

<b>Reference no:</b>	19/04915/PREMAJ	<b>Date of Issue:</b>	20 December 2019
<b>Proposal:</b>	Proposed development of Cloiche Wind Farm, including up to 36 turbines, on site substation and ancillary infrastructure	<b>Address:</b>	Land 9400M SE Of Glendoebeg Upper Glendoe Fort Augustus
<b>Case officer:</b>	Peter Wheelan - Planner Strategic Projects Team Glenurquhart Road, Inverness, IV3 5NX	<b>Email and phone no:</b>	[REDACTED] [REDACTED]
<b>Confidentiality Requested</b>	YES		

**This pre-application advice has been specifically prepared for SSE Renewables as the applicant and Montagu Evans as the agent for the proposed development at Land 9400M SE of Glendoebeg, Upper Glendoe, Fort Augustus**

<b>Description of proposal</b>
Proposed development of Cloiche Wind Farm, including up to 36 turbines, on site substation and ancillary infrastructure.
<b>Summary of Key Issues</b>
<p>Whilst the Council is supportive of renewable energy developments in principle, this must be balanced against the environmental impact of development. It is welcomed that the proposals have been revised from those previously scoped with the number and height of proposed turbines haven been reduced, with the development to occupy a reduced site area with greater separation distance from the Cairngorms National Park and neighbouring ornithological interests.</p> <p>The reduction in turbine height from 175m down to 149.9m removes the requirement for aviation lighting on all of the turbines and is a positive step forward. The advanced stage of the detailed design work undertaken to date with forthcoming modelling work to be available from all of the viewpoints is also encouraging. We consider this would help to ensure the scheme, if consented, is developable within micro-siting limits. The project's design evolution is encouraging, however, given the range of landscape designations in proximity, this remains a sensitive area to accommodate the scale of wind farm envisaged.</p> <p>Concerns remain in relation to the potential significant landscape and visual impacts which may arise as a result of this development individually, as well as cumulatively and sequentially with other developed and consented wind farms in the surrounding area. Such impacts may arise for receptors at several key locations including the Cairngorms National Park, Wild Land Areas (WLA) 19 Braeroy – Glenshirra – Creag Meagaidh, WLA 20 Monadhliath, from key viewpoints as well as along several sections of the Great Glen Way.</p> <p>As also explained in The Highland Council's (THC) EIA scoping consultation response, the impacts of this proposal on the landscape character area LN6 also remains a concern, particularly given that the Onshore Wind Energy Supplementary Guidance (OWESG) Loch Ness Sensitivity Study concludes that there is no capacity for new developments of larger scale windfarm development and that the area has only limited scope for large turbines located within the existing pattern of windfarm development. There is</p>

a range and specifically, turbines should: not breach the skyline when viewed from the north side of Loch Ness; preserve mitigation established by current schemes; and respect spacing and scale of existing development pattern. These requirements are particularly challenging for the proposals to adhere to in their current form; particularly for the entirety of the proposed eastern array which we recommend is removed from the proposal in its entirety. Alternatively, for the eastern array the applicant may wish to investigate the possibility of siting the turbines at a lower elevation, wherever possible, and consider if the use of smaller turbines (125 – 135 metres) would better respect the skyline and scale of the turbines at the parent Stronelairg wind farm.

It is understood that the eastern array was not previously proposed due to land ownership constraint. Whilst turbines from this broad location were removed through the consenting process to mitigate the landscape impacts of Stronelairg wind farm. The applicant has sought to explain that the baseline position since this decision is evolving in the context of the Dell wind farm decision and the pending Glenshero wind farm decision, as well as THC declaring a climate emergency. This analysis is expected to be presented within the application's Planning Statement which is welcome, however, at this time we do not consider that the proposed scheme is of the scale comparable to the consented Dell wind farm. Therefore the overall cumulative impact must be carefully considered given the lack of visual turbine containment for the scheme when viewed from the north west. This is evident from viewpoint (VP) 3: Mell Fuar-mhonaidh, which is THC consider is one of the key viewpoints for determination of this proposal.

From VP 3 it is clear that all of the proposed eight turbines in the eastern array would breach the skyline and in the western array, the south western outlying turbines extend the horizontal spread of the proposal's impact on the horizon. The western array also results in a high degree of stacking from VP 3, and with much of the ground investigative works complete, the applicant should fully explain the design reiterations undertaken to justify the siting of each turbine and if this less than optimal positioning in landscape terms is derived by value ground work engineering, to maximise wind yield or for other site specific environmental reasons. When viewed from the Great Glen Way (GGW) THC's concern remains that there is a lack of visual containment with the turbines in the western array also appearing to advance further down the hillside. A further viewpoint has therefore been requested from the high route of the GGW as it passes through Portclair Forrest to further consider the proposal's visibility from this route.

SNH also continue to advise that a wild land assessment for both WLA 19 and 20 will be required in order to understand the degree of effects from this proposal and reiterate that significant adverse effects on the Special Landscape Qualities of Cairngorm National Park or significant adverse effects on the qualities of a may result in an SNH objection.

If you decide to proceed towards application then detailed information and comprehensive assessment will be required in order to establish the significance of any impacts and you are encouraged throughout the process to explain the design iterations and how they have responded to assessment of impacts. The assessment should also clearly set out the benefits of the proposed development and you should clearly set out how, in your view as the applicant, the significant impacts of the development would be outweighed by the benefits of the proposed development.

Based on the submitted information and the information presented at the meeting it is unlikely that THC would be in a position to support the proposed wind farm in it's current form, however, there would appear to be a more environmentally acceptable scheme, in landscape and visual terms, should an amended proposal be brought forward as an application which takes into consideration the advice given in this pre-application advice pack.

## Background Information

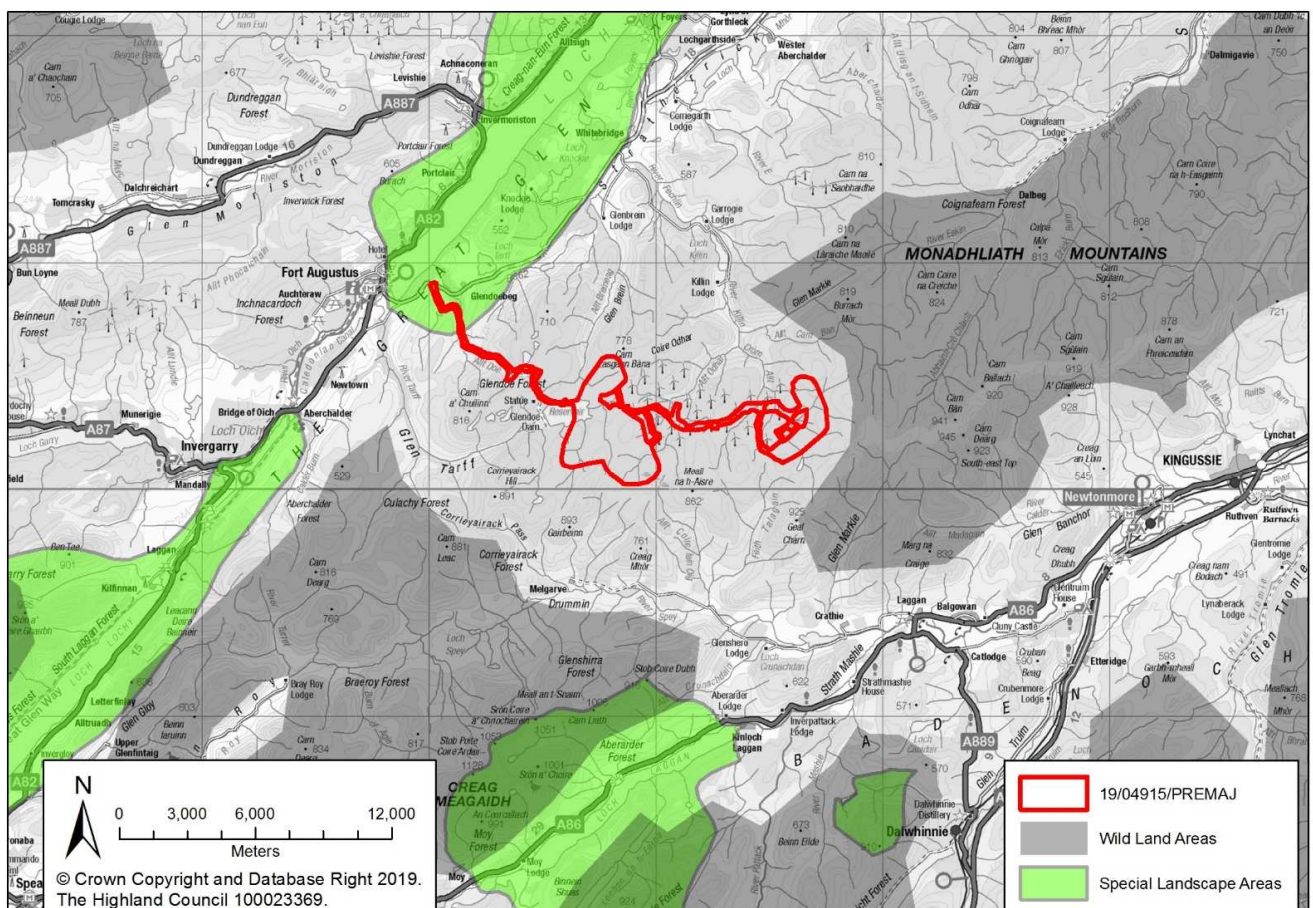
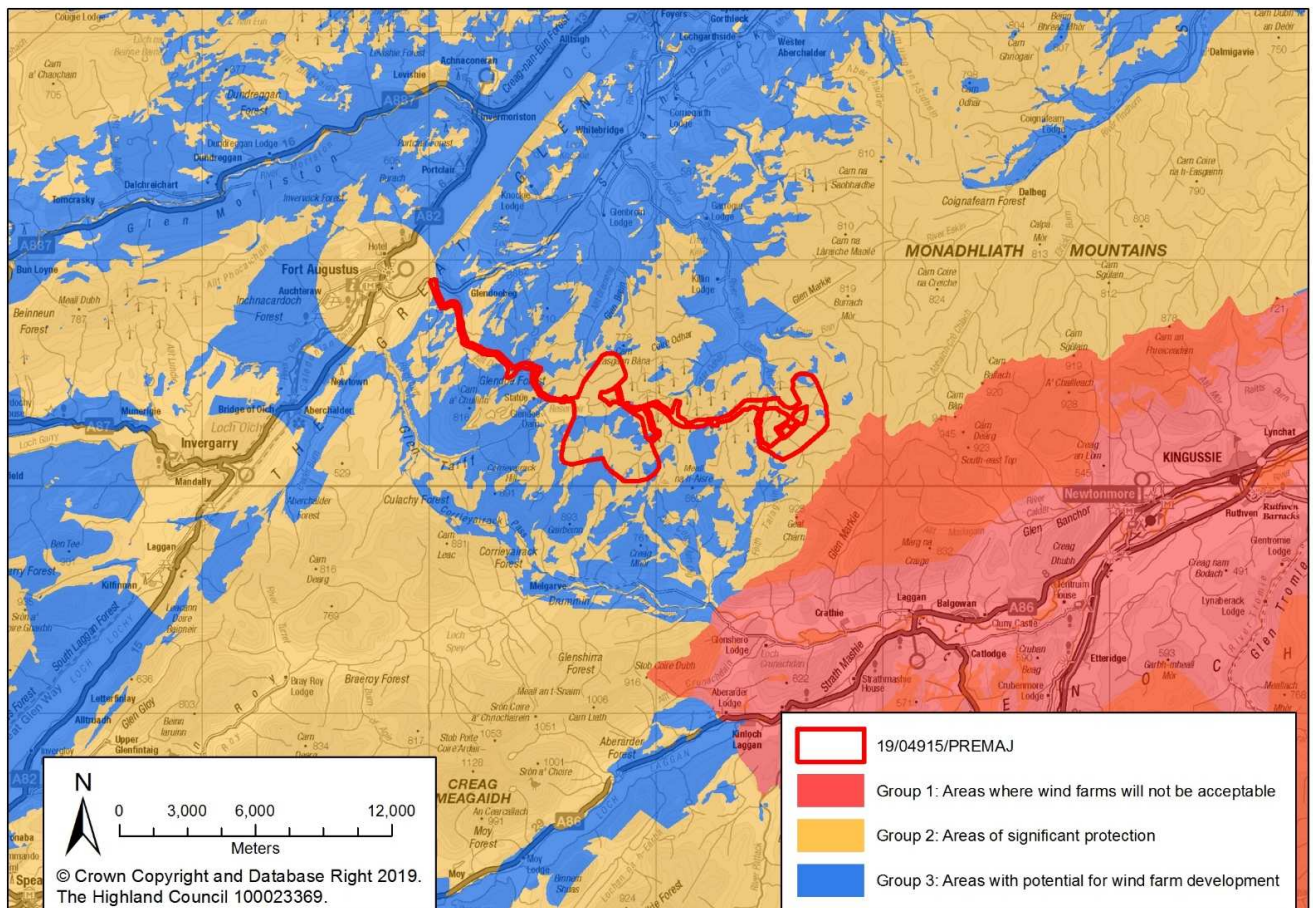
Site Area	17843130 m2	
Land Ownership	Glendoe and Garrogie Estates	
Existing Land Uses	Moorland	
Grid Reference	247739 (E)	802413 (N)

## Consents Required

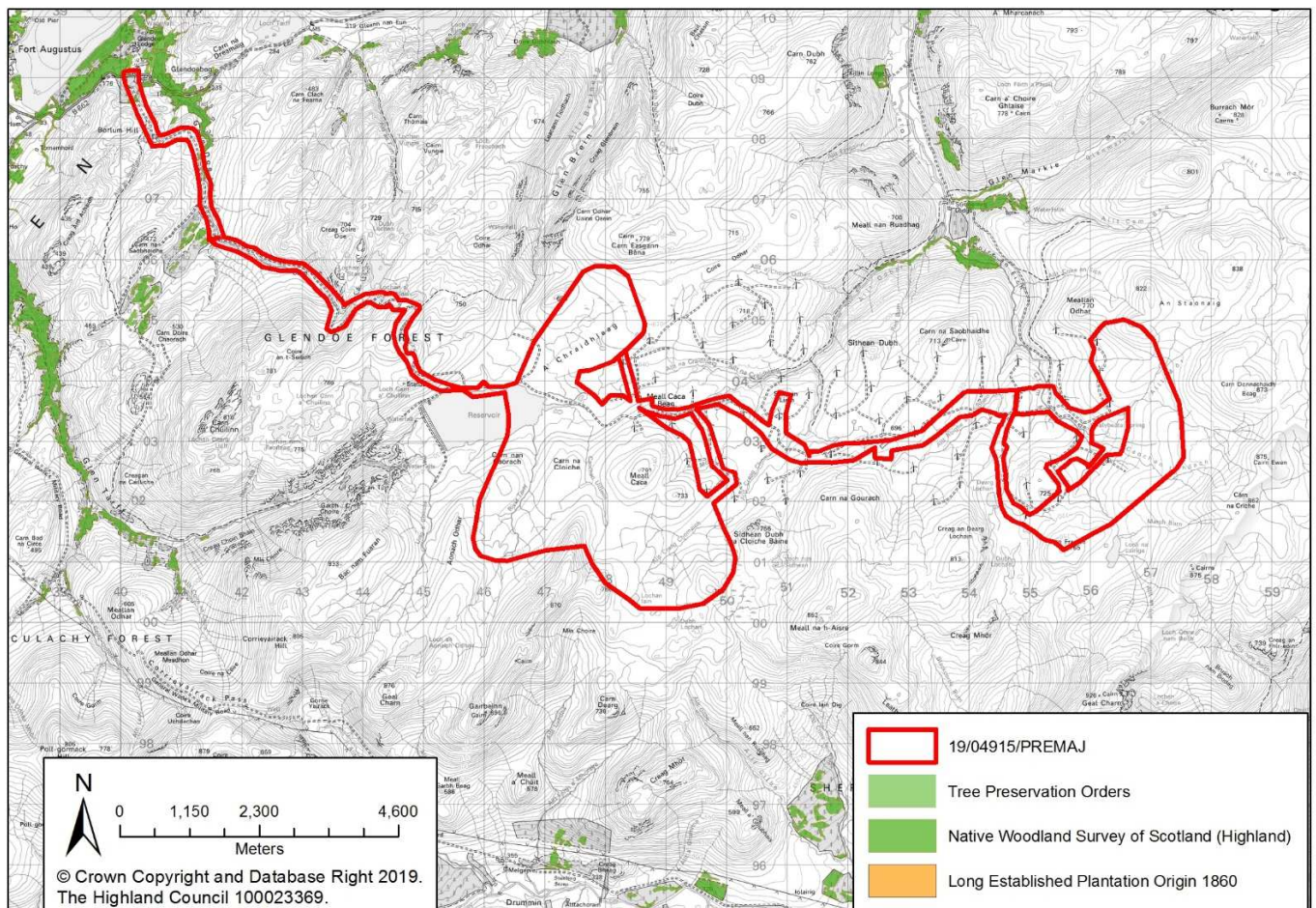
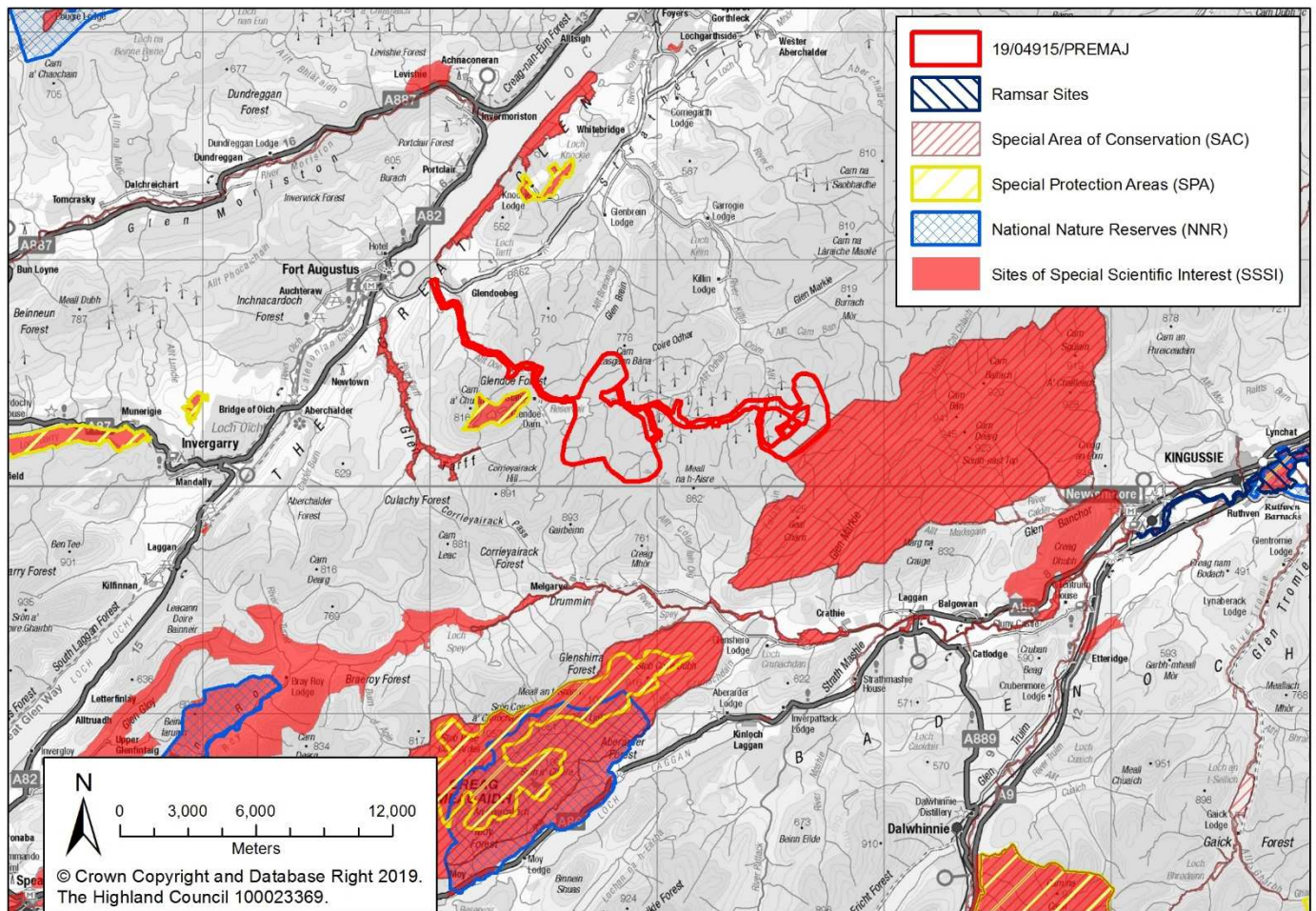
You are advised that consent for the proposed development will be required under Section 36 of the Electricity Act 1989.



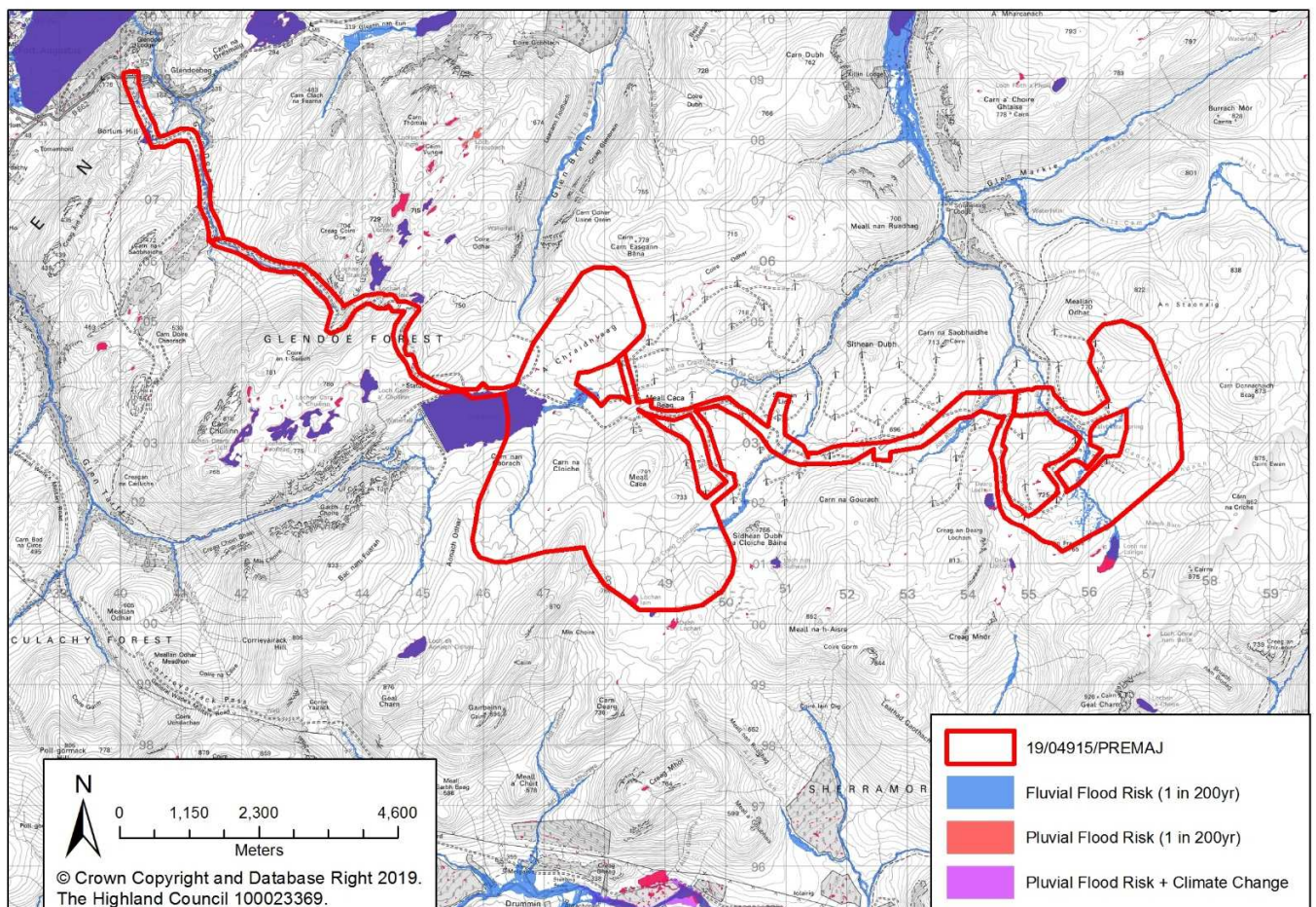
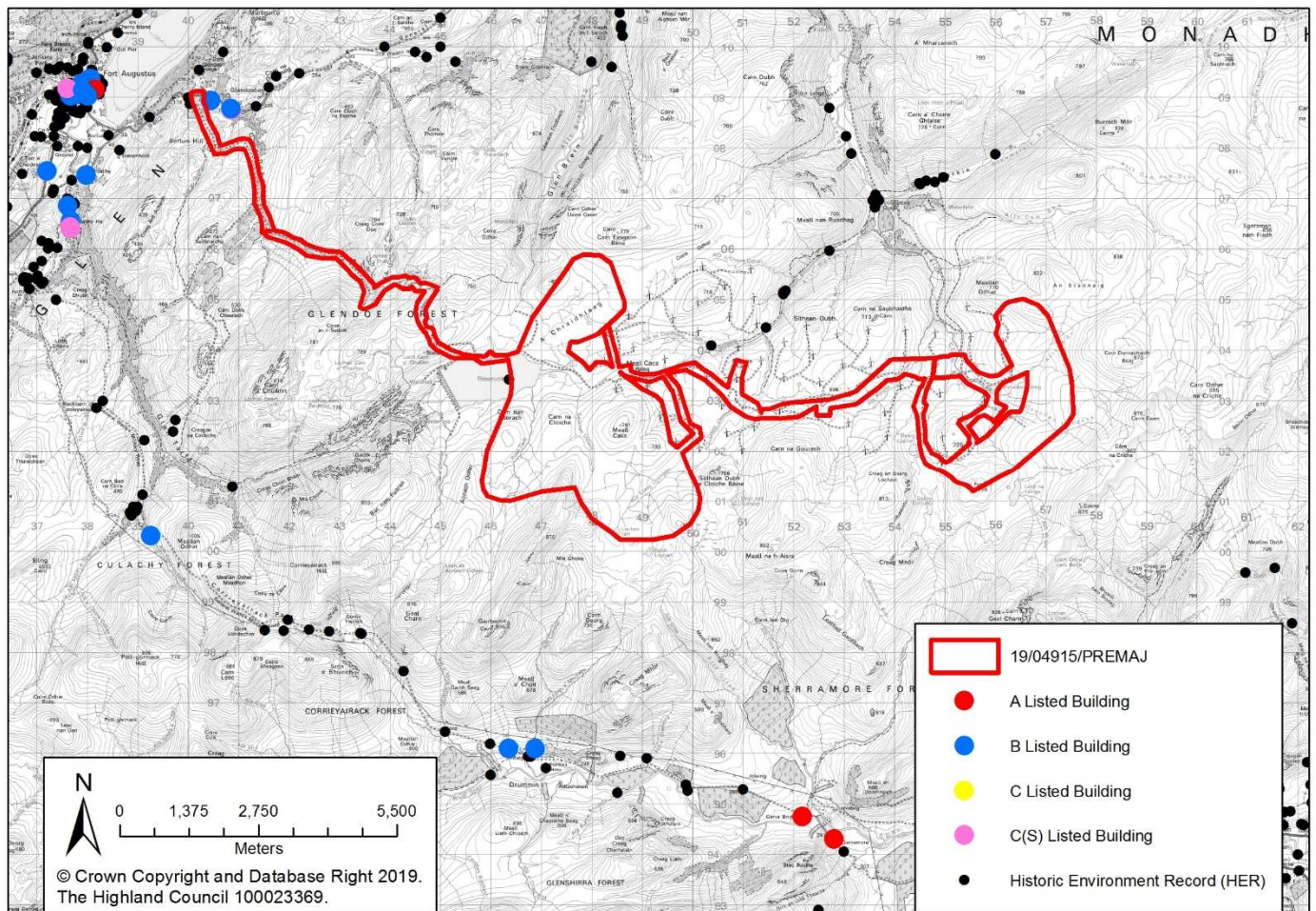
## Site Constraints Mapping



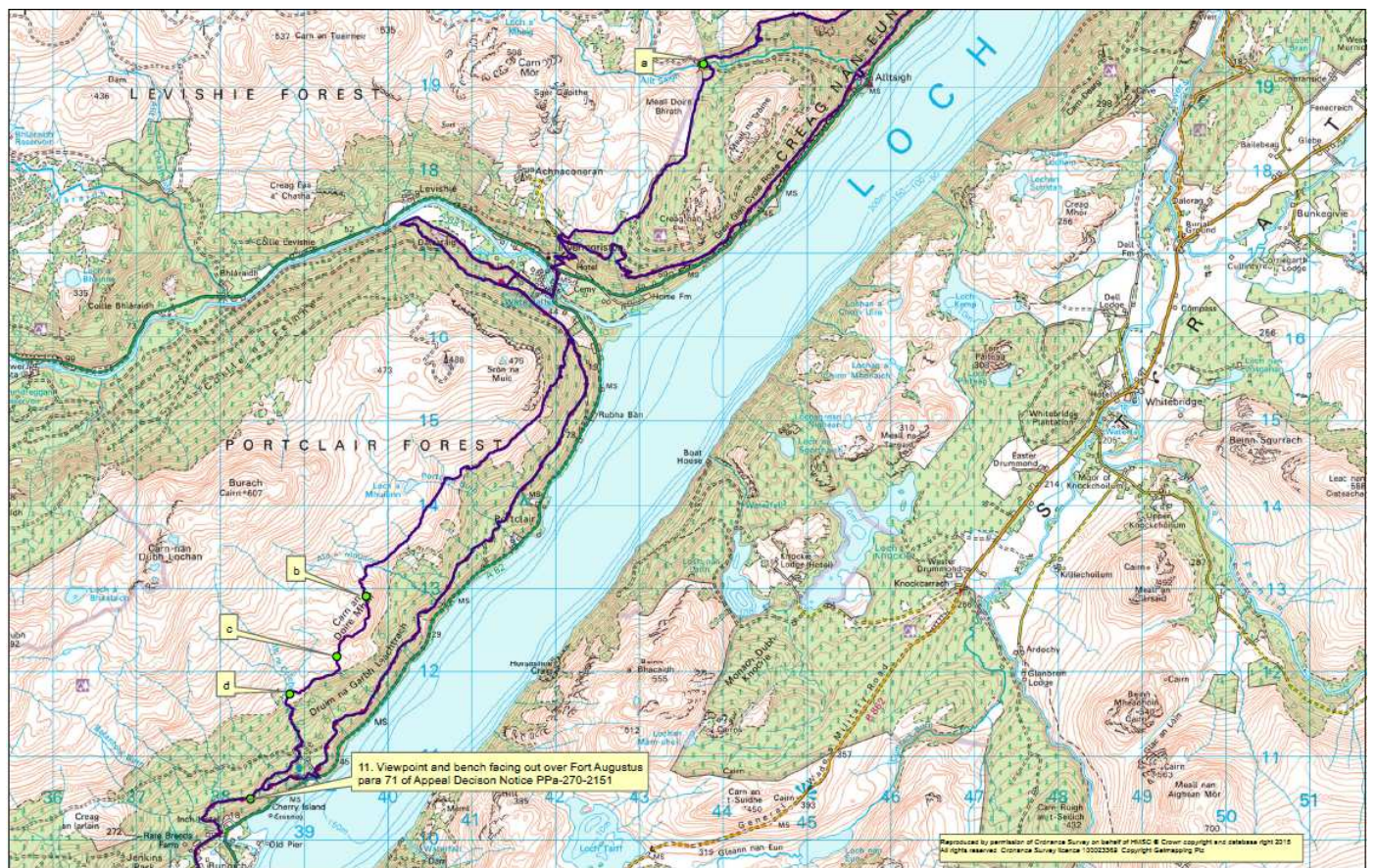
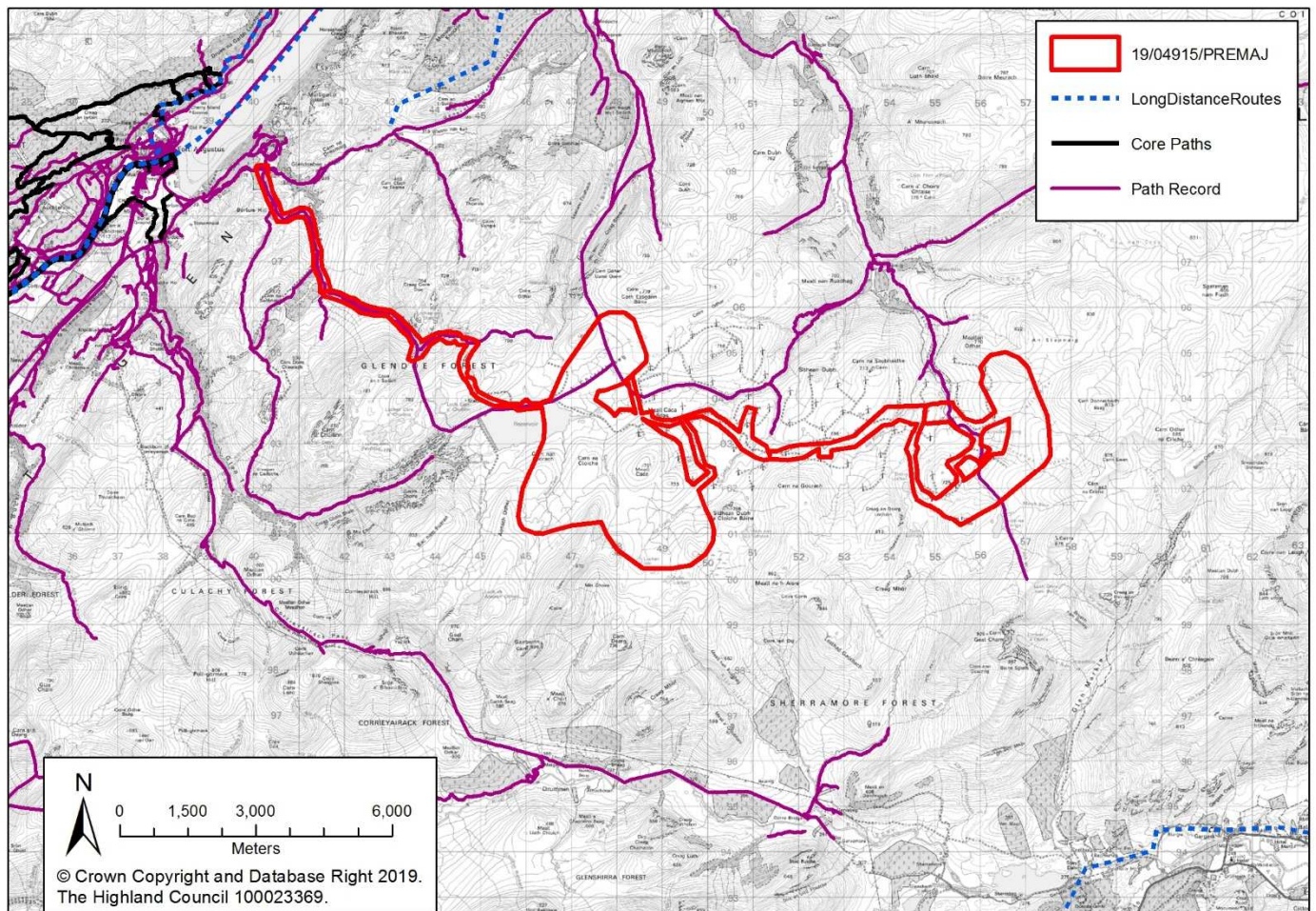






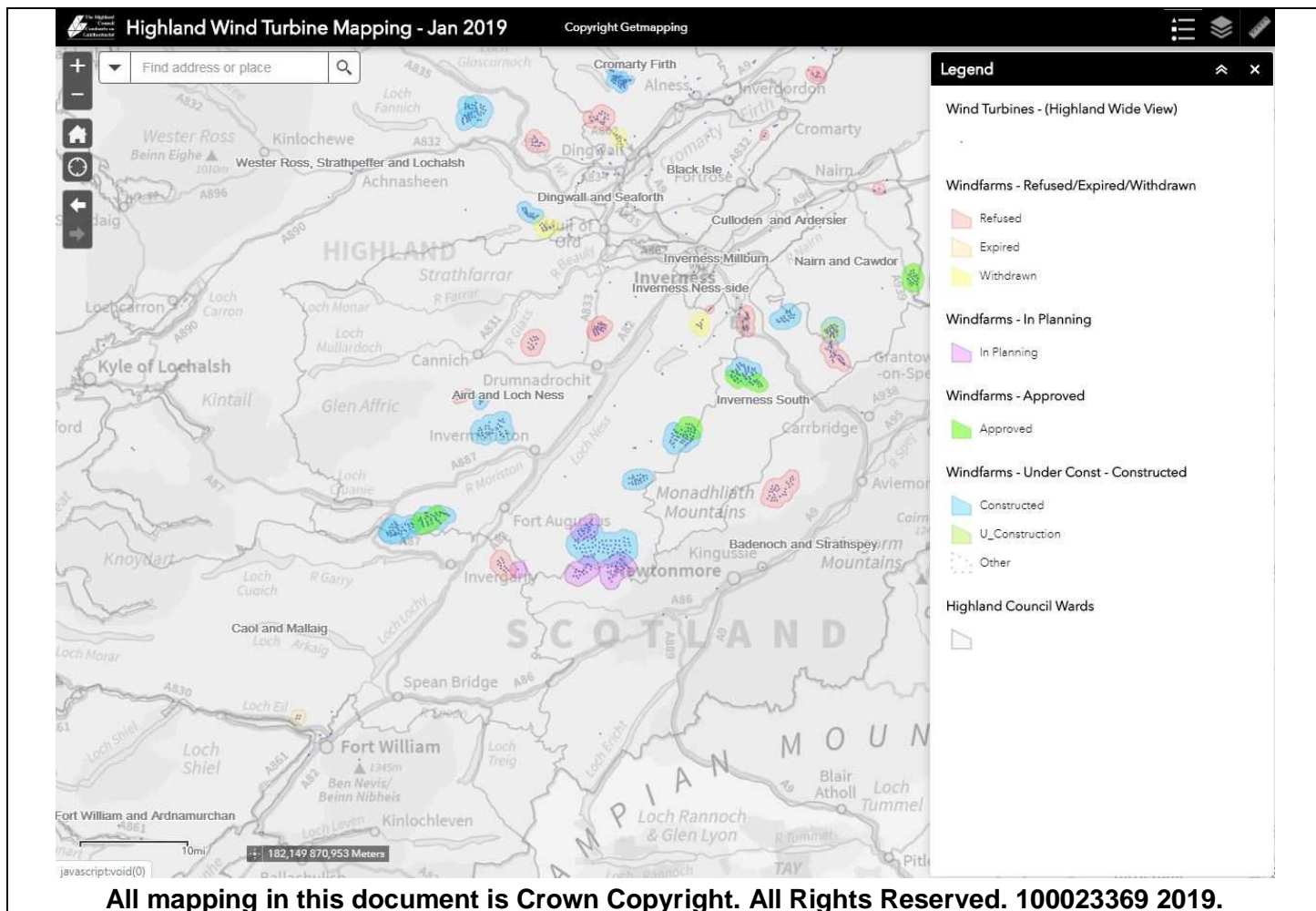






Great Glen Way – High Route (Viewpoint Request)





Supporting Information Requirements			
Abnormal Load Assessment	X	Open Space Strategy	
Access Management Plan	X	Operational Noise Assessment	X
Arboricultural Impact Assessment	X	Peat Management Plan	X
Archaeological Site Investigations		Planning Statement	X
Assessment of Impact on Historic Environment	X	Pre-Application Consultation Report	
Aviation Impact Assessment		Private Water Supplies	X
Borrow Pit Management Plan	X	Protected Habitat Survey	X
Carbon Balance Assessment	X	Protected Species Survey	X
Compensatory Planting Plan		Restoration / Decommissioning Plan	X
Construction Noise Assessment	X	Retail Impact Assessment	
Construction Traffic Management Plan	X	Schedule of Mitigation (submitted as a separate document to the EIAR)	X
Contaminated Land Report		Shadow Flicker Assessment	
Design and Access Statement	X	Street Elevations	
Development Brief		Structural Survey	
Drainage Impact Assessment	X	Sustainable Design Statement	X
Dust Survey		Swept Path Analysis	X
Electric Car Charging Strategy	X	Transport Assessment	X
Flood Risk Assessment (possible requirement)	X	Transport Statement	
Forest Residual Waste Strategy		Tree Constraints Plan	
GWDTE Assessment	X	Tree Protection Plan	
Habitat Management Plan	X	TV / Radio Impact Assessment	X
Landscape and Visual Impact	X	Vibration Assessment	
Landscape Maintenance/Management Plan		Visualisations	X
Landscape Plan		Waste Strategy	
Masterplan			
Other (Please Specify): EIAR which should include / provide:			
• Cumulative LVIA (CLVIA)			X
• Wild Land Assessment			X
• Assessment of Impact on Special Landscape Qualities of Cairngorms National Park			X
• GIS shape files of ZTVs			X

The above list should be read in conjunction with the ECU Scoping Opinion dated 18 December 2018. Note that the ECU's Scoping Response advises that an additional Scoping Opinion is sought from Scottish Ministers in the event that no application has been submitted within 12 months of the date of this Opinion.



Planning History			
Reference	Description	Decision Date	Outcome
18/04606/SCOP	Scoping opinion for proposed application under section 36 for the Cloiche Wind Farm	18 December 2018	SCOPING OPINION ISSUED
Planning Policy			
<u>Highland-wide Local Development Plan (HwLDP) (Adopted 2012)</u> 28 - Sustainable Design 29 - Design Quality & Place-making 30 - Physical Constraints 31 - Developer Contributions 53 - Minerals 55 - Peat and Soils 56 - Travel 57 - Natural, Built & Cultural Heritage 58 - Protected Species 59 - Other Important Species 60 - Other Important Habitats 61 - Landscape 62 - Geodiversity 63 - Water Environment 64 - Flood Risk 66 - Surface Water Drainage 67 - Renewable Energy Developments 68 - Community Renewable Energy Developments 69 - Electricity Transmission Infrastructure 72 - Pollution 73 - Air Quality 74 - Green Network 77 - Public Access 78 - Long Distance Routes			
<u>Inner Moray Firth Local Development Plan – (IMFLDP) (2015)</u> Special Landscape Areas The IMDFLDP is currently under review with the Main Issues Report anticipated in early 2020.			
<u>Highland Council Supplementary Guidance</u> Developer Contributions (November 2018) Flood Risk & Drainage Impact Assessment (Jan 2013) Green Networks (Jan 2013) Highland Historic Environment Strategy (Jan 2013) Highland's Statutorily Protected Species (Mar 2013) Highland Renewable Energy Strategy & Planning Guidelines (May 2006) Physical Constraints (Mar 2013) Public Art Strategy (Mar 2013) Roads and Transport Guidelines for New Developments (May 2013) Special Landscape Area Citations (Jun 2011) Onshore Wind Energy Supplementary Guidance (OWESG) (Nov 2016) and Addendum Supplementary Guidance: Part 2b (2017)			



## Scottish Planning Policy and Guidance

Scottish Planning Policy

National Planning Framework 3

Scottish Energy Strategy (Dec 2017)

Historic Environment Policy for Scotland (HEPS, 2019)

PAN 56 – Planning and Noise

PAN 58 – Environmental Impact Assessment

PAN 60 – Planning for Natural Heritage

2020 Routemap for Renewable Energy

Onshore Wind Energy (Statement) (Dec 2017)

Onshore Wind Turbines

SNH Siting and Designing Wind Farms in the Landscape

Wind Farm Developments on Peat Lands

Scottish Government Energy Efficient Scotland Route Map (May 2018)

The National Park Partnership Plan 2017-2022 (NPPP) - Cairngorms

Cairngorms Local Development Plan 2015

Cairngorms Local Development Plan - Proposed Plan 2020

## **Policy Context**

### Policy Background

The Development Plan comprises the HwLDP, IMFLDP and relevant supplementary guidance, including the Onshore Wind Energy Supplementary Guidance (OWESG). It should also be noted that this advice does not include assessment against neighbouring Cairngorms National Park Authority's (CNPA's) planning policies and the developer should engage with CNPA directly to assess the proposal's potential impacts within the National. References elsewhere in this advice pack to "the Council" are to THC, unless otherwise stated.

### HwLDP

HwLDP was adopted in 2012 and sets out the general planning policies for the Highland Council area. It should be noted that a review of HwLDP commenced with the publication of a Main Issues Report in September 2015. This review is on hold until the outcomes of the Planning (Scotland) Bill are understood. The HwLDP contains the key policies relevant to this proposal.

### IMFLDP

The IMFLDP focuses on regional and settlement strategies and identifying specific site allocations. Much of the content is not particularly relevant to a wind farm proposal, however, certain aspects of the strategy for the local area/settlement may help to inform plans for community engagement or community benefit. The area plans define Settlement Development Areas (SDAs) and those are the areas to which the Spatial Framework in the OWESG applies the Community Separation Distance. IMFLDP also confirms the boundaries of Special Landscape Areas (SLAs) and the SLA citations provide the most up to date information on the SLAs.

### Spatial Framework - Scottish Planning Policy and OWESG

As shown on the constraints mapping enclosed within this response, the site lies predominantly within Group 2 - Areas of significant protection from wind farm development. Alongside the range of other considerations highlighted in this pack, in order for a future application to be supported, it will be necessary to assess the impacts on Group 2 features, identify appropriate mitigation, and set out how this mitigation affords the features significant protection. The Group 2 feature present is Carbon Rich Soil, Deep Peat and Priority Peatland Habitat (CPP). Attention is drawn to Para 4.34 on page 24 of the OWESG which discusses peat, including CPP. It notes that CPP is a nationally important mapped environmental asset that indicates where the resource is likely to be found and that detailed peat assessment will be required to guide development away from the most sensitive areas and to help inform potential mitigation; examples of such measures are given in the SG.

HwLDP Policy 67 sets out the Council's support in principle for renewable energy developments. This support is subject to addressing key issues and criteria. The Council must be satisfied that the



development is located, sited and designed in a way that will not be significantly detrimental to a number of considerations as set out in the Policy. This includes both individual impacts and cumulative impacts with other renewable energy developments. Further detail is set out in the SG to this policy (discussed elsewhere). As the project progresses it will be important to maintain an up to date picture of development in the wider area, particularly for informing cumulative impact assessment. A starting point for this is the Council's Highland Wind Map which is up to date to January 2019 and will be refreshed in early 2020.

#### Developer Contributions and Community Benefit

Under the terms of HwLDP Policy 31 and the Council's [Developer Contributions Supplementary Guidance \(2018\)](#) energy developments may be required to make contributions towards: transport; green infrastructure; water and waste; and public art. In addition, whilst Community Benefit is a separate issue to planning, the Council wants to make sure that local communities benefit directly from the use of their local resources and are compensated for the disruption and inconvenience associated with large scale development work. Further details are set out within the Council's Community Benefit policy:

[http://www.highland.gov.uk/info/198/planning\\_-\\_long\\_term\\_and\\_area\\_policies/639/community\\_benefit](http://www.highland.gov.uk/info/198/planning_-_long_term_and_area_policies/639/community_benefit)

### **Sustainability**

The Council's Sustainable Design Guide SG provides advice and guidance on a range of sustainability topics, including design, building materials and minimising environmental impacts of development. A Sustainable Design Statement is required.

Wind farms produce a sustainable form of energy, however, the Council will need to be satisfied in reaching a conclusion on any consultation or application that the development in its entirety is in fact sustainable development. In order for us to do so we recommend that matters related to the three pillars of sustainable development are fully assessed in the information which supports the application. The wind farm needs to be considering the provision of energy systems within the holistic demand cycle of the network. The developer needs to consider the impact of the installation and the prospective long-term use of the energy to accommodate the requirements of a decarbonised energy provision for Scotland and the Highlands. The application should include a statement on how the development is likely to contribute to the Scottish Government Energy Efficient Scotland roadmap and provide the Highlands with secure and clean electricity supplies.

Energy storage technology is of interest to the Council as an emerging new aspect of renewable energy developments with considerable potential benefits for energy generation, efficiency and supply. In broad principle the inclusion of infrastructure for energy storage in renewable energy proposals can be supported, given the benefits. Any associated buildings with the wind farm scheme must be designed in a way which is sympathetic to the local area and existing pattern of development. However, in considering the detail the Council would need to understand the type and nature of storage facility proposed, such as scale and appearance, and it would be beneficial to have information to explain the specific electricity network benefits and capacity proposed.

The developer should also consider the potential for generation of alternative fuels as part of the development. Consideration to be given to what redundancy is built into the operation and use of the power generated. An element of local use of the energy and particularly development of Hydrogen production may be possible from any projected downtime. The Council also encourage the inclusion of electric car charging facilities within all new developments. A strategy for the provision of charging points within the development should be submitted with the application.

### **Design Evolution**

HwLDP Policy 29 Design Quality and Place requires development to be designed to make a positive contribution to the architectural and visual quality of the area. Furthermore development proposals must demonstrate sensitivity and respect towards the local distinctiveness of the landscape, architecture, design and layouts of their proposals. This policy is equally applicable to wind farm layout and design as well as the design of any supporting infrastructure. A thorough chapter in the EIAR on design evolution of the wind farm will be required. This should identify what the key design drivers were for the wind farm and also where the wind farm is designed to be viewed from. This section of the EIAR should also consider the proposed turbine heights and avoiding the need for aviation lighting.



The candidate turbines should be clearly set out in the EIAR and there should be consistency through each of the chapters with the same candidate turbine used for all chapters. If there are alternatives they should be identified in the EIAR.

#### Design and Access Statement

The Design and Access Statement should also outline the design principles and concepts that have been applied to the development and:

- explain the policy or approach adopted as to design and how any policies relating to design in the development plan have been taken into account;
- describe the steps taken to appraise the context of the development and demonstrates how the design of the development takes that context into account in relation to its proposed use; and
- state what, if any, consultation has been undertaken on issues relating to the design principles and concepts that have been applied to the development; and what account has been taken of the outcome of any such consultation.

Further advice is available in PAN 68 and the Council's guidance note on Design and Access Statements: [https://www.highland.gov.uk/downloads/file/2645/design\\_and\\_design\\_and\\_access\\_statements\\_advice\\_note](https://www.highland.gov.uk/downloads/file/2645/design_and_design_and_access_statements_advice_note)

### **Natural Heritage**

#### **Designated Sites**

HwLDP Policy 57 considers impacts on natural, built and cultural heritage designations and features. All development will be assessed taking into account the level of importance and type of heritage features, the form and scale of development and any impact on the feature and its setting. Of particular relevance are those landscape and other natural, built and cultural heritage features in proximity to the proposal identified in the constraints maps provided. There are a range of landscape designations and features in proximity, including the Loch Ness and Duntelchaig Special Landscape Area (SLA), Monadhliath Wild Land Area (WLA) and Cairngorm Mountains National Scenic Area (NSA), National Park and WLA.

The proposed eastern development boundary is also adjacent to Monadhliath Special Area of Conservation (SAC) designated for its blanket bog and it's under lying Site of Special Scientific Interest (SSSI) also designated for its blanket bog, birds and vascular plants. Part of the eastern development boundary is also within the catchment of, and therefore has connectivity to the River Spey SAC and its underpinning SSSI designated for freshwater invertebrates, salmon, sea lamprey and otters. SNHs' 12 October 2018 scoping response provides fuller details on the assessments needed in relation to designated sites and any adverse impacts on the site integrity of an SAC or SPA will result in an SNH objection.

Information on the legislative requirements of European sites can be found at:

<http://www.snh.gov.uk/docs/A423286.pdf>

Information regarding the status and qualifying features of all the site can be found at:

<http://www.snh.org.uk/snhi/>

#### **Landscape and Visual**

HwLDP Policy 61 Landscape requires new development to reflect the landscape characteristics and special qualities identified in the relevant, recently refreshed and published (2019) SNH Landscape Character Assessments (LCAs). The LCAs are a starting point on which to base assessment of landscape and visual impact. It is important to set out who the visual receptors of the development are, what the landscape impacts are and how these two factors relate.

This proposal is for the extension of an existing windfarm. It is understood from the information presented at the meeting that the majority of the existing infrastructure will be utilised by this new scheme, including access road and tracks. If such measures are not taken, a reasoned justification should be provided.

Given that there are a range of other consented, under construction and operational schemes in the Loch Ness area, this proposal is in a particularly sensitive location. This sensitivity is heightened by the range of features and designations highlighted in the constraints mapping provided with this pack.

The existing Stronelairg wind farm went through an iterative process of design development to arrive at the scheme that is now operational. This means that mitigation, including turbine siting, was undertaken to reduce the impacts of that scheme as originally proposed. Therefore it is essential in considering the design of this scheme that the mitigation agreed for the operational wind farm is not undone by this new proposal.

The operational wind farm is comprised of 66 turbines with a tip height of between 125 and 135 metres. The new scheme proposes an additional 36 turbines with a height of 149.9m to tip. Therefore this proposal is significant in the scale of turbines proposed which, due to their increased height, compared to those operational, are likely to contrast with the consented scheme, particularly in terms of massing of the various turbine components. It is important that the development of the scheme fully considers what scale of turbines would be compatible with the operational wind farm to ensure that it is acceptable in landscape and visual terms.

It will also be important to give full consideration to effects which may be created if additional, and larger, turbines draw focus towards existing windfarm development and increase their relative prominence in views and influence as a landscape element. This is likely to be important in views from the far side of the loch where the spread and density of developing cluster becomes more apparent and from the south, towards the National Park where the development pushes increased visibility of wind energy development into areas where it is presently more limited.

The OWESG favours a strategic approach to wind energy development in Highland of clusters of development with spaces (areas of respite) between (see Criterion 7 on page 20). In the context of surrounding proposals and the apparent 'spread' that this scheme, as currently presented, could create, it may also encroach on spaces between existing clusters. This is particularly relevant given that there are large clusters pending to the north west and south that should inform your assessment work.

#### Loch Ness Landscape Sensitivity Appraisal

This study forms part of the OWESG. The site lies within landscape character area LN6, which the study concludes does not have capacity for new developments of larger scale windfarm development, but that there may be some scope for extensions to existing schemes. There is a range of guidance in this study that should be taken into consideration in refining proposals. In particular there is guidance that additional turbines within LN6 should:

- not breach the skyline when viewed from the north side of Loch Ness;
- be set back from key routes;
- preserve mitigation established by current schemes;
- maintain the landscape setting of each existing scheme;
- avoid coalescence with current positioning; and
- respect spacing and scale of existing development pattern.

#### Final Viewpoint List

Further to receipt of the applicant's suggested final proposed viewpoint list and associated 13 December 2019 covering letter, THC can confirm agreement with the 20 viewpoints selected. An additional viewpoint is however still requested to be included from the high route of the GGW as it passes through Portclair Forrest.

Whilst the applicant's review of the proposed ZTV against the high route GGW shapefile through Portclair Forrest concluded that there would be no visibility of the proposed wind farm, the Principal Planner (Tim Stott) who provided the Development Plans input into this pre-app pack has recently walked this route and confirmed that there is clear visibility of Stronelairg wind farm. THC are therefore surprised with the findings of the applicant's analysis, particular given that lengthy sections of this high route are well above the forestry line as detailed in the enclosed plan.

It is therefore still strongly recommended that this route is walked to select a suitable viewpoint to ensure that views from this highly sensitive route have been fully assessed, this will allow the Visual Impact



Assessment (VIA) to fully consider the extent of visibility along the route. The VIA should be fully clear on the reasons for selecting the final viewpoint and provide an indication over what length of route any effects identified are characteristic. Suggested points (b), (c) and (d) along this route have been highlighted on the enclosed plan and for context, a lower elevation point on the GGW has been highlighted at Cherry Island which was previously referenced in Paras 71 – 76 of the enclosed Appeal Decision Notice PPA-270-2151 for Culachy wind farm. Para 74 of this decision notice also states: *“The upper path’s attraction is that is largely above the forest covering the lower western slopes and provides good views along Loch Ness to the north and south.”* For Culachy wind farm the cairn of Burach in the vicinity was also a selected viewpoint (no. 11), however, it is acknowledged that this cairn is at a higher elevation than the route of the GGW.

THC therefore consider that a suitable viewpoint from the high route of the GGW should be a priority for the LVIA and that the proposal's visibility from this section of the route should be demonstrated through the provision of a ZTV drawing overlaying the GGW, baseline photography, the provision of a visualisation (if there is clear visibility) or wireline(s) demonstrating none / very limited visibility. Given that it will be necessary to walk this route to provide this level of detail, as a contingency it is recommended that photography should also be taken from the nearby Burach cairn. Given that this summit has previously been a selected viewpoint for another recent wind farm proposal, the applicant should consider the merit of including this additional viewpoint; particularly should it be evidenced that there is no clear visibility of the proposal from the upper section of the GGW itself, and therefore may only be experienced by people who opt to deviate from the GGW to experience this cairn.

#### Visualisations

The landscape and visual impacts are key issues which will inform our position in relation to this proposal. Visualisations provided are expected to accord with the Council's latest Visualisation Standards for Wind Energy Developments. Assessments should cover impacts of all elements of the development, not just the turbines, where they are not covered under a separate application. Applicants are strongly encouraged to provide information on all aspects of their proposal as far as possible at application stage, including information on intended grid connection, in order that the Council has the fullest understanding of the scheme. The wirelines accompanying the visualisations should include details of turbine numbering, with the sequence of numbering running in order without any omissions.

#### Aviation Lighting

Turbines of a height of 150m or greater currently require aviation lighting. As the current proposals are below this threshold no lighting should be required. That said, this is an area where there is on-going discussion around the requirements of lighting and possible technological solutions. Any lighting strategy for the site must be prepared in agreement with CAA/HIAL. Consideration should also be given to limiting light pollution associated with this. Details of any potential lighting scheme must be provided at the application stage. Guidance on this can be found at:

<https://www.nature.scot/professional-advice/planning-and-development/advice-planners-and-developers/planning-and-development-renewable-energy>

#### Wild Land and Landscape Impacts within the CNPA – SNH Response

SNH note that the proposed development site is adjacent to the Cairngorm National Park yet the applicant's presentation at the pre-application meeting made no mention of the National Park Partnership Plan 2017-2022 (NPPP). The NPPP will be a material consideration with Section 14 of the National Parks Act 2000 expressly setting out that the Scottish Ministers, a National Park authority, a local authority and any other public body or office-holder must, in exercising functions so far as affecting a National Park, 'have regard to the National Park Plan as adopted'. This would apply equally to Section 36 submissions and it is therefore important that the NPPP is fully considered in the planning policy section of any EIAR.

SNH advise that of particular relevance is Policy 3.3 which states that 'large-scale wind turbines are not compatible with the landscape character or special landscape qualities of the National Park. They are inappropriate... where outside the Park they significantly adversely affect its landscape character or special landscape qualities'. Also relevant is Policy 1.3 which seeks to conserve and enhance the special landscape qualities, including: conserving and enhancing wildness qualities, enhancing opportunities to enjoy and experience the landscapes of the Park and applying a presumption against new constructed tracks in open moorland. It is likely that this proposal would not comply with the NPPP.

As stated in SNH's scoping response, an assessment of effects (including cumulative effects) on the CNP

SLQs is required. The SLQ assessment builds upon the findings of the LVIA therefore there should be a clear link made between these although they follow distinct assessment processes. Based on the broad scale ZTV provided at the pre-application meeting, it is predicted that the proposed wind farm would be prominent from some important hill tops and ridges at close proximity to the National Park (represented by VP 9 and VP 12).

This may result in significant adverse effects in addition to the baseline conditions (which includes the Stronelaig wind farm) and particularly perceived spatial imposition and encroachment. It will be important for the LVIA to assess predicted sequential effects on the SLQs by recreational visual receptors when moving through the hills and along the ridges. SNH have provided the latest version of the draft SLQ assessment methodology as an additional attachment to this pack and encourage the applicants to discuss the scope of the assessment with SNH and the CNPA.

SNH continue to advise that a wild land assessment for both WLA 19 and 20 will be required in order to understand the degree of effects from this proposal. SNH reiterate our scoping advice that the applicant should consult with us on the scope and method of the wild land assessment.

Since the scoping report was produced, a new national map and descriptions for landscape character types (LCT) have been published. The LVIA will need to assess the predicted effects of the proposed development in relation to the key characteristics of both the new LCTs and the CNP landscape character areas with the Park which complement each other. This assessment should include consideration of how these LCTs and landscape character areas combine and are experienced across the study area.

A key challenge for the proposed development will be its design to relate to multiple wind turbines already existing within the area. It will be very important for the EIA to explain how the design objectives for the proposed development respond to the baseline conditions (including key landscape characteristics, visual amenity, SLQ and wild land qualities) and the sensitivities of these to the proposal, including compatibility with other wind farms. It will also be important for the LVIA to assess how the final proposal meets the different design objectives (making reference to the relative importance of these) and, thereby, minimises landscape and visual effects and/or creates a positive addition to the landscape.

We also reiterate our scoping advice that there is a requirement for an assessment of cumulative effects. It is important to highlight that, following the Guidelines for Landscape and Visual Impact Assessment (GLVIA), the LVIA should assess the proposed development against the baseline conditions which comprise only operational schemes, not proposed or consented schemes which should be assessed by the cumulative LVIA (CLVIA). This also needs to be reflected by the different visualisations: those for the proposal in addition to the baseline conditions including Stronelaig wind farm (including wirelines); and the cumulative visualisations showing the proposal in addition to the baseline conditions plus consented and other proposed schemes, including the consented Dell and proposed Glenshero wind farms. Guidance for undertaking LVIA and cumulative impact assessments can be found at: <http://www.snh.gov.uk/planning-and-development/renewable-energy/onshore-wind/landscape-impacts-guidance/>

SNH request that the NP and WLA boundaries are clearly shown on all landscape map figures. In addition, we highlight the good practice requirement to use a 1:50,000 OS basemap for the ZTVs and other figures so detailed information is legible. We reiterate our scoping request to provide separate, paired ZTVs for the western cluster and eastern cluster of the proposed wind farm as well as overlapping/paired ZTVs for the proposal in addition to Stronelaig, Glenshero and Dell wind farms. We highlight that it is also necessary to have an overlapping ZTV which identifies the areas where wind turbine blade tips only may be visible. SNH stress that it is important for ZTVs to be of sufficient resolution to enable clear visibility of the underlying 1:50,000 OS base.

Following the Pre-Application meeting, it is SNH's understanding that the proposed wind turbines will not be lit as they would be under 150m to tip.

Significant adverse effects on the Special Landscape Qualities of Cairngorm National Park or significant adverse effects on the qualities of a may result in an SNH objection.

### **Peat**

The proposed development site includes areas of carbon rich soils, deep peat and priority peatland habitat,



the importance of which has been identified in SPP. An assessment of the impact of this proposal on this resource should be made and the EIAR should contain details of any mitigation measures which have been incorporated to ensure the protection of the carbon rich soils, deep peat and priority peatland habitats. The assessment should consider and if necessary quantify any loss of this resource and any impacts on the functioning of the habitats associated with it.

In addition an assessment of the impacts should be made using a carbon calculator:

<http://www.scotland.gov.uk/Topics/Business-Industry/Energy/Energy-sources/19185/17852-1/CSavings>

SNH also expect the applicant to carry out a peat depth survey and peat stability assessment to determine the location of infrastructure, the risk to habitats and species, and for this information to be presented in the EIAR. Their map and supporting guidance is available here:

<http://www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers/soils-and-development/cpp/>

Further details of SNH's requirements for assessment of carbon rich soils, deep peat and priority peatland habitat can be found in their 12 October 2018 scoping consultation response.

#### Disturbance and re-use of excavated peat and other carbon rich soils

SPP Para 205 states that *"Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO<sub>2</sub>) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO<sub>2</sub> to the atmosphere. Developments should aim to minimise this release."* The submission should therefore a) demonstrate how the layout has been designed to minimise disturbance of peat and consequential release of CO<sub>2</sub> and b) outline the preventative/mitigation measures to avoid significant drying or oxidation of peat through, for example, the construction of access tracks, drainage channels, cable trenches, or the storage and re-use of excavated peat.

SEPA notes that the application site boundary has been amended to include a number of existing tracks, which is welcome. They also highlight the following for further consideration:

- the existing track to C1 should be utilised; and
- there seems to be an existing track in the general vicinity of C4 - this should be used as part of the layout (or restored if no longer required).

It would be very helpful if the application included a clear plan showing the location of all existing tracks on the site and how they have need utilised as part of the design that is brought forward.

SEPA understands that phase 2 peat probing has now been undertaken. SEPA asks that it be consulted on this information when it is in a format that is capable of being shared. SEPA would also welcome informal consultation on the draft Peat Management Plan. The developer should outline any local peatland restoration work opportunities which could help compensate for the new disturbance of peat caused by the development. The submission must include:

a) A detailed map of peat depths. This must be to full depth and follow the survey requirement of the Scottish Government's Guidance on Developments on Peatland - Peatland Survey (2017) with all the built elements (including peat storage areas) overlain to demonstrate how the development avoids areas of deep peat and other sensitive receptors such as Ground Water Dependent Terrestrial Ecosystems (GWDTEs).

b) A table which details the quantities of acrotelmic, catotelmic and amorphous peat which will be excavated for each element and where it will be re-used during reinstatement. Details of the proposed widths and depths of any peat to be re-used and how it will be kept wet must be included.

To avoid delay, and a potential SEPA objection, proposals must be in accordance with Guidance on the Assessment of Peat Volumes, Reuse of Excavated Peat and Minimisation of Waste and SEPA's Developments on Peat and Off-Site uses of Waste Peat. This information should be provided in a Peat Management Plan. Note that SEPA do not validate carbon balance assessments, but SEPA's advice on peat management options may need to be taken into consideration when you consider such assessments.

The application should also include proposals for peatland restoration and other enhancement opportunities across this extensive site.

Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes. The submission also needs to demonstrate that there will be no discarding of materials that are likely to be classified as waste as any such proposals would be unacceptable under waste management licensing. Further guidance on this may be found in the document Is it waste - Understanding the definition of waste.

### **Protected Species and Ornithology**

Previous SNH advice in relation to the assessment of bird impacts can be found in their 12 October 2018 Scoping consultation response. SNH bird survey work guidance can be found at:

<http://www.snh.gov.uk/planning-and-development/renewable-energy/onshore-wind/windfarm-impacts-on-birds-guidance/>

Further information on methods etc. for protected species surveys can be found on our website at:

<http://www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers/>

Impacts of the proposal on deer and the dispersal of deer onto the surrounding area should be assessed. Deer Management Plans advice can be found at:

<http://www.snh.gov.uk/land-and-sea/managing-wildlife/managing-deer/>

### **Trees**

The construction of the existing Stronelairg wind farm and associated infrastructure may have resulted in adverse impact on trees and woodland, but the proposed extension would not appear to have any adverse impact on existing woodland. The Council's Forestry Officer therefore has no further comments to make.

## **Built and Cultural Heritage**

### **Historic Environment – Historic Environment Scotland & THC Historic Environment Team**

Historic Environment Scotland consider the advice issued to the ECU on 18 October 2018 to inform the Scoping Remains relevant to the current proposal and have no further comments to make at this stage. Similarly, the Council's Historic Environment Team consider the advice contained within THC's scoping consultation response remains relevant and have no further comments to make at this stage.

## **Water Environment**

### **Flood Risk**

The Highland Council Flood Risk Management Team has reviewed the information provided and would be happy to provide comment on any further draft proposals prior to the formal submission of any application. A large number of watercourses are located within the site boundary. We believe that, through careful siting of the infrastructure, flood risk from these sources can be avoided. Should any infrastructure be located within close proximity to a watercourse, we would request that a Flood Risk Assessment is submitted to demonstrate that the development is not at risk from flooding and will not increase flood risk elsewhere. Development or landraising within any flood plain should be avoided. If this cannot be achieved, further consultation with the Flood Risk Management Team will be required.

The access route to serve the site may need to cross existing watercourses. Culverting of watercourses should be avoided unless there is no practical alternative. Any new or upgraded culverts or bridges should be adequately designed to accommodate the 1 in 200 year flows (including a 20% allowance for climate change) to avoid increasing the risk of flooding. Analysis of the impact of any proposed new bridges/crossings should be submitted for review.



## **Drainage**

Based on the new indicative layout it would seem that the standard 50m buffer to watercourse shown on the 1:50,000 mapping has been applied, which is welcome. However prior to the application being submitted this will need to also be ground-truthed against better scale mapping and as a result of walk over survey as the hydrology of the site is more complicated than large scale mapping initially suggests. For example, the series of lochans between C1 and C2 and the lochan near the watercourse crossing between C3 and C4 may need further consideration. SEPA would welcome it if the application included design details of the River Tarff main crossing, and any other large scale crossing which may warrant more detailed consideration at the application stage.

SEPA request that a Drainage Impact Assessment (DIA) is submitted. The DIA should include details relating to any existing field drains and the management of surface water drainage, which should be designed in line with general Sustainable Drainage Systems (SuDS) principles. The applicant should demonstrate, within the proposals submitted, any mitigation measures to manage the residual risk of overland flow/pluvial flooding.

Natural flood management techniques should also be applied to reduce the rate of runoff where possible. Tracks should not act as preferential pathways for runoff and efforts should be made to retain the existing drainage network. Appropriate drainage is required to restrict runoff to pre-development rates and to minimise erosion to existing watercourses. The DIA should ensure that post development runoff rate is no greater than pre-development runoff rate (i.e. greenfield runoff) for all return periods up to the 1 in 200 year event including an allowance for climate change.

Runoff from all events up to and including the 1 in 200 year event should be managed within the site boundary, with no flooding to critical roads or buildings, and evidence as to how this will be achieved should be included within the DIA. A minimum buffer strip of 50m should be kept free from development from the top of bank(s) of any watercourse/waterbody. Storage of materials within this area during construction is not permitted. Refer to the Council's Flood Risk and Drainage Impact Assessment SG for further detailed requirements.

## **Ground Water Dependant Terrestrial Ecosystems (GWDTE)**

The developer has already engaged with SEPA in relation to the assessment of GWDTE on the site. SEPA is content with the already produced GWDTE assessment by Ramboll Environ. Taking into consideration the submitted GWDTE assessment and SEPA's own assessment of the site then they are content that the potential GWDTE habitats are not likely to be groundwater dependant in this setting and are therefore not a significant site constraint. M15 is nonetheless an Annex 1 habitat so the final submission should include generic measures to minimise and mitigation impacts (such as minimising footprint within area and suitable drainage).

## **Construction Environmental Management and Pollution Prevention**

One of SEPA's key interests in relation to developments is pollution prevention measures during the period of construction. A schedule of mitigation supported by site specific construction maps and plans must be submitted. These must include reference to best practice pollution prevention and construction techniques (for example, the maximum area to be stripped of soils at any one time) and regulatory requirements. They should set out the daily responsibilities of ECOWs, how site inspections will be recorded and acted upon and any proposals to fund a planning monitoring enforcement officer. Please refer to the Guidance for Pollution Prevention (GPPs).

Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs). A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from the construction site. See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details.

Site design may be affected by pollution prevention requirements and hence SEPA strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in

your local SEPA office. Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of SEPA's website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at: 28 Perimeter Road, Pinefield, Elgin, IV30 6AF - Tel: 01343 547663.

## Amenity

### **Contaminated Land Issues**

The Council's Contaminate Land Officer has no comments regarding potential for land contamination at this site. No further information is on contaminated land is therefore required.

### **Noise Impacts – Operational**

The Council's Environmental Health Officer has confirmed that despite the separation distances to nearby residential receptors, an operational noise assessment will be required. It is understood that the applicant has sought to scope this out from the EIAR, however, there are a number of wind farm developments in that area and Environmental Health would still expect a cumulative assessment to be carried out in order to provide noise limits for this development.

The noise assessment with regard to the operational phase of the development should be carried out in accordance with ETSU-R-97 *"The Assessment and Rating of Noise from Wind Farms"* and the associated Good Practice Guide published by the Institute of Acoustics.

The target noise levels are either a simplified standard of 35dB LA90 at wind speeds up to 10m/s or a composite standard of 35dB LA90 (daytime) and 38dB LA90 (night time) or up to 5dB above background noise levels at up to 12m/s. The night time lower limit of 43dB LA90 as suggested in ETSU is not considered acceptable in many areas of the highlands due to very low background levels. These limits would apply to cumulative noise levels from more than one development.

### **Cumulative Noise**

The noise assessment must take into account the potential cumulative effect from any other existing or consented or, in some cases, proposed wind turbine developments. Where applications run concurrently, developers and consultants are advised to consider adopting a joint approach with regard to noise assessments. The noise assessment must take into account predicted and consented levels from such developments. The good practice guide offers guidance on how to deal with cumulative issues. Where existing development has consented limits higher than suggested above, the applicant should agree appropriate limits with the Council's Environmental Health Officer.

The assessment should include a map showing all wind farm developments which may have a cumulative impact and all noise sensitive properties including any for which a financial involvement relaxation is being claimed. The assessment should include a table of figures which includes the following:

- the predicted levels from this development based at each noise sensitive location (NSL) at wind speeds up to 12m/s;
- the maximum levels based on consented limits from each existing or consented wind farm development at each NSL. If any reduction is made for controlling property or another reason, this should be made clear;
- the predicted levels from each existing or consented wind farm development at each NSL;
- the cumulative levels based on consented and predicted levels at each NSL; and
- the assessment should also include a mitigation scheme to be implemented should noise levels from the development be subsequently found to exceed consented levels.

### **Noise Exposure**

When assessing the cumulative impact from more than one wind farm, consideration must be given to any increase in exposure time. Regardless of whether cumulative levels can meet relevant criteria, if a noise sensitive property subsequently becomes affected by wind turbine noise from more than one direction this could result in a significant loss of respite.



### **Background Noise Measurements**

If background noise surveys are required, these should be undertaken in accordance with ETSU-R-97 and the Good Practice Guide. It is recommended that monitoring locations be agreed with the Council's Environmental Health Officer. Where a monitoring location is to be used as a proxy location for another property, particular care must be taken to ensure it is not affected by other noise sources such as boiler flues, wind chimes, etc. which are not present at that other property.

Difficulties can arise where a location is already subject to noise from an existing wind turbine development. ETSU states that background noise must not include noise from an existing wind farm. The GPG offers advice on how to approach this problem and in some cases, it may be possible to utilise the results from historical background surveys.

It is recommended that the developer's noise consultant liaises with Environmental Health at an early stage to discuss any issues regarding the proposed methodology.

### **Amplitude Modulation**

Research has been carried out in recent years on the phenomenon of amplitude modulation arising from some wind turbine developments. However at this time, the Good Practice guide does not provide definitive Planning guidance on this subject. That being the case, any complaints linked to amplitude modulation would be investigated in terms of the Statutory Nuisance provisions of the Environmental Protection Act 1990.

### **Noise Impacts – Construction**

Given the separation distances to nearby sensitive receptors, Environmental Health accept that levels from the construction sites are not likely to be significant and therefore Environmental Health are happy for a construction noise assessment to be scoped out.

The only exception to this the routing of construction related traffic on the way to the site which will still require to be assessed, particularly if there is a proposal to operate out-with usual working hours (Mon-Fri 8am to 7pm, Sat 8am to 1pm) or if there is any likelihood of a cumulative impact from other wind farm traffic. It might only be something as simple as a traffic route map which demonstrates there will be no impact.

Planning conditions are not used to control the impact of construction noise as similar powers are available to the Local Authority under Section 60 of the Control of Pollution Act 1974. However, where there is potential for disturbance from construction noise the application will need to include a noise assessment.

A construction noise assessment will only be required in the following circumstances:

- where it is proposed to undertake work which is audible at the curtilage of any noise sensitive receptor, out with the hours: Mon-Fri 8am to 7pm, Sat 8am to 1pm; or
- where noise levels during the above periods are likely to exceed 75dB(A) for short term works or 55dB(A) for long term works. Both measurements to be taken as a 1hr LAeq at the curtilage of any noise sensitive receptor. Generally, long term work is taken to be more than 6 months.

If an assessment is submitted it should be carried out in accordance with BS 5228-1:2009 "Code of practice for noise and vibration control on construction and open sites - Part 1: Noise". Details of any mitigation measures should be provided including proposed hours of operation.

Regardless of whether a construction noise assessment is required, it is expected that the developer/contractor will employ the best practicable means to reduce the impact of noise from construction activities. Attention should be given to construction traffic and the use of tonal reversing alarms.

### **Private Water Supplies**

The applicant will be required to carry out an investigation to identify any private water supplies, including pipework, which may be adversely affected by the development and to submit details of the measures

proposed to prevent contamination or physical disruption. THC has some information on known supplies but it is not definitive. An on-site survey will be required.

## **Transport and Wider Access**

### **Trunk Road Network**

Transport Scotland's have advised that the nearest trunk road to the site is the A82(T), approximately 10km to the west of the site, while the A86(T)/ A9(T) trunk roads lie approximately 13km to the east. Transport Scotland were consulted on the Scoping Report for this proposal and response on the 18 October 2018. A further consultation was received in August 2019, with a response being issued on 27 August 2019. The pre-app consultation appears to result from a revision to the site boundary. As the number of turbines remains the same as that identified within the previous Scoping exercise, Transport Scotland are content that the comments issued in our previous responses remain valid. In the absence of further information, Transport Scotland has no further comment to make.

### **Local Road Network**

The port of entry for turbine components has been identified as Kyle of Lochalsh and Corpach with vehicular routing to the site via the A830, A82, B862 roads and the existing B862 Glen Doe access point. The access sharing approach is welcomed.

A Transport Assessment (TA) within the EIAR will be required. The Scope of the TA should be agreed with all impacted Road Authorities. The Transport Assessment Methodology below sets out what the Council requires and further information is provided in our published Roads and Transport Guidelines for New Developments.

When establishing a scope for the assessment consideration should be given to the use of the public roads in this area can be influenced significantly by tourist traffic. The B851 and the B862 Council roads will form part of the construction traffic route to the site. The construction traffic route may include other Council roads, depending on the port the windfarm components are delivered to.

### **Transport Assessment Methodology**

1. Identify all public roads affected by the development. In addition to transportation of all abnormal loads & vehicles (delivery of components) this should also include routes to be used by local suppliers and staff. It is expected that the developer submits a preferred access route for the development. All other access route options should be provided, having been investigated in order to establish their feasibility. This should clearly identify the pros and cons of all the route options and therefore provide a logical selection process to arrive at a preferred route.
2. Establish current condition of the roads. This work which should be undertaken by a consulting engineer acceptable to the Council and will involve an engineering appraisal of the routes including the following:
  - assessment of structural strength of carriageway including construction depths and road formation where this is likely to be significant in respect of proposed impacts, including non-destructive testing and sampling as required;
  - road surface condition and profile;
  - assessment of structures and any weight restrictions;
  - road widths, vertical and horizontal alignment and provision of passing places; and
  - details of adjacent communities.
3. Determine the traffic generation and distribution of the proposals throughout the construction and operation periods to provide accurate data resulting from the proposed development including:
  - nos. of light and heavy vehicles including staff travel;
  - abnormal loads; and
  - duration of works.



4. Current traffic flows including use by public transport services, school buses, refuse vehicles, commercial users, pedestrians, cyclists and equestrians.
5. Impacts of proposed traffic including:
  - impacts on carriageway, structures, verges etc.;
  - impacts on other road users;
  - impacts on adjacent communities;
  - swept path and gradient analysis where it is envisaged that transportation of traffic could be problematic; and
  - provision of Trial Runs to be carried out in order to prove the route is achievable and/or to establish the extent of works required to facilitate transportation.
6. Cumulative impacts with other developments in progress and committed developments including other Renewable Energy projects, of which there are several which require to be accessed through Fort Augustus.
7. Proposed mitigation measures to address impacts identified in 5 above, including:
  - carriageway strengthening;
  - strengthening of bridges and culverts;
  - carriageway widening and/or edge strengthening;
  - provision of passing places;
  - road safety measures; and
  - traffic management including measures to be taken to ensure that development traffic does not use routes other than the approved routes.
8. Details of residual effects.

#### Abnormal Load Assessment

The TA should include an Abnormal Load Assessment of the roads utilised to convert abnormal loads to the site. The assessment will need to confirm the proposed port of entry for AIL components and justify the adequacy of the route for transporting them to the site. Early discussion with the Council's abnormal loads team (the contact is [REDACTED]) and the Council's structures team (the contact is [REDACTED]) is recommended.

#### Detailed Junction Design

We note the intention to make use of an existing access. Details for that access should be clearly set out on dimensioned drawings related to OS data and include confirmation of geometry, construction form, drainage details to prevent water running out onto the public road and evidence that appropriate visibility splays can be achieved. Vehicle swept paths should also be provided to evidence that the proposed junction form will be suitable for its intended use. Details on appropriate junction arrangements and visibility splays can be found in our published Roads and Transport Guidelines for New Developments.

#### **Road Construction Impacts**

The TA should include a framework Construction Traffic Management Plan (CTMP) aimed at minimising the impact of the construction traffic. It shall include measures to ensure development traffic adheres to the approved routes and to prevent platooning during heavier flows such as any ready mix concrete pours. Consultation with the local community and the Local Area Roads Office will be required for the detailed content and implementation of the CTMP.

It should be noted that any works required on the public road or disruption to its use by others as a result of this scheme (e.g. temporary traffic management measures) will need the permission of the Local Roads Authority. We acknowledge that the detail of such measures may not be fully understood until the Contractors have been appointed. However, any such measures that are expected to be required should be set out in the Framework CTMP.

Even with suitable road improvements and traffic management measures, there may remain a risk of damage to Council maintained roads from development related traffic. In order to protect the interests of

the Council, as roads authority, a suitable Wear and Tear agreement relating to Section 96 of the Roads (Scotland) Act and appropriate planning legislation is likely to be required. This would include the provision of an appropriate Road Bond or equivalent financial security.

Should there be overlaps with construction activities from other developments in the area, consideration should be given to a joint approach to the development of a CTMP and Wear and Tear Agreement.

#### South Loch Ness - Road Improvement Strategy

Where development proposals have the potential to affect the performance and safety standards of the public road it is appropriate to seek proportionate and commensurate mitigation measures to offset such adverse Impacts. It is the suitability of the public road to adequately and safely cater for the development transport Impacts. It does not mean that developers are expected to cure existing problems or deficiencies on the local road network although where the mitigation solution involves a step change in provision, such as carriageway widening and/or surfacing that may appear to be the case.

The Strategy outlines the form, condition and limitations of the B road network in the South Loch Ness area. It was drafted in response to large-scale development pressure in the area that utilised the road network to access their sites. Where not already improved, the network is simply not suitable to safely cater for such impacts in respect of its structural integrity, road width and its safety standards. The road is not fit for use particularly to accommodate high-intensity HGV traffic. However it is recognised that no single development could reasonably be expected to upgrade the full length of the routes as their mitigation. Furthermore it is unreasonable to restrict development consent until the route is improved in full to a standard commensurate with the type of development traffic it was been asked to cater for.

This approach serves the interests of the developers businesses and the wider economic stability and growth of the area therefore it is considered appropriate to secure mitigation against development where they adversely impacted and to a reasonable scale. The Strategy outlines a consistent and coordinated approach to delivering improvements such as capital funded schemes and delivering mitigation arising from development and outlines the favoured method of delivering this and the standards and methodology that should be used to ensure there is not a detrimental impact to the structural integrity and safety standards for the road and its users. Therefore the strategy guides the type of mitigation used rather than relying on an ad-hoc and piecemeal approach. Should the developer have other suggested mitigation measures then of course we would consider them.

#### Grid Connection Works

Should related grid connection and/or substation works be likely to impact on the local road network, it would be desirable to consider the impact of these works and the mitigation required in conjunction with the proposed wind farm.

#### Wider Access

HwLDP Policy 78 Long Distance Routes seeks to protect and enhance the settings of existing long distance routes. We have provided the applicant details of the Great Glen Way high and low level routes. Others to consider include the South Loch Ness Trail / Loch Ness 360 and the Great Glen Canoe Trail. The Corrieyairack Pass might reasonably be considered a long distance route and is a candidate core path as well as a public right of way. The Melgarve to Glen Roy right of way is also a candidate core path.

An Access Management Plan should be submitted with an application. One similar to that for Stronelairg should be adequate. The Access Officer would however also like to ensure that public access along the public right of way is not deterred or discouraged by the proximity of turbines and associated ice throw warning signs. It is recommended that no turbines be erected so close to any public right of way – eastern array – to present an ice throw risk. If ice throw warning signs are proposed drafts should be submitted with the Access Management Plan.

The Access Officer has also raised a concern that the proposed extension for Bhlaraidh has not been illustrated on the cumulative plan to date. In particular the visual impact on Meall Fuar Mhonaidh of this proposal coupled with a Bhlaraidh extension should be considered should the Bhlaraidh scheme advance beyond the scoping stage with ECU's Scoping Response haven been issued for this proposal on 2 September 2019.

## Other Design and Layout Considerations

### Site Layout, Tracks and Cabling

Existing built infrastructure should be re-used or upgraded wherever possible. The application should make clear what elements of the development are existing infrastructure, existing infrastructure which will require improvement works and new infrastructure. The layout should be designed to minimise the extent of new works in previously undisturbed ground. For example a layout which makes use of lots of spurs or loops is unlikely to be acceptable. The site is already served by a significant track network; the layout should make as much use of this as possible. This aspect should be specifically assessed as part of the application; photographs of the existing tracks would be helpful.

Cabling must be laid in ground already disturbed such as verges. A comparison of the environmental effects of alternative locations of infrastructure elements, such as tracks, may be required.

All maps must be based on an adequate scale with which to assess the information. This could range from OS 1: 10,000 to a more detailed scale in more sensitive locations. Each of the maps must detail all proposed upgraded, temporary and permanent site infrastructure. This includes all tracks, excavations, buildings, borrow pits, pipelines, cabling, site compounds, laydown areas, storage areas and any other built elements.

### Borrow Pits

Scottish Planning Policy (SPP) states (Paragraph 243) that "*Borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries, they are time-limited; tied to a particular project and appropriate reclamation measures are in place.*" The submission should provide sufficient information to address this policy statement.

In accordance with Paragraphs 52 to 57 of Planning Advice Note 50 Controlling the Environmental Effects of Surface Mineral Workings (PAN 50) a Site Management Plan should be submitted in support of any application. A map of all proposed borrow pits must be submitted. The following information should also be submitted for each borrow pit:

- a) A map showing the location, size, depths and dimensions.
- b) A map showing any stocks of rock, overburden, soils and temporary and permanent infrastructure including tracks, buildings, oil storage, pipes and drainage, overlain with all lochs and watercourses to a distance of 250 metres. You need to demonstrate that a site specific proportionate buffer can be achieved. On this map, a site-specific buffer must be drawn around each loch or watercourse proportionate to the depth of excavations and at least 10m from access tracks. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse, drawings of what is proposed in terms of engineering works.
- c) The applicant needs to provide a justification for the proposed location of borrow pits and evidence of the suitability of the material to be excavated for the proposed use, including any risk of pollution caused by degradation of the rock.
- d) A ground investigation report giving existing seasonally highest water table including sections showing the maximum area, depth and profile of working in relation to the water table.
- e) A site map showing cut-off drains, silt management devices and settlement lagoons to manage surface water and dewatering discharge. Cut-off drains must be installed to maximise diversion of water from entering quarry works.
- f) A site map showing proposed water abstractions with details of the volumes and timings of abstractions.
- g) A site map showing the location of pollution prevention measures such as spill kits, oil interceptors, drainage associated with welfare facilities, recycling and bin storage and vehicle washing areas. The drawing notes should include a commitment to check these daily.



h) A site map showing where soils and overburden will be stored including details of the heights and dimensions of each store, how long the material will be stored for and how soils will be kept fit for restoration purposes. Where the development will result in the disturbance of peat or other carbon rich soils then the submission must also include a detailed map of peat depths (this must be to full depth and follow the survey requirement of the Scottish Government's Guidance on Developments on Peatland - Peatland Survey (2017)) with all the built elements and excavation areas overlain so it can clearly be seen how the development minimises disturbance of peat and the consequential release of CO2.

i) Sections and plans detailing how restoration will be progressed including the phasing, profiles, depths and types of material to be used.

j) Details of how the rock will be processed in order to produce a grade of rock that will not cause siltation problems during its end use on tracks, trenches and other hardstanding.

#### Life Extension, Repowering and Decommissioning

Proposals for life extension, repowering and/or decommissioning must demonstrate accordance with SEPA Guidance on the life extension and decommissioning of onshore wind farms. Table 1 of the guidance provides a hierarchical framework of environmental impact based upon the principles of sustainable resource use, effective mitigation of environmental risk (including climate change) and optimisation of long term ecological restoration. The submission must demonstrate how the hierarchy of environmental impact has been applied, within the context of latest knowledge and best practice, including justification for not selecting lower impact options when life extension is not proposed.

### **Pre-Application Procedures**

#### Public Consultation

Public consultation should be undertaken as the proposals develop to help both gauging the opinion of the local community and also scoping potential areas of conflict which could be addressed prior to submission of the application. When carrying out community consultation we recommend that full consideration is taken of Scottish Government Planning Advice Note 3/2010 - Community Engagement. This includes the standards for community involvement which should be adhered to. These standards are:

- Involvement
- Support
- Planning
- Methods
- Working together
- Sharing information
- Working with others
- Improvement
- Feedback
- Monitoring and evaluation

It is advisable to take into consideration all of the comments made by members of the public before an application is submitted to ensure that the public feel they have had an influence over the proposals. For public consultation it may be useful to use the SP=EED tool developed by Planning Aid Scotland. This builds on the Standards for Community Engagement set out in PAN 3/2010. This is available online at <http://www.planningaidscotland.org.uk>

#### Community Councils

In terms of the appropriate Community Councils to consult, the proposal is located within the *Stratherrick and Foyers Community Council* area. A development of the nature proposed may affect a number of adjacent Community Councils, as such it is recommended that adjacent Community Councils are also consulted. The Ward Manager *Charles Stephen* can provide advice further in this regard if required. Contact details for all community Councils can be found on the link below: <http://www.highland.gov.uk/livinghere/communitiesandorganisations/communitycouncils/>

## Application Procedures

### Processing Agreements

A processing agreement is a way of helping developers, the Council and relevant stakeholders work together through the planning process. It involves setting out the key stages involved in deciding a planning application, identifying what information is required from whom and setting time scales for the various stages of the process.

The Council actively encourages the use of processing agreements for major applications. You are advised to contact the Council's Strategic Projects Team with a view to agreeing a Processing Agreement at the earliest possible opportunity, in consultation with the Energy Consents Unit.

## Councillors Code of Conduct

It would be beneficial for you to be familiar with the Councillors' Code of Conduct. This is available online from the [Scottish Government's website](#).

### Scheme of Delegation

All applications will be determined in line with the Council's Scheme of Delegation. It would be beneficial for you to familiarise yourself with the scheme. This is available [online](#).

### Application Gatecheck

Application Submission

Prior to the submission of the application we would like to review the submission with you to understand how the application has taken shape following the advice provided at the pre-application stage and ensure that sufficient information would be able to be able to determine the application timeously. Please contact the case officer to arrange this who may also invite consultees as appropriate.

As the Council can process files of a maximum size of only 10MB the submission must be divided into appropriately named sections.

### Other Appropriate Information

## Gaelic

In line with the Council's ongoing commitment to promote the increased use of Gaelic in developments within the Highlands, you are encouraged to consider the use of bilingual signs, both internal and external. Our Gaelic Translation Officers are able to provide additional advice and translations. Contact the Council's Gaelic Translation Officer on (01463) 724287 or visit <http://www.gaidhealtachd.gov.uk> For bilingual signage grant funding advice please contact Comunn na Gàidhlig on (01463) 724287 or visit [www.cnag.org.uk](http://www.cnag.org.uk) Further guidance is available at: <http://www.highland.gov.uk/yourenvironment/planning/planningapplications/Adviceandguidance.htm>

## Contacts

[illegible]

## Disclaimer

*This advice is based on the information submitted and is given without prejudice to the future consideration of and decision on any application received by The Highland Council. Pre-application case files are not publicly available but can be the subject of Freedom of Information requests.*

## Useful Links

THC Development Plans and Supplementary Guidance A-Z:

[https://www.highland.gov.uk/info/178/local\\_and\\_statutory\\_development\\_plans](https://www.highland.gov.uk/info/178/local_and_statutory_development_plans)

[https://www.highland.gov.uk/directory/52/a\\_to\\_z](https://www.highland.gov.uk/directory/52/a_to_z)

SNH's Advice on Protected Species:

<https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species>

<https://www.nature.scot/professional-advice/planning-and-development/natural-heritage-advice-planners-and-developers/planning-and-development-protected-areas>

Scottish Government's woodland strategy and associated policies:

<https://forestry.gov.scot/support-regulations/control-of-woodland-removal>

THC Guidance on Tree/Woodland Removal:

[http://www.highland.gov.uk/info/1225/countryside\\_farming\\_and\\_wildlife/63/trees\\_and\\_forestry/](http://www.highland.gov.uk/info/1225/countryside_farming_and_wildlife/63/trees_and_forestry/)

HES General advice on development affecting historic designations:

<https://www.historicenvironment.scot/advice-and-support/>

THC Highland Historic Environment Record (HER) contains detailed information about listed buildings, conservation areas and archaeological sites in the Highland area:

<http://her.highland.gov.uk>

Scottish Water guidance on connections to the public water/drainage network:

<https://www.scottishwater.co.uk/en/Business-and-Developers/Connecting-to-Our-Network/Pre-Development-Information/Planning-Your-Development>

SEPA's guidance on SUDS:

<https://www.sepa.org.uk/regulations/water/diffuse-pollution/diffuse-pollution-in-the-urban-environment/>

SEPA's flood risk map:

<https://www.sepa.org.uk/environment/water/flooding/flood-maps/>

CAR licensing:

[https://www.sepa.org.uk/media/34761/car\\_a\\_practical\\_guide.pdf](https://www.sepa.org.uk/media/34761/car_a_practical_guide.pdf)

Access Panel - The Council encourages applicants at pre-application stage to engage with the local Disability Access Panel to consider accessibility improvements for physically disabled and sensory impaired people. The Highland Council have published a [Planning Protocol for Effective Engagement with Access Panels](#), which you should take into consideration:

[https://www.highland.gov.uk/downloads/file/2650/planning\\_protocol\\_access\\_panels](https://www.highland.gov.uk/downloads/file/2650/planning_protocol_access_panels)

Access Panels Contacts:

[https://www.highland.gov.uk/info/751/equality\\_diversity\\_and\\_citizenship/326/equality\\_and\\_diversity\\_contacts/4](https://www.highland.gov.uk/info/751/equality_diversity_and_citizenship/326/equality_and_diversity_contacts/4)

For general advice in relation to the removal of barriers and the promotion of equal access for all people affected by disability for your development contact the [Scottish Disability Equality Forum](#), 12 Enterprise House, Springkerse Business Park, Stirling, FK7 7UF. Telephone: (01786) 446456.