THE HIGHLAND COUNCIL

Agenda Item	5.5
Report No	PLN/006/17

NORTH PLANNING APPLICATIONS COMMITTEE
10 January 2017

16/02752/S36 : Infinergy Ltd
Limekilns Estate, Reay, Caithness

SUMMARY

Description: Erection of 24 wind turbines (Limekiln Wind Farm)

Recommendation: CONDITIONED RAISE NO OBJECTION

Wards: 01 - North, West and Central Sutherland

Development category: Major (Application under Section 36 of Electricity Act 1989)

Pre-determination hearing: None

Reason referred to Committee: Section 36 Application

1.0 Proposed Development

1.1 The Highland Council has been consulted by the Scottish Government's Energy Consents and Deployment Unit on an application made under Section 36 of the Electricity Act 1989 (as amended) for the construction and operation of a wind farm and associated infrastructure - Limekiln Wind Farm. The description of development as set out in the Environmental Statement sets out the proposal will include:

- Erection of twenty four wind turbines, nine up to 126m to blade tip and 15 at 139m to blade tip;
- Turbine foundations and crane hard standings;
- An internal or external transformer at the base of each turbine;
- Access to the A836;
- 19.4km of new or improved access tracks;
- Underground cabling;
- A substation and control building (including welfare and electrical metering facilities);
- A temporary construction compound and laydown area;
- Two borrow pit search areas;
- Five watercourse crossings;
- and
- Two 80m in height permanent anemometer masts.

1.2 This application is a re-submission of a scheme which was previously refused by Scottish Ministers. The original proposal was subject to an objection from The Highland Council on the basis of visual impact and impact on wild land. Thereafter a Public Local Inquiry was held and Scottish Ministers determined that the application should be refused. Detailed reasons for this refusal are available on the Scottish Government Energy Consents and Deployment Units Website. In bringing forward this application the applicant has used the information which supported their 2012 application as a starting point and through this application have sought to address the concerns as raised through the Public Local Inquiry and decision of the Scottish Ministers.

1.3 The applicant has stated that there are two potential access routes to the site. The first is from Scrabster Harbour via the A9 and A836 before reaching the site entrance to the east of Reay. The second option is from Scrabster Harbour via the A9, B874 and A836 to the site entrance. A final grid connection route is not known at this time. It will be subject to a separate application under Section 37 of the Electricity Act 1989 (As Amended). However, the applicant anticipates that this will be via an overhead line from the on-site substation to Dounreay Substation.

1.4 The applicant anticipates that the wind farm construction period will be 17 months. This period of time will include commencement on site through to site commissioning and testing. The applicant has stated they will utilise a Construction Environment Management Document throughout the construction period. This would be approved by The Highland Council, in consultation with relevant statutory bodies before the start of development or works. To address particular site constraints which may become apparent during construction the applicant is seeking a micrositing allowance of 50m.

1.5 The wind farm has an expected operational life of 25 years. Following this the applicant has advised that a decision will be made as to whether re-power the site. If the decision is made to decommission the wind farm, the applicant advises that all turbine components, substation and associated buildings will be removed. Upper sections of the foundations will be removed and backfilled with suitable material and restored. Cables would be cut away below ground level and sealed or removed. Some of the access tracks may be left in place.

1.6 In support of the application the following studies / assessments have been submitted:

- Environmental Statement addressing Planning Policy; Climate Change Policy, Carbon Payback and Peat Management; Socio-economics; Traffic and Transport; Noise; Landscape and Visual Impact; Cultural Heritage; Ecology; Ornithology; Hydrology; Hydrogeology; Shadow Flicker; Infrastructure; and Forestry;
- Residential Amenity Assessment; and
- Documentation from the previous Public Local Inquiry.

2.0 Site Description

2.1 The wind farm site extends to approximately 1140ha with the built development occupying 13.24ha. The turbines which form the development are set within an area of commercial forestry on a slightly undulating area of ground between Creag Leathan (127m Above Ordnance Datum (AOD)), Beinn Ratha (251m AOD), Clachgeal Hill (219 AOD) and Cnoc Luachair (218m AOD). The ground on which the turbines sit varies between approximately 80m in height and 120m in height above ordnance datum (AOD).

2.2 The site is located approximately 1.55km south of Reay, 12.3km west of Thurso. Small housing groups in this area include those at Isauld (1.6km) and Fresgoe (3.3km). The immediate area to the south and west of the turbine envelope is sparsely populated.

2.3 The site is not within any areas designated as important for natural heritage but there are a number of sites within a 20km radius study area of the site: including the following:

Special Areas of Conservation

- Caithness and Sutherland Peatlands
- Broubster Leans

Special Protection Areas

- Caithness and Sutherland Peatlands
- Caithness Lochs
- North Caithness Cliffs

Sites of Special Scientific Interest

- East Haladale
- Sandside Bay
- Loch Caluim Flows
- Broubster Leans
- Red Point Coast
- Caithness and Sutherland Peatlands

2.4 A number of archaeological records exist within and in proximity of the site. The applicant has considered that due to presence of known archaeology in the area the area of the application site has potential for further finds.

2.5 There are a total of 18 Scheduled Monuments within 5km of the site. There are three listed buildings within 5km of the site, these include Sandside House, Sandside Harbour and Reay Parish Church.

2.6 A number of watercourses are present within the development site. The Reay Burn drains the western part of the site and the Achvarasdal Burn drains the eastern part of the site. These watercourses ultimately feed into the sea. Lochan nan Eun is the main waterbody within the site and is located toward the centre of the site.

2.7 Within the site there are a number of Ground Water Dependant Terrestrial Ecosystems (GWDTEs) which are protected under the Water Framework Directive. The Phase 1 Habitat Survey which accompanies the application identifies that the application site includes grassy marshland as the most prominent GWDTE on the site with smaller elements of other wet grassland communities and acid flushes.

2.8 The bedrock on the site is classified as Strath Halladale Granite. Peat probing has been undertaken which has identified peat depths of between 0m and in excess of 2m albeit the areas of deeper peat over 2m in depth are limited.

2.9 A variety of valued habitats are present across the application site. The ES reported the results of the surveys for Otter, Water Vole, Pine Martin, Bats, Freshwater Pearl Mussels, Freshwater Invertebrates, Fish and Red Deer. The surveys, both desk and on-site, identified that the site has the potential habitat, both within the site and around it, to attract these species.

2.10 Surveys have been carried out which identify the site (including its immediate surrounds) is frequented by a varied range of birds. The submitted ES focuses on Golden Eagles as they were not covered in detail through the ES submitted with the earlier application's Environmental Statement. The findings of the earlier ES were not covered in detail in the re-submitted Environmental Statement.

2.11 The turbine area is characterised as Coniferous Woodland Plantation in the Caithness and Sutherland Landscape Character Assessment (CS-LCA).

2.12 The site is not located within any international or regional landscape designations. The site lies in proximity (within 35km) to the following landscape designations:

National Scenic Areas

- Kyle of Tongue.

Special Landscape Areas

- Farr Bay, Strathy and Portskerra;
- Ben Griam and Loch Nan Clar;
- Flow Country and Berriedale Coast; and
- Dunnet Head.

2.13 The turbines sits immediately adjacent to East Halladale Flows Wild Land Area (WLA) (WLA34) as identified on SNH's Wild Land Areas Map 2014. The application site is in proximity of the following wild land areas:

- WLA 35 - Ben Klibrek - Armine Forest;
- WLA 36 - Causeymire-Knockin Flows; and
- WLA 38 - Ben Hope - Ben Loyal.

2.14 The key recreational interests in this area are mountaineering, walking, and cycling. There are a number of low level walks in the area, including those around Reay which form part of the Core Path Network. Some higher level walks are also available in the area including those around Beinn Ratha and Beinn Dorrey.

2.15 When assessing a wind farm proposal, consideration of similar developments in proximity of the proposal for cumulative effects is required. The list below sets out the projects in the wider area (25km) that are operational, approved or have been submitted but not yet determined.

Built and / or consented

- Baillie
- Forss
- Bettyhill
- Strathy North
- Hill of Lybster
- Weydale
- Achlachan
- Causeymire
- Bad a Cheo
- Halsary

Under consideration

- Strathy South (awaiting decision by Scottish Ministers)
- Strathy Wood
- Dounreay Tri (Off-shore)
- Drumholiston (expecting to respond to Scottish Government by April 2017)

3.0 Planning History

3.1	24.02.2016	Proposed erection of 24 wind turbines and associated infrastructure at the Limekiln Estate (scoping opinion).
3.2	13.07.2013	Erection of 24 5mW wind turbines up to a maximum tip height of 139m (a mix of turbines with tip height of 139m and 126m are proposed for Limekiln Wind Farm (12/04781/S36) - Refused by Scottish Ministers. THC Raised Objection.

4.0 Public Participation

4.1 The application has been advertised in The Northern Times, Edinburgh Gazette and The Herald on two occasions: once when the application was submitted and then again on 14 August 2016 (on receipt of substantive responses). The representation deadline was 16 September 2016. Further once any materially relevant information is placed on the Planning Register, there is a further 28 day period for comment. The last piece of material relevant information for this application is considered to be the SNH response which was placedo nthe register on 01 September 2016. This means the overall closing date for representations was 29 September 2016. While representations are directed to the Energy Consents and Deployment Unit (ECDU) many responses are either sent only to The Highland Council or are copied to The Highland Council. All representations will be passed to ECDU and all responses received by ECDU, that raise material planning issues, have been considered in coming to a view on this application.

4.2 The Scottish Government's Energy Consents and Deployment Unit have recorded 277 objections, 0 representations and 3 letters of support.

4.3 The Highland Council has received 283 objections, 1 letter of support and 0 representations.

4.2 Material considerations raised in objection are summarised as follows:

- Impact on wild land;
- Visual Impact (individual and cumulative);
- Landscape impact;
- Traffic Impact (road and road users);
- Impact on wildlife and ecology;
- Impact on ornithology;
- Impact on recreational users of the outdoors including those using the area for walking;
- Impact on water environment ;
- Environmental impact of construction;
- Impact on private water supplies;
- Impact on residential amenity;
- Noise Impact;
- Shadow flicker;
- Tourism impact;
- Impact on peat;
- Limited economic benefit.

4.3 Material considerations raised in support are summarised as follows:

- Economic benefits;
- Environmental benefits.

4.4 Non-material considerations raised in objection are summarised as follows:

- Inefficient technology;
- Health impacts;
- House values.

5.0 Consultations

Consultations undertaken by the Planning Authority

5.1 **Caithness West Community Council** object to the application. Concerns have been raised as to the detrimental impacts of the proposed development on the village of Reay and the surrounding area in particular residential amenity, impact on tourism and the visibility of the scheme from the A836, part of the North Coast 500 (NC500) route. economic impact. Conditions are sought to secure traffic management, including the provision of footbridges to the east and west of Reay in the interests of pedestrian safety.

5.2 **THC Transport Planning** does not object to the application. The following comments and recommendations have been made: the U4724 Milton Road is vulnerable to damage from construction traffic and will require significant improvement if it is to form part of the delivery access to the site; a Construction Traffic Management Plan will be required which should also detail temporary and permanent road mitigation measures; and a Section 96 (wear and tear) legal agreement will be required.

5.3 **THC Forestry** does not object to the application in principal but requires further information and clarification on the amount of compensatory planning proposed.

5.4 **THC Historic Environment Team** does not object to the application. It advises that the mitigation set out in the Environmental Statement will be required and recommend that a condition is attached to any consent given to secure a programme of work for the preservation, evaluation and recording of historic features affected by the development.

5.5 **THC Access Officer** does not object to the application. He advises that the turbines should be located 110% of the blade tip height from any core path for amenity purposes. An Access Management Plan should be secured by condition.

5.6 **THC Environmental Health** do not object. Conditions are sought in relation to noise limits and private water supplies.

Consultations undertaken by the Energy Consents and Deployments Unit

5.7 **Scottish Environment Protection Agency (SEPA)** do not object to the application subject to conditions. Conditions are sought to secure: construction environment management, pollution prevention, delivery of mitigation set out in the schedule of mitigation, micrositing (with specific requirements related to the minimisation of peat disturbance and buffers to water courses), peat management, habitat management, forestry residue management, borrow pit management, and design of water course crossings.

5.8 **Scottish Natural Heritage (SNH)** object to the application due to the adverse effects on Wild Land Area 39 (East Halladale Flows). SNH also request that conditions are applied inline with their assessment to avoid impacts on the integrity of the Caithness and Sutherland Peatlands Special Area of Conservation and Special Protection Area. SNH also advise that there will be likely significant effects on the qualifying features of the Caithness Lochs SPA, however they advise the impacts are unlikely to have a significant effect on the integrity of the site.

5.9 **Transport Scotland** do not object to the application. Conditions are sought to secure detailed routes and mitigation for abnormal loads using the trunk road and quality assured traffic management.

5.10 **Historic Environment Scotland (HES)** do not object to the application.

5.11 **Marine Scotland Science (MSS)** do not object to the application. They have recommended that: electrofishing surveys are extended to the Sandside Burn; pre-construction surveys include macroinvertebrate sampling; in river workings are

avoided between October and May; monitoring of water quality pre and during decommissioning; impacts of felling on water quality; and a programme of integrated water quality, macroinvertebrate and fish population monitoring is undertaken.

5.12 **Ministry of Defence - Defence Infrastructure Organisation (MOD-DIO)** do not object to the application. Conditions are sought to secure aviation lighting.

5.13 **National Air Traffic Services (NATS)** do not object to the application.

5.14 **Civil Aviation Authority (CAA)** do not object to the application.

