each SIR to the Planning Authority, the scope of the SIR shall be agreed with the Planning Authority.

(4) The SIR shall include, but not be limited to:

(a) Details to demonstrate that the infrastructure components of the Development are still operating in accordance with condition 7 and condition 30; and
(b) An engineering report which details the condition of tracks, turbine foundations and the wind turbines and sets out the requirements and the programme for the implementation for any remedial measures which may be required.

(5) The SIS and each SIR shall be implemented in full unless otherwise agreed in advance in writing by the Planning Authority.

Reason: *To ensure the Development is being monitored at regular intervals throughout after the first 25 years of operation.*

29. Water Quality and Fish Monitoring Plan

(1) There shall be no Commencement of development until an integrated Water Quality and Fish Monitoring Plan ("WQFMP") has been submitted to and approved in writing by the Planning Authority in consultation with Ness District Salmon Fishery Board.

(2) The WQFMP must take account of Marine Scotland Science's guidance and shall include:

(a) provision that water quality sampling should be carried out for 12 months (or as agreed with the Planning Authority) prior to Commencement of development, during construction and for 12 months after construction is complete;

(b) key hydrochemical parameters (including turbidity and flow data), the identification of sampling locations (including control sites), frequency of sampling, sampling methodology, data analysis and reporting;

(c) fully quantitative electrofishing surveys at sites potentially impacted and at control sites for 12 months (or as agreed with the Planning Authority) prior to the Commencement of development, during construction and for 12 months after construction is completed to detect any changes in fish populations; and

(d) appropriate site specific mitigation measures including those detailed in the EIA Report.

(3) Thereafter, the WQFMP shall be implemented in full within the timescales set out in the WQFMP.

Reason: *To ensure no deterioration of water quality and to protect fish populations within and downstream of the development area.*

30. Noise

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 more than 2dB above the maximum predicted levels within Additional Information Report Chapter 11, Tables 11.3 & 11.4 at any windspeed. The noise limits are presented in the table below:.

Receptor	**Noise Limit (dB LA90)**
Bhlaraidh	29
Levishie	32
Achnaconeran	31

Table 11.3 - Compliance Table – Comparison of predicted noise levels from the 15 turbine Proposed Development against the SSNL at each receptor – Daytime

Receptor		**Wind Speed (ms^{-1}) as standardised to 10m height**											
		1	2	3	4	5	6	7	8	9	10	11	12
NAL1 – Bhlaraidh	Site Specific Noise Limit	37.0	37.0	37.4	38.1	39.2	39.9	41.3	43.5	46.3	48.6	51.2	51.2
	Predicted Wind Turbine Noise L_{A90}	-	13.4	14.7	18.4	22.7	25.7	26.3	27.0	27.0	27.0	27.0	27.0
	Exceedance Level L_{A90}	-	-23.6	-22.7	-19.7	-16.5	-14.2	-15.0	-16.5	-19.3	-21.6	-24.2	-24.2
NAL2 – Levishie	Site Specific Noise Limit	41.0	41.0	41.1	41.7	42.8	44.2	45.8	47.6	49.4	51.2	52.8	52.8
	Predicted Wind Turbine Noise L_{A90}	-	16.8	18.1	21.8	26.1	29.1	29.7	30.4	30.4	30.4	30.4	30.4
	Exceedance Level L_{A90}	-	-24.2	-23.0	-19.9	-16.7	-15.1	-16.1	-17.2	-19.0	-20.8	-22.4	-22.4
NAL3 - Achnaconeran	Site Specific Noise Limit	35.0	35.0	35.0	35.0	35.0	33.8	32.9	32.7	32.7	32.7	32.7	32.7
	Predicted Wind Turbine Noise L_{A90}	-	15.6	16.9	20.6	24.9	27.9	28.5	29.2	29.2	29.2	29.2	29.2
	Exceedance Level L_{A90}	-	-19.4	-18.1	-14.4	-10.1	-5.9	-4.4	-3.5	-3.5	-3.5	-3.5	-3.5

Table 11.4 - Compliance Table – Comparison of predicted noise levels from the 15 turbine Proposed Development against the SSNL at each receptor – Night time

Receptor		Wind Speed (ms^{-1}) as standardised to 10m height											
		1	2	3	4	5	6	7	8	9	10	11	12
NAL1 – Bhlaraidh	Site Specific Noise Limit	43.0	43.0	43.0	43.0	43.0	43.0	42.3	42.3	42.3	43.8	43.8	43.8
	Predicted Wind Turbine Noise L_{A90}	-	13.4	14.7	18.4	22.7	25.7	26.3	27.0	27.0	27.0	27.0	27.0
	Exceedance Level L_{A90}	-	-29.6	-28.3	-24.6	-20.3	-17.3	-16.0	-15.3	-15.3	-16.8	-16.8	-16.8
NAL2 –Levishie	Site Specific Noise Limit	43.0	43.0	43.0	43.0	43.0	43.0	42.6	44.2	46.5	48.8	48.8	48.8
	Predicted Wind Turbine Noise L_{A90}	-	16.8	18.1	21.8	26.1	29.1	29.7	30.4	30.4	30.4	30.4	30.4
	Exceedance Level L_{A90}	-	-26.2	-24.9	-21.2	-16.9	-13.9	-12.9	-13.8	-16.1	-18.4	-18.4	-18.4
NAL3 - Achnaconeran	Site Specific Noise Limit	35.0	35.0	35.0	35.0	35.0	33.8	32.9	32.7	32.7	32.7	32.7	32.7
	Predicted Wind Turbine Noise L_{A90}	-	15.6	16.9	20.6	24.9	27.9	28.5	29.2	29.2	29.2	29.2	29.2
	Exceedance Level L_{A90}	-	-19.4	-18.1	-14.4	-10.1	-5.9	-4.4	-3.5	-3.5	-3.5	-3.5	-3.5

A) Prior to the First Commissioning Date, the Company shall submit to the Planning 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 Planning Authority.

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

The written request from the Planning 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 Planning Authority made under this paragraph (B), the Company shall provide the information relevant to the complaint to the Planning 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 Company shall submit to the Planning 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 Company's 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 Planning 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 Planning Authority

D) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the Company shall submit to the Planning 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 Planning 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 Planning Authority and the attached Guidance Notes.

E) The Company shall provide to the Planning 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 Planning Authority made under paragraph (B) of this condition unless the time limit is extended in writing by the Planning 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 Planning 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 Development is required pursuant to Guidance Note 4(c) of the attached Guidance Notes, the Company 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 Planning Authority.

G) The Company 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 Company shall provide this information in the format set out in Guidance Note 1(e) of the attached Guidance Notes to the Planning Authority on its request within 14 days of receipt in writing of such a request.

H) 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 Company shall submit to the Planning Authority for written approval, a scheme of mitigation to be implemented within fourteen days of submission of the report identifying the exceedance (as required under paragraph (F) above). 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.

I) The scheme referred to in paragraph H 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 14 days of the submission of the report identifying the exceedance. These measures must remain in place, except during field trials to optimise mitigation, until a long-term mitigation strategy is ready to be implemented.

1. 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).

2. Note 1

a) Values of the LA90,10-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 Planning 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 Company shall submit for the written approval of the Planning 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 LA90,10-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 Company 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 Planning 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 Planning 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 Company shall submit details of the proposed location of the data logging rain gauge to the Planning Authority prior to the commencement of measurements.

3. 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 Planning Authority but excluding any periods of rainfall measured in accordance with Note 1(f).

c) Values of the LA90,10-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.

4. 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.

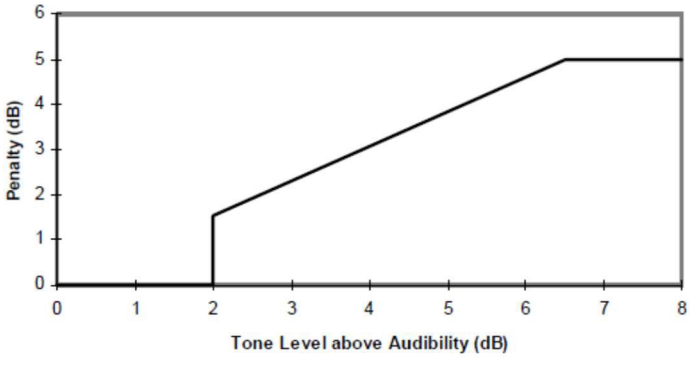
b) For each 10-minute interval for which LA90,10-minute data have been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise imissions during 2 minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted 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.



5. 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.

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.

b) If the rating level lies at or below the noise limits approved by the Planning 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.

c) The Company shall ensure that all the wind turbines in the development are turned off for such period as the independent 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 turbines switched off, and determining the background noise (L3) at each integer wind speed within the range set out in the approved noise assessment protocol.

ii. The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10\log\left[10^{L_2/10} - 10^{L_3/10}_{1}\right]$$

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 noise L1 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 Planning Authority, then no further action is necessary. If the rating level at any integer wind speed exceeds the noise limits approved by the Planning Authority, then the Development fails to comply with the conditions.

Reason: To protect amenity and to ensure that noise limits are not exceeded and to enable prompt investigation of complaints

Definitions Relevant to Conditions

"**The Application**" means the application submitted by the Company on 20 August 2021;

"**Application Environmental Information"** means the combination of EIA report submitted by the Company in 20 August 2021 and the Additional Information Report submitted in 25 March 2022.

"**Commencement of development**" means the date on which development shall be taken as begun in accordance with section 27 of the Town and Country Planning (Scotland) Act 1997;

"**date of Final Generation**" means the date that the Development ceases to generate electricity to the grid network;

"**the Company**" means SSE Generation Limited, company registration number 02310571 and registered address No.1 Forbury Place, 43 Forbury Road, Reading, United Kingdom, RG1 3JH or such other person for the time being entitled to the benefit of the consent under section 36 of the Electricity Act 1989.

"development" means the implementation of the consent and deemed planning permission excluding Site Enabling Works by the carrying out of a material operation within the meaning of section 27 of the Town and Country Planning (Scotland) Act 1997.

"**the Development**" means the Development described in Annex 1;

"**dwelling**" means a building within Use Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 which lawfully exists or had planning permission at the date of this consent and deemed planning permission.

"**Final Commissioning**" means the earlier of (a) the date on which electricity is exported to the grid on a commercial basis from the last of the wind turbines forming part of the Development erected in accordance with this consent; or (b) the date falling 18 months from the date of First Commissioning unless a longer period is agreed in writing in advance with the Planning Authority.

"**First Commissioning**" means the date on which electricity is first exported to the grid network on a commercial basis from any of the wind turbines forming part of the Development.

"**HES**" means Historic Environment Scotland

"the planning authority" means the Highland Council.

"**SEPA**" means the Scottish Environment Protection Agency.

“Site Enabling Works” means construction of c.1.4km of new access track from the existing wind farm to the substation platform location, including construction of new permanent watercourse crossing WX01; construction of the substation platform; construction of any associated surface water drainage provisions for the access tracks and substation platform, temporary and permanent water supply and the installation of any required cables, cable ducting and culverts associated for all the aforementioned, and, any minor track improvement works required along the existing site infrastructure to facilitate these works, the opening and working of borrow pits BP01 and BP06-H and the formation of temporary construction compounds prior to the commencement of construction of the main site.

sse Renewables

ANNEX 3

Key

- Turbine Development Area (Centroid = X:239512 Y:820991)
- Site Boundary
- Proposed Development Turbine (Symbol does not indicate tower dimension just its location)
- Operational Development Turbine (Symbol does not indicate tower dimension just its location)
- LiDAR (does not indicate footprint)
- Indicative Cross Country Cable Route
- Access route via existing wind farm track
- Access route via existing Livishie Hydro track (track to be upgraded)
- New Track
- Substation
- Batching Plant Search Area
- Borrow Pit Search Area
- Hydro Borrow Pits Search Area
- Turning Heads
- Permanent Hardstanding Area
- Temporary Hardstanding Area
- Satellite Construction Compound (temporary)
- Primary Construction Compound.. Existing permanent hardstanding (to be retained)
- Primary Construction Compound.. Temporary hardstanding (to be re-instated)

This is the Site layout plan referred to in the consent by the Scottish Ministers in terms of Section 36 of the Electricity Act 1989 for the construction and operation of Bhlaraidh Wind Farm Extension, a powered electricity generating station in the Glenmoriston Estate near Invermoriston within the planning authority area of the Highland Council.

Date: 29 August 2022

Signed: REDACTED

Ruth Findlay, a member of the staff of the Scottish Ministers.

Scale 1:20,000 @ A3

0 500 m

N

Figure 2.2

Site Layout Plan

Bhlaraidh Wind Farm Extension Additional Information Report

ANNEX 4

Habitat Regulations Appraisals/Appropriate Assessments

- **Annex 4(1): Loch Knockie & Nearby Lochs Special Protection Area;**
- **Annex 4(2): Loch Ruthven Special Protection Area;**
- **Annex 4(3): North Inverness Lochs Special Protection Area;**
- **Annex 4(4): River Moriston Special Area of Conservation.**

ANNEX 4(1)

APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 FOR THE CONSTRUCTION AND OPERATION OF THE BHLARAIDH WIND FARM EXTENSION ON THE GLENMORISTON ESTATE, NEAR INVERMORISTON WITHIN THE HIGHLAND COUNCIL PLANNING AUTHORITY AREA

Conservation of Habitats and Species Regulations 2017

Assessment of the implications of the Bhlaraidh Wind Farm Extension ("the proposed Development") for the Loch Knockie & Nearby Lochs Special Protection Area ("the SPA").

11 August 2022

The following appraisal has been prepared by the Scottish Ministers as the Competent Authority for the above proposal.

	Project and Site Description	
1	Brief description of the project	The proposed Development is a wind powered electricity generating station and is located on land owned by the Glenmoriston Estate, west of Loch Ness and the Great Glen on an area of high rocky plateau. The open, undulating moorland of the Site features several rocky outcrops, small hills, many lochs, lochans, watercourses and areas of bog. The nearest settlement is the village of Invermoriston which is approximately 5km to the south. Fort Augustus is approximately 16 km to the south and Inverness approximately 35km to the south west. The proposed Development will be located on adjoining land to the east of the operational Bhlaraidh Wind Farm. It will have a total generating capacity in excess of 50 megawatts ("MW"). The period of consent applied for relating to construction and operation is 50 years. It will comprise of: • 15 turbines each with a maximum blade tip height of up to 180m; • crane hardstandings for each turbine; • approximately 7.9 km of new access tracks; • approximately 13.5km of existing access tracks; • an onsite substation; • eight turning heads; • up to 8 borrow pit search areas; • two temporary construction compounds; • a single permanent LIDAR station; • a concrete batching plant; • 6 new access track water crossings; and • two routes of cross country cabling approximately 700m and 1200m in length.

2	Brief description of the designated Natura site	The SPA comprises a group of lochs at the south-east end of the Great Glen in Highland region. The lochs are surrounded by mire, heath, mixed woodland and agricultural land. There are two component SSSIs, Glendoe Lochans SSSI and Knockie Lochs SSSI. The qualifying interest for which the SPA is designated is **Slavonian grebe**.
3	Conservation objectives for the **Loch Knockie & Nearby Lochs Special Protection Area**	To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained. To ensure for the qualifying species that the following are maintained in the long term: • Population of the species as a viable component of the site; • Distribution of the species within site; • Distribution and extent of habitats supporting the species; • Structure, function and supporting processes of habitats supporting the species; and • No significant disturbance of the species.
	Screening	
4	Is the proposal directly connected with, or necessary to, conservation management of the Natura site?	The proposal is **not** connected with or necessary for the conservation management of the SPA.
5	Is the operation likely to have a significant effect on the qualifying interest of the **Loch Knockie & Nearby Lochs Special Protection Area** either alone or in combination with other plans or projects.	Slavonian grebe is a migratory species throughout its range, and in Scotland pairs breed on a wide variety of lochs. In winter birds leave their breeding lochs and are found around UK coasts. Within the context of the proposed Development, risks to the Slavonian grebe population in the SPA exist during the breeding season only (May to mid-September) when birds may be present in the wider area. The proposed Development is approximately 6.7 kilometres from the SPA and the only likely impact it could have on the Slavonian Grebe population is collision mortality resulting from flights between breeding lochs across the swept area of the windfarm.

		The potential for these flights leads to the conclusion that there is Likely Significant Effect from the proposed Development on the SPA.
	Appropriate Assessment	
6	Identify the relevant conservation objectives to consider for the **Loch Knockie & Nearby Lochs Special Protection Area**.	All of the conservation objectives listed in section 3 are relevant with the exception of Distribution and extent of habitats supporting the species, Structure, function and supporting processes of habitats supporting the species and No significant disturbance of the species.
7	Can it be ascertained that the proposal/plan will not adversely affect the integrity of the **Loch Knockie & Nearby Lochs Special Protection Area**.	The following assessment is based on advice received from NatureScot in their consultation responses of 10 November 2021 and 13 May 2022 and in the NatureScot HRA Proforma of 28 July 2022. The only likely impact of the development on the Slavonian grebe population is collision mortality resulting from flights between breeding lochs across the windfarm. In the last decade only one loch, west of the proposed Development, has been used by Slavonian grebe and the likelihood of them crossing the swept area at collision risk height is very small and consequently, the potential impact on the SPA population is very low. The Scottish Ministers have concluded that there are no adverse effects on the integrity of the SPA, alone or in combination with other projects or plans.
8	Consider whether mitigation measures or conditions can be adopted to avoid adverse effects on site integrity	There is no requirement for the adoption of any mitigation measures or conditions to avoid adverse effects on site integrity.
	CONCLUSION	
9	Can adverse effects on site integrity be avoided	Yes.

ANNEX 4(2)

APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 FOR THE CONSTRUCTION AND OPERATION OF THE BHLARAIDH WIND FARM EXTENSION ON THE GLENMORISTON ESTATE, NEAR INVERMORISTON WITHIN THE HIGHLAND COUNCIL PLANNING AUTHORITY AREA

Conservation of Habitats and Species Regulations 2017

Assessment of the implications of the Bhlaraidh Wind Farm Extension ("the proposed Development") for the Loch Ruthven Special Protection Area ("the SPA").

11 August 2022

The following appraisal has been prepared by the Scottish Ministers as the Competent Authority for the above proposal.

	Project and Site Description	
1	Brief description of the project	The proposed Development is a wind powered electricity generating station and is located on land owned by the Glenmoriston Estate, west of Loch Ness and the Great Glen on an area of high rocky plateau. The open, undulating moorland of the Site features several rocky outcrops, small hills, many lochs, lochans, watercourses and areas of bog. The nearest settlement is the village of Invermoriston which is approximately 5km to the south. Fort Augustus is approximately 16 km to the south and Inverness approximately 35km to the south west. The proposed Development will be located on adjoining land to the east of the operational Bhlaraidh Wind Farm. It will have a total generating capacity in excess of 50 megawatts ("MW"). The period of consent applied for relating to construction and operation is 50 years. It will comprise of: • 15 turbines each with a maximum blade tip height of up to 180m; • crane hardstandings for each turbine; • approximately 7.9 km of new access tracks; • approximately 13.5km of existing access tracks; • an onsite substation; • eight turning heads; • up to 8 borrow pit search areas; • two temporary construction compounds; • a single permanent LIDAR station; • a concrete batching plant; • 6 new access track water crossings; and • two routes of cross country cabling approximately 700m and 1200m in length.

2	Brief description of the designated Natura site	Loch Ruthven SPA is a freshwater loch of moderate nutrient status located in the north-central Highlands, 20km south of Inverness. A marshy zone is found at the west end of the loch where there is a transition from open water, through swamp and fen, to sedge-rich acidic grassland. Part of the SPA is owned and managed by the RSPB as a nature reserve. There is one component SSSI, Loch Ruthven. The qualifying interest for which the SPA is designated is **Slavonian grebe**.
3	Conservation objectives for the **Loch Ruthven Special Protection Area**	To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained. To ensure for the qualifying species that the following are maintained in the long term: • Population of the species as a viable component of the site; • Distribution of the species within site; • Distribution and extent of habitats supporting the species; • Structure, function and supporting processes of habitats supporting the species; and • No significant disturbance of the species.
	Screening	
4	Is the proposal directly connected with, or necessary to, conservation management of the Natura site?	The proposed Development is **not** connected with or necessary for the conservation management of the SPA.
5	Is the operation likely to have a significant effect on the qualifying interest of the **Loch Ruthven Special Protection Area** either alone or in combination with other plans or projects.	Slavonian grebe is a migratory species throughout its range, and in Scotland pairs breed on a wide variety of lochs. In winter birds leave their breeding lochs and are found around UK coasts. Within the context of the proposed Development, risks to the Slavonian grebe population in the SPA exist during the breeding season only (May to mid-September) when birds may be present in the wider area. The proposed Development is approximately 19.7 kilometres from the SPA and the only likely impact it could have on the Slavonian Grebe population is collision mortality resulting from flights between breeding lochs across the swept area of the windfarm.

		The potential for these flights leads to the conclusion that there is Likely Significant Effect from the proposed Development on the SPA.
	Appropriate Assessment	
6	Identify the relevant conservation objectives to consider for the **Loch Ruthven Special Protection Area**.	All of the conservation objectives listed in section 3 are relevant with the exception of Distribution and extent of habitats supporting the species, Structure, function and supporting processes of habitats supporting the species and No significant disturbance of the species.
7	Can it be ascertained that the proposal/plan will not adversely affect the integrity of the **Loch Ruthven Special Protection Area**.	The following assessment is based on advice received from NatureScot in their consultation responses of 10 November 2021 and 13 May 2022 and in the NatureScot HRA Proforma of 26 July 2022. The only likely impact of the development on the Slavonian grebe population is collision mortality resulting from flights between breeding lochs across the windfarm. In the last decade only one loch, west of the proposed Development, has been used by Slavonian grebe and the likelihood of them crossing the swept area at collision risk height is very small and consequently, the potential impact on the SPA population is very low. The Scottish Ministers have concluded the proposed Development will not adversely affect the integrity of the SPA, alone or in combination with other projects or plans.
8	Consider whether mitigation measures or conditions can be adopted to avoid adverse effects on site integrity	There is no requirement for the adoption of any mitigation measures or conditions to avoid adverse effects on site integrity.
	CONCLUSION	
9	Can adverse effects on site integrity be avoided	Yes.

ANNEX 4(3)

APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 FOR THE CONSTRUCTION AND OPERATION OF THE BHLARAIDH WIND FARM EXTENSION ON THE GLENMORISTON ESTATE, NEAR INVERMORISTON WITHIN THE HIGHLAND COUNCIL PLANNING AUTHORITY AREA

Conservation of Habitats and Species Regulations 2017

Assessment of the implications of the Bhlaraidh Wind Farm Extension ("the proposed Development") for the North Inverness Lochs Special Protection Area ("the SPA").

11 August 2022

The following appraisal has been prepared by the Scottish Ministers as the Competent Authority for the above proposal.

	Project and Site Description	
1	Brief description of the project	The proposed Development is a wind powered electricity generating station and is located on land owned by the Glenmoriston Estate, west of Loch Ness and the Great Glen on an area of high rocky plateau. The open, undulating moorland of the Site features several rocky outcrops, small hills, many lochs, lochans, watercourses and areas of bog. The nearest settlement is the village of Invermoriston which is approximately 5km to the south. Fort Augustus is approximately 16 km to the south and Inverness approximately 35km to the south west. The proposed Development will be located on adjoining land to the east of the operational Bhlaraidh Wind Farm. It will have a total generating capacity in excess of 50 megawatts ("MW"). The period of consent applied for relating to construction and operation is 50 years. It will comprise of: • 15 turbines each with a maximum blade tip height of up to 180m; • crane hardstandings for each turbine; • approximately 7.9 km of new access tracks; • approximately 13.5km of existing access tracks; • an onsite substation; • eight turning heads; • up to 8 borrow pit search areas; • two temporary construction compounds; • a single permanent LIDAR station; • a concrete batching plant; • 6 new access track water crossings; and • two routes of cross country cabling approximately 700m and 1200m in length.

2	Brief description of the designated Natura site	North Inverness Lochs SPA is located north-west of the Great Glen in Highland region. The SPA contains five lochans which support extensive sedge beds and are surrounded by mire, moorland and semi-natural broadleaved woodland dominated by birch. There are two component SSSIs, Balnagrantach SSSI and Dubh Lochs SSSI. The qualifying interest for which the SPA is designated is **Slavonian grebe**.
3	Conservation objectives for the **North Inverness Lochs Special Protection Area**.	To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained. To ensure for the qualifying species that the following are maintained in the long term: • Population of the species as a viable component of the site; • Distribution of the species within site; • Distribution and extent of habitats supporting the species; • Structure, function and supporting processes of habitats supporting the species; and • No significant disturbance of the species.
	Screening	
4	Is the proposal directly connected with, or necessary to, conservation management of the Natura site?	The proposal is **not** connected with or necessary for the conservation management of the SPA.
5	Is the operation likely to have a significant effect on the qualifying interest of the **North Inverness Lochs Special Protection Area** either alone or in combination with other plans or projects.	Slavonian grebe is a migratory species throughout its range, and in Scotland pairs breed on a wide variety of lochs. In winter birds leave their breeding lochs and are found around UK coasts. Within the context of the proposed Development, risks to the Slavonian grebe population in the SPA exist during the breeding season only (May to mid-September) when birds may be present in the wider area. The proposed Development is approximately 7.7 kilometres from the SPA and the only likely impact it could have on the Slavonian Grebe population is collision mortality resulting from flights between breeding lochs across the swept area of the windfarm.

		The potential for these flights leads to the conclusion that there is Likely Significant Effect from the proposed Development on the SPA.
	Appropriate Assessment	
6	Identify the relevant conservation objectives to consider for the **North Inverness Lochs Special Protection Area**.	All of the conservation objectives listed in section 3 are relevant with the exception of Distribution and extent of habitats supporting the species, Structure, function and supporting processes of habitats supporting the species and No significant disturbance of the species.
7	Can it be ascertained that the proposal/plan will not adversely affect the integrity of the **North Inverness Lochs Special Protection Area**.	The following assessment is based on advice received from NatureScot in their consultation responses of 10 November 2021 and 13 May 2022 and in the NatureScot HRA Proforma of 26 July 2022. The only likely impact of the proposed Development on the Slavonian grebe population is collision mortality resulting from flights between breeding lochs across the windfarm. In the last decade only one loch, west of the proposed Development, has been used by Slavonian grebe and the likelihood of them crossing the swept area at collision risk height is very small and consequently, the potential impact on the SPA population is very low. The Scottish Ministers have concluded that the proposed Development will not adversely affect the integrity of the SPA, alone or in combination with other projects or plans.
8	Consider whether mitigation measures or conditions can be adopted to avoid adverse effects on site integrity	There is no requirement for the adoption of any mitigation measures or conditions to avoid adverse effects on site integrity.
	CONCLUSION	
9	Can adverse effects on site integrity be avoided	Yes.

ANNEX 4(4)

APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 FOR THE CONSTRUCTION AND OPERATION OF THE BHLARAIDH WIND FARM EXTENSION ON THE GLENMORISTON ESTATE, NEAR INVERMORISTON WITHIN THE HIGHLAND COUNCIL PLANNING AUTHORITY AREA

Conservation of Habitats and Species Regulations 2017

Assessment of the implications of the Bhlaraidh Wind Farm Extension ("the proposed Development") for the River Moriston Special Area of Conservation ("the SAC").

29 July 2022

The following appraisal has been prepared by the Scottish Ministers as the Competent Authority for the above proposal.

	Project and Site Description	
1	Brief description of the project	The proposed Development is a wind powered electricity generating station and is located on land owned by the Glenmoriston Estate, west of Loch Ness and the Great Glen on an area of high rocky plateau. The open, undulating moorland of the Site features several rocky outcrops, small hills, many lochs, lochans, watercourses and areas of bog. The nearest settlement is the village of Invermoriston which is approximately 5km to the south. Fort Augustus is approximately 16 km to the south and Inverness approximately 35km to the south west. The proposed Development will be located on adjoining land to the east of the operational Bhlaraidh Wind Farm. It will have a total generating capacity in excess of 50 megawatts ("MW"). The period of consent applied for relating to construction and operation is 50 years. It will comprise of: • 15 turbines each with a maximum blade tip height of up to 180m; • crane hardstandings for each turbine; • approximately 7.9 km of new access tracks; • approximately 13.5km of existing access tracks; • an onsite substation; • eight turning heads; • up to 8 borrow pit search areas; • two temporary construction compounds; • a single permanent LIDAR station; • a concrete batching plant; • 6 new access track water crossings; and • two routes of cross country cabling approximately 700m and 1200m in length.

2	Brief description of the designated Natura site	The qualifying interests for which the SAC is designated are **Atlantic Salmon and Freshwater Pearl Mussel**. The River Moriston flows into the northern side of Loch Ness and supports a functional Freshwater Pearl Mussel population.
3	Conservation objectives for **River Moriston SAC**	1. To ensure that the qualifying features of the River Moriston SAC are in favourable condition and make an appropriate contribution to achieving favourable conservation status. 2. To ensure that the integrity of the River Moriston SAC by meeting the following objectives: <u>Freshwater Pearl Mussel</u> - restoring the population of Freshwater Pearl Mussel as a viable component of the site; - restoring the distribution of Freshwater Pearl Mussel throughout the site; - restoring the habitats supporting Freshwater Pearl Mussel within the site and availability of food; and - restoring the distribution and viability of freshwater pearl mussel host species and their supporting habitats. <u>Atlantic Salmon</u> - restoring the population of Atlantic Salmon as a viable component of the site; - restoring the distribution of Atlantic Salmon throughout the site; and - restoring the habitats supporting Atlantic Salmon within the site and availability of food.
	Screening	
4	Is the proposal directly connected with, or necessary to, conservation management of the Natura site?	The proposed Development is **not** connected with or necessary for the conservation management of the River Moriston SAC.

5	Is the operation likely to have a significant effect on the qualifying interest of the **River Moriston SAC** either alone or in combination with other plans or projects.	The proposed Development is within the catchment of the River Moriston. The temporary construction compound of the proposed Development is located 18.75m to the north of the SAC and connected to it through the Allt Bhlaraidh watercourse. Atlantic salmon and freshwater pearl mussel are sensitive to disturbance, siltation and changes in water quality. There is the potential for disturbance, pollution (eg from fuel spills) and the release of sediment into water courses, from construction works and water course crossings. This would occur mainly during construction, and to occur to a lesser extent during operation of the proposed Development. Sediment entering the watercourses will have temporary impacts on water quality, and long term impacts on atlantic salmon and freshwater pearl mussel habitat (smothering them). Other pollution (eg fuel spills) will have a varying longevity depending on the type and amount spilt, at best case temporarily affecting water quality, at worst case poisoning habitat long term. Noting that watercourses on the development site feed into the nearby SAC, and given the potential for construction related pollution, consequently, there will be a likely significant effect on the qualifying interests of the SAC.
	Appropriate Assessment	
6	Identify the relevant conservation objectives to consider for the **River Moriston SAC**	All of the conservation objectives listed in section 3 are relevant.
7	Can it be ascertained that the proposal/plan will not adversely affect the integrity of the **River Moriston SAC**	The following assessment is based on advice received from NatureScot in their consultation responses of 10 November 2021 and 13 May 2022 and in the NatureScot HRA Proforma of 17 May 2022. The Scottish Ministers have concluded that the application with implementation of the following mitigation will reduce the risk of pollution and siltation impacts and ensure the conservation objectives are not undermined for the qualifying features. This will ensure that there are no adverse effects on the integrity of the River Moriston SAC alone or in combination with other projects or plans: - the various pollution prevention and environmental

		management measures, as summarised at Chapter 16 (Schedule of Environmental Commitments) of the EIA report; - the mitigation set out in Chapter 5 (Ecology and Nature Conservation) of the EIA report; - the mitigation detailed within Appendix 5.7 (Outline Habitat Management Plan) of the EIA report. The mitigation measures proposed are well established and in line with guidance and regulation and can be considered to be achievable and effective in preventing identified potential adverse effects. The mitigation will be secured by planning conditions within the planning consent.
8	Consider whether mitigation measures or conditions can be adopted to avoid adverse effects on site integrity	The mitigation referenced in section 7 will be sufficient to avoid adverse effects on site integrity.
	CONCLUSION	
9	Can adverse effects on site integrity be avoided	Yes.