



Decision by Timothy Brian, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2155
- Site address: land 2295 metres northwest of Steading Bar, Glen Urquhart, Drumnadrochit, known as Cnoc an Eas Wind Farm
- Appeal by Force 9 Energy Partners LLP and EDF Energy Renewables against the decision by The Highland Council
- Application for planning permission reference number 15/02758/FUL dated 15 July 2015 refused by notice dated 9 May 2016
- The development proposed: erection of 13 wind turbines with a maximum blade tip height of 136.5 metres, and associated infrastructure
- Date of inquiry/hearing sessions: 7-9 March 2017
- Date of site visits by Reporter: 13 December 2016, 9-10 March 2017 and 4-5 May 2017

Date of appeal decision: 2 June 2017

DECISION

I dismiss the appeal and refuse planning permission.

REASONING

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise.
2. Having regard to the provisions of the development plan, I consider that the main issues in this appeal are:
 - the impact on the historic environment, specifically the setting of Corrimony Chambered Cairn scheduled monument;
 - landscape and visual impact, including cumulative impact and impact on residential amenity;
 - the impact on recreation and tourism;
 - the impact on ecology, nature conservation and forestry;
 - access and roads;
 - any other environmental effects of the proposal; and
 - the potential benefits of the scheme, including socio-economic impacts, and its contribution to meeting renewable energy targets.



3. The development plan for the purposes of this appeal comprises the Highland-wide Local Development Plan (LDP), together with the associated supplementary guidance (notably the guidance relating to onshore energy and the historic environment).
4. Scottish Planning Policy (SPP), in particular the sections relating to wind energy and the historic environment, is another important material consideration in this case. Historic Environment Scotland's Policy Statement 2016 is also relevant.
5. My reasoning and conclusions take full account of: the environmental information and other material submitted in support of the planning application and subsequent appeal (in particular the Environmental Statement, the Supplementary Environmental Information and the Updated Landscape and Visual Information); the letters of representation and consultation responses; the parties' evidence to the inquiry; and my accompanied and unaccompanied visits to the appeal site and relevant viewpoints in the surrounding area.
6. On 16 May 2017, the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 came into force. The 2017 regulations revoked the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 with certain exceptions. These 2011 Regulations continue to have effect for an application (and any subsequent appeal) for planning permission where the applicant (now the appellant) submitted an environmental statement in connection with the application before 16 May 2017. That was done in this case. I have therefore determined the appeal in accordance with the 2011 regulations as they applied before 16 May 2017.

The proposal

7. The application seeks planning permission for the erection of six wind turbines up to 136.5 metres high to blade tip, and seven wind turbines up to 126.5 metres to blade tip, providing a maximum total installed capacity of 44.2 megawatts (MW). The associated infrastructure would include turbine foundations, electrical transformers, crane hardstandings, 9.7 kilometres (km) of new or upgraded access tracks, anemometer mast, temporary construction compound, electrical control building, two borrow pits, and felling of over 150 hectares of non-native conifer forest.
8. The appeal site comprises an area of approximately 657 hectares within an undulating area of forest, between Drumnadrochit (around 7.5km to the east) and Cannich (some 7.3km to the west). It lies on elevated land, between approximately 300-400 metres above ordnance datum, on the north side of Glen Urquhart, which runs from Loch Ness (to the east) to Strathglass (to the west).

Impact on the historic environment

9. There are a number of scheduled monuments, two A-listed buildings and nine B-listed buildings within 10km of the site, but with the exception of the monument discussed below, there is no objection to the proposal from the historic environment aspect.
10. The nearest turbine would be 4.1km from Corrimony Chambered Cairn, a scheduled monument. It is a property in care looked after by Historic Environment Scotland (HES) on

behalf of the Scottish Ministers. The monument has car parking and interpretation and is free to access by the public.

11. This prehistoric (early Bronze Age) burial cairn is around 18 metres in diameter and 2.5 metres high, and has a cup-marked stone (likely to have been the capstone) lying on top. An entrance in the south-west sector of the cairn gives access to a passage leading to a stone built chamber in the centre. There is a ring of standing stones around the cairn, and a platform of stones surrounding the cairn which may have been used for ceremonies.

12. Corrimony is a Clava-type passage grave, and is one of the best-preserved monuments of its type, exhibiting many of the characteristic features of the group. The Clava group has been described as one of the major groups of prehistoric monuments in northern Britain. Corrimony is of national importance because of its cultural significance, and in particular for its potential to contribute to an understanding of prehistoric ritual beliefs and burial practices.

13. Annex 1 of HES's Policy Statement explains that the cultural significance of a monument is inherent in the monument itself, its fabric, setting, use, associations, meanings, records, related monuments and related objects. The parties in this case agree that there is a potential for impact on the cultural significance of the cairn through changes in its setting as result of the presence of the development.

14. Historic Scotland (now HES) objected to the planning application on the ground that the proposed development would have a significant adverse impact on the setting of the scheduled monument.

15. The appellants and HES do not agree about the degree to which the proposed windfarm would impact on the setting of the cairn, as they reach different conclusions on the contribution that setting makes to the cultural significance of the asset and the impact of the proposed windfarm on that contribution.

16. The glossary in SPP advises that 'setting' is "*more than the immediate surroundings of a site or building, and may be related to the function or use of a place, or how it was intended to fit into the landscape or townscape, the view from it or how it is seen from areas round about, or areas that are important to the protection of the place, site or building.*"

17. HES's guidance "Managing Change in the Historic Environment: Setting" explains that 'setting' is the way the surroundings of a historic asset contribute to how it is understood, appreciated and experienced. The guidance advises that monuments were almost always placed and oriented deliberately, normally with reference to the surrounding topography, resources, landscape and other structures.

18. Any impact on the setting of the monument requires to be judged against the policy test in paragraph 145 of SPP, which includes (b) the "*potential for a proposed development to have an adverse effect on ..the integrity of its setting*". If development would have an adverse effect on the integrity of the setting of a scheduled monument, paragraph 145 of SPP provides that "*permission should only be granted where there are exceptional circumstances*".

19. The appellants consider that there would be no impact on the integrity of the setting, and therefore that the proposed development is acceptable under paragraph 145 of SPP; whereas HES considers that there would be an adverse effect on the integrity of the setting, and that there are no exceptional circumstances in this case.

20. SPP does not define 'integrity'. The appellants consider that the 'integrity of a setting' would be maintained if the principal characteristics of the setting that contribute to the cultural significance of the asset are retained and it continues to be possible to understand and appreciate the asset in that setting. HES suggests that the key characteristics (including important views and the sense of place) must remain intact and undiminished, as otherwise the ability to appreciate the monument in its setting would be reduced.

21. HES considers that the key characteristics of the scheduled monument at Corrimony include:

- (a) the alignment of the passage and chamber (the passage and chamber are themselves key characteristics of monument itself);
- (b) the views to the south-west from the passage and views to the north-east towards, up and across the passage and chamber and towards the higher ground which forms the backdrop;
- (c) the sense of enclosure provided all around the cairn by the valley sides and higher ground beyond providing the extent of the localised setting of the monument and the sense of being separated from the outside beyond that higher ground. This creates a 'sense of place' of being in a quiet and relatively undeveloped rural landscape, which would have been important to the people who lived within the landscape and constructed the monument.

22. The appellants maintain that the cultural significance of the cairn (and the reason for its designation) reside primarily in its intrinsic characteristics, and that in common with other Clava cairns it is understood in a local landscape setting with no evidence for specific references to more distant man-made or natural topographic features. It is located and appreciated in a valley setting, and views to the monument are limited due to its modest scale and inconspicuous positioning.

23. The appellants acknowledge that it is still possible to imagine something of the Bronze Age environment when visiting the site today, despite the presence of modern elements such as forestry and the Beaully-Denny powerline, because the landscape setting is still essentially rural and agricultural.

24. I accept that the monument is not sited in a dominant place in the landscape; rather, it is located on low-lying ground on the level flood plain of the River Endrick. However, in common with other Clava cairns Corrimony would have been a key feature in the farmed valley landscape bounded by the higher ground. The design of the monuments suggests that they were meant to be viewed and experienced from the exterior.

25. I agree with HES that Corrimony was, and still is, a highly impressive and visible monument, with a relatively expansive setting which includes the valley sides together with the higher land beyond. The visualisations illustrate that the proposed development, which would introduce moving structures up to 136.5 metres high into one of the key views from

the monument (from the entrance to the passage), would have a pronounced effect on the landscape setting of the cairn despite being more than 4km away. The nearby powerline, though prominent, does not lie within the key view towards the north-east.

26. In common with some other Clava cairns, the passage has a south-west to north-east alignment. Recent research interprets this orientation as aligning the passage to observe the setting moon on the horizon during important events in the lunar calendar, in particular the minor lunar stand-still which occurs once every 19 years. That interpretation would suggest that the view to the south-west horizon is important in appreciating the cultural significance of the monument.

27. However, the passage may also have been aligned in this way to observe the mid-winter sunset and the mid-summer sunrise, as interest in the longest and shortest days would have been very important to farming communities in Bronze Age times. In that case, the north-east horizon would also form an integral part of the setting of the monument.

28. The appellants dispute HES's contention that the understanding of the solar alignment which has been found at Balnuaran of Clava can be transferred to Corrimony, but there are a number of shared characteristics between the sites. Moreover, knowledge and understanding of the Clava cairns has developed over time, and it is possible that further linkages between them will emerge with further investigation and analysis of the monuments in the future.

29. This finding is consistent with the advice in the HES Policy Statement (page 49) that *"understanding of cultural significance may change as a result of the continuing history of the monument, or in the light of new information, or changing ideas and values."*

30. Plainly, the entrance passage which leads to the chamber is one of the key characteristics of Corrimony. This is how people would have approached the monument in the past, and it is likely that they would have congregated around the entrance outside. I therefore accept HES's conclusion that the views in, out and across the entrance and passage are relevant to the use of the monument in the past, and to the experience of the monument today.

31. When viewed from Viewpoint (VP) 5: Corrimony Chambered Cairn, parts (i.e. either complete blades or blades and the upper part of the tower) of all 13 turbines would be highly visible on the skyline above the forested hills which form a backdrop to the view to the north-east from the monument. The windfarm, and notably the moving blades of the turbines, would be conspicuous on the horizon at eye level above the cairn when looking towards the passage. HES has drawn attention to the foreshortening effect, whereby the immediate flat landscape to the north-east of the monument is effectively blocked from view, making the turbines appear more dominating and prominent, and significantly impacting on the ability to understand, appreciate and experience the monument.

32. The appellants recognise that the presence of the windfarm in this view would change a visitor's experience of the cairn, by adding new man-made structures to the setting and that it would, to a limited degree, diminish the sense of place created by the present day rural setting of the cairn. However, the appellants conclude that the impact would be low magnitude and would not significantly affect a visitor's ability to understand

and appreciate the monument and how it relates to the surrounding landscape. It would still be possible to appreciate the localised setting of the monument, and its relationship with a possible ring-cairn nearby on the valley floor.

33. The ES recognises that Corrimony is a heritage asset of 'high importance', but assesses the magnitude of effect as 'low adverse', which still produces an effect of 'moderate significance' (i.e. significant impact). However, I consider that the impact described above is more accurately assessed as 'medium adverse', as two of the key characteristics (i.e. views from the passage to the north-east, and the sense of enclosure around the cairn) of the setting of the asset would be adversely affected, resulting in an appreciable (if partial) loss of the asset's cultural significance. Because of the importance of the view and the severity of the impact which would be experienced, I would assess the impact as major, rather than moderate.

34. I share HES's assessment that the proposal would have a significant impact on the integrity of the setting of the scheduled monument. The turbines would be highly prominent in a key view from the chambered cairn, which is important in understanding, appreciating and experiencing the setting of the monument. I do not consider that the 'reversible' nature of the development renders it more acceptable in that regard, because SPP paragraph 170 makes clear that windfarms should be suitable for use in perpetuity.

35. I also agree with HES that there are no 'exceptional circumstances' here in terms of paragraph 145 of SPP, as the windfarm proposal is not unusual and there are likely to be sites other than Cnoc an Eas where a windfarm could be constructed without having a significant impact on the setting of a heritage asset of national importance.

36. I consider later in my decision whether the socio-economic and climate change benefits of the proposal outweigh any adverse impacts.

37. I conclude that the proposal would not be consistent with Scottish Planning Policy insofar as it would have an adverse effect on the integrity of the setting of Corrimony Chambered Cairn. This is because the windfarm would intrude into one of the key views of and from the monument, and significantly disrupt the 'sense of place'.

Landscape and visual impact

38. Chapter 3 of Volume 1 of the Environmental Statement (ES) explains that the appeal site is not designated for landscape reasons; nor are there designated landscapes nearby. The site was in an area of search for windfarms, and within a landscape character area seen as having capacity for wind turbines. It lies at the head of a valley, set back from the main glen (Glen Urquhart), and there is higher land to the east, north and west. There was an iterative design process to reduce sensitivities and impacts.

Landscape character

39. The council does not object to the appeal proposal on the ground of its impact on landscape character. The turbines would be located within the *rocky moorland plateau* landscape character area (LCA), whereas the access track would lie within the *wooded glen* LCA. Although there would be a major significant localised effect, I share the council's

assessment that the effect on the rocky moorland plateau LCA would be negligible, due to the scale of the LCA, and the screening effect of the variations in topography. Similarly, the moderate effect on the wooded glen LCA would be very localised.

40. Whilst Scottish Natural Heritage (SNH) considers that there would be a significant effect on the *rugged massif* LCA, the windfarm would only be seen from the more distant hill summits, and I am not convinced that it would have such a marked impact on the landscape character area at that range.

Landscape designations

41. The appeal site does not lie within a designated special landscape area, but the council considers that the proposal would have a detrimental impact on the special qualities of the Loch Ness and Duntelchaig Special Landscape Area (SLA), which lies around 10km to the east of the nearest turbine.

42. Appendix 2 of the LDP advises that, when determining the impact on the landscape character and overall integrity of the SLA, attention will be given to its citation and in particular the key landscape and visual characteristics, its special qualities and its sensitivities to change.

43. The council acknowledges that the special qualities of the SLA predominantly relate to the striking landscape feature formed by the steep sided trench with Loch Ness at its base, but suggests that the proposed development would have an impact on these qualities through the introduction of the turbines into sensitive views within the SLA.

44. The zone of theoretical visibility (ZTV) shows that the windfarm would be seen from a very limited area of the SLA. Nonetheless, the council considers that the proposal would introduce visibility of wind energy development into areas where it is not already present or is very limited in extent. In particular, it would affect the view up Glen Urquhart from Strone (VP10), from the loch itself (VP14) and from the east shore opposite (VP15). This is one of the few places where a clear view is available along one of the glens which run westwards from Loch Ness. The proposed development would shorten the views up this glen, due to its position at the terminus in this view.

45. The council also contends that the development would affect the view from the summit of Meall Fuar 'mhonaidh (VP11) to the south, and contribute to the 'perception of encirclement' created by the constructed and consented windfarm schemes in the area.

46. The good views from elevated viewpoints on hill tops are recognised amongst the special qualities of the SLA, where Meall Fuar 'mhonaidh is singled out as a prominent landmark beside the loch and a good vantage point from where to appreciate the massive scale and alignment of the Great Glen fault. The Assessment of Highland SLAs identifies one sensitivity to change as "*the introduction of tall man made structures on the hill sides*" which "*may compromise the sense of containment within the glen and diminish the sense of the vast scale of the landscape*".

47. The appellants point out that the key views are along the length of the trench, and not towards the windfarm. The views up the westward glens (e.g. Glen Urquhart) out of the

SLA are not mentioned in the special qualities or key characteristics of the SLA. In any case the change to this view, of a well-designed windfarm, would be seen from a very limited area on a distant horizon.

48. The appellants claim that the development would result in no significant effects on the landscape character of the SLA, though there would be some significant visual effects from a limited extent of the SLA.

49. The assessment of Highland SLAs notes that the skyline already has occasional features such as pylons, telecommunication mast and distant views of turbines. The appellants maintain that visibility of the upper parts of turbines over 10km away would not compromise the sense of containment of the glen or diminish the sense of the vast scale of the landscape.

50. The ES concludes that the windfarm would be visible from the SLA only from hill summits along the flanks of the Great Glen, from where existing and consented windfarms are already seen, and from a small proportion of Loch Ness and its eastern shore across Urquhart Bay. It finds that, although there would be a significant visual effect from Meall Fuar 'mhonaidh, 11km from the windfarm, this hill offers 360 degree views and the windfarm would not have a significant adverse effect on the special qualities of the SLA.

51. I consider the question of visual impact below, but in relation to landscape impact I am not persuaded that the view up Glen Urquhart is an important feature of the SLA, which is concerned more with the trench containing Loch Ness together with the associated viewpoints. Nonetheless, I consider that the proposed windfarm would detract from the views from Meall Fuar 'mhonaidh, which is highlighted within the special qualities of the SLA as a good vantage point from where to appreciate the Great Glen and its mountainous backcloth to the south and north west.

52. I accept the findings of the LVIA that the windfarm would not detract from the special qualities of the Strathconon, Monar and Mullardoch SLA.

53. I also agree that there would be no significant effects on the landscape or special qualities of national parks (Cairngorms National Park) or national scenic areas (Glen Strathfarrar and Glen Affric). Similarly, I find that the proposal would not have significant effects on the nearest wild land area (Central Highlands), except on a limited number of outward views from hill summits on the eastern fringe of the area.

Visual impact

54. The council contends that the development would have a significantly detrimental visual impact particularly as viewed by residents, tourists and recreational users of the outdoors in the wider vicinity of the site. The council also considers that the ES underplays the impact on road users, all of whom should be regarded as high sensitivity receptors.

55. However, the council accepts, and I agree, that from the vast majority of viewpoints the turbines would appear well spaced and stacking would be avoided. In my view, the intended use of two different turbine heights would help to mitigate the effect of the

undulating topography of the appeal site and produce a more cohesive design, particularly when seen from more distant viewpoints.

56. The proposed windfarm would be sited within an area of commercial forestry, which would provide a measure of screening from a number of viewpoints. However, the land management plan prepared for the appellants shows that the forests within Glen Urquhart will be subject to extensive felling operations during the lifetime of the project, which would open up the windfarm to views from footpaths including the Affric-Kintail Way. There are proposals for substantial replanting with conifers and broadleaves, but where clear felling is carried out it may be some time before an effective screen is restored.

57. I accept that the windfarm would be generally well screened from the surrounding roads, especially the A831 through Glen Urquhart and Strathglass, the A883 (Glen Convinth), and the A82 along the west side of Loch Ness. However, I consider that it would be prominent from certain important viewpoints, including Corrimony Chambered Cairn (VP5), Strone (VP10), the loch itself (VP14) and the picnic area on the east side of the loch (VP15), and from two elevated viewpoints above the Great Glen Way at Carn na Leitire (VP13) and Meall Fuar 'mhonaidh (VP11).

58. I also accept the council's argument that the turbines would be overbearing and dominant from Corrimony Cairn (VP5), which is discussed above, due to the low elevation of the viewpoint and because the trees provide a scale indicator which would accentuate the scale of the turbines. The appellants point out that a modern agricultural landscape would be seen at VP5, with forestry beyond and pylons on the skyline to the north. However, the powerline is sited well to the north of the key vista illustrated in the visualisations.

59. In relation to VP9, the council acknowledges that much of the Affric-Kintail Way is within commercial forestry plantation. The appellants note that walkers would see the windfarm for brief periods during a 2.5km section of the four day walk as they pass through clearings in the forest. However, due to the importance of the views from this recreational route, which may be further opened up by additional felling, I agree with the council that there would be a significant (moderate) effect.

60. Although the impact from the Forestry Commission car park at Balnain (VP4) would be negligible, there would be open views to the windfarm from the Loch Meikle Trail across a clearing close to the radio mast on the hillside to the west, from where there is likely to be a significant impact over a short distance (3.5km).

61. Similarly, though there would be limited impact from VP8 (near Crask of Aigas), it is likely that the turbines would be much more conspicuous from the elevated nature trail and hill fort within the Aigas Field Centre to the south-west, albeit at a distance of more than 8km.

62. I agree with the council that the visual impact from the A82 at Strone (VP10) has been understated. Views on this section of road would be experienced by drivers, passengers, walkers and cyclists, all of whom are highly sensitive receptors, and I consider that the magnitude of change would be greater than the ES suggests, as the turbines would draw the eye up the glen, and reduce the appreciation of the glen itself. Those travelling in

vehicles would experience this view for half a minute or so, and walkers and cyclists for a few minutes.

63. The council expects there to be a similar, moderate impact at or to the south of VP14 (Loch Ness tourist ferry route) and VP15 (east side of Loch Ness), where the eye is drawn up the glen despite the available views up and down the loch. The council suggests that the development would introduce a new, stark feature within Glen Urquhart, and that the nearest turbine would be unduly prominent, bringing the turbines down into the environs of Loch Ness unlike any other current scheme around the loch.

64. I note that VP15 is a popular picnic area where there is access to the loch shore and a short walking trail along the lochside. I consider that the windfarm would be a conspicuous and jarring feature on the skyline directly facing this viewpoint, albeit at some distance (over 13km away), and from the B852 approaching the picnic area from the south.

65. From the popular hilltop at Meall Fuar ‘mhonaidh (VP11), which is the most prominent summit around Loch Ness, the Cnoc an Eas turbines would be seen for part of the walk up and down the shoulder of the hill close to the summit. The council considers that the magnitude of change would be greater than assessed in the ES, and hence that there would be a major effect.

66. My site visit confirmed that there are fine panoramic views from the summit and the higher slopes of this hill, over Loch Ness and its surrounding hills and to the higher mountains beyond including the Nevis range. I was struck by the extent to which the views are already affected by wind turbines, with a series of windfarms on the skyline on the east side of the loch, and the major complex of turbines at the Millennium windfarms to the south-west of the hill. The extensive Blaraidh windfarm which is under construction in the near distance to the west adds to the impression that views to the east, south-east, south-west and west are significantly influenced by wind energy developments.

67. By contrast, views to the north and north west are largely unaffected by wind turbines, with the possible exception of Fairburn which is too distant to have a discernible impact. This picture would alter if the proposed windfarm at Druim Ba was permitted and constructed. I share the council’s concern that the development of a windfarm at Cnoc an Eas would introduce an uninterrupted view of an array of turbines at relatively close quarters (10.8km) into what is currently a largely unspoiled view to the north towards Ben Wyvis. I also consider that this would add to the sense that this important viewpoint was being ‘encircled’ by wind turbines.

68. I consider that there would be a similar effect at VP13 (Carn Na Leitire), but that the effect would be moderate due to the intervening topography. I agree that Cnoc an Eas would be noticeable from the summit at a distance of 11.8km, though the development would be partly screened by the hills in between.

Residential amenity

69. I accept the conclusion of the ES, which is endorsed by the council, that the closest residents would be unlikely to suffer undue noise disturbance or shadow flicker, subject to the imposition of appropriate conditions, because of their distance from the turbines.

However, the parties do not agree on the degree of visual impact which would be experienced from residential properties in the area.

70. The appellants identified 37 representative properties in Glen Urquhart, within five indicative community groups. The nearest house (Cnoc an Raineach) is over 1.6km from closest turbine, and there are numerous houses within 2km, and still more between 2-3km of the turbines.

71. The ZTV illustrates that the vast majority of houses on the north side of the glen would not see the turbines, even taking no account of vegetation, although there are exceptions in elevated positions including Buntait, Baemore, Cnoc an Raineach, Fallachan, Corrish, Balnalick and Balbeg.

72. Most of the nearest properties face south across the glen, away from the proposed windfarm, and views towards the windfarm would be screened or filtered by the deciduous and coniferous woodland in between. However, the turbines would be visible at times on the approach roads and around some of the nearest homes, and local residents consider that the development would change the character of the glen, and threaten their tranquil rural lifestyle.

73. Even taking that into account, I consider that the visual impact from the group of properties at Balbeg (VP2) would be moderate, due to the orientation of the houses and the partial screening by the intervening hill and tree cover.

74. It is the properties on the south side of the glen, as illustrated at VP1 (Shenval), which would have the clearest view of the windfarm, but at a distance of over 2.6km. Even from this viewpoint the towers would be largely screened by vegetation, though several blades and the upper part of one tower would be visible. I agree with the appellants and the council that there would be a moderate visual impact from those properties.

75. In summary, I find that relatively few residential properties would experience significant visual impact, due to the siting and design of the windfarm, the southward orientation of the nearest houses, and the screening effect of the topography and vegetation, though I accept that there would be limited views of the development from various locations around properties and on the access roads within Glen Urquhart. Even where they would be visible, I do not consider that the turbines would be overbearing from any of the nearby residential properties, or that the views would be 'unremitting' as the community council suggests.

Conclusions on landscape and visual impact

76. Overall, I conclude that, although the proposed windfarm would be generally well screened from the immediately surrounding roads and houses, it would have a significant visual impact when seen from important viewpoints in the wider area, notably Corrimony chambered cairn, the Affric-Kintail Way, and from either side of Loch Ness (and within the loch).

77. I also conclude that, in combination with other existing and approved windfarms, the proposal would have a significant cumulative impact when viewed from hilltops on the west

side of Loch Ness, from where it would contribute to the impression that they are becoming surrounded by wind turbines. Insofar as the proposed windfarm would detract from the view from Meall Fuar 'mhonaidh, an important landmark, I consider that the appeal proposal would have an adverse impact on one of the special qualities of the Special Landscape Area.

Impact on recreation and tourism

78. Many of the objectors, including Stop Turbines at Glenurquhart (STAG), Scotways, Mountaineering Scotland (MScot), Drumnadrochit Chamber of Commerce and Tourist Association, Glen Urquhart Community Council and Aigas Field Centre, contend that the proposed windfarm at Cnoc an Eas would have an adverse impact on recreation and tourism in the area, especially when considered in conjunction with other existing and proposed windfarms.

79. Highland Council considers that while wind farms may not stop people from visiting the area for the first time to take part in walking, mountaineering or other tourist activities, they may discourage repeat visits.

80. A visitor survey by Aigas Field Centre in connection with a proposal for a different windfarm in the area found that 71% of guests considered this is not an appropriate place for a windfarm, and 17% were less likely to return. The field centre employs up to 28 staff and contributes around £2 million to the local economy.

81. STAG argues that the commonly used national surveys are out of date, and should not be relied upon as the basis for decisions concerning the future of the tourism industry in Scotland. The group therefore carried out its own survey in 2015, which suggests that windfarms would deter people from visiting and staying in the area.

82. A detailed review on behalf of MScot does not reach a conclusive finding on the impact on tourism nationally, but estimates a displacement of 5% (but a potential to rise to over 10%) from areas with wind farms to areas without. MScot suggests that Glen Urquhart and the wider Affric area should be retained to avoid displacement even further afield from the cumulative mass of windfarms around the Great Glen.

83. The objectors are critical of the survey methodology used in much of the published research on the subject, including the reports by Glasgow Caledonian University (2008) and Biggar Economics (2016). Scotways urges caution in initiating adverse landscape change to locations where tourism is significant.

84. The recent study by Biggar Economics found that employment in the sustainable tourism sector rose by over 10% in the five years to 2014 when onshore wind energy development more than doubled. I note that Highland Council has previously confirmed that there was no evidence to support a decline in tourism as a consequence of windfarm development. The suggestion that tourists might be discouraged from returning does not seem to be supported by trends in the number of visiting tourists or the number of people employed in tourism in the affected areas. In essence, there is no evidence that wind farms have had an impact on tourism nationally, or in the areas with the most wind farms.

85. I conclude that the proposed development at Cnoc an Eas would be unlikely to have an adverse impact on recreation and tourism in the area.

Impact on ecology, nature conservation and forestry

86. The appeal site is not designated for its nature conservation value, but there are Special Protection Areas (SPAs) in the wider area. Scottish Natural Heritage (SNH) does not object to the proposal. Having regard to the low predicted collision risk mortality, SNH advises that the proposal would not adversely affect the integrity of Glen Affric to Strath Conon SPA, which is classified for its breeding golden eagle interest. It is also unlikely that it would have a significant effect on North Inverness Lochs SPA, which is classified for its breeding Slavonian grebe interest. No other protected species are likely to be affected at a natural heritage zone level.

87. The proposed development would require the removal of a substantial area of plantation forestry, but Forestry Commission Scotland is satisfied with the revised requirement for 16.54 hectares of compensatory planting (assuming Access Option B was adopted). A final forest design plan would require to be submitted and approved as a condition of any consent.

88. I conclude that there is no objection to the proposal on the grounds of ecology, nature conservation or forestry, subject to the implementation of appropriate mitigation measures.

Access and roads

89. The increase in traffic onto what the council describes as a 'fragile road network', mainly during the 20-month construction programme, and during decommissioning, would have an impact on the A831 and the A833. The average of seven HGV trips per day during the peak construction months would rise to 84 during concreting operations.

90. The appellants have put forward two alternative access options, both of which would take access from the A831 in the vicinity of Kilmartin Farm. It is proposed to upgrade the existing track to facilitate access to existing dwellings during the construction of the new access.

91. Local residents point out that part of the proposed access route from the A831 is also the access to their homes, and are concerned about the potential increase in noise, dust and fumes, and the disruption caused by the roadworks. The inconvenience would be greatly increased if Option A were selected. Moreover, the amended access road would be dangerous in winter.

92. Residents also suggest that the substantial increase in traffic would increase the risk of accidents and cause inconvenience on the A831 through the glen. Kiltarlity Community Council raises similar concerns in relation to the A833, which has several narrow sections and a very steep section at its south end.

93. However, Highland Council as roads authority did not object to the application, subject to conditions covering traffic management during construction and operation of the

windfarm, amongst other requirements. One of the suggested conditions would require a construction traffic management plan to be submitted and approved, which would include proposals for the routing, timing, scheduling and management of construction traffic movements, and an agreement under section 96 of the Roads Scotland Act 1984 to repair any damage to the local road network.

94. The proposed development would inevitably cause some short-term disruption to those living close to the access road, but I conclude that safe access could be provided to construct and operate the windfarm, and that the inconvenience to local residents could be kept to a reasonable minimum through the strict implementation of the construction traffic management plan.

Other environmental effects

95. There would be no significant issue in relation to flood risk, pollution or impact on private water supplies, providing appropriate conditions were imposed to ensure (amongst other things) that a construction environmental management plan and sustainable drainage systems were in place, together with mitigation measures to protect private water supplies and ground water dependent terrestrial ecosystems.

96. Scottish Environment Protection Agency (SEPA) withdrew its original objection in relation to the potential disturbance and reuse of peat, subject to finalised details (which would show how micro-siting would avoid deep peat) being agreed by condition in a peat management plan.

97. The appellants' report indicates that there is no line of sight between Inverness Airport and the proposed turbines, but it would be necessary to impose a condition to ensure that there would be no adverse effect on the performance of electronic aeronautical systems at the airport.

Potential benefits of the scheme

Socio-economic benefits

98. The proposed windfarm at Cnoc an Eas would have significant positive socio-economic benefits. The appellants' economic appraisal predicts that the proposed development would generate more than 80 full time equivalent jobs per year in Scotland (25 in Highland) during the two-year construction period and 8 per year in Scotland (7 in Highland) during the 25-year life of the development. Almost £9.4 million in earnings is expected to be generated in Highland, and over £28 million of gross value added in Scotland.

99. The appellants signed a memorandum of understanding with Soirbheas, a registered charity which aims to strengthen and support the communities of Glen Urquhart and Strathglass through investment in local renewable energy schemes.

100. They also have an agreement to order the turbine towers from the only Scottish manufacturer, based in Argyll, which would generate local income and jobs.

Climate change

101. The development would make a small yet worthwhile contribution to reducing Scotland's carbon dioxide emissions, and thereby support the efforts to reduce global climate change.

102. The proposed windfarm could deliver 44.2MW of installed capacity, and is expected to generate sufficient electrical energy to supply between 25,756 and 32,433 average UK households. The scheme has a carbon payback period of between 18 and 25 months, which equates to an overall carbon saving of over 16 times the amount of carbon emitted.

Development plan compliance

Local development plan

103. The key development plan policies in this case are Highland-wide LDP Policy 28: Sustainable Design, Policy 57: Natural and Cultural Heritage and, most importantly, Policy 67: Renewable Energy Developments.

104. Because I have found that the proposed development would have a significantly detrimental impact on the landscape and cultural heritage of the area, I conclude that the proposal does not accord with Policy 28.

105. Policy 57 states that all development proposals will be assessed taking into account the level of importance and type of heritage features, the form and scale of the development, and any impact on the feature and its setting. I have already found that the proposal would have an adverse impact on one of the special qualities of the Special Landscape Area (a feature of local/regional importance).

106. There would be a major adverse impact on the setting of the chambered cairn (a feature of national importance), which is not outweighed by social or economic benefits of national importance (see below). I conclude that the proposal is contrary to Policy 57, and that it would conflict with the council's supplementary guidance (Historic Environment Strategy), which stresses the importance of preserving scheduled sites within an appropriate setting, including the broader landscape context.

107. In relation to Policy 67, I have already found that the development would make a modest but valuable contribution towards meeting renewable energy targets, and would have significant socio-economic benefits (especially during the construction period). However, I have also concluded that the proposed windfarm would have significant adverse effects on cultural heritage features (the setting of the scheduled monument), significant landscape and visual impact, and significant adverse effects on the amenity of users of recognised visitor sites (including the chambered cairn and Loch Ness) and walking routes (Affric-Kintail Way).

108. Even allowing for the undoubted but limited socio-economic and climate change benefits of the scheme, I conclude that the adverse impacts would be so severe that the proposal would be significantly detrimental overall, on its own and in combination with other

developments. It follows that the proposed windfarm is contrary to Policy 67. I discuss the extent to which it accords with the associated supplementary guidance below.

109. Policy 68: 'Community' Renewable Energy Developments makes clear that the initial assessment of renewable energy proposals will apply the same tests of acceptability for a community project as it would to a commercial proposal, though it acknowledges that community involvement can be a material consideration. For the reasons already given, even if the project included an element of community ownership I do not consider that this is an appropriate location for development proposed.

Supplementary guidance

110. The council and STAG consider that the proposal is contrary to the council's Onshore Wind Energy Supplementary Guidance (SG), which was adopted with modifications in November 2016, and now forms part of the development plan. However, the appellants do not consider that there is any material conflict between the appeal proposal and the SG in relation to landscape and visual amenity and cultural heritage.

111. Within the spatial framework, the appeal site straddles an 'area of significant protection' (Group 2) and an 'area with potential for wind energy development' (Group 3). The Group 2 area is identified as such on the basis of SNH's Carbon and Peatland Map which shows peat and carbon rich soils within the site boundary. However, there is no issue with this constraint at the appeal site, so it can be reasonably regarded as Group 3 in terms of the spatial framework.

112. The SG gives further guidance on matters covered by policy 67 of the local development plan, and includes criteria which "*..set out key landscape and visual aspects that the Council will use as a framework and focus for assessing proposals..*". The SG makes clear that the criteria do not set absolute requirements, and that the assessment will be based on the characteristics of the proposal and its surrounding area. The criteria are a helpful checklist of matters to be taken into account in the siting and design of windfarms, rather than a definitive schedule of tests to be met in every particular.

113. For the reasons set out above, I consider that the proposal does not compare favourably with certain of the criteria, in particular because of the extent to which: it would contribute to perception of a key location (Meall Fuar 'mhonaidh) being encircled by wind energy development (criterion 1); the proposal would affect the setting of a valued cultural landmark at Corrimony (criterion 3); and the proposal would affect the amenity of a key recreational route, the Affric-Kintail Way (criterion 4).

114. Loch Ness is one of the areas included in the council's assessment of Highland's potential for wind energy development, but the appeal site lies outwith the Loch Ness Landscape Sensitivity Study Area. I consider that it would be wrong to extrapolate the guidance to assess the capacity of land beyond the study area boundary, particularly when the appeal site has been assessed in much greater detail as part of the Environmental Assessment.

115. Overall, I conclude that the appeal proposal is compatible with the spatial framework, but that it does not score well against some of the assessment criteria in the SG.

Overall conclusion on compliance with development plan

116. I conclude that the proposed windfarm at Cnoc an Eas would have a significant detrimental impact overall, and that the proposal is not in accordance with the development plan.

Consistency with national planning policies

117. This renewable energy proposal gains general support from the Scottish Government's commitment to the concept of sustainable development and achieving a low carbon economy, which is reaffirmed in Scottish Planning Policy and the National Planning Framework (NPF3). SPP confirms the aim to derive the equivalent of 100% of electricity demand from renewable sources by 2020.

118. SPP 2014 also introduced a presumption in favour of development that contributes to sustainable development. Paragraph 29 of SPP explains that policies and decisions should be guided by a number of principles, which include protecting cultural heritage including the historic environment, and natural heritage including landscape. At paragraph 40 SPP underlines that planning should direct the right development to the right place.

119. For the reasons given above, I do not consider that the development of a windfarm at Cnoc an Eas would represent the right development in the right place; nor do I consider that the proposed development would adequately protect the historic environment or areas of special landscape value. I have already concluded that the proposal would have an adverse effect on the integrity of the setting of the scheduled monument, and that there are no exceptional circumstances which would outweigh that adverse effect.

120. Table 1 of SPP explains that onshore wind farms are likely to be acceptable in areas defined as Group 3, subject to detailed consideration against identified policy criteria. Amongst the considerations listed at paragraph 169 are landscape and visual impacts, impacts on scheduled monuments and their settings, and cumulative impacts. I have already concluded that these impacts would be excessive in this case.

121. I conclude that the proposal is not consistent with national planning policy.

Overall conclusions

122. I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

Timothy Brian

Reporter