5.15 **Highlands and Islands Airports (HIAL)** do not object to the application. The development would not infringe the safeguarding area for Inverness Airport.

5.16 **Scottish Water** do not object to the application. Regulatory advice is provided to the applicant.

5.17 **Office for Nuclear Regulation** did not respond to the consultation.

5.18 **Joint Radio Company** do not object to the application. It has not identified any links which will be affected by the turbines.

5.19 **Visit Scotland** does not object to the application.

5.20 **Scottish Wildlife Trust** did not respond to the consultation.

5.21 **The Crown Estate** does not object to the application.

5.22 **Royal Society for the Protection of Birds (RSPB)** do not object to the application. Concerns are raised as to the potential impact on Golden Eagles and survey methodologies and completeness.

5.23 **Caithness District Salmon Fishery Board** does not object to the application.

5.24 **Mountaineering Council for Scotland** does not object to the application.

5.25 **John Muir Trust (JMT)** object to the application. Objections have been raised as to the cumulative visual impact of the proposed development, impact on wild land, and impact on the economy.

5.26 **Scotways** did not respond to the consultation.

5.27 **British Horse Society** do not object to the application. They request the development is made equestrian friendly and that tracks are suitable for multi-use access.

5.28 **Forestry Commission Scotland (FCS)** do not object to the application. FCS seek conditions to be attached securing compensatory planting and to provide a forest plan.

5.29 **C2MHILL (Peat Slide Risk)** do not object to the application. Further information is sought in relation to peat slide risk.

5.30 **British Telecom (BT)** do not object to the application.

6.0 Development Plan Policy

6.1 The following policies are relevant to the assessment of the application

Highland-Wide Local Development Plan 2012

6.2

Policy 28	Sustainable Development
Policy 29	Design, Quality and Place Making
Policy 31	Developer Contributions
Policy 51	Trees and Development
Policy 55	Peat and Soils
Policy 56	Travel
Policy 57	Natural, Built and Cultural Heritage
Policy 58	Protected Species
Policy 59	Other Important Species
Policy 60	Other Important Habitats
Policy 61	Landscape
Policy 63	Water Environment
Policy 67	Renewable Energy Developments

- Natural, Built and Cultural Heritage
- Other Species and Habitat Interests
- Landscape and Visual Impact
- Amenity at Sensitive Locations
- Safety and Amenity of Individuals and Individual Properties
- The Water Environment
- Safety of Airport, Defence and Emergency Service Operations
- The Operational Efficiency of Other Communications
- The Quantity and Quality of Public Access
- Other Tourism and Recreation Interests
- Traffic and Transport Interests

Policy 72	Pollution
Policy 77	Public Access

Caithness Local Plan (As Continued in Force 2012)

6.3 The general polices and land allocations of the Local Plan pertinent to this application have been superseded by the policies of the Highland-wide Local Development Plan.

Proposed Caithness and Sutherland Local Development Plan (January 2016)

6.4 No policies or allocations relevant to the proposal are included in the Proposed Plan. However it should be noted that the Proposed Plan confirms the boundaries of the Special Landscape Areas.

Supplementary Guidance

6.5 The following Supplementary Guidance forms a statutory part of the Development Plan and is considered pertinent to the determination of this application.

- Flood Risk and Drainage Impact Assessment: Supplementary Guidance (January 2013)
- Highland Historic Environment Strategy: Supplementary Guidance (March 2013)
- Managing Waste in New Developments: Supplementary Guidance (March 2013)
- Sustainable Design Guide: Supplementary Guidance (January 2013)
- Trees, Woodlands and Development: Supplementary Guidance (January 2013)
- Highland Statutorily Protected Species: Supplementary Guidance (March 2014)

7.0 Other Material Planning Policy

Onshore Wind Energy: Supplementary Guidance (September 2016)

7.1 The document provides additional guidance on the principles set out in Policy 67 - Renewable Energy Developments of the Highland-wide Local Development Plan and reflects the updated position on these matters as set out in Scottish Planning Policy. This draft document is a material consideration in the determination of planning applications. It is anticipated that the document will be adopted in Winter 2016. The document has been submitted to Scottish Ministers as part of the moved toward formal adoption as statutory supplementary guidance.

7.2 The document includes a Spatial Framework, which is largely in line with Table 1 of Scottish Planning Policy. The site sits predominantly within an “Area with Potential for Wind Farm Development”.

Other Highland Planning Guidance

7.3 The Highland-wide Local Development Plan is currently under review and is at Main Issues Report Stage. It is anticipated the Proposed Plan will be published in 2016.

7.4 In addition to the above, The Highland sets out further advice on delivery of major developments in a number of documents. This includes Construction Environmental Management Process for Large Scale Projects and The Highland Council Visualisation Standards for Wind Energy Developments.

Scottish Government Planning Policy and Guidance (June 2014)

7.5 Scottish Planning Policy (SPP) advances principal policies on Sustainability and Placemaking, and subject policies on A Successful, Sustainable Place; A Low Carbon Place; A Natural, Resilient Place; and A Connected Place. It also highlights that the Development Plan continues to be the starting point of decision

making on planning applications. The content of the SPP is a material consideration that carries significant weight, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case.

7.6 The SPP sets out continued support for onshore wind. It requires Planning Authorities to progress, as part of the Development Plan process, a spatial framework identifying areas that are most likely to be most appropriate for onshore wind farms as a guide for developers and communities. It also lists likely considerations to be taken into account relative to the scale of the proposal and area characteristics (Para. 169 of SPP).

7.7 **Other Material Planning Considerations**

- National Planning Framework for Scotland 3
- PAN 56 – Planning and Noise
- PAN 58 – Environmental Impact Assessment
- PAN 60 – Planning for Natural Heritage
- 2020 Routemap for Renewable Energy
- Onshore Wind Turbines
- Wind Farm developments on Peat Lands

8.0 PLANNING APPRAISAL

8.1 As explained in Section 1 of this report, the application has been submitted to the Scottish Government for approval under Section 36 of the Electricity Act 1989 (as amended). Should Ministers approve the development, it will receive deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended). While not a planning application, the Council processes S36 applications in the same way as a planning application as a consent under the Electricity Act will carry with it deemed planning permission.

8.2 Section 25 and of the Town and Country Planning (Scotland) Act 1997 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

Determining Issues

8.3 The determining issues for the Council as planning authority responding to this consultation are:

- do the proposals accord with the development plan?
- if they do accord, are there any compelling reasons for not approving them?
- if they do not accord, are there any compelling reasons for approving them?

Planning Considerations

8.4 In order to address the determining issues, the Committee must consider

a) Development Plan
b) Onshore Wind Energy Supplementary Guidance

c) Energy and Economic Benefits
d) Caithness and Sutherland Local Development Plan - Proposed Plan
d) National Policy
e) Roads and Transport
f) Water, Flood Risk, Drainage and Peat
g) Natural Heritage including ornithology;
h) Built and Cultural Heritage
i) Design, Landscape and Visual Impact (including Wild Land)
j) Access and Recreation
l) Noise and Shadow Flicker
m) Telecommunications
n) Aviation
o) Construction
p) Forestry
q) Other material considerations

Development Plan

8.5 The Development Plan comprises the adopted Highland wide Local Development Plan (HwLDP) and the Caithness Local Plan (as continued in force). There are no site specific policies affecting this application site within the Caithness Local Plan (as continued in force). The principal HwLDP policy on which the application needs to be determined is Policy 67 - Renewable Energy. The other HwLDP policies listed at 6.2 of this report are also relevant and the application must be assessed against these.

8.6 Policy 67 sets out that renewable energy development should be well related to the source of the primary renewable resource needed for operation, the contribution of the proposed development in meeting renewable energy targets and positive / negative effects on the local and national economy as well as all other relevant policies of the development plan and other relevant guidance. In that context the Council will support proposals where it is satisfied they are located, sited and designed such as they will not be significantly detrimental overall individually or cumulatively with other developments having regard to 11 specified criteria (as listed in para 6.2). Such an approach is consistent with the concept of Sustainable Design (Policy 28) to achieve the right development in the right place; it is not to allow development at any cost. If the Council is satisfied that there will be no significant adverse impact then the application will accord with the Development Plan.

Onshore Wind Energy Supplementary Guidance (November 2016)

8.7 The Onshore Wind Energy Supplementary Guidance is a material consideration in the determination of planning applications. The site principally falls within an “Area with Potential For Wind Energy”. This requires the proposal to be assessed, as noted above, within Policy 67 of the HwLDP. The Supplementary Guidance also expands on the considerations / criteria set out in the Development Plan policy.

8.8 Matters related to the considerations as contained within this document are addressed across this assessment.

Draft Caithness Landscape Sensitivity Study

8.9 The draft Landscape Sensitivity Appraisal for Caithness has been published for public consultation. Responses are due by 20 January 2017. The turbine envelope for this application falls within area CT4 Central Caithness, a landscape area described as flat to gently undulating where the guidance advises "there is some limited potential for further commercial scale development in this LCT, to concentrate and consolidate with existing development."

8.10 The application is seen to accord, in part, with the draft landscape sensitivity appraisal for Caithness, however it gives a strong steer as to the siting and design of developments a matter which is discussed later in this report. The Council regards the draft appraisal as a material consideration but it cannot be given full weight in the context of Development Plan Policy. It is however informative of the intent of the Council's position and advanced within its adopted Supplementary Guidance and should not be lightly set aside.

Caithness and Sutherland Local Development Plan Proposed Plan (CASPlan)

8.11 The Caithness and Sutherland Local Development Plan Proposed Plan does not contain any specific land allocations related to the proposed development. Paragraph 74 of the CASPlan sets out that the Special Landscape Area boundaries have been revised for CASPlan to ensure "key designated landscape features are not severed and that distinct landscapes are preserved." The boundaries set out in CASPlan are supported by a background paper which includes citations for the Special Landscape Areas. Policies 28, 57, 61 and 67 of the HwLDP seek to safeguard these regionally important landscapes. The impact of this development on landscape is primarily assessed in the Design, Landscape and Visual Impact (including Wild Land) section of this report.

National Policy

8.12 There is strong support for renewable energy development in national policy. The Scottish Government has a target of 50% of Scotland's electricity demand generated from renewable resources by 2015 and 100% of demand by 2020. These targets are not a cap. As the technology is well developed it is expected that the majority of this energy will come from on-shore wind farms.

8.13 Notwithstanding the overarching context of support, SPP recognises that the need for energy and the need to protect and enhance Scotland's natural and historic environment must be regarded as compatible goals. The planning system has a significant role in securing appropriate protection to the natural and historic environment without unreasonably restricting the potential for renewable energy. National policies highlight potential areas of conflict but also advise that detrimental effects can often be mitigated or effective planning conditions can be used to overcome potential objections to development.

8.14 Criteria outlined within SPP for the assessment of applications include landscape and visual impact; effects on heritage and historic environment; contribution to renewable energy targets; effect on the local and national economy and tourism

and recreation interests; benefits and dis-benefits to communities; aviation and telecommunications; development with the peat environment, noise and shadow flicker; and cumulative impact.

Energy and Economics

8.15 The Council continues to respond positively to the Government's renewable energy agenda. Nationally onshore wind energy capacity at end of Quarter 2, 2016 was 9,618MW. Highland onshore wind energy projects in operation/under construction or approved as of January 2016 have a capacity to generate 1,991MW; approximately 20.7% of the national installed capacity. There is a further 2,116MW off-shore wind in Highland.

8.16 While the Council has effectively met its own 2015 target, as previously set out in the Highland Renewable Energy Strategy, it remains the case that there are areas of Highland capable of satisfactorily absorbing renewable developments without significant effects. However, equally the Council could take a more selective approach to determining which wind farm developments should be supported, consistent with national and local policy. This is not treating targets as a cap or suggesting that targets cannot be exceeded; simply recognition of the balance that is called for in both national and local policy.

8.17 Notwithstanding any significant impacts that this proposal may have upon the landscape resource, amenity and heritage of the area, the development could be seen to be compatible with Scottish Government policy and guidance and increase its overall contribution to the Government, UK and European energy targets.

8.18 The proposed development anticipates a construction period of 17 months, 25 years of operation prior to several months of decommissioning. Such a project can offer significant investment / opportunities to the local, Highland, and Scottish economy including businesses ranging across construction, haulage, electrical and service sectors. The applicant has estimated that during development and construction there will be an economic benefit of £39m to Scotland with £14.1m of that benefit to be in Highland. During Operations and maintenance it is estimated that there would be an annual economic benefit to Scotland of £3.6m, £2.1m of that would be in Highland with the potential creation of 11 jobs in Highland.

8.19 There is also likely to be some adverse effects caused by construction disruption (traffic). Representations have raised the economic impact that turbines may have on tourism. These adverse impacts are most likely to be within the service sector particularly during the construction phase when abnormal loads are being delivered to site.

8.20 Representations have also highlighted potential adverse impacts on recreation in the outdoors, predominantly on the core paths around the area and the National Cycle Network. These concerns have been raised in relation to the disturbance to the natural and wild qualities of the area in relation to wind farm development and the impact this may have on tourism consideration of impacts on these matters are contained elsewhere in this report.

8.21 Representations raise concerns with the potential visual impact on users of the North Coast 500 route which runs to the north of the site. The visual impact of the development on users of this route is considered elsewhere in this report.

8.22 The assessment of socio-economic impact by the applicant identifies that the development is unlikely to have an adverse impact on tourism. This is disputed by those making representations.

Roads and Transport

8.23 The development will bring an increase in traffic onto the local road network, with some limited use of the trunk road network. Elements of the route are in an unfavourable condition. The increase in traffic will be principally during construction. There will be limited to no impacts on the trunk road network. The Transport chapter of the ES considers the potential impacts of the development in two different scenarios. Scenario 1 is that stone is required to be imported to the site, this is the worst case scenario. Scenario 2 is where all required stone is won on site.

8.24 The construction activity involving the largest number of vehicle movements would be road stone deliveries. This would involve 122 HGV movements per month in months 8, 9 and 10 of the construction period. In months 12, 13 14 and 15 it is anticipated that the concrete deliveries would take place with a turbine base being poured. It is anticipated that this would be one day of movements per turbine base. Therefore a total of 24 days will have greater HGV movements than normal. Turbine components will be delivered to site in months 12-15 of the construction programme.

8.25 The site will be accessed from a newly created access onto the A836. It is considered that the access will require upgrades as set out in the ES. Transport Planning consider that there is a significant risk of damage to the U4724 Milton Road if it is required to provide access to the site. Transport Planning has recommended that prior to the commencement of construction that the principle roads to be used in the construction of this development are assessed in detail to identify mitigation required. A Construction Traffic Management Plan will also be required to manage the impact of construction on the road network. Given the potential disruption to the road network during construction, there will be a need for a liaison group to ensure the community are informed of any traffic issues prior to them coming into force. This can be secured by condition.

8.26 The preferred port for delivery is at Scrabster. This harbour has successfully accommodated turbine deliveries in the past. Temporary mitigation to the load road network out of this area is however required due to the size of the components being transported to the site.

Water, Flood Risk, Drainage and Peat

8.27 The Environmental Statement is clear that a Construction Environmental Management Document / Plan (CEMD) will be in place to ensure that potential sources of pollution on site can be effectively managed throughout construction and in turn during operation, albeit there will be fewer sources of pollution during operation.

8.28 The CEMD needs to be done secured by planning condition. This will ensure the agreement of construction methodologies with statutory agencies following appointment of the wind farm balance of plant contractor and prior to the start of development or works.

8.29 In order to protect the water environment a number of measures have been highlighted by the applicant for inclusion in the CEMD including the adoption of sustainable drainage principles, and measures to mitigate against effects of potential chemical contamination, sediment release and changes in supplies to Ground Water Dependant Terrestrial Ecosystems. This includes setbacks from water courses. SEPA support this approach however conditions are sought to secure further details of these matters.

8.30 The wider site is home to extensive Ground Water Dependent Terrestrial Ecosystems (GWDTEs). The positioning of the tracks and turbines have generally avoided the most sensitive GWDTEs. SEPA are satisfied that the proposed development has been designed to avoid impacts on GWTEs. All watercourse crossings are to be designed to cope with a 1 in 200 year flood event. The detailed design of these water crossings can be secured by condition as per the consultation response from SEPA.

8.31 The development proposes the use of Sustainable Drainage Systems to attenuate run off and filter out any potential pollutants. Details of the SuDS plan can be secured by condition to allow final assessment by SEPA and the THC Flood Risk Management Team.

8.32 The majority of the site contains peat. It is noted that the peat survey undertaken does not follow good practice. However, SEPA consider that based on the information in the ES, that peat is not a significant issue for this site. It is requested that a peat management plan is to be secured by condition to help ensure the resource is appropriately safeguarded through the construction and restoration period.

8.33 Environmental Health have noted that the proposed development has the potential to impact on a single private water supply. It is proposed that mitigation to avoid the impact and reduce risk is put in place.

Natural Heritage including ornithology

8.34 The development is not situated within any sites designated for ecological interests but is close to, and has potential connectivity with, a number of sites which are designated at national and international level. As there is a potentially connected

sites designated at a European level (Caithness and Sutherland Peatlands SAC and SPA, Caithness Lochs SPA), the proposal needs to be assessed against the 'Habitats Directive' which is translated into Scots law through the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Ministers will require to be satisfied that this is completed prior to making a decision on the application. SNH advise that the based upon the information presented there would be a likely significant effect on both of the aforementioned sites but the development is unlikely to have an adverse affect on the integrity of the site for the Caithness Lochs SPA. To avoid impact on the Caithness and Sutherland Peatlands SAC, SNH have requested that the development is carried out in strict accordance with the mitigation identified in the SNH consultation response.

8.35 The conditions on the site support a number of valued habitats and protected species. The Environmental Statement has identified the ecological receptors present within and outwith the site. Through the design of the development, it is considered that the applicant has avoided or minimised the impact on these ecological receptors. With that said, mitigation is proposed in order to further reduce the potential for adverse effects. This includes undertaking further baseline monitoring of the ecology; implementation of pollution prevention plans; and implementation of species protection plans (if required). A Habitat Management Plan would be produced and implemented. The implementation of a Habitat Management Plan and employment of an Ecological Clerk of Works during construction can be set by condition.

8.36 The impacts of this development on ornithology are related to displacement during the construction phase and potential collision risk through the operation phase of the development. The development has designed out many of the risks to ornithology, this has included minimising the open areas around the turbines. Mitigation is still considered appropriate. RSPB have not objected to the development but they consider that the applicant could have done more to design out further potential impacts, including those on the golden eagle.

8.37 SNH have advised that a Deer Management Plan should be produced and implemented in partnership with adjacent landholdings and interests to better manage the population of deer across the area. This can be secured by condition.

Built and Cultural Heritage

8.38 The area in which the wind farm sits contains a limited amount of built and cultural heritage features. The wider area contains a modest number of Scheduled Monuments and Listed buildings. No designated sites will be directly affected as a result of the proposed development, however there is potential for indirect impacts. These are however negligible. Historic Environment Scotland have not objected. The ES identifies known archaeological features within the site, however there is further potential for buried archaeology on the site. It is considered that a scheme for the investigation, preservation and evaluation of archaeological remains is agreed with the Planning Authority prior to the commencement of development. This can be secured by condition.

Design, Landscape and Visual Impact (including Wild Land)

8.39 A total of 20 viewpoints across a study area of 35km have been assessed with regard to landscape and visual impact. These viewpoints are representative of a range of receptors including recreational users of the outdoors and road routes. The expected impact of the development in isolation can be seen with the ZTV to Blade Tip with Viewpoints (Figure 9.8) in the Environmental Statement. The methodology for the Landscape and Visual Impact Assessment is generally accepted. The table of residual significant effects (Table 9.7) is considered appropriate but it does not give a view as to the acceptability or otherwise of the affects. Table 9.2 sets out what the developer has used to evaluate landscape and visual effects. In instances where the effect is described as "significant / not significant", further consideration is required as to whether the effect is considered significant. This is undertaken on a viewpoint by viewpoint and case by case basis.

Design

8.40 The development will predominantly be viewed from the north, west, and south-west as an array of 24 turbines. The design of the wind farm has had to balance of: landscape character and visual amenity; environmental constraints; topography and ground conditions; and technological and operational requirements. The applicant has explained for each viewpoint how the design has sought to address the receptor(s) at the viewpoint. The design of the development is best demonstrated by the visuals from VP5 - Sandside Harbour.

8.41 The design process started with a proposed development of 50 turbines in the original EIA scoping request. This was reduced to 27 following consideration of wind data applicant. The final design is a 24 turbine development that the applicant has proposed through this application taking into consideration further matters related to landscape and visual impact. The development sits on a slightly undulating site that is currently utilised by forestry operations. The ES has sought to utilise the forestry and the surrounding topography to screen the development.

8.42 The Caithness and Sutherland LCA considers that the Moorland Slopes and Hills landscape type varies but are linked by their overall openness, subtle mix of sloping land form and ground cover. Coniferous plantations are considered to "form a key landscape characteristic within some areas of moorland slopes and hills". It is considered that these characteristics are typical of the site in which the proposed development sits.

8.43 The guidance included within the Caithness and Sutherland LCA points out that "This landscape may be favoured for wind farm development". However it goes on to note that it is "invariably difficult to locate numerous wind turbines within this landscape without creating a confusing visual image, on account of the variable nature of the sloping landform." It is considered that generally, the design of the scheme has taken due consideration of the surrounding developments, including Baille and Forss, to present a scheme that fits with the pattern of development in the area.

8.44 There are however some concerns with regard to the scale of the turbines and positioning and presence of certain turbines. These issues are particularly noticible when the scheme is viewed from the north east and north west. The turbines are a mix between 126m and 139m blade tip height turbines. These are larger than any other consented schemes in Caithness, however this is not necessarily problematic when the way in which the development sits within the site which is relatively well contained by existing landforms and land uses. The landforms and land uses (forestry) will not conceal the development in its entirety but it does conceal elements of the scheme when viewed at both long and short distances. This is particularly the case for the Beinn Ratha ridge which significantly reduces visibility from the west.

8.45 Due to the undulating nature of the ground some of the turbines appear more prominent from key viewpoints to the north east and north west. The turbines that would consistently appear larger due to their positioning are turbines 20 and 21. It is not considered that the removal or reduction in height of these turbines would necessarily reduce overall visibility of the scheme but it would start to create amore cohesive design when viewed by receptors from viewpoints to the north, north east and north west. This can be demonstrated through the visualisations for viewpoints 2, 3, and 5. In these views and others Turbines 20 and 21 appear significantly larger and out of scale with the rest of the development. In addition Turbine 19 appears, in many views to be an outlying turbine and does not necessarily make a contribution to a cohesive design. Removal of this turbine would, in most views, present a more compact development. This would be particularly noticeable as one travels west along the A836 toward the scheme where, as demonstrated by viewpoint 6, the Turbine 19 appears significantly detached and unrelated to the rest of the development.

8.46 It appears that views from north and west were the key design drivers for the development. The turbines from these views appear to be well spaced and appear to lead a cohesive design solution, however the points raised earlier in this report in relation to turbines 19-21 can clearly be demonstrated. Other than Beinn Ratha and Ben Dorrey, there are few other notable landforms in the area which provide a scale indicator close to the development. As such the scale both in number of turbines and height of turbines is not a particular issue when viewed at distance. However, where the development is seen in the context of Beinn Ratha in particular the scale of the turbines can appear as a poor fit with the surrounding landscape. This can be seen from, for example, at Viewpoint 4 - Shebster.

8.47 The relationship with other wind energy schemes in the area, has generally been well considered. There are limited opportunities in which Limekiln will add to visual stacking of wind turbines within other consented or operational developments. This is with the exception of Baillie and Forss wind farms. When the development could theoretically be seen to visually stack with the existing schemes in the area, for example at VP10 (Lythmore Junction) there are limited receptors who would experience the visual affect and given the different landscapes in which the developments sit, they would appear as distinctly separate schemes. The matter of cumulative and sequential impact is more of a concern as one travels through the area on the principal road network.

8.48 In terms of design of the other infrastructure on the site, these appear to have been well sited and designed with those elements of greatest visual impact (borrow pits and tracks) set into the forested area. However, the forestry will continue to be managed through the operation of the wind farm. This may increase the visibility of turbines from some areas, however the areas where felling takes place will be re-stocked.

Landscape

8.49 The ES identifies that the effect on the localised parts of this LCT where the development takes place would be significant. Given the existing use of the LCT the ES states that the effect on the underlying landform (likely Sweeping moorland) is not as noticeable due to it being largely covered by forestry. The ES also states that the existing land use has reduced the sensitivity to change of this area to medium to low sensitivity. The ES considers that the magnitude of change will be high due to the key-holing of turbines and infrastructure in to the forestry. This assessment is not disputed.

8.50 The CS-LCA includes design criteria for development within the Sweeping Moorlands LCT. This suggests that new elements fit better where their size and siting allows the surrounding space to be clearly visible and that the structure appears visually balanced. It gives specific guidance for wind energy development where it suggests that there can be conflicts between this type of development and the sense of remoteness and wild land. It should be noted that while this development is immediately adjacent to a Wild Land Area, this development is not within a Wild Land Area. The guidance continues to state that wind energy development tends to appear most appropriate where is it located within the wide open areas of this landscape character type. It also suggests that the wind farm will appear most rational where it is arranged in a clearly ordered manner, as a unified and concentrated group with its own identity.

8.51 The ES has also identified significant effects on the character of the wider Sweeping Moorland LCT at Broubster and to the West. This is not disputed.

8.52 The ES has not identified significant effects on any other LCA in the study area.

8.53 The ES suggests that the landscape character effects as a result of the presence of the turbines will be reversible but due to the potential for retention of tracks for use by the landowner any resultant effects would not be reversible. However, as set out in Scottish Planning Policy (Paragraph 170), wind farm sites should be suitable in perpetuity. Therefore it is considered reasonable to assess all landscape character effects as non-reversible. The applicant considers that in assessing the impact of the development in this way they do not consider this offends Scottish Planning Policy

8.54 The applicant has stated in the ES that the introduction of the development into the landscape would not affect the special qualities of the nationally and regionally designated sites. These include those set out in paragraph 2.12 of this report. The assessment is not disputed due to the intervening distances to the proposed development.

Wild Land

8.55 No element of the proposed development is within a wild land area, however it is immediately adjacent to Wild Land Area 39 - East Halladale Flows. As it is not within a Wild Land Area it is considered that Paragraph 215 of Scottish Planning Policy does not apply, but the general test considering the effects on wild land as set out in Paragraph 169 of SPP and reflected in Policy 67 of the Highland-wide Local Development Plan and the Onshore-Wind Energy Supplementary Guidance. A Wild Land Assessment has been carried out by the applicant and SNH have commented on this. This policy requires consideration of the impacts on the wild land area. In considering this matter, the in impacts on the wild land area need to be considered. These are as follows:

- Introduction of turbines and other infrastructure into views from the wild land area; and
- Introduction of a dominant contemporary land use visible from the wild land area affecting the perceptual qualities of wildness.

8.56 In the report for the Public Local Inquiry the reported considered that in views from Beinn Ratha towards the development, the Reporter determined that the significant impact in this area would not lead to the impact on the WLA as a whole being considered unacceptable. As the views to the west from Beinn Ratha are predominantly to peatland. The Reporter considered that this area is important as a "transitional zone" from a commercial plantation through to a managed landscape, rugged hillside and beyond to the areas of higher qualities of wildness in the west. The Reporter went on to suggest that the impact on this part of the WLA would not be unacceptable. However, this did not mean that the impact on the WLA as a whole would be acceptable. The Reporter considered that further information was required to assess the impact of the development on the WLA as a whole. The applicant has provided this further assessment including that for representative Wild Land Viewpoints (WLVP) E - H.

8.57 It is accepted that the development will not be the only modern feature in this landscape, as the commercial forestry is clearly manmade. However, it is considered that a wind farm would have a much greater impact, due to the scale and movement of turbine blades, on qualities of wildness than the currently present features in this area of the wild land. However, this needs to be viewed in its context and from a number of locations within the Wild Land Area (WLA) to gain an understanding of the impact. The lack of information on the impact on the WLA in the south east was one of the reasons for refusal of the previous application. This information has been submitted as part of this application and has been considered in the field by the Council's case officer.

8.58 The proposed development will be clearly visible from the ridge of Beinn Ratha and its eastern slopes heading down to the boundary of the WLA. To the west of the Beinn Ratha ridge there is limited visibility with the exception of an area around Cnoc Bad Mhairtein (Wild Land Viewpoint B) and Cnoc Fhuarain Bhain (Wild Land Viewpoint C). In this area, one is deeper into the WLA and looking east across an area where there are very few human interventions, the exception being a powerline. There is also some visibility of Baillie Wind Farm, largely limited to tips

of turbines. When looking to the west, the open skies are broken by operational wind energy developments at Strathy North and Bettyhill. From this area Limekiln would not be seen within the context of a commercial plantation due to the intervening topography. SNH consider that the impact on the WLA would be high due to the absence of human artefacts currently visible. While this is the case when looking east, when considering the views out from this central part of the WLA, it is not considered that this is the case. It is however accepted that the turbines at Limekiln will foreshorten the views to the east and this will indirectly impact on the perceptual qualities of wildness experienced from this part of the WLA.

8.59 Having considered this new information the indirect impact on perceptual qualities of wildness looking toward the scheme would be reduced, particulalrly from Beinn Nam Bad Mor where one is in relative close proximity to the scheme and at a higher elevation. At the WLVP D-F, it is not considered that the scheme will have any perceptual impact as the visibility of the scheme is so limited.

8.60 The applicant's assessment in terms of impact on the physical qualities of wildness for the south-east corner of the WLA is accepted. Impacts on other WLAs are not anticipated.

8.61 On balance having considered the applicants assessment, the consultation response from SNH, representations made to the application, the relevant policies and guidance, that the WLA as a whole is unlikely to be adversely affected. It is however accepted that the area to the east of the Beinn Ratha ridge will be adversely affected by the development. This is in line with the findings of the ES and the Reporter's report on the previous application for the proposed development.

Visual Impact

8.62 The applicant's assessment draws upon the supportive elements of how the proposal could be viewed within the landscape. The ZTV demonstrates that the scheme will be predominantly visible from areas to the north and east of the development, with more limited visibility to the west beyond the Beinn Ratha ridgeline. The development would extend the theoretical visibility of turbines beyond that already experienced as a result of the operational wind farms in the area.

8.63 The extension of theoretical visibility of wind energy development above that of operational wind farms is predominantly to the north along the A836. This extension of theoretical visibility is limited, albeit it is recognised that this area is well occupied and is frequented by tourists utilising the North Coast 500.

8.64 The visual receptors for the development have all been assessed in the Environmental Statement. This states that receptors at Viewpoints 1-5, 15 and 17 have the potential to be significantly affected by the proposed development. These viewpoints range in their proximity to the site and in most cases a new element is introduced into the view in close proximity to the receptor. The views from the

remaining 13 viewpoints have not been assessed as significant by the applicant. The intervening distance between the viewpoint and the scheme is the most common reason for these viewpoints not being assessed as significant.

8.65 The significant effects identified in the LVIA are not disputed. Having assessed these matters in the field, it is not considered that any receptors at any of the other further viewpoints would be significantly adversely affected.

8.66 The ES has anticipated significant visual impacts are concentrated on receptors within circa. 5km of the development. This includes the settlement of Raey This is not unexpected, however, it is considered that the impact at both these close distances and further away could be further mitigated through siting and design of the turbines. As set out in paragraph 8.45, the three of the turbines (T19-21) cause issue with the visual balance and relationship with the scale of the landscape. It is considered that in redesigning or removing these elements of the scheme, would help to reduce the significant visual impacts of the development by producing a more balanced scheme which would be less overbearing. It is considered that, in EIA terms, the effects would still be significant. The reasons for this and suggested mitigation is set out below:

- Turbines 20 and 21 – In almost all close proximity views of the development these turbines appear to be significantly larger. This is largely due to the taller turbines being utilised and the underlying landform rising in this area toward Cnoc an Dubh nan Eun. In addition they are somewhat closer to receptors in the north. This is particularly noticeable from viewpoints 2, 3 and 5.

  It is understood that the design of the development has also been led by potential impacts on ornithology. This was in relation to the keyhole area required for the turbines. The larger the keyhole the greater potential there would be to attract birds. Therefore the balance needs to be made as to the potential impact on ornithology against the visual impact of the development.

  The design section of the ES explains that turbines have already been reduced to 126m in height to address the views from Reay. However, in relation to Turbines 20 and 21 this is not considered sufficient. From the aforementioned viewpoints, these turbines still appear dominant and somewhat over bearing. As such it is considered that these turbines should either be removed or reduced in height. Any reduction in height would have to be balanced against the potential impact on ornithology. As such further information would be required from the applicant.

- Turbine 19 – While the height of Turbine 19 is not necessarily problematic, the location of it makes it appear somewhat separate from the rest of the development in close and medium distance views. This includes the views from Reay, and further afield at Dounraey. While not affecting the core of the development in most views, the removal or relocation of the turbine, would lead to the development being viewed as a more visually contained development from these medium distance views. This is compounded due

to the visual effect of Baillie making the development appear elongated in these views. This is considered important due to the visibility from the A836 which is a key tourist route.

Any relocation would have to be balanced against the on-site constraints such as those related to micrositing as raised by SEPA. As such further information would be required from the applicant to determine this matter.

8.67 The Reporter's report following the PLI on the previous scheme, concluded that the development would not have and overbearing or dominant effect on any residential properties. While this is the case it does not mean that the visual impacts are not going to be significant. The Reporter's assessment and that in the ES consider that a total of 11 properties would be subject to significant impacts on residential amenity, in terms of visual impact. The Reporter also considered that no residential property would experience overbearing or visually dominant effects to the extent that residential amenity would be unacceptably affected. Taking this into account, it is however considered that the potential mitigation proposed above would reduce the visual impact of the development and in turn reduce the impacts on visual amenity.

8.68 A key consideration in the effects on receptors of wind energy development is the sequential effect as travelling through the area on the local road network, both by individuals who live and work in the area and tourists. Those travelling scenic routes, whether designated as such or not, have a higher sensitivity to views. While a driver of a vehicle is likely to be concentrated on the view immediately in front, passengers have a greater scope for looking at their surroundings. In addition the area is regularly frequented by cyclists travelling on National Cycle Network Route 1. As such it is considered that road users are high susceptibility receptors.

8.69 The development will be one of a number that will be visible as one travels through the area. Representations have raised concerns about encirclement. On plan this may be the case due to the presence of Baillie, Forss and Strathy North as onshore schemes and the potential for off-shore development in the Pentland Firth and Orkney Waters. Due to the landforms and the areas from which receptors will see the developments, there are limited positions at which there will be the sense of encirclement and enclosure by wind turbines.

8.70 The wind farm will be visible from the A836, however this will not be the only wind farm visible from this route. This section of the A836 forms part of the North Coast 500. Limekiln will be most prominent to the north of the development and will be visible for shorter distances when travelling eastward rather than west. The view for eastbound travellers is at its most significant at the Drumhollistan Layby (Viewpont 1). From here to the site, a distance of approximately 5km, elements of the wind farm will drop in and out of visibility due to the local landforms. Westbound, elements of the wind farm will be visible from Hill of Forss (Viewpoint 20), approximately 10km distant. However, the development is then largely screened until one reaches Dounreay (Viewpoint 6). The ES assesses the impact on the users of the A836 separately for eastbound and westbound travellers. The ES considers that between Drumholiston (Viewpoint 1) and Reay Church (Viewpoint 3) the receptors on the A836 travelling east would be significantly adversely affected

and between Dounreay (Viewpoint 6) and Reay Church (Viewpoint 3) for those travelling west. The applicant's assessment is agreed with, however it is noted that the location of the development set back from the road which has led to the reduction in impacts from the A836.

8.71 When assessing recreational receptors the ES focuses on walkers and cyclists utilising National Cycle Network 1 and core paths. Walkers and cyclists are both considered to be medium sensitivity receptors in the ES. This is disputed due to the heightened sense of awareness and slower speed of movement through an area, giving the receptor more time to appreciate their surroundings. With that said, in this instance, it does not fundamentally alter the result of the assessment. The ES has considered that the visual impact of the development when viewed rom a number of core paths will be significant. These are principally the routes in close proximity to the proposed development. These effects may be felt both during construction and operation of the scheme. It is considered that the assessment of recreational receptors undertaken gives a fair account of the likely effects of the development.

8.72 Overall, the design and setting of the scheme has reduced the visual impact. However there remains some concerns particularly in relation to the design and location of turbines 19-21. It is considered that if appropriate mitigation can be brought forward on these matters then the visual impact of the development is likely to be considered acceptable.

Access and Recreation

8.73 The site, like most land in Scotland, is subject to the provisions of the Land Reform (Scotland) Act 2003. There are no core paths running over the site however, the wider area is rich in opportunities to access the outdoors. The most likely direct impact is during the construction phase where some access will be restricted. Any impacts arising through the construction or operational phases of development can be managed through outdoor access management which should cover both construction and operation of the wind farm. This can be secured by condition. The visual impact of the development is considered elsewhere in this report.

8.74 Representations have raised the impact on the amenity of those using the core paths in the wider area. It is accepted that there is likely to be an effect on the amenity of those using these paths as the perceived tranquillity of the surroundings will be affected by the construction and operation of the wind farm. The issue of visual impact is considered in Section 8.74 of this report.

Noise and Shadow Flicker

8.75 It is not anticipated that noise will be a significant issue as a result of this development due to the distance between it and noise sensitive properties. The noise assessment includes a background noise survey which indicates high background levels both for daytime and night time. The assessment demonstrates that predicted noise levels will comply with the simplified ETSU limit of 35dB LA90 at all receptors. That being the case, it is considered appropriate to seek a noise mitigation and management scheme if an issue arises. By taking this approach, the

Planning Authority will retain effective control over the potential noise impacts and have a suitable avenue for investigation should any noise complaints arise from the development.

8.76 In terms of shadow flicker it is not anticipated that this will be an issue for this development either individually or cumulatively given the location of the development in relation to properties.

Telecommunications

8.77 No concerns have been raised in relation to potential interference with radio / television networks in the locality. A condition should nonetheless be sought to secure a scheme of mitigation should an issue arise.

Aviation

8.78 The application has raised no concerns with regard to aviation interests in relation to the Civil Aviation Authority, Highlands and Islands Airports Limited, Ministry of Defence or National Air Traffic Control. Should the proposal be granted consent, a condition can be applied to secure suitable mitigation in terms of aviation lighting and notification to the appropriate bodies of the final turbine positions.

Construction

8.79 The construction phase of the development is anticipated to last 17 months. Further works may be required for any interim site restoration, in addition to decommissioning and site restoration at the end of the operational period of the wind farm. The key impacts for local residents and road users through construction will be the additional traffic movements of the work force and deliveries including abnormal loads associated with turbine deliveries. By using best practice construction management, the anticipated impacts on local communities and residential properties in the proximity of the development / road access routes can be minimised.

8.80 In addition to the requirement for submission and agreement on a CEMD, the Council will require the applicant to enter into legal agreements and provide financial bonds with regard to its use of the local road network (Wear and Tear Agreement) and a final site restoration (Restoration Bond). In this manner the site can be best protected from the impacts of construction and for disturbed ground to be effectively restored post construction and operational phases. This would include the full restoration of any new access tracks and other associated infrastructure.

8.81 Developers have to comply with reasonable operational practices with regard to construction noise so as not to cause nuisance, which is then tackled via Section 60 of the Control of Pollution Act 1974 which can set restrictions in terms of hours of operation, plant and equipment used and noise levels etc. Should the application be granted an informative should be set out to invite the developer discuss the construction noise with relevant Environmental Health Officer.

8.82 In taking forward the development, the developer has committed to the use of Community Liaison Group to ensure the community council and other stakeholders are kept up to date and consulted before and during the construction period. This can be secured by condition.

Forestry

8.83 As the development is located within a commercial forestry plantation, it is considered that there will be a significant loss of trees as a result of this development to enable to turbines to be keyholed. The applicant anticipates that 48ha of woodland will be removed to facilitate the construction of the turbines, with further removals required for all other infrastructure. The woodland will continue to be managed during the operation of the development.

8.84 Forestry Commission Scotland consider that a total of 60ha of woodland will be permanently lost as a result of this development. In line with the Scottish Government's Control of Woodland Removal Policy, the removal of trees should be compensated. This may or may not be in the same location as the loss of trees but should certainly be as close as practicably possible to the loss. The compensatory planting can be secured by condition. The removal of trees will also lead to the creation of forest waste. The applicant has suggested mitigation such as chipping of brash on site through the removal process, however a Forest Residual Waste Management Plan will be sought to ensure this is appropriately dealt with in line with good practice.

Other Material Considerations

8.85 Given the complexity of major developments, and to assist in the discharge of conditions, the Planning Authority seek that the developer employs a Planning Monitoring Officer (PMO). The role of the PMO, amongst other things, will include the monitoring of, and enforcement of compliance with, all conditions, agreements and obligations related to this permission (or any superseding or related permissions) and shall include the provision of a bi-monthly compliance report to the Planning Authority.

8.86 In line with Council policy and practice, community benefit considerations are undertaken as a separate exercise and generally parallel to the planning process.

8.87 There are no other relevant material factors highlighted within representations for consideration of this application.

9.0 Conclusion

9.1 The Scottish Government gives considerable commitment to renewable energy and encourages planning authorities to support the development of wind farms where they can operate successfully and where concerns can be satisfactorily addressed. Highland has been successful in accepting many renewable energy projects in recent years and many more applications are in the planning process. This project will make a modest, but worthwhile, 72 MW contribution.

9.2 The application has attracted a significant level of objection from members of the public. There are objections from statutory consultees which cannot be addressed by condition. It is important to consider the benefits of the proposal and the potential drawbacks and when assessing it against the policies of the Development Plan.

9.3 The application has not raised fundamental objections from those statutory agencies involved with local infrastructural networks (road, air, telecommunications, etc.) and environmental resources (water, soils, peat, etc.). Parties have recognised the potential mitigation forwarded by the applicant. Most have requested planning conditions to safeguard local assets such as local and trunk roads. The adoption of good construction practices through a CEMD can help minimise risk to local ecological, ornithological and habitat resource.

9.4 The development is likely to give an economic boost to the area through the construction period and make a contribution to meeting renewable energy targets. Policy 67 - Renewable Energy Developments highlights the balance that the Council has to strike between the delivery of proposals which make a contribution towards meeting the renewable energy generation targets and the protection of natural resources which contribute to the overall character of the Highland area.

9.5 As with any development of this type, it will have a visual impact. The scale of turbines presented in this application are large in comparison to the landscape in which they sit. The recently published Caithness and Sutherland Landscape Sensitivity Study has stated that there is some limited capacity in this area for further commercial scale wind energy development. While not yet adopted, this can be given some limited weight in the decision making process. It is considered that the design of the development needs some further consideration, to lessen the impact of the scheme in short and middle distant views, particularly from the north (Reay), east (A836 travelling west bound toward the scheme) and west (Sandside Bay Harbour). This would, however this would be limited to turbines 19-21. It is considered if these turbines can be addressed the design of the scheme would be appropriate for the area and fit with the existing pattern of development.

9.6 During the public local inquiry for the previously submitted Limekiln Wind Farm, one of the key issue in the determination by Scottish Ministers was the lack of information on the impact on the adjacent Wild Land Area. Having considered the information which has now been presented, it is considered that there is now sufficient information for a determination on this matter to be made. SNH have objected to the scheme on the basis of the impact on the Wild Land Area. While this development sits outwith the Wild Land Area it is likely to have an impact on the perceptual qualities of the Wild Land Area. However, it is not considered to affect the Wild Land Area as a whole and it is likely that the impact will be limited to the area to the east of Beinn Ratha with limited effects in the “core” of the wild land area which comprise the flows to the west. However, it should be noted that the wild land area descriptions have not yet been published by SNH. The already present man-made features including, but not limited to, forestry, estate tracks, managed and worked landscapes and overhead lines reduce the perceptual qualities of wild land in this area.

9.7 The Highland Council has determined its response to this application against the policies set out in the Development Plan, principally Policy 67 of the Highland-wide Local Development Plan with its eleven tests which are expanded upon with the Onshore Wind Energy Supplementary Guidance. This policy also reflects policy tests of other policies in the plan, for example Policy 28. This policy also draws in the range of subject specific policies as also contained within the HwLDP as listed in section 6.2 above. Given the above analysis the application would, on balance, accord with the Development Plan, however it is considered that there needs to be further consideration of the design of the development.

9.8 Schedule 9 of the Electricity Act requires sets out what an applicant shall do in relation of the preservation of amenity. It is considered that the proposal has had regard to the desirability of preserving natural beauty and has gone some way to mitigate the effects of the development on the natural beauty of the countryside. However, in considering these matters it is not consider that having “regard to” and “in doing what he reasonably can” to mitigate these effects mean that the effects of the development are acceptable.

9.9 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and subject to the following mitigation:

- Reduction in height, relocation or removal of Turbines 20 and 21; and
- Relocation or removal of Turbine 19.

10.0 Recommendation

10.1 It is recommended that The Highland Council Raise No Objection subject to the mitigation at paragraph 9.9 and the following deemed planning permission conditions and reasons:

1. This planning permission shall expire after a period of 30 years from the date when electricity is first exported from any of the approved wind turbines to the electricity grid network (the "First Export Date"). Upon the expiration of a period of 25 years from the First Export Date, the wind turbines shall be decommissioned and removed from the site, with decommissioning and restoration works undertaken in accordance with the terms of Condition 3 of this permission. Written confirmation of the First Export Date shall be submitted in writing to the Planning Authority within one month of the First Export Date.

   Reason: Wind turbines have a projected lifespan of 25 years, after which their condition is likely to be such that they require to be replaced, both in terms of technical and environmental considerations. This limited consent period also enables a review and, if required, re-assessment to be made of the environmental impacts of the development and the success, or otherwise, of species protection, habitat management and other offered mitigation measures. The 30 year cessation date allows for a 5 year period to complete commissioning and site restoration work.

2. For the avoidance of doubt the development shall be constructed and operated in accordance with the provisions of the application, the submitted plans, and the Environmental Statement, including Supplementary Environmental Information. For the avoidance of doubt the turbines, access tracks, crane hard-standing areas and other associated infrastructure may be micro sited but no more than 50 metres from the positions shown in the approved plans unless otherwise agreed in writing with the Planning Authority in consultation with SEPA and SNH.

   In the following areas, micrositing should ensure that peat disturbance in minimised:

   i. Substation and the track to the east of the substation
   ii. Turbine 19
   iii. Turbine 25;
   iv. Track to turbine 60; and
   v. Any other location which further site assessment reveals deep peat.

   Reason: In order to clarify the terms of permission.

3. No development or works (excluding preliminary ground investigation which shall be permitted) shall commence until an Interim Decommissioning and Restoration Plan (IDRP) for the site has been submitted to, and approved in writing by, the Planning Authority in consultation with SNH and SEPA . Thereafter:

   i. not later than 3 years prior to the decommissioning of the Development, the IDRP shall be reviewed by the Developer, to ensure that the IRDP reflects best practice in decommissioning prevailing at the time and ensures that site specific conditions, identified during construction of the site, and subsequent operation and monitoring of the Development are given due consideration. A copy shall be submitted to the Planning Authority for its written approval, in consultation with SNH and SEPA; and

   ii. not later than 12 months prior to the decommissioning of the Development, a detailed Decommissioning and Restoration Plan (DRP), based upon the principles of the approved interim plan, shall be submitted to, and approved in writing by, the Planning Authority, in consultation with SNH and SEPA.

   The IDRP and subsequent DRP shall include, unless otherwise agreed in writing with the Planning Authority and in accordance with legislative requirements and published best practice at time of decommissioning details about the removal of all elements of the Development, relevant access tracks and all cabling, including where necessary details of (a) justification for retention of any relevant elements of the Development, b) the treatment of disturbed ground surfaces, c) management and timing of the works, d) environmental management provisions and e) a traffic management plan to address any traffic impact issues during the decommissioning period. The DRP shall be implemented as approved. In the event that the Final DPR is not approved by The Highland Council in advance of the decommissioning, unless otherwise agreed by the Planning Authority the Interim IDRP shall be implemented.

Reason: To ensure that all wind turbines and associated Development are removed from site should the wind farm become largely redundant; in the interests of safety, amenity and environmental protection.

Reason: To ensure financial security for the cost of the restoration of the site to the satisfaction of the Planning Authority.

4. The Wind Farm Operator shall, at all times after the First Export Date, record information regarding the monthly supply of electricity to the national grid from the site as a whole and electricity generated by each individual turbine within the development and retain the information for a period of at least 12 months. The information shall be made available to the Planning Authority within one month of any request by them. In the event that:

    i. any wind turbine installed and commissioned fails to supply electricity on a commercial basis to the grid for a continuous period of 6 months, then unless otherwise agreed, the wind turbine, along with any ancillary equipment, fixtures and fittings not required in connection with retained turbines, shall, within 3 months of the end of the said continuous 6 month period, be dismantled and removed from the site and the surrounding land fully reinstated in accordance with this condition; or

    ii. the wind farm fails to supply electricity on a commercial basis to the grid from 50% or more of the wind turbines installed and commissioned and for a continuous period of 12 months, then the Wind Farm Operator must notify the Planning Authority in writing immediately. Thereafter, the Planning Authority may direct in writing that the wind farm shall be decommissioned and the application site reinstated in accordance with this condition. For the avoidance of doubt, in making a direction under this condition, the Planning Authority shall have due regard to the circumstances surrounding the failure to generate and shall only do so following discussion with the Wind Farm Operator and such other parties as they consider appropriate.

All decommissioning and reinstatement work required by this condition shall be carried out in accordance with the approved detailed Decommissioning and Reinstatement Plan (DRP), or, should the detailed DRP not have been approved at that stage, other decommissioning and reinstatement measures, based upon the principles of the approved draft DRP, as may be specified in writing by the Planning Authority.

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

5. No turbines shall be erected until full details of the proposed wind turbines have been submitted to, and approved in writing by, the Planning Authority. These details shall include:

   i. The make, model, design, power rating and sound power levels of the turbines to be used; and

   ii. The external colour and/or finish of the turbines to be used (incl. towers, nacelles and blades) which should be non-reflective pale grey semi-matt.

   Thereafter, development shall progress in accordance with these approved details and, with reference to part ii above, the turbines shall be maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned. For the avoidance of doubt, all wind turbine blades shall rotate in the same direction.

   Reason: To ensure that the turbines chosen are suitable in terms of visual, landscape, noise and environmental considerations.

6. For the avoidance of any doubt all wind turbine transformers shall be located within the tower of the wind turbine to which they relate.

   Reason: To reduce any ancillary elements to the development in terms of its visual and landscape impacts.

7. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), and unless there is a demonstrable health and safety or operational reason, none of the wind turbines substation buildings / enclosures or above ground fixed plant shall display any name, logo, sign or other advertisement without express advertisement consent having been granted on application to the Planning Authority.

   Reason: To ensure that the turbines are not used for advertising, in the interests of visual amenity.

8. No development shall commence until full details of the location, layout, external appearance, dimensions and surface materials of all control and/or substation buildings, welfare facilities, compounds and parking areas, as well as any fencing, walls, paths and any other ancillary elements of the development, have been submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA and SNH, as necessary). Thereafter, development shall progress in accordance with these approved details. For the avoidance of doubt, details relating to the control and substation buildings shall include additional architectural design, carried out by suitably qualified and experienced people, to ensure that they are sensitively scaled, sited and designed.

   Reason: To ensure that all ancillary elements of the development are acceptable in terms of visual, landscape noise and environmental impact considerations.

9. No development shall commence until a scheme of aviation lighting is submitted to, and approved in writing by, the Planning Authority after consultation with the Ministry of Defence. Thereafter the approved scheme of aviation lighting shall be fully implemented on site. The Company shall provide both the Ministry of Defence and the Defence Geographic Centre (AIS Information Centre) with a statement, copied to the Planning Authority and Highland and Islands Airports Limited, containing the following information:

   a. The date of commencement of the development;

   b. The exact position of the wind turbine towers in latitude and longitude;

   c. A description of all structures over 300 feet high;

   d. The maximum extension height of all construction equipment;

   e. The height above ground level of the tallest structure; and

   f. Details of an infra red aviation lighting scheme, unless otherwise required, as agreed with the MOD, HIAL and other aviation interests and the Planning Authority.

   Reason: -To ensure that the erected turbines present no air safety risk and in a manner that is acceptable to local visual impact considerations.

10. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Planning Authority in consultation with the relevant Roads Authority(s) and Transport Scotland. The CTMP, which shall be implemented as approved, must include:

   i. A description of all measures to be implemented by the developer in order to manage traffic during the construction phase (incl. routing strategies), with any additional or temporary signage and traffic control undertaken by a recognised suitably qualified traffic management consultant;

   ii. The identification and delivery of all upgrades to the public road network to ensure that it is to a standard capable of accommodating construction-related traffic (including the formation or improvement of any junctions leading from the site to the public road) to the satisfaction of The Highland Council and Transport Scotland, including;

      a. A route assessment report for abnormal loads and construction traffic, including swept path analysis and details of the movement of any street furniture, any traffic management measures and any upgrades and mitigations measures as necessary;

      b. An assessment of the capacity of existing bridges and other structures along the construction access routes to cater for all construction traffic, with upgrades and mitigation measures proposed and implemented as necessary;

c. A videoed trial run to confirm the ability of the local road network to cater for turbine delivery. Three weeks notice of this trial run must be made to the local Roads Authority who must be in attendance;

iii. Drainage and wheel washing measures to ensure water and debris are prevented from discharging from the site onto the public road;

iv. A risk assessment for the transportation of abnormal loads to site during daylight hours and hours of darkness;

v. A contingency plan prepared by the abnormal load haulier. The plan shall be adopted only after consultation and agreement with the Police and the respective roads authorities. It shall include measures to deal with any haulage incidents that may result in public roads becoming temporarily closed or restricted.

vi. A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period.

vii. A detailed protocol for the delivery of abnormal loads/vehicles, prepared in consultation and agreement with interested parties. The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of abnormal load movements in the local media. Temporary signage, in the form of demountable signs or similar approved, shall be established, when required, to alert road users and local residents of expected abnormal load movements. All such movements on Council maintained roads shall take place outwith peak times on the network, including school travel times, and shall avoid local community events.

viii. A detailed delivery programme for abnormal load movements, which shall be made available to Highland Council and community representatives.

ix. Details of any upgrading works required at the junction of the site access and the public road. Such works may include suitable drainage measures, improved geometry and construction, measures to protect the public road and the provision and maintenance of appropriate visibility splays.

x. Details of appropriate traffic management which shall be established and maintained at the site access for the duration of the construction period. Full details shall be submitted for the prior approval of Highland Council, as roads authority.

xi. A concluded agreement in accordance with Section 96 of the Roads (Scotland) Act 1984 under which the developer is responsible for the repair of any damage to the local road network that can reasonably be attributed to construction related traffic. As part of this agreement, pre-start and post-construction road condition surveys must be carried out by the developer, to the satisfaction of the Roads Authority(s).

xii. Measures to ensure that construction traffic adheres to agreed routes.

xiii. Appropriate reinstatement works shall be carried out, as required by Highland Council, at the end of the turbine delivery and erection period.

Reason : To maintain safety for road traffic and the traffic moving to and from the development, and to ensure that the transportation of abnormal loads will not have any detrimental effect on the road network.

11. During the delivery period of the wind turbine construction materials any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised quality assured traffic management consultant, to be approved by The Highland Council in consultation with Transport Scotland before delivery commences.

Reason: To ensure that the transportation will not have any detrimental effect on the road and structures along the route.

12. No development shall commence until a community liaison group is established by the developer, in collaboration with The Highland Council and affected local Community Councils. The group shall act as a vehicle for the community to be kept informed of project progress and, in particular, should allow advanced dialogue on the provision of all transport-related mitigation measures and to keep under review the timing of the delivery of turbine components. This should also ensure that local events and tourist seasons are considered and appropriate measures to co-ordinate deliveries and work with these and any other major projects in the area to ensure no conflict between construction traffic and the increased traffic generated by such events / seasons / developments. The liaison group, or element of any combined liaison group relating to this development, shall be maintained until the wind farm construction has been completed and is fully operational.

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

15. No development shall commence until a detailed Outdoor Access Plan of public access across the site (as existing, during construction, during operation and during decommissioning) has been submitted to, and approved in writing by, the Planning Authority. The plan shall include details showing:

i. All existing access points, paths, core paths, tracks, rights of way and other routes (whether on land or inland water), and any areas currently outwith or excluded from statutory access rights under Part One of the Land Reform (Scotland) Act 2003, within and adjacent to the application site;

ii. Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or effect on curtilage related to proposed buildings or structures;

iii. All proposed paths, tracks and other routes for use by walkers, riders, cyclists, canoeists, all-abilities users, etc. and any other relevant outdoor access enhancement (including construction specifications, signage, information leaflets, proposals for on-going maintenance etc.);

iv. Any diversion of paths, tracks or other routes (whether on land or inland water), temporary or permanent, proposed as part of the development (including details of mitigation measures, diversion works, duration and signage).

The approved Outdoor Access Plan, and any associated works, shall be implemented no later than 12 months after the first export of electricity from the wind farm or as otherwise may be agreed within the approved plan.

Reason: - To ensure public access to the outdoors is not unnecessarily impeded as a result of this development.

16. No development shall commence until a finalised Construction Environmental Management Document is submitted to and agreed in writing by the Planning Authority in consultation with SNH and SEPA. The document shall include provision for :

- An updated Schedule of Mitigation (SM).
- Processes to control / action changes from the agreed Schedule of Mitigation.
- The following specific Construction and Environmental Management Plans (CEMP):

i. Peat Management Plan – to include details of all peat stripping, excavation, storage and reuse of material in accordance with best practice advice published by SEPA and SNH. This should for example highlight how sensitive peat areas are to be marked out on-site to prevent any vehicle causing inadvertent damage.
ii. Water Quality Management Plan - highlighting drainage provisions including monitoring / maintenance regimes, water crossings designed to 1 in 200 year event plus 20% for climate change, surface water drainage management (SUDs) and development and storage of material buffers (50m minimum) from water features, unless otherwise agreed in writing by SEPA and The Highland Council's Flood Risk Management Team;
iii. Public and Private Water Supply Protection Measures;
iv. Pollution Prevention Plan and Construction Method Statement
v. Site Waste Management Plan
vi. Construction and Decommissioning Method Statement
vii. Provision of wheel washing facilities.
viii. Construction Noise Mitigation Plan.
ix. Species Protection Plan advancing: -

a. The pre construction survey for legally protected species is carried out at an appropriate time of year for the species, at a maximum of 12 months preceding commencement of construction, and that a watching brief is then implemented by the Ecological Clerk of Works (ECOW) during construction. The species that should be surveyed for include, but are not limited to, breeding birds, wild cat, otter and water vole. The area that is surveyed should include all areas directly affected by

construction plus an appropriate buffer to identify any species within disturbance distance of construction activity and to allow for any micro-siting needs

b. Provision of a communication plan to ensure all contractors are aware of the possible presence of protected species frequenting the site and the laws relating to their protection;
c. The notification and a stop the job commitment requirements set out below:
    i. Should an otter holt be found during construction, all works within 250m of the holt shall stop immediately and the SNH Dingwall office be notified and asked for advice.
    ii. Should a wild cat den be found during construction, all works within 200m of the den shall stop immediately and the SNH Dingwall office be notified and asked for advice.
    iii. Should any water vole activity be found during construction, all works within 10m of the nearest burrow shall stop. Work may progress if it is in excess of 10m of the nearest burrow, otherwise work shall stop immediately and the SNH Dingwall office be notified and asked for advice.

- Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities which shall include but not necessarily be limited to:

    i. Providing training to the developer and contractors on their responsibilities to ensure that work is carried out in strict accordance with environmental protection requirements;
    ii. Monitoring compliance with all environmental and mitigation works and working practices approved under this consent;
    iii. Advising the developer on adequate protection for environmental and nature conservation interests within, and adjacent to, the application site;
    iv. Directing the placement of the development (including any micro-siting, as permitted by the terms of this consent) and the avoidance of sensitive features; and
    v. The power to call a halt to development on site where environmental considerations warrant such action.

- Details of any other methods of monitoring, auditing, reporting and communication of environmental management on site and with the client, Planning Authority and other relevant parties.

- Statement of any additional persons responsible for ‘stopping the job / activity’ if in potential breach of a mitigation or legislation occurs.

Unless otherwise agreed in writing by the Planning Authority the development shall proceed in accordance with the agreed CEMD.

Reason: To protect the environment from the construction and operation of the development and secure final detailed information on the delivery of all on-site mitigation projects.

17. Where ground conditions specifically require it, wind turbines, masts, areas of hardstanding and tracks may be micro-sited within the application site boundary. However, unless otherwise approved in writing by the Planning Authority (in consultation with SEPA and SNH), micro-siting is subject to the following restrictions:

i. No wind turbine foundation shall positioned higher, when measured in metres Above Ordinance Datum (Newlyn), than the position shown on the original approved plans;

ii. No wind turbine, mast, hardstanding or track shall be moved:

a. More than 50m from the position shown on the original approved plans;

b. Into an area identified as a highly dependent ground water dependent terrestrial ecosystem buffer as shown in the Hydrological Constraints

c. To a position within 50m of any watercourse or, where it outlines a lesser distance, to a position within a watercourse buffer zone identified within the approved Environmental Statement and/or plans;

d. To a position within an area identified within the approved Environmental Statement and/or plans as having a gradient constraint, being deep peat (that is peat with a depth of 1.5m or greater) or having a peat landslide hazard risk of significant or greater;

iii. No wind turbine, mast, hardstanding or track shall be moved where a change to its position, location or route has been proscribed under a condition of this permission.

All micro-siting permissible under this condition without requiring the approval of the Planning Authority must be approved by the development's Environmental Clerk of Works (ECoW). A written record must be kept of any such ECoW approval and shall be maintained for a period extending to no less than four years following the First Export Date.

Within one month of the wind farm being commissioned, the developer must submit an updated site plan to the Planning Authority showing the final position of all wind turbines, masts, areas of hardstanding, tracks and associated infrastructure within the site. The plan should also highlight areas where micro-siting has taken place and, for each instance, be accompanied by copies of the ECoW or Planning Authority's approval, as applicable.

Reason: To enable appropriate micro-siting within the site to enable the developer to respond to site-specific ground conditions, while enabling the planning authority to retain effective control over any changes to layout that may have ramifications for the environment and/or landscape and visual impact.

18. All wires and cables between the wind turbines, control buildings, sub-stations and welfare buildings shall be located underground within the verge of the access tracks or within 3m of the access tracks, unless otherwise agreed in writing by the Planning Authority. Thereafter, and within three months of the completion of cable laying, the ground shall be reinstated to a condition comparable with that of the adjoining land, to the satisfaction of the Planning Authority.

    Reason: To ensure that the construction of the wind farm is carried out appropriately and does not have an adverse effect on the environment.

19. No development shall commence until the Planning Authority has approved the terms of appointment of a Planning Monitoring Officer (PMO), the identity of the appointee by and at the cost of the Developer of an independent and suitably qualified consultant to assist the Planning Authority in the monitoring of compliance with conditions attached to this deemed planning permission during the period from commencement of Development to the date of final decommissioning.

    The role of the PMO shall include the monitoring of compliance with all conditions, agreements and obligations related to this permission (and/or any superseding or related permissions) and shall include the provision of a quarterly compliance report to the Planning Authority throughout the construction phase. Following the final commissioning of the wind farm a compliance report shall be submitted no later than 31 March of the following years 1, 3, 5, 10, 15, 20, 25.

    Reason: To enable the Development to be suitably monitored during the construction and operational phases to ensure compliance with the permission issued.

20. No development shall commence until a proposed scheme for the working of each borrow pit within the site has been submitted to, and approved in writing by, the Planning Authority, in consultation with SEPA and SNH. Thereafter, the scheme shall be implemented as approved. The scheme shall make provision for:

    i. Methods of working (including the timing of works and the use of explosives and/or rock-breaking equipment);
    ii. A description of the volume and type of minerals, aggregates and/or fines to be extracted from each borrow pit, including harness and potential for pollution;
    iii. A site plan and section drawings showing the location and extent of each proposed extraction area;
    iv. Overburden (peat, soil and rock) handling and management;
    v. Details of the existing water table and volumes of de-watering;
    vi. Drainage infrastructure, including measures to prevent the drying out of surrounding peatland; and

vii. A programme for the re-instatement, restoration and aftercare of each borrow pit once working has ceased, including a management proposal if wetland features form part of the restoration.

For the avoidance of doubt the material won from the hereby approved borrow pits shall only be used in the construction of Limekiln Wind Farm.

Reason: To ensure that a scheme is in place to control the use of borrow pits to minimise the level of visual intrusion and any adverse impacts as a result of the construction phase of the Development.

21. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

22. The Wind Turbine Noise Level, including the application of any tonal penalty specified in ETSU-R-97 at pages 99-109, shall not exceed 35 dB LA90,10min at any Noise-Sensitive Premises. This condition shall only apply at wind speeds up to 10m/s measured or calculated using the methods described in "Prediction and Assessment of Wind Turbine Noise" (published in IOA Bulletin March/April 2009).

The Wind Farm Operator shall, beginning with the first day upon which the wind farm becomes operational, log wind speed and wind direction data continually and shall retain the data for a period of at least 12 months from the date that it was logged. The data shall include the average wind speed, measured in metres per second, over 10 minute measuring periods. These measuring periods shall be set to commence on the hour and at 10 minute consecutive increments thereafter. Measurements shall be calculated at 10m above ground level using the methods described in "Prediction and Assessment of Wind Turbine Noise" (published in IOA Bulletin March/April 2009). All wind speed data shall be made available to the Planning Authority on request in Microsoft Excel compatible electronic spreadsheet format.

At the reasonable request of the Planning Authority, the Wind Farm Operator shall assess, at its own expense and using a suitably qualified consultant(s) not involved in the original noise assessment, the level of noise emissions from the Wind Turbines.

Assessment shall be carried out in accordance with the Noise Measurement and Mitigation Scheme as required by condition 32 of this planning permission and a report of assessment shall be submitted to the Planning Authority within two months of a request under this condition, unless an alternative timescale is otherwise agreed in writing by the Planning Authority.

If noise emissions are found to exceed limits prescribed under this planning permission, then the Wind Farm Operator shall implement mitigation measures in full accordance with the approved Noise Measurement and Mitigation Scheme, or alternative equal or better mitigation measures as may first be approved in writing by the Planning Authority, in order to reduce noise levels to comply with prescribed limits. The time period for implementing mitigation measures shall be as outlined in the approved Noise Measurement and Mitigation Scheme or as otherwise may be specified writing by the Planning Authority.

Reason: To ensure that, following a complaint, noise levels can be measured to assess whether or not the predicted noise levels set out within the supporting noise assessment have been breached, and where excessive noise is recorded, suitable mitigation are undertaken.

23. No development shall commence until a Noise Measurement and Mitigation Scheme has been submitted to, and approved in writing by, the Planning Authority. The scheme shall include:

a) a framework for the measurement and calculation of noise levels to be undertaken in accordance with ETSU-R-97 and its associated Good Practice Guide and supplementary guidance notes to be undertaken in the event of a complaint

b) Details of the mitigation measures to be enacted, along with a timetable(s) for implementation in the event that the agreed noise limits are exceeded. A range of measures may need to be established to cover the different possible scenarios due to the number of wind turbine developments.

Within 21 days from receipt of a written request of the Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the approved noise measurement and mitigation scheme must be implemented. Any noise measurements and calculations must be undertaken in accordance with the scheme.

The wind farm operator shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise immissions within 2 months of the date of the written request of the Planning Authority, unless the time limit is extended in writing by the Planning Authority. All data collected for the purposes of undertaking the compliance measurements shall be made available to the Planning Authority on the request of the Planning Authority.

Where a further assessment of the rating level of noise immissions from the wind farm is required to assess the complaint, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent

consultant's assessment to the Planning Authority unless the time limit for the submission of the further assessment has been extended in writing by the Planning Authority.

The wind farm operator shall continuously log power production, wind speed and wind direction. This data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in writing to the Planning Authority within 14 days of such a request.

Reason: To ensure that, following a complaint, noise levels can be measured to assess whether or not the predicted noise levels set out within the supporting noise assessment have been breached, and where excessive noise is recorded, suitable mitigation are undertaken.

24. No development shall commence until a Stage 1 Nature Conservation Management Plan (including Habitat Management Plan and restoration) has been submitted to and approved in writing by the Planning Authority in consultation with SNH and SEPA. The Nature Conservation Management Plan shall set out proposed long term management for the wind farm site and shall provide for the management, monitoring and reporting of terrestrial and aquatic habitats on site.

The approved Nature Conservation Management Plan will be reviewed and updated by the Developer to reflect ground condition surveys undertaken during construction and prior to the First Export Date and shall be submitted to the Planning Authority for its written approval in consultation with SNH and SEPA prior to the First Export Date, as the Stage 2 Nature Conservation Management Plan.

In furtherance of the aim and for the better implementation and review of the Nature Conservation Management Plan Steering Group (NCPM SG) shall be formed prior to the commencement of any development. The membership of this NCMP SG will include representatives of the Developer, the Planning Authority and SNH. The NCMP SG will meet annually but it is expected that its consideration of relevant matters will be primarily by exchange of correspondence.

The Stage 2 Nature Conservation Management Plan shall be further reviewed by the Developer at a frequency of no longer than the 5 year anniversary of the First Export Date, and no longer than every 6 years thereafter until the Development is no longer in operation and the Decommissioning and Restoration Plan has been implemented in full. The Developer shall submit a stage reviewed Nature Conservation Management Plan following each such Nature Conservation Management Plan monitoring year as provided for in the Nature Conservation Management Plan for approval in writing by the Planning Authority in consultation with SNH and SEPA. Mitigation identified through the reviewed Nature Conservation Management Plans shall be implemented in full by the Developer, unless otherwise agreed in writing by the Planning Authority in consultation with SNH and SEPA.

NCMP monitoring shall be carried out by the Developer in operational years 1, 5, 10, 15 and 25 and shall be reported to the Planning Authority, the NCMP Steering Group in writing by the Developer.

The Developer shall submit a monitoring report to the Planning Authority, SNH and SEPA on the ongoing implementation of the approved Nature Conservation Management Plan which will be provided no later than 6 months after the end of each NCMP monitoring year. The monitoring report shall present an assessment of the implementation of the Nature Conservation Management Plan, including -

a. an assessment of the implementation of the Nature Conservation Management Plan, and any reviewed such plan, in relation to the aims and objectives of the plan;
b. the levels, if any, of habitat restoration delivered on site, and
c. the results of any monitoring and surveys required in compliance with the conditions of this deemed planning permission.

If a monitoring report identifies that the implementation of the Nature Conservation Management Plan is not meeting the aims and objectives of the Habitat Management Plan then this shall be reported by the Developer to the HMP SG along with details of the proposed mitigation and any other works considered to be required to ensure the aims and objectives of the approved Habitat Management Plan will be met within 6 months of the relevant monitoring report being so submitted. The HMP SG will review such proposals and make recommendations thereon. The Developer shall then finalise proposed mitigation and other works, incorporate changes into an updated Habitat Management Plan which shall be submitted to the Planning Authority within 12 months of the relevant monitoring report for written approval in consultation with SNH and SEPA.

Unless otherwise agreed in advance in writing with the Planning Authority after consultation with SNH and SEPA, the approved Habitat Management Plan, each approved reviewed Habitat Management Plan and updated mitigation and works to achieve same shall be implemented in full by the Developer.

Reason: In the interests of good land management, the protection of habitats and to minimise collision risk to bird species which are qualifying interests of the Caithness and Sutherland Peatlands Special Protection Area.

25. No development shall commence until a a finalised Forestry Residues Management Plan has been submitted to, and approved in writing by, the Planning Authority, in consultation with SEPA and Forestry Commission Scotland. Thereafter, the scheme shall be implemented as approved.

Reason: To ensure that a scheme is in place to control the forestry residues on the site as a result of the construction phase of the Development.

26. No development shall commence until a Deer Management Plan has been submitted to, and approved in writing, by the Planning Authority.

Reason: To ensure the development does not have an adverse impact on the management of deer in the wider area.

27. No development shall commence until a Compensatory Planting Plan has been submitted to and approved in writing by the Planning Authority. The Compensatory Planting Plan shall provide for the planting of woodland commensurate with the level of woodland lost which is to be no more than 60ha (gross area), or such figure as may otherwise be agreed in writing by the Planning Authority, that includes a significant element of productive woodland, to be carried out across an area in the vicinity of the application site.

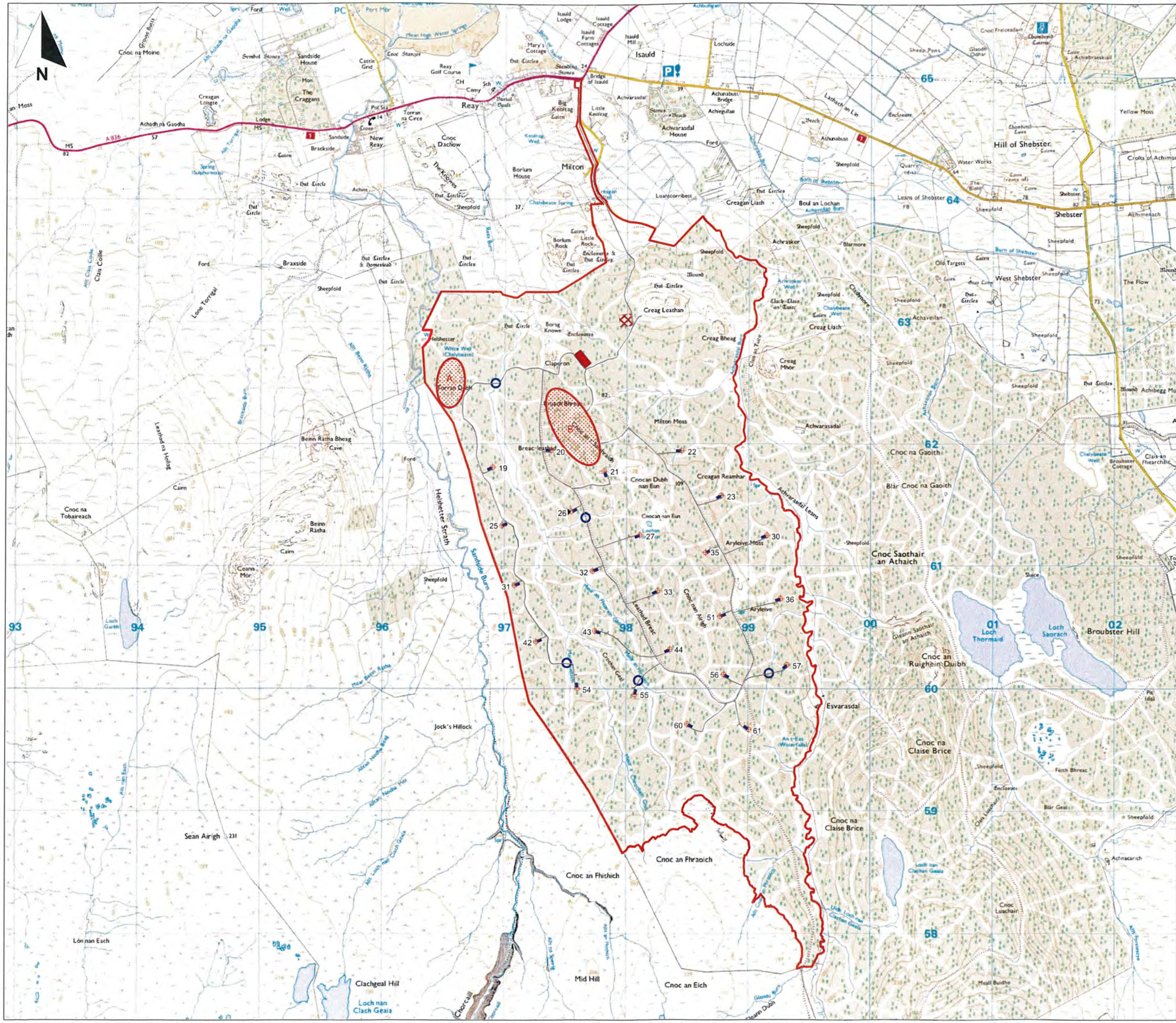
The Compensatory Planting Plan shall include full details of establishment, fencing, a programme for ongoing maintenance as well as the supervision of works both during and following completion by a suitably qualified forestry consultant. The agreed Compensatory Planting Plan shall be implemented in full within one year of the first operation of the development and maintained thereafter for a period of not less than 10 years to the satisfaction of the Planning Authority.

Reason: To enable appropriate woodland removal to proceed, without incurring a net loss in woodland related public benefit, in accordance with the Scottish Government's policy on the Control of Woodland Removal.

28. No development or work (including site clearance) shall commence until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, all in accordance with the attached specification, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

Reason: In order to protect the archaeological and historic interest of the site.

Signature:	Malcolm MacLeod
Designation:	Head of Planning and Building Standards
Author:	Simon Hindson
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	



Key

- Site boundary
- Proposed turbine location
- Access tracks
- Water crossing
- Crane pad (40 x 22m)
- Construction compound (100 x 100m)
- Borrow pit search area
- Substation compound (130 x 60m)

0 km — 1.8 km

Scale 1:30,000 @ A3

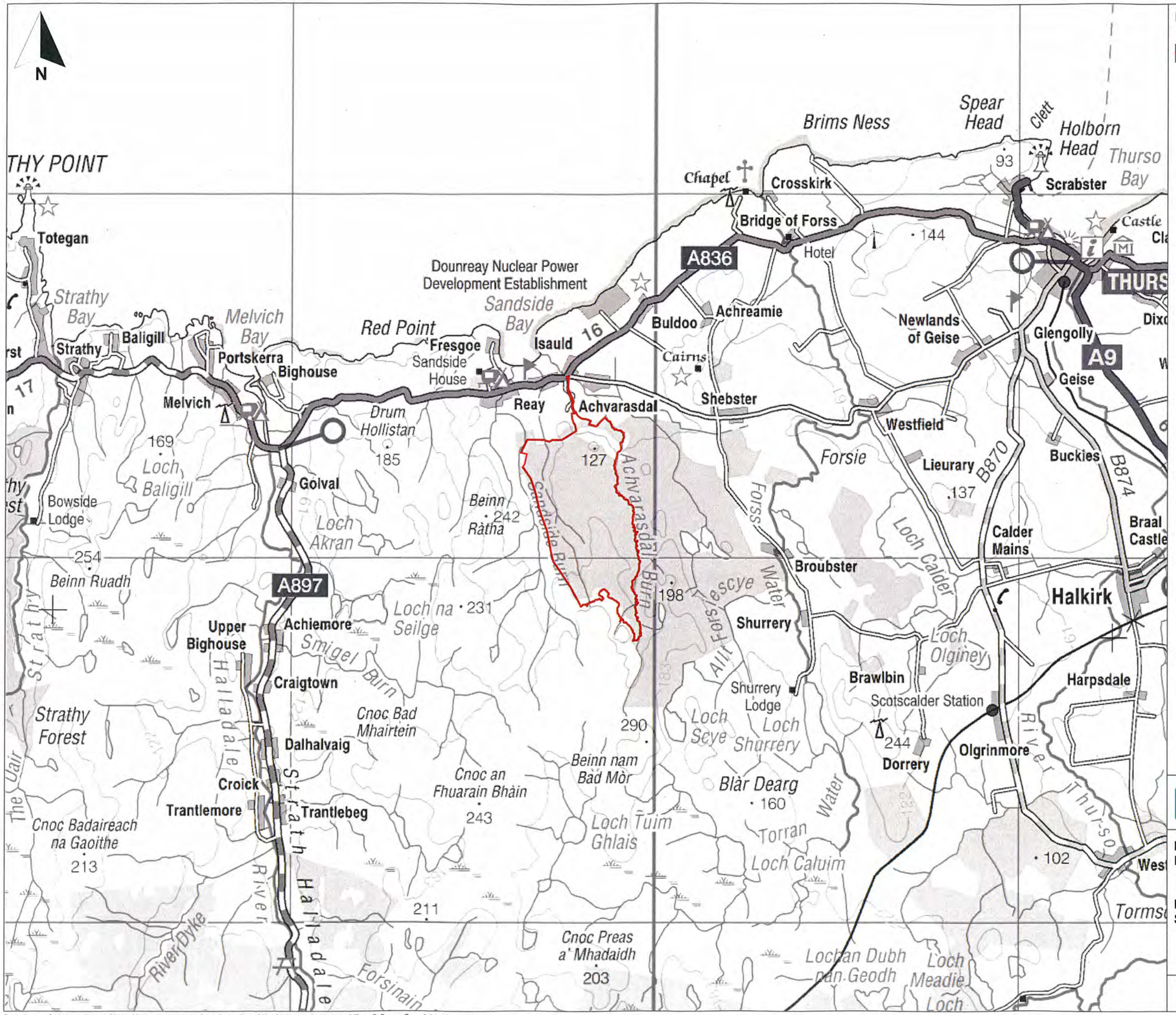
INFINERGY

Limekiln Wind Farm Resubmission
Environmental Statement

Figure 3.1
Site Layout

June 2016
30147-E037j.wor rowab

amec



Key

Site boundary

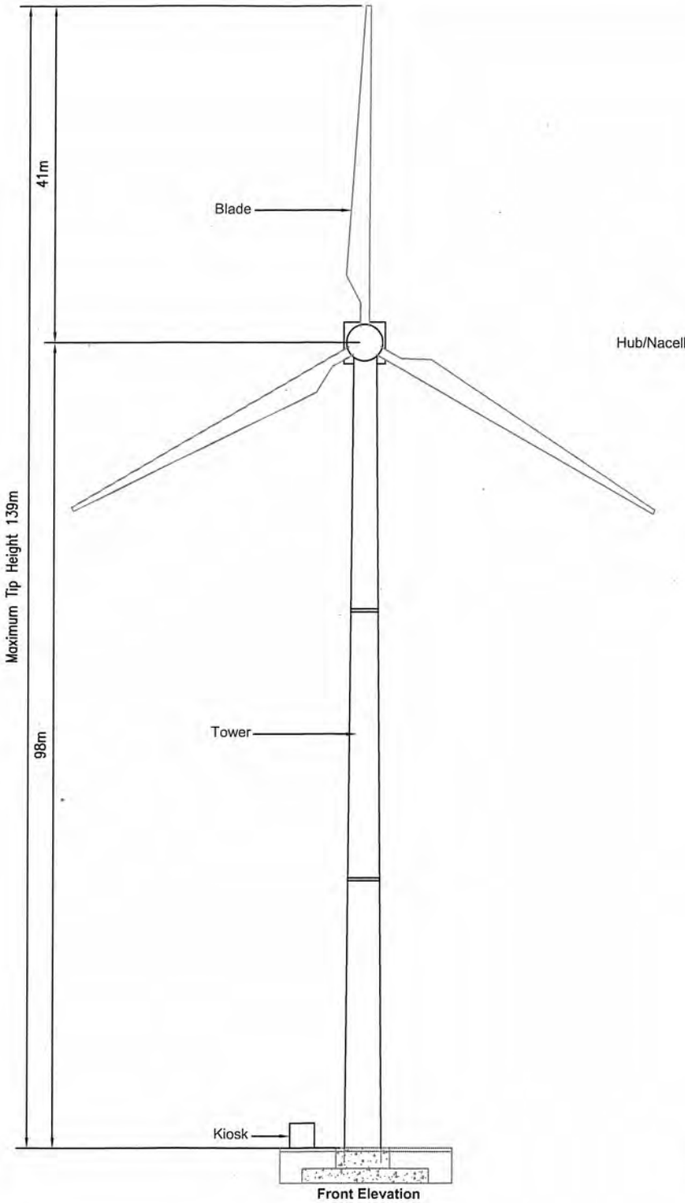
INFINERGY

Limekiln Wind Farm Resubmission
Environmental Statement

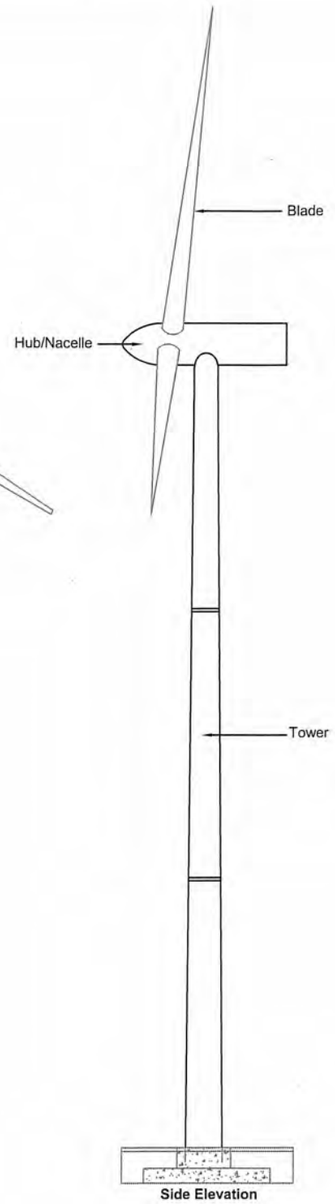
Figure 1.2
Site Location

June 2016
30147-E073b fitzs

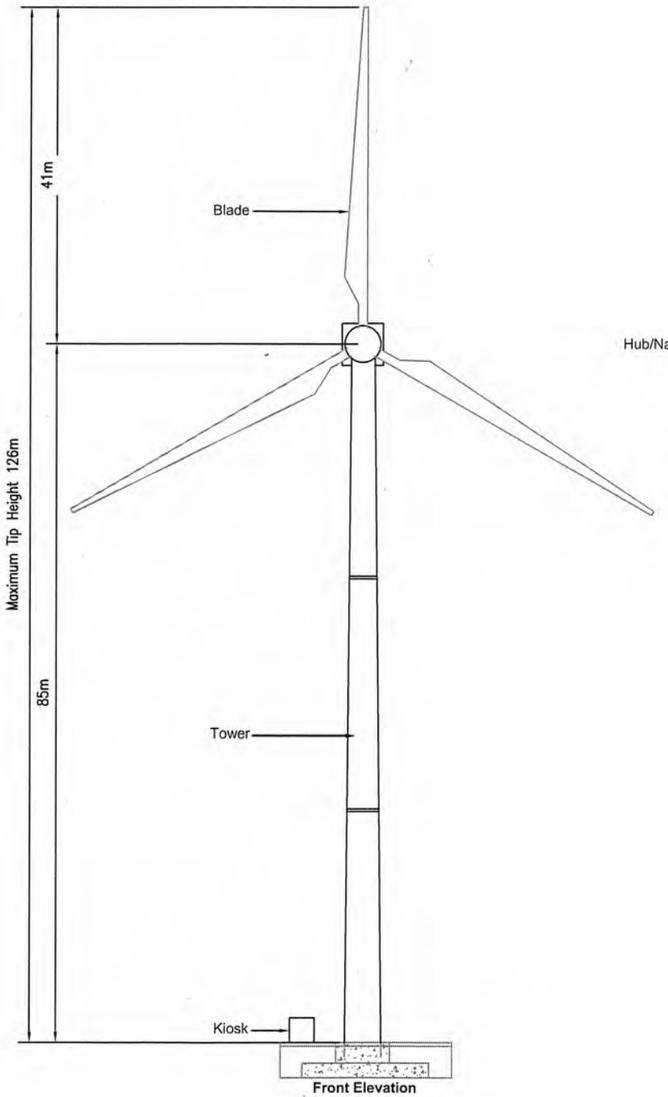
amec



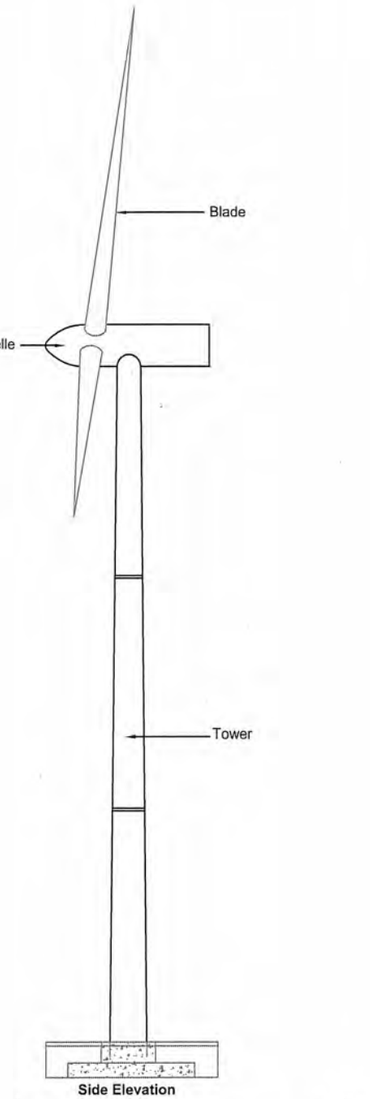
Front Elevation



Side Elevation



Front Elevation



Side Elevation

0 m 40 m

Scale 1:750 @ A3

Note: This drawing is for illustrative purposes only

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Limekiln Wind Farm Resubmission

Environmental Statement

Figure 3.2
Typical Wind Turbine Structure

June 2016
30147-R45.dwg barkr

amec

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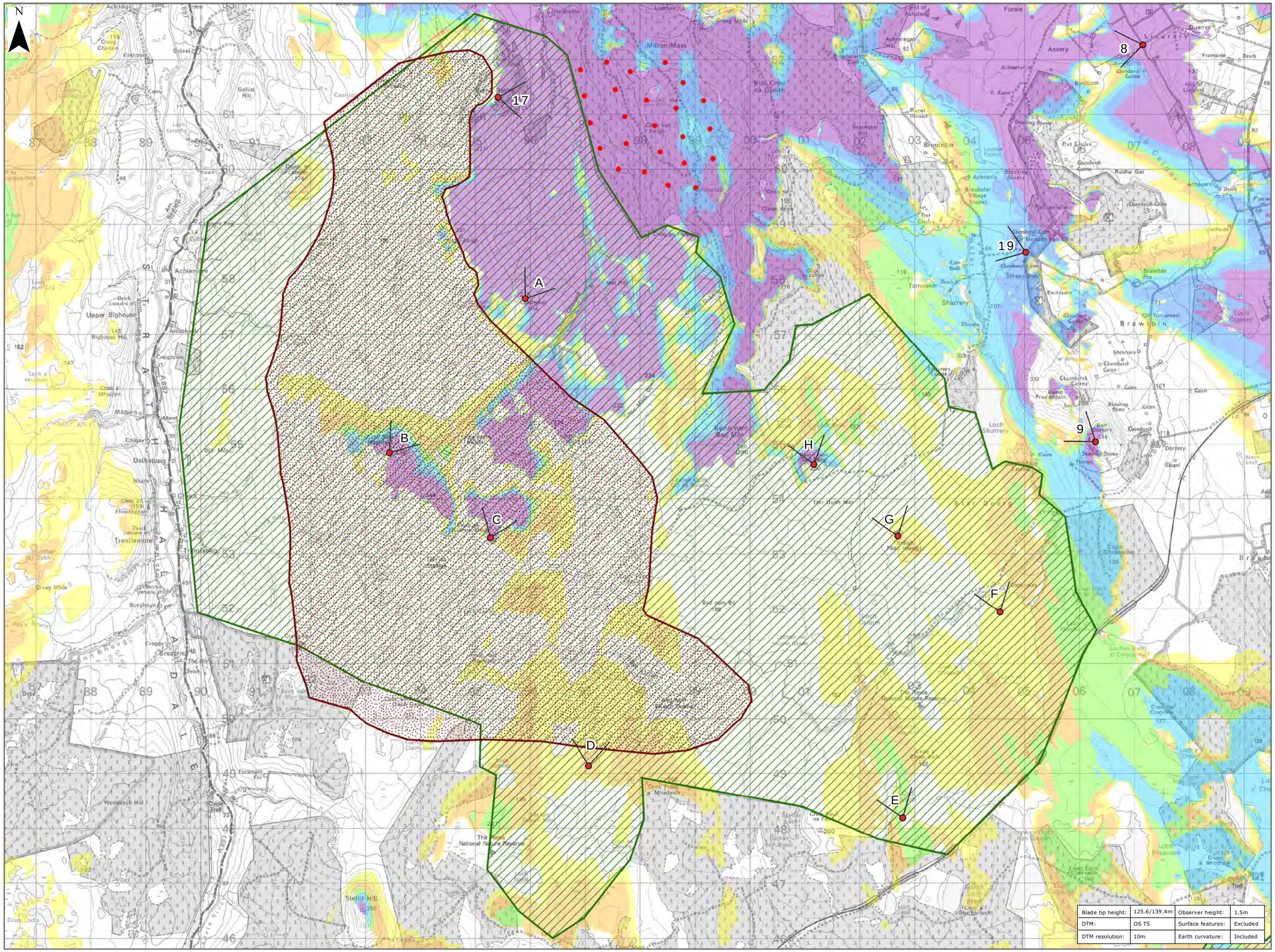

Legend:

- Proposed Development
- SNH Wild Land Areas 2014
- Wild Land Study Area (As included in ES 2012)

Blade Tip ZTV

No. of Theoretically Visible Turbines

- 1 - 4
- 5 - 8
- 9 - 12
- 13 - 16
- 17 - 20
- 21 - 24

LVIA Viewpoint

8 - Angler's Car Park, Loch Calder
9 - Ben Dorrery
17 - Beinn Ratha
19 - Shurrery

Wild Land Assessment Viewpoint

A - Clachgeal Hill
B - Cnoc Bad Mