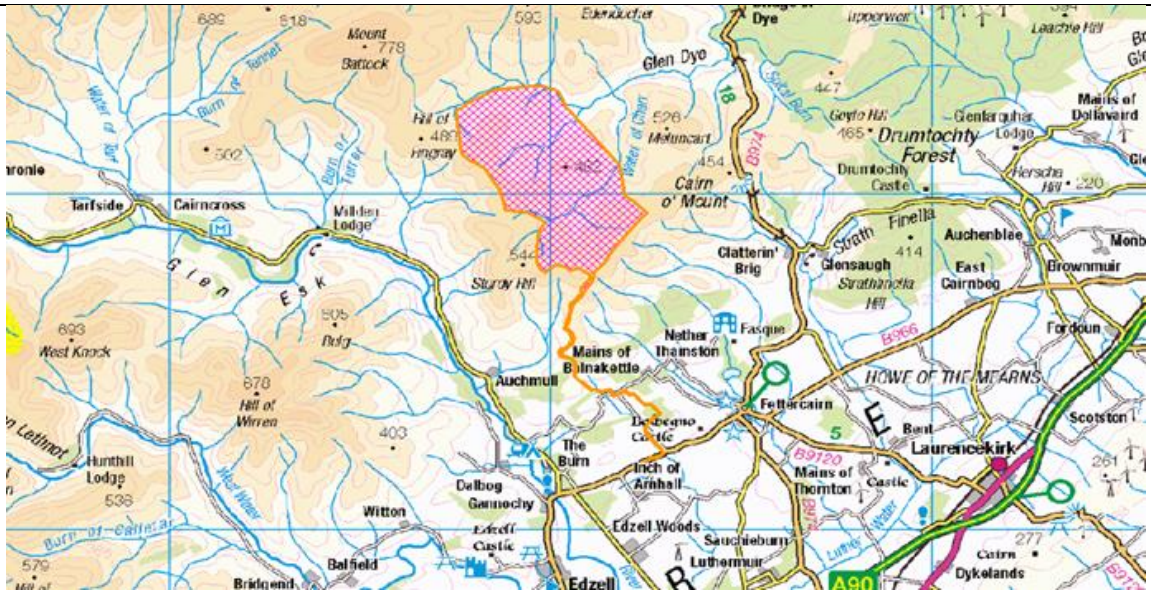
Aberdeenshire COUNCIL **Infrastructure Services**

Marr Area Committee Report – 29 January 2019

Reference No: APP/2018/2480

Notification under Electricity Act 1989 For Section 36 - Consultation Request for Installation of Windfarm Comprising up to 26 Wind Turbines of up to 149.9m to Tip Height and Associated Infrastructure at Glendye Windfarm, Fasque and Glendye Estates, Site to the North of Inch of Arnhall, Edzell Woods

Applicant:	**Coriolis Energy, Suite 406-407 Baltic Chambers, 50 Wellington Street, Glasgow, G2 6HJ**
Agent:	**Scottish Government, Energy Consent Unit, 4th Floor, 5 Atlantic Quay, 150 Broomielaw, Glasgow, G2 8LU**
Grid Ref:	E:360228 N:777631
Ward No. and Name:	W19 - Mearns
Application Type:	Notification under Electricity Act 1989
Representations	Representations relating to the proposed development are directed to Scottish Government as the determining authority.
Consultations	33
Relevant Proposals Map	Aberdeenshire Local Development Plan
Designations:	Rural Housing Market Area
Complies with Development Plans:	No
Main Recommendation	Refer to ISC



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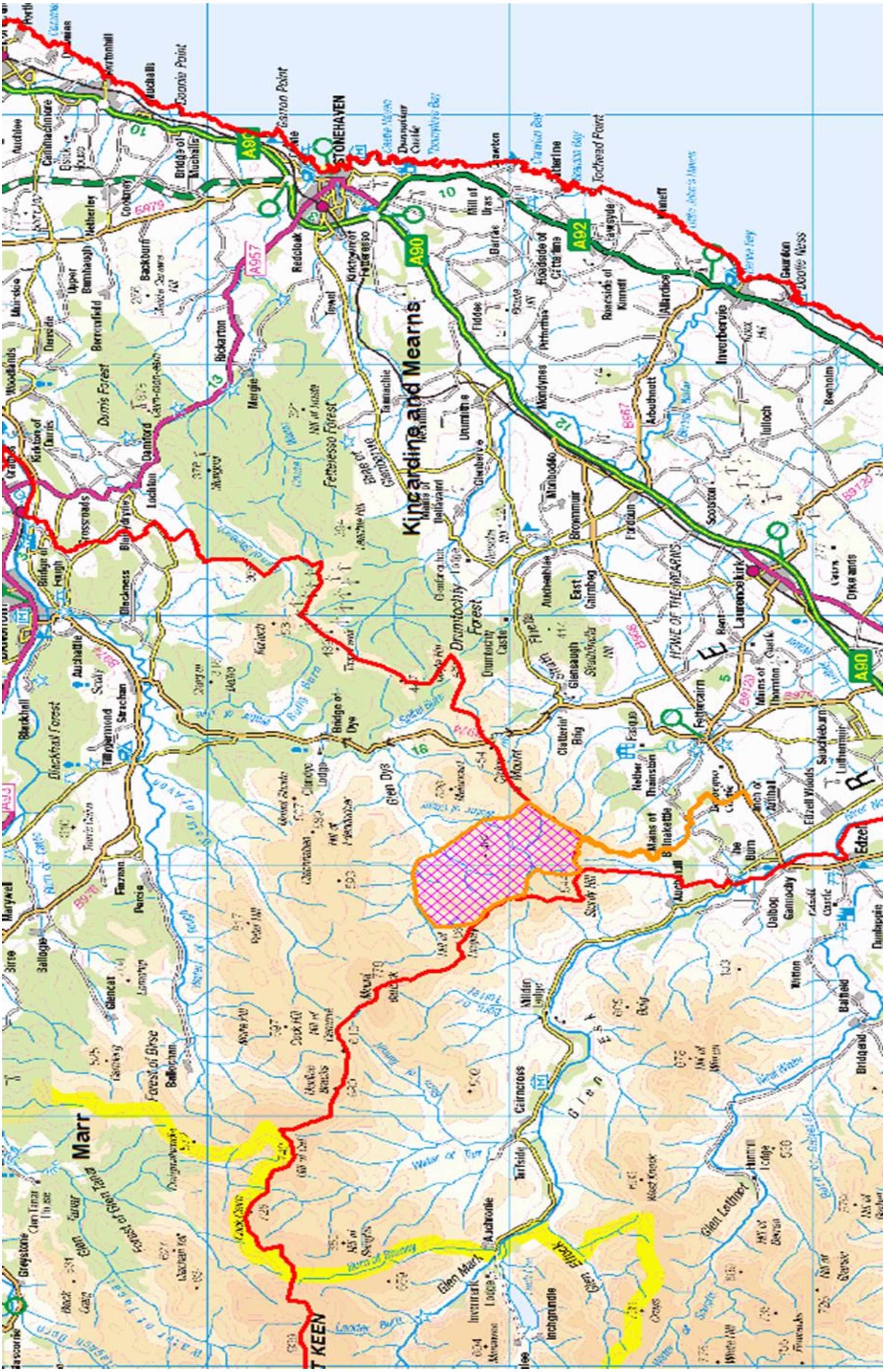
STONEHAVEN
Kincardine and Mearns
Marr
Fetteresso Forest
Drumtochty Forest
Durris Forest
Blackhall Forest
Forest of Birse
HOWE OF THE MEARNS
Laurencekirk
Inverbervie
Edzell
Glen Esk
Glen Mark
Glen Lethnot
Bridge of Dye
Strachan
Todhead Point
Garron Point
A90
A92
A957

1. Reason for Report

1.1 The Scottish Government has consulted the Council in respect of an application under Section 36 of the Electricity Act 1989. The Head of Planning and Building Standards has power under Section F.4.7 of Part 2B List of Officer Powers in the Scheme of Delegation to respond to consultations from the Scottish Government on applications. He has decided not to exercise the delegated power in this particular case and instead refer it to the Marr Area Committee and also Kincardine and Mearns Area Committee to give views to Infrastructure Services Committee to agree a response to the consultation. The Marr Area Committee is able to consider this matter in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.5.2 of Part 2C Planning Delegations of the Scheme of Governance as it is a consultation to an application to be determined by another public body.

1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

2.1 This is an application that has been submitted to Scottish Government's Energy Consents Unit under Section 36 of the Electricity Act 1989 for the installation of 26 wind turbines and associated infrastructure. Applications are made under Section 36 of the above Act where the generating capacity exceeds 50 megawatts (MW). Scottish Government have consulted Aberdeenshire Council alongside other stakeholders including Angus Council, Cairngorms National Park, SNH and SEPA among others detailed in Section 4 below. Once the Scottish Government have received the consultation responses, an assessment and decision would be made taking these into account.

2.2 The proposal comprises 26, three bladed wind turbines, each with a maximum height of 149.9m to blade tip. The hub height would measure 91.4m and the rotor diameter measures 117m. Each wind turbine would have an installed electrical capacity of approximately 4MW, giving an anticipated projected output of 104MW across the development. Other infrastructure associated with the proposed development is also incorporated within the application, including:

- Crane hardstanding areas adjacent to all wind turbines measuring 62.5x25m (1500m^2);
- 31km of access tracks – 11km from the B966 road to the main site, and approximately 20km of onsite access tracks. These include passing places, turning heads and arrester bed (an area usually filled with a material like sand or gravel which helps assist the braking of a vehicle);
- Five temporary construction compounds, three of which to be on the main site comprising of office, toilet and welfare accommodation, tool storage, small plant area, laydown area for turbine components and a bunded storage area for fuels and oils. The remaining two on the main

site access track would contain security cabin, welfare facility and two parking spaces;

- Four borrow pits for stone extraction – one on the main access track at Wood of Barna (see Figure 4.1b of EIAR Volume 1) and three on the main site area (see figure 4.1a of EIAR Volume 1). A Borrow Pit Assessment (Appendix 4.1 of EIAR Volume 2) details the assessment of borrow pit locations and dimensions:

Borrow Pit (BP)	Appx. Footprint area ($m^{2)}$	Max. Depth (m)	Appx. Volume (m^3)
BP1	19,600	18.8	167,344
BP2	4,477	8	12,842
BP3	31,790	33.5	431,714
BP4	5,933	8.25	16,751

- Three permanent wind anemometer masts to be approximately the same height of the turbine hubs at 91.4m, with a hardstanding area of 10x10m (operation) 40x20m (construction);
- Substation and control building; and
- Approximately 1.22ha of forestry felling along the main site access route and borrow pit 1.

2.3 The site, which covers approximately 1500ha and is located on the Fasque and Glendye Estate, abuts the Angus Council boundary to the west and measures approximately 12km as the crow flies from the boundary with the Cairngorms National Park. The site runs from the B966 northwards, with the proposed access track (within the K&M area) through fields and areas of woodland (Wood of Barna and Wood of Balfour) towards the proposed location of the turbines in an area of upland landscape (within the Marr area).

2.4 The land is predominantly undeveloped peatland, with the Estate being used for grouse shooting and sheep grazing. In terms of the surrounding area, the site is located approximately 2km from Fettercairn, 4km from Edzell, 8km from Laurencekirk and 12km from Strachan, measured as the crow flies from the access point on the B966, which is the most southerly point of the development area and closest part of the proposed development to these villages. Similarly, with the proposed development site, the surrounding landscape is largely undeveloped and sparsely populated with hill features including Sturdy Hill to the south-west at a height of 544m; Mount Battock to the north-west at a height of 778m; Clachnaben to the north at a height of 589m and Cairn O'Mount to the east at a height of 454m effectively surrounding the site. The turbines would be located on contours between approximately 370m and 445m in height.

2.5 The application to the Scottish Government was submitted with a supporting Environmental Impact Assessment Report (EIAR) because, due to its nature, size and location, the development constitutes Environmental Impact Assessment (EIA) Development. A scoping opinion was given in March 2016 under Part III of the Electricity Works (Environmental Impact

Assessment) (Scotland) Regulations 2000 by the Scottish Government following consultation with stakeholders, including Aberdeenshire Council. The EIAR outlines the environmental designations and highlights any potential impacts of the project on the natural, built and human environments. The EIAR identifies, and seeks assessment and agreement of, the proposed mitigation for those potential impacts. The proposal has been assessed using the 'worst case scenario' principle so the impacts can be understood, and adequate mitigation can be proposed and agreed.

2.6 In terms of the delivery of the development, the construction phase is anticipated to last 21 months and would include the formation of the access road, the internal tracks within the site between turbines, extraction of material from borrow pits for use during construction, installation of the turbines and anemometer masts, construction of the compounds and cabling works (including trenching). Thereafter, the operational life of the proposed development is proposed as 30 years from commissioning.

2.7 Upon the cessation of the operational lifespan of the development, options including refurbishment, replacement and decommissioning are to be considered by the developer. Refurbishment or replacement would require further planning and/or consenting processes while decommissioning would involve the removal of all components and structures

2.8 Given the scale of the development, the developer conducted pre-application consultation (PAC) with the local community by way of public exhibitions in June and November 2016 in Strachan and Fettercairn, use of a dedicated website, establishing a Community Liaison Group which met 5 times throughout 2017 and 2018 and liaising directly with Community Councils. A PAC Report has been included with the submission in support of the application detailing the advertisements placed to notify of the engagements and highlights comments made as a result of the engagement. Key concerns related to the visual impact of the proposed development; the proposed access; impacts upon birds and loss of peat. Within the PAC report, the applicant has included commentary on how the concerns have been addressed, including signposting to the relevant chapters and appendices within the EIAR and other guidance.

2.9 In terms of process, the views of the Kincardine and Mearns and Marr Area Committees would feed into a report to Infrastructure Services Committee, the result of which would form the Aberdeenshire Council consultation response to the Scottish Government. Should Aberdeenshire Council object to the proposed development, a Public Local Inquiry (PLI) would be triggered under Schedule 8 of the Electricity Act 1989. The outcome of a PLI would be considered by Scottish Government alongside all other consultation responses from other stakeholders prior to a decision on the application being made.

2.10 Aside from the scoping opinion in 2016 and pre-application enquiries relating to this current wind farm application, an anemometer mast was approved in September 2018 for a temporary period of 3 years. It is also understood however that the proposal has evolved in design terms over time, with wind turbine numbers being reduced and individual positions being altered throughout this design process in order to address issues

highlighted at various pre-application stages. This is discussed further throughout this report.

2.11 Nearby Wind Farms include Mid Hill phases 1 and 2, approximately 8km north-east; Tullo and Tullo Extension, approximately 15km south-east and St Johns Hill, approximately 20.5km east of the proposed development site.

3. Representations

3.1 Representations relating to the proposed development are directed to Scottish Government as the determining authority.

4. Consultations

Consultations undertaken by Aberdeenshire Council

4.1 **Infrastructure Services (Archaeology)** advised of concerns regarding the visual and cumulative impacts upon Cairn O'Mount Scheduled Monument.

4.2 **Infrastructure Services (Contaminated Land)** advised that there is no objection to the proposed development.

4.3 **Infrastructure Services (Environment - Built Heritage)** initially requested further information. A subsequent consultation response advised of no significant concerns to the proposed development.

4.4 **Infrastructure Services (Environment - Natural Heritage)** initially requested further information. A subsequent consultation response advised that significant concerns regarding the loss of blanket bog remain.

4.5 **Infrastructure Services (Environment – Landscape)** advised of serious concerns regarding the sensitivity of the landscape of the site and the surrounding area, the lack of capacity of the landscape to accommodate the proposed development and the landscape and visual impacts caused by the proposed development.

4.6 **Infrastructure Services (Environmental Health)** advised that there is no objection to the proposed development.

4.7 **Infrastructure Services (Flood Risk and Coast Protection)** advised that further information is sought regarding watercourse crossings. At the time of writing this has not been submitted.

4.8 **Infrastructure Services (Roads Development)** advised that there is no objection to the proposed development.

4.9 **Infrastructure Services (Roads Structures)** advised that there is no objection to the proposed development.

Consultations undertaken by Scottish Government

4.10 **Aberdeen Airport** advised of their objection to the proposed development citing concerns regarding unwanted 'clutter' on air traffic control display screens, increasing workload on air traffic controllers.

4.11 **Angus Council** offered no response at the time of writing.

4.12 **BT** advised that there is no objection to the proposed development as it should not cause interference to BT's current and presently planned radio network.

4.13 **Cairngorm National Park** offered no response at the time of writing.

4.14 **Crown Estate Scotland** advised that there is no comments to make to the proposed development as their assets are unaffected.

4.15 **Dee District Salmon Fishery Board** advised that there is no objection to the proposed development.

4.16 **Dundee Airport** advised that there is no objection to the proposed development as the positioning and height of the development would not infringe on safeguarding for Dundee Airport.

4.17 **Edinburgh Airport** advised that there is no objection to the proposed development as it is outside the consultation zone.

4.18 **Esk District Salmon Fishery Board (EDSFB)** advised that there is no objection to the proposed development but highlights the potential impacts of pollution during construction on salmon and sea trout populations.

4.19 **Feughdee West Community Council** advised of their objection to the proposed development citing concerns regarding the landscape and visual impact; loss of peat bog; impacts on ornithology and other species including impacts on fishing; cumulative impacts with existing wind energy development and impacts upon the local road networks as their reasons.

4.20 **Finzean Community Council** advised of their objection to the proposed development citing both national and local planning policy and impacts on peat, landscape and radar systems as their reasons.

4.21 **Historic Environment Scotland (HES)** advised that there is no objection to the proposed development.

4.22 **John Muir Trust** advised of their objection to the proposed development citing adverse visual impacts, cumulative impacts of the development around Cairngorm National Park and impacts on peat as their reasons.

4.23 **Joint Radio Company (JRC)** advised that there is no objection to the proposed development.

4.24 **Marine Scotland** advised that there is no objection to the proposed development but does recommend additional survey of the River North Esk (omitted from the EIAR); consideration of the impacts of felling and cumulative impacts of other developments on water quality and fish populations and the production of a monitoring programme.

4.25 **Mearns Community Council** advised of their objection to the proposed development citing lack of capacity for the development within the landscape; cumulative impacts on Cairn O'Mount; damage to peat bogs; impact upon the River Dee SAC; impacts on wildlife; lack of decommissioning discussion as their reasons.

4.26 **Ministry of Defence (MOD)** advised of their objection to the proposed development citing unacceptable interference on the Air Defence radar at RRH Buchan as their reason.

4.27 **Mountaineering Scotland** advised of their objection to the proposed development citing adverse impacts on landscape and recreation, particularly for hill walking in the vicinity of the site as their reasons.

4.28 **NATS** advised of their objection to the proposed development citing conflicts with safeguarding criteria as their reason.

4.29 **RSPB** offered no response at the time of writing.

4.30 **Scottish Water** advised that there is no objection to the proposed development.

4.31 **SNH** offered no response at the time of writing.

4.32 **SEPA** advised of their objection to the proposed development citing lack of information on peat avoidance/reuse; existing groundwater abstractions and Groundwater Dependant Terrestrial Ecosystems (GWDTE). Notwithstanding their objections on the aforementioned issues, conditions are recommended to be added in the event of a grant of permission given by Scottish Government.

4.33 **Transport Scotland** advised that there is no objection to the proposed development.

4.34 **Visit Scotland** advised of the importance of tourism to the Scottish economy and of the landscape's role in attracting visitors and recommends an independent tourism impact assessment be carried out.

5. Relevant Planning Policies

5.1 National Planning Framework for Scotland 3 (NPF3)

The NPF3, published in June 2014, sets out a long term strategy for Scotland's spatial development and supports the country's transition to a low carbon economy. Paragraph 3.12 emphasises that new wind energy infrastructure should be in appropriate locations and that development should sustain environmental assets.

5.2 Scottish Planning Policy (SPP)

SPP was published in June 2014, superseding the previous SPP published in 2010. It outlines that while the Town and County Planning (Scotland) Act 1997 requires that decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise, it confirms that the content of the SPP is a material consideration that carries significant weight. One of the four planning aims relates to reducing carbon emissions and adapting to climate change by achieving 30% of overall energy demand from renewable sources by 2020, rising to 100% by 2050. Paragraph 169 identifies considerations which are likely to apply to proposals for energy infrastructure development, while Paragraph 202 notes that the siting and design of development should take account of the local landscape character.

Table 1 (Page 39 of SPP) identifies a spatial framework for onshore wind energy developments, within which, are 3 Groups: Group 1 – Areas where wind farms will not be acceptable (National Parks and National Scenic Areas); Group 2 – Areas of significant protection (National and international designations, nationally important environmental interests); and Group 3 – Areas with potential for wind farm development. The proposed site lies within a Group 2 area.

5.3 Aberdeen City and Shire Strategic Development Plan 2014

The shift to a low carbon economy has also been identified in the Aberdeen City and Shire Strategic Development Plan. One of the key objectives is to put infrastructure in place in order to achieve Scotland's low carbon targets.

5.4 Aberdeenshire Local Development Plan 2017

Policy C2 Renewable energy
Policy C3 Carbon sinks and stores
Policy C4 Flooding

Policy E1 Natural heritage
Policy E2 Landscape
Supplementary guidance 9c Special Landscape Areas

Policy HE1 Protecting historic buildings, sites and monuments
Policy HE2 Protecting historic and cultural areas

Policy P1 Layout, siting and design
Policy P2 open space and access in new development
Policy P4 Hazardous and potentially polluting developments and contaminated land

Policy PR1 Protecting important resources

Policy R3 Minerals and hill tracks

Policy RD1 Providing suitable services

5.5 Other Material Considerations

The Scottish Energy Strategy: the future of energy in Scotland:

The Scottish Energy Strategy was published by Scottish Government in December 2017 and outlines the vision to deliver secure, affordable and clean energy. The Strategy sets the target that 50% of Scotland's heat, transport and electricity consumption be supplied by renewable sources by 2030. Long term, the target is for renewable energy to supply a significant share of energy needs by 2050.

The Scottish Government's Onshore Wind Policy Statement:

The Onshore Wind Policy Statement was also published in December 2017 and states the expectation of onshore wind energy to remain at the heart of clean, reliable and low carbon energy in Scotland. The Statement goes on to acknowledge that large wind turbines should be in landscapes judged to be capable of accommodating them without significant adverse impacts.

SNH Review 102: South and Central Aberdeenshire: Landscape Character Assessment 1998 (SNH)

Aberdeenshire Council Planning Advice - Strategic Landscape Capacity Assessment for Wind Energy in Aberdeenshire is a tool for considering the context for wind energy development

6. Discussion

6.1 Overview

6.1.1 The main planning considerations for this development relate firstly to the establishment of the principle of development before moving on to consider the potential environmental impacts including landscape and visual amenity, ecology, ornithology, cultural heritage, noise, access, traffic and transport, socio-economics, recreation and tourism, aviation and defence, dust and air quality and telecommunication links.

6.1.2 As advised within Section 2 of the report above, the application is supported by an EIAR. The structure of the EIAR is relatively standard and includes individual chapters for each over-arching element. Each chapter includes the identification of receptors and analysis of the effects resulting from the proposed development by assessing the sensitivity of the receptor from the environmental baseline against the proposed magnitude of change predicted as a result of the scheme. This process is used to determine the proposed significance of any environmental impact. Those impacts that are considered to be significant require to be addressed and reduced. Mitigation of these impacts is proposed, both embedded into the proposal through the design and use of good practice, but also additional measures which are presented within the EIAR. The structure and methodology of the submission is acceptable. The EIAR was Scoped under the 2011 EIA Regulations, but has been submitted in the format outlined within the revised, 2017 EIA Regulations. However, given the date of Scoping, the

proposal will be assessed in line with the 2011 Regulations as required and stipulated within the transitional arrangements of said Regulations. This does not alter the level of scrutiny to be afforded to the proposal.

6.2 Principle of development

6.2.1 As explained in Paragraph 2.1 above, because the application is made under Section 36 of the Electricity Act 1989, Scottish Government is the determining authority. In considering an application under Section 36, Ministers are required to give due regard to criteria outlined in Schedule 9 of the Act, which includes the desirability of preserving natural beauty, conserving flora, fauna and geological or physiological features of special interest and to protect sites, buildings and objects of architectural, historical or archaeological interest, and to the mitigation of any impacts the proposal has on these. The basis of these requirements, along with being set out within the Electricity Act, are also incorporated into the body of national planning policies.

6.2.2 The considerations of the Electricity Act, national planning policy (including NPF3 and SPP) along with national energy policy (Onshore Wind Policy Statement and Scottish Energy Strategy Energy Policies) requires to be considered alongside the Development Plan. Despite not having primacy, the Development Plan does remain an important material consideration in the overall decision making, whilst forming the basis of the Council's assessment.

6.2.3 In terms of national planning policy, both NPF3 and SPP are supportive of wind energy development for Scotland to transition into a low carbon economy. A presumption in favour of development that contributes to sustainable development is set out within SPP. However, the SPP also cites the importance of the siting of such developments to be in appropriate locations considering important features such as the historic and natural environment. SPP, in Paragraph 169, identifies the considerations to be made. This includes "proposals for energy infrastructure development should always take account of spatial frameworks for wind farms" and that "considerations will vary relative to the scale of the proposals and area characteristics but are likely to include a number of matters". These are set out in Table 1: Spatial Frameworks on Page 39 of SPP. Table 1: shows the proposed development falling within Group 2: Areas of significant protection as the site is on an area of carbon rich soils, deep peat and priority peatland habitat. As the site is afforded significant protection, it must be demonstrated that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

6.2.4 With regard to regional/strategic policy, the Aberdeen City and Shire Strategic Development Plan (SDP) supports the vision of SPP to reduce carbon emissions through renewable energy sources. The 'Sustainable development and climate change' objective within the SDP identifies that there is 'extra capacity for onshore wind [energy]' within the region.

6.2.5 The Aberdeenshire Local Development Plan (ALDP) adopts the vision and aims of the SDP and offers broad support for renewable energy development if the impacts upon the environment and amenity of the

surrounding area can be mitigated. The EIAR offers a detailed assessment of the environmental and visual impacts predicted by virtue of the proposed development – this is discussed later in this report.

6.2.6 Policy C2 within the ALDP, which is a prominent policy to consider for the proposed development, presumes approval of wind energy developments in 'appropriate locations' taking into account the spatial mapping on Page 74 of the ALDP. The map identifies those areas with landscape capacity for wind energy development along with those which are protected/have no capacity for such development. More detailed guidance is set out in the Strategic Landscape Capacity Assessment for Wind Energy which is a material consideration. This identifies the site as being within an area with no capacity for wind energy development above domestic scale. The principle of development is therefore not acceptable because of the above reasons.

6.3 Landscape and Visual Impact

6.3.1 This Chapter of the EIAR considers the potential effects of the proposed development on two elements - the *landscape character and resources* and *visual amenity* caused by a change in the appearance of the landscape. Despite being separate from one another, these two elements are closely linked.

6.3.2 The study area for the assessment is identified as being 40km from the outermost turbines in all directions. This area is consistent with that recommended in good practice guidance for turbines of this scale, and has been agreed by the applicant with SNH through the scoping process and pre-application discussions.

6.3.3 The site is located within two Landscape Character Types (LCT's), a Landscape Character Area (LCA) and two Special Landscape Areas (SLA). LCT's and LCA's are designated by SNH in their Landscape Character Assessments (see paragraph 5.7 above), whereas SLA's are determined by the Council and are noted within Supplementary Guidance 9c of the ALDP. A summary of each area and their qualifying interests leading to their designation is given below:

- The Moorland Plateau LCT where the wind turbines are proposed is characterised by its highland character of rolling heather clad moors with thick coniferous plantations in places;
- The Agricultural Heartlands LCT through which the access track is proposed is characterised by intensive farming and is generally more populated than the Moorland Plateau with additional man made features.
- The Mounth LCA contained within the Moorland Plateau LCT where the proposed development is located is characterised as a simple, bare moorland plateau that has a wild, remote and windswept character which acts as a distinctive backdrop to the lower settled farmland of the Mearns.
- Clachnaben and Forest of Birse SLA is recognised for its scenic qualities created by distinctive hill profiles and heather moorland, while

the lack of habitation and wilderness qualities/naturalness are also seen here. The relationship with the Cairngorms National Park also supports the designation. The turbines would be sited within this SLA.

- Braes of the Mearns SLA is recognised for its generally flat landscape contrasting that of the Mounth LCA to its north. The designation also recognises the commanding views from summits including the Cairn O'Mount Scheduled Monument scenic viewpoint. The access would be sited within the SLA.

6.3.4 Other designations within the 40km study area, but beyond the site boundary are:

- Cairngorms National Park;
- Deeside and Lochnagar National Scenic Area (NSA) with its designation recognising the qualities of the Cairngorms National Park including mountains and moorland, wildlife and nature, culture and history and recreation.
- Straths and Valleys LCT is characterised by the River North Esk and its valley.
- Deeside LCA with its designation recognising the broadleaf woods that engulf steep valley sides.
- Garvock and Glenbervie LCA with its designation recognising the rolling farmland with a geometric and patchwork field pattern.
- Dee Valley SLA with its designation recognising the scenic qualities of the River Dee, wooded valley sides and rising moorland hills. The naturalness of the Dee Valley and its importance for tourism is also noted.
- Howe of Cromar SLA with its designation recognising the relationship of the Howe to the Cairngorms National Park along with archaeological remains and woodland network.
- South East Aberdeenshire Coast SLA with its designation recognising the rugged scenery of coastal cliffs and raised beach features.
- Upper Don Valley SLA with its designation recognising the high scenic qualities of the rolling wooded hills, steep gorges and wide straths, with connectivity to the river corridor, woodland network and Cairngorms National Park are also seen in this SLA.
- Bennachie SLA with its designation recognising the importance to Aberdeenshire's landscape identity and its popularity to visitors.
- The Lochnagar-Mount Keen Wild Land Area (WLA) and Cairngorms WLA while not designated are afforded some protections within SPP as they are identified as being very sensitive to any intrusive human activity.

6.3.5 Whilst the site itself is not covered by a national designation such as a National Park or NSA, the LCT's, LCA and SLA's described within paragraph 6.3.3 above highlight the natural and unspoilt, sensitive nature of the site, while paragraph 6.3.4 above indicates the sensitivity extends throughout the 40km study area associated with the proposed development.

6.3.6 The Strategic Landscape Capacity Assessment for Wind Energy guidance considers the characteristics of each landscape character type and

landscape character area and builds upon the SNH Landscape Character Assessments for the site. The landscape character and visual sensitivities are considered to be medium/high for the Mounth LCA as such concludes that this area is therefore unsuitable for those wind energy developments not at the base of slopes and over domestic scale (domestic scale being less than 15m height). Together with the ALDP, the Strategic Landscape Capacity Assessment indicates that the landscape is currently exceeding the underlying landscape capacity for wind turbines and any additional developments would further exacerbate any landscape and visual sensitivities.

6.3.7 Moving from the landscape and policy baseline and turning to the assessment conducted by the developer through the EIAR, the visual baseline given in the EIAR identifies key receptors as being residents, road users and those engaged in recreational activities, including hill walkers.

6.3.8 Construction effects on the landscape, which include the removal of 1.22ha of woodland and regrading of some sections of land; creation of borrow pits; increase in the activity of vehicles and people which is in contrast to the existing character of the surrounding area (rolling, unpopulated hillsides/moors) and a sustained 21 month construction time all contribute towards a significant effect noted within the EIAR. Mitigation to limit land clearance and movement of vehicles outside of specific routes is proposed, although the impact would remain to be classed as significant.

6.3.9 While it is noted that construction effects are temporary and reversible, the landscape of the site would be significantly and adversely altered during this time. It is arguable that the removal of woodland and increased human activity would be acceptable owing to their short term and temporary nature, however the impacts of the new access tracks are considered to be underestimated within the EIAR as these would form more permanent features on the landscape. It is also noted that the 4 proposed borrow pits and the visual impact they would have are not discussed in any detail, although Appendix 4.1 (EIAR Volume 2) does give an indication of their proposed scale and anticipated extraction. Again, these impacts are thought by the Planning Service to be underestimated given that significant volumes of material (approximately 500,000m^3 across the four borrow pits - based on Section 6 of Appendix 4.1) are to be extracted, with depths of between 8m and 33.5m leaving a permanent scar or mark on the landscape. Given the lack of coverage, the extent of this impact is not clear at this stage. Although the proposed mitigation would assist in diluting some of the impacts, it is considered that insufficient information has been submitted to fully address the adverse effects upon this sensitive, scenic and natural landscape and is in conflict with Policy E2 as contained within the ALDP.

6.3.10 In terms of the operational effects on the landscape, the proposed development is found to have significant effects upon the site and the Mounth LCA as identified within the EIAR. The loss of moorland vegetation and forestry, whilst not having significant effect individually on the LCA, cumulatively together with tracks, earthworks, installation of vertical, industrial-type structures and other development activities incongruous to the area all contribute to a change in the landscape whose designation

reflects its scenic qualities. This all leads to a significant adverse effect being highlighted within the EIAR. The Planning Service agrees that this is a significant effect but does not consider that the mitigation embedded into the design of the development, which is outlined as reducing wind turbine numbers from a previous pre-application stage and altering their location throughout the site in order to try and limit the impact, is sufficient to mitigate the impacts upon the landscape. In this instance, notwithstanding any amendments to the proposed design or layout through the evolution of the proposal as a whole, the proposal would continue to involve the erection of 26 wind turbines, each standing 149.9m tall to tip. As per the EIAR submission, these features alongside the ancillary development, loss of vegetation and earthworks would all contribute to significantly impact upon the character of the landscape and Clachnaben and Forest of Birse SLA, which is characterised by rolling moorland and limited man-made features. This is in conflict with ALDP Policy E2 which states that developments within SLAs (referenced within paragraph 6.3.3 above) are only permitted where the qualifying interests of the SLA are not adversely affected. This is not considered to be the case here.

6.3.11 It is noted that no significant effect is anticipated for the Agricultural Heartland LCT and Howe of the Mearns LCA, despite the access track to the proposed development being located within this area. It is recognised within the EIAR that whilst there would be changes, they would be perceived as less than the physical turbine structures. The Planning Service understands how this conclusion could be determined. The Planning Service agrees that the track would have more of a detrimental impact upon the Mounth LCA in that it is on open terrain with little in the way of screening owing to its heather vegetation coverage, whereas the route of the track through the Howe of the Mearns LCA follows existing field boundaries and woodland tracks, albeit with some alteration. This area is more populated and partly characterised with more intensive farming operations, as such an access track (circa 5m wide) would not appear completely incongruous in this location and as such does not give rise to any significant landscape concerns.

6.3.12 It's also noted that effects are identified on the Garvock and Glenbervie and Deeside LCAs are not considered to be significant owing to being a greater distance from the proposed development site. The Planning Service is in agreement with this conclusion.

6.3.13 The Planning Service agrees with the conclusion that the intervening distances between the proposed development site and the Cairngorms National Park (approximately 12km at its nearest point), the Deeside and Lochnagar NSA (approximately 27km at its nearest point), and the undesignated but protected Lochnagar – Mount Keen WLA (approximately 10km at its nearest point) would limit the effects on the designations. The impacts on the Cairngorms National Park will be considered in more detail by the Cairngorms National Park Authority within their own response to Scottish Government.

6.3.14 Moving from specific impacts upon landscape character and looking at the effects upon visual amenity, 22 viewpoints (VPs) were identified by the applicant and agreed with stakeholders prior to the submission of the EIAR

through the scoping process. The viewpoints selected represent a range of distances from the site, different types of receptors and different viewing experiences. Settlements within 15km of the site are identified and routes, including roads, railways and walking routes are also noted. In total 8 out of the 22 VPs (VPs 1, 2, 3, 4, 5, 9, 10 and 12) included within the EIAR identified significant effects during the operational phase (5 of these (VPs 1-5) are in Aberdeenshire). All 8 are viewpoints from hill summits within 11km of the site/nearest turbine, with VP 1 at a distance of 1.6km from the nearest turbine. VP 1 – 5 inclusive are located within Aberdeenshire, with viewpoints 1, 2, 4 and 5 within the Clachnaben and Forest of Birse SLA. VP 3 is within the Braes of the Mearns SLA. VP 9, 10 and 12 are within the Angus Council boundary and will be considered in more detail within their own response to Scottish Government.

6.3.15 Because of their locations on hill summits, all VPs are highly susceptible as the recreational users, as the receptors, are to be focused on the surrounding landscape during activities. Visits to these locations are transient in that the recreational users would not be a permanent receptor, however they are likely to have a long exposure time to the visual change.

6.3.16 From each Aberdeenshire VP (VP 1-5), the majority of the turbines, including hubs and blades, would be visible, along with the access tracks within the site and associated infrastructure. Whilst none of these VPs identify any significant cumulative visual effects from neighbouring schemes, existing wind energy developments (including Tullo, Tullo Extension, St Johns Hill, Mid Hill - Phase 1 and Mid Hill - Phase 2) are visible from them all. The effect from Cairn O'Mount Scheduled Monument (VP3) is identified as being the most detrimental, as it would effectively be enclosed by similar, existing, large scale wind energy developments. Whilst these existing developments are in the distance, they continue to have a pronounced impact on the landscape. The introduction of this proposed development would re-inforce and increase the presence of the man-made structures on an otherwise natural, wild terrain, noted as such within the various landscape designations on the site. The Planning Service agree that the effects of the proposed development on VPs 1 - 5 are significant.

6.3.17 Assessing these visual impacts against Policy ALDP E2, the proposal would have significant effects upon the character of the natural landscape as a whole. Visibility in itself is not necessarily a negative issue, but in this instance, it is considered that given the scale and location of the proposal, that significant adverse impacts would result which would in turn represent an unacceptable visual impact within this landscape. Based on this, it is considered that the effects of the proposed development are unacceptable on the natural landscape and the visual amenity from VP3 from the historic Cairn O'Mount Scheduled Monument and is therefore contrary to Policy E2 as contained within the ALDP.

6.3.18 Mitigation proposed to reduce the visual impacts of the development through designing the development so as not to sit on hill peaks and lowering the number of turbines from the scoping layout was proposed. However it remains that the Glendye area is of high sensitivity and value in relation to its scenic quality, remoteness and recreation value. These values are reflected within the SLA designations which cover the site,

particularly the Clachnaben and Forest of Birse SLA which includes the main area of the proposed wind farm. The scale of the wind turbine units, 149.9m tall to tip, when added into this landscape would appear completely out of character and context with the surroundings. It is not considered that altering the siting of the wind turbines for strategic location on hillsides is enough to overcome the significant adverse visual impacts owing to the scale and location of the proposal.

6.3.19 The viewpoints within the EIAR, particularly those identified as having a significant effect as discussed above, show that the proposed development at its very large scale has the potential to be seen as a high profile and dominant vertical industrial feature in the relatively undeveloped and rugged landscape of the surrounding area. As per the map on page 74 of the ALDP and the Strategic Landscape Capacity Assessment for Wind Energy, the landscape is already beyond its underlying capacity for wind energy development of this scale, with the proposed development going further beyond this capacity. Because of the lack of landscape capacity for wind energy development of the proposed scale, the sensitivity of the site and its surrounding area along with the high susceptibility of the recreational users as receptors from walking routes in close proximity to the site, the development is not considered to comply with Policy E2 as contained within the ALDP. Unacceptable effects are caused by virtue of its scale and location on the landscape elements, historic features and quality of the landscape character.

6.4 Hydrology, Hydrogeology, Geology and Peat

6.4.1 The EIAR outlines surveys and research to assess potential hydrological, hydrogeological, geological and soil/peat impacts resulting from the proposed development. This involved survey work including desk-based research (using SEPA resources, mapping and soil surveys) along with field surveys to determine peat depth and stability, private water supply data and the characteristics of watercourses.

6.4.2 A baseline of the site and surrounding environment is given in the EIAR. This highlights environmental designations nearby including: River Dee SAC, Gannochy Gorge Site Special Scientific Interest (SSSI); North Esk and West Water Paleochannels SSSI and Eslie Moss SSSI. It also gives a summary of peat classes present on site, water quality and water supply information.

6.4.3 One significant effect is identified within this Chapter of the EIAR – peat landslide and soil loss during the construction phase. Mitigation has been embedded into the proposal through the design of the development to minimise development on areas of deep peat where possible, while the use of good practice measures including avoiding heavy loads on slopes, restriction of earthworks during and immediately after intense and prolonged rainfall and re-vegetating bare ground to anchor soil are also suggested to be used during the construction phase to minimise risk of landslide and soil loss. An outline Peat Habitat Management Plan (PHMP), outline Construction and Decommissioning Environmental Management Plan (CDEMP) and Carbon Report are included within the EIAR as appendices. The PHMP identifies the site specific strategy for preventing

waste peat, and how the material would be re-used through the re-instatement of peat, in line with SEPA guidance for developments on peat and uses of waste peat. The CDEMP identifies communication protocol for recording environmental management and identifies construction environmental management measures such as the various management plans and method statements.

6.4.4 SEPA in their consultation response objected to the proposed development on the grounds of lack of information relating to the disturbance and re-use of excavated peat. Additional information and changes to the EIAR have been requested to be submitted to address these concerns. At the time of writing, this has not been received. Although the peat re-use potential shown within the outline PHMP exceeds the estimated excavation volume, demonstrating that it is reasonable and practicable to anticipate reuse of all excavated material, this cannot be confirmed until the amendments requested by SEPA have been made.

6.4.5 Infrastructure Services (Environment – Natural Heritage) raised concerns regarding the loss of blanket bog. The proposed development would see the loss of 30ha of protected (i.e. Class 1 and 2) peat. Peat of this quality is noted as being rare throughout Aberdeenshire, with its location generally focussed within the Marr area, particularly that within the Cairngorms National Park, with some smaller pockets peppered throughout the remaining areas.

6.4.6 In terms of ALDP policies, Policy E1 states that if a development may affect habitats listed in Annex I of the EC Habitats Directive (of which blanket bog does) would only be approved if an ecological survey has been carried out and it has been demonstrated that the development has been designed to avoid impacts where possible. Policy C3 seeks to protect carbon sinks and stores such as high-carbon peat rich soils as defined by Scottish National Heritage's Carbon and Peatland map 2016 as Class 1 and 2, and greater than 0.5m depth, against disturbance or destruction. Policy C3 does then go on to say that disturbance to peat would only be permitted if tools such as the 'Carbon Calculator' demonstrate that the development will have no net effect on CO_2 in its lifetime. Policy PR1, which should be read in connection with Policies E1 and C3, states that developments that have a negative effect on important environmental resources associated with peat and carbon rich soils would only be permitted where public, economic or social benefits clearly outweigh the value of the site to the local community and there are no reasonable alternative sites.

6.4.7 The proposed development site is almost completely covered by Class 1 and 2 peat, with the exception of a small area in the north of the site around Wolf Hill. A peat depth assessment is included as figure 7.5 in the EIAR and shows that efforts have been made to site development in shallower areas of peat, but there are instances, particularly in the north-west of the site, where areas of deep peat over 1m in depth require to be excavated.

6.4.8 Appendix 14.1 of the EIAR (Carbon Report) indicates that there would be a carbon saving of 16.7 times the carbon emitted during the estimated 30 year lifetime of the development. This is accepted. Despite the requirement to excavate areas of deep peat, the proposed development is technically in

compliance with Policy C3 of the ALDP as no net loss of CO_2 is anticipated throughout the lifetime of the development by virtue of its nature to produce renewable energy.

6.4.9 Further information was sought regarding peatland loss and restoration. Further detail was provided by the applicant on habitat loss calculations. In total, 854ha of blanket bog habitat was recorded during surveys and that 30ha would be lost to the development, representing 3% of the sites total resource. The applicants state that the habitat to be lost is significantly smaller in the regional context which is considered to be 0.047% loss.

6.4.10 The applicants advise that this reflects the efforts made to avoid peatland habitat of in the design of the wind farm. Having assessed the further information, Infrastructure Services (Environment – Natural Heritage) are content with the methodology, the calculations and the conclusions reached that the habitat lost is not significant for the site. It is accepted that the development has been designed to minimise adverse impacts on the sites environmental quality. Combined with the low level of habitat loss, relative to the site, it is therefore considered to comply with Policies E1 and PR1 of the ALDP. However, concerns remain regarding the loss of habitat which is rare in Aberdeenshire.

6.4.11 Construction works have been identified as having the potential to bring about the risk of releasing hazardous substances by spillage from fuels, oil and wastewater within the site which may in turn impact upon the Water of Dye which lies on the northern boundary of the site and forms part of the River Dee Special Area of Conservation (SAC). The site also has hydrological links to Gannochy Gorge SSSI and North Esk and West Water Palaeochannels SSSI, both of which lie within 3.6km of the site.

6.4.12 Infrastructure Services (Contaminated Land) has identified no existing contamination, and SEPA have made no objections to the proposal on pollution risk. The EIAR concludes that good practice measures would be adopted to minimise risk and effects to the above receptors. The Planning Service can agree with this conclusion, as significant pollution, nuisance or danger to the public or environment is not anticipated, and is therefore in line with Policy P4 as contained within the ALDP.

6.4.13 It is identified that soil erosion and sediment generation may occur in areas where the ground has been disturbed or where engineering works have taken place close to watercourses. Surface water drainage patterns may be altered owing to the requirement for 5 new watercourse crossing structures, whilst groundwater levels and flows may also be affected through excavation for foundations and cable trenches which are backfilled with more porous materials than those extracted. Whilst it is not anticipated that flood risk would be increased by the development, the Council's Flood Risk and Coast Protection Team has requested clarification on the design standard to be used for new watercourse crossings, as both 1 in 100 year and 1 in 200 year events have been referred to in the EIAR. At the time of writing, this has not been received, however the Planning Service sought and received confirmation from the Flood Risk and Coast Protection Team that if the crossings were to be designed to withstand a 1 in 200 year + climate change event, this would be satisfactory. SEPA request a condition

be added to a grant of permission by Scottish Government to ensure appropriately designed crossings. At this point in time however, without the required clarification the proposal cannot be said to fully comply with Policy P4 as contained within the ALDP in this regard, albeit it is understood that a resolution is achievable.

6.4.14 In terms of private water supplies, the applicant has confirmed a borehole would be required for the abstraction of water for on-site use. Infrastructure Services (Environmental Health) have no objection to this and request a condition to ensure adequacy and wholesomeness of the private water supply be demonstrated prior to use be added to a grant of permission by the Scottish Government. Elsewhere, there are 4 water supplies within close proximity to the development. As such, there is the potential for water sources and pipework to be impacted during the construction phase. Whilst impacts upon the majority of water supplies identified within the EIAR are not anticipated (with a condition requiring monitoring of water quality requested), SEPA have objected on the grounds of lack of information, requiring information demonstrating the adequate mitigation measures to protect the water source for Westerton of Balfour. Until this is received, it cannot be confirmed that there are no adverse impacts upon private water supplies by virtue of the development, and therefore cannot be demonstrated to comply with Policy P4 as contained within the ALDP in that there is a risk of pollution and nuisance to the public.

6.4.15 Operational effects are limited by virtue of the nature of the development. However, groundwater levels may be influenced by the drainage features introduced during the construction phase, and also by alterations in the groundwater regime at a local level, where foundations or tracks lead to a change in level or flow. The use of best practice measures such as minimising duration of any required de-watering and returning any removed water locally and the inclusion of a management of surface and ground water and water quality monitoring management plan within the CDEMP are included within the EIAR. There is no objection from SEPA. No significant pollution, nuisance, danger nor flooding are anticipated, and so the Planning Service can accept the conclusion that this is not a significant effect and so can confirm that the proposal is compliant with Policies C4 and P4 as contained within the ALDP in this regard.

6.4.16 Not included within the EIAR is an assessment of Prime Agricultural Land (PAL) to the southern area of the site where the access track is to be developed. Although Policy PR1 as contained within the ALDP aims to retain areas of land identified as Categories 1, 2 and 3.1 of the Soil Survey for Scotland, there is an exemption for time limited proposals for renewable energy generation providing the site will be restored and returned to its original status. The proposed access track would cross through a number of small areas of categories 2 and 3.1 land. The access track is associated with renewable energy and would be restored at the end of its life, however details of restoration won't be known until nearer the time of decommissioning. In any case, these are small pockets of PAL as the site steepens and would not constitute a considerable or significant loss to the wider resource. This impact is considered to be non-significant and is in line with the principle of Policy PR1 as contained within the ALDP.

6.5 Ecology

6.5.1 As part of the submission, a suite of habitat and species surveys were undertaken across the site including desk studies and field surveys including Ground Water Dependant Terrestrial Ecosystem (GWDTE) survey, fish survey (particularly Atlantic salmon and trout) and protected species surveys for otter, water vole, badger, bats and freshwater pearl mussel. A baseline of existing conditions is given including details of designated sites within the locality, including those with statutory designations (SAC and SSSI) and non-statutory designations (Local Nature Conservation Sites (LNCS)) and species records for the site.

6.5.2 Potential effects were identified primarily during the construction phase on the River Dee SAC, habitats, and species - otter, water vole, bats, fish and freshwater pearl mussel. One potential operational effect was identified regarding bats and the operation of turbines in darkness increasing risks of severance and mortality.

6.5.3 Significant effects were then identified on habitats through direct loss; severance of water vole habitats, direct habitat loss and mortality of bats.

6.5.4 In terms of habitats, the EIAR identifies that 52.17ha of different habitats including scrub, woodland, heath, blanket and raised mire and grassland are to be lost by virtue of the development. Blanket mire and raised mire constitute the habitat most likely to be affected, however it is acknowledged that an extensive area of similar habitat will remain both within the site and in the wider, surrounding local landscape.

6.5.5 Infrastructure Services (Environment - Natural Heritage) requested in their consultation response that sites appearing within the Ancient Woodland Inventory (specifically Wood of Barna and Wood of Balfour which the proposed access track cuts through) be considered within the EIAR. Further assessment of the significance of the loss of blanket bog, was also requested. Additional information was submitted to address the comments made within the Natural Heritage consultation response.

6.5.6 In terms of Ancient Woodland Inventory sites, less than 1ha of coniferous plantation is to be lost, an area limited by widening existing woodland tracks within the Wood of Barna. The text goes on to explain that the wood was considered to be of limited ecological value owing to the density of the canopy limiting a diverse shrub or field layer developing. As such, this element was scoped out of the EIAR as it would demonstrate a non-significant effect. Infrastructure Services (Environment – Natural Heritage) is content with the explanation and conclusion provided. Despite Policy PR1 of the ALDP presuming against development which would have a negative impact on important environmental resources such as woodland, the area of loss and the proposal to re-plant the 1.22ha of broadleaf woodland to be lost locally, along with limited ecological value does not present a negative effect. The Planning Service can therefore accept this conclusion.

6.5.7 The loss of the peatland habitat is discussed fully within paragraphs 6.4.3 – 6.4.10.

6.5.8 Looking at water vole, habitat severance (which is described as being a certain likelihood) represents a significant effect whilst direct habitat loss, mortality and disturbance are considered to be non-significant. Pre-construction surveys of water crossings, use of micro-siting to avoid any new burrows, use of mammal friendly water crossing with mammal ledges and the appointment of an environmental clerk of works to provide advice and support throughout construction are proposed as mitigation measures. A condition is requested to be added to a grant of permission by Scottish Government to ensure protection and mitigation measures be included within the CDEMP. The Planning Service are content with this conclusion and confirm it is in line with the aims and objectives of Policy E1 as contained within the ALDP.

6.5.9 The impacts on bats are expected during both the construction phase (direct habitat loss) and the operational phase (mortality). Infrastructure Services (Environment - Natural Heritage) requested further consideration of the impacts on bat species be given due to the recording of bat species not commonly found within the area and so constituting a significant find. The additional information submitted addresses the concerns in the initial response. It is therefore considered that the proposed development represents no significant detrimental impacts upon bats and as such, is in line with the aims and objectives of Policy E1 as contained within the ALDP.

6.5.10 No significant impacts have been identified for otter, fish or fresh water pearl mussel. The Planning Service is content and can agree with these findings through assessing the submitted details. This element is therefore considered to comply with Policy E1 as contained within the ALDP.

6.5.11 GWDTE's (a type of wetland which depends on groundwater flows and are safeguarded by the Water Framework Directive) are not explored within the EIAR as the potential GWDTE's were identified as having surface water sources. SEPA, in their response, acknowledge that the GWDTE survey was suitable, however some errors in the transcript/write-up are made. SEPA requests additional information and changes to the EIAR to address the errors made. Until this has been done, SEPA object to this aspect of the proposal. Likewise, the Planning Service cannot confirm agreement with the conclusion that there is no effect and that the proposal conforms to the aims and objectives of Policy PR1 as contained within the ALDP. It may be that buffer strips and mitigation may be required if GWDTEs are present.

6.5.12 It should be noted that SNH would also have an interest in this Chapter of the EIAR, however at the time of writing, their response has not been received by Scottish Government and therefore cannot feed into the Council's consideration of the matter. SNH comments would however be reviewed by Scottish Government during their assessment.

6.5.13 A development of this scale and nature would be subject to the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") and an 'appropriate assessment' requires to be carried out by the Competent Authority. In this case, Scottish Government,

as the decision making authority, is the Competent Authority. SNH in their consultation response to Scottish Government would likely address this matter in some detail.

6.5.14 Overall, the Planning Service agrees that impacts upon habitats, water vole and bats concluded within the EIAR are significant but the mitigation proposed is appropriate. However, it cannot be confirmed that there are no impact on GWDTEs.

6.6 Ornithology

6.6.1 This Chapter of the EIAR considers the potential effects on important ornithological features in relation to the construction and operation of the proposed development.

6.6.2 Consultation with SNH and RSPB at the scoping and pre-application stages were used to help assist the development of an overview of the likely bird populations and identify target species for surveys. These surveys were then undertaken, the findings of which form the basis of the EIAR Chapter. Field surveys include: flight activity surveys from viewpoints, moorland breeding bird surveys, breeding black grouse surveys, breeding raptor and owl searches and winter walkover surveys. Included within the EIAR is data collected over a 2 year period, as recommended within current SNH guidance.

6.6.3 The study area is identified as being at least 500m, extending up to 6km for specific species around the boundary of the application site. Ornithological features of both regional and local importance were identified.

6.6.4 The EIAR gives an overview of the existing environmental baseline of the site and study area, including Special Protection Areas (SPA's) nearby, flight activity records for target species and distributions and abundances of breeding bird species recorded during baseline surveys.

6.6.5 The EIAR records potential effects on habitat loss during construction phase, displacement during both construction and operational phases and collision mortality during operational phase.

6.6.6 One significant effect is identified within the EIAR with regard to the displacement of black grouse. Black grouse are identified in the EIAR as being a regionally important species, assigned on the basis of the number of lekking males (males which gather in an area – a 'lek' – to engage in displays to attract females for mating) and that the area is well managed and favourable for the species, despite the absence of woodland which is typically sought by the species for food sources.

6.6.7 Displacement during construction is considered a temporary but significant effect on the regional Northeast Glens National Heritage Zone (NHZ), whilst impacts during operation are not considered significant. Construction works, particularly those within 750m of lek sites, have the potential to disturb males and brooding females during the breeding season (Spring time) – hence the conclusion in the EIAR that the effect is temporary. 19 lek sites and a peak of 89 males were recorded within 750m of the site

boundary, with an additional 28 males noted within 750m of the proposed site access track component. It is noted in the EIAR that during assessment, not all lek sites were used in any one year.

6.6.8 Operationally, whilst there are lek sites recorded within 500m of proposed turbines, effects are not considered significant, owing to the availability of other lek sites nearby, and the favourable land management techniques used on site which would both help to mitigate and address any negative impacts.

6.6.9 In terms of collision risk mortality, risk is considered in the EIAR to be low, owing to low flight heights and the tendency to spend much time on the ground.

6.6.10 It is noted that no other significant effects are identified on any other species assessed from this development or cumulatively with other developments that are consented, under construction or operational.

6.6.11 Mitigation is proposed to restrict construction work within 750m of an identified main lek site to after 9am in the months of April and May to reduce the displacement effect on black grouse. Additional mitigation is proposed on a precautionary basis to limit potential offences under the Wildlife and Countryside Act 1981 (as amended), whilst enhancement measures of riparian planting is proposed within the outline Peat Management Plan included as an appendix to the EIAR.

6.6.12 Infrastructure Services (Natural Heritage) have been consulted and make no objection, noting the mitigation and enhancement proposals included within the EIAR and the responsibility of SNH and RSPB to respond to the findings of this Ornithological Chapter.

6.6.13 Whilst both SNH and RSPB have been consulted by Scottish Government on this proposal, their comments are yet to be received. It is considered that, subject to the implementation of the mitigation and enhancement measures outlined within the EIAR; SNH and RSPB returning no objection in their consultation response and Scottish Government through their appropriate assessment concluding no adverse impacts being anticipated, the development would comply with Policy E1.

6.7 Cultural Heritage

6.7.1 This Chapter of the EIAR considers the potential effects of the proposed development on cultural heritage assets. Pre-application consultation with Historic Environment Scotland (HES) and Infrastructure Services (Archaeology) helped to inform the scope of the assessment and the required study area.

6.7.2 Indirect effects from vibration and changes in hydrology upon cultural assets; effects on the setting of assets in excess of 10km from the outermost turbines; effects on the setting of assets during construction and direct effects on assets during operation of the development were all scoped out of the assessment based on surveys, experience and advice during pre-application discussions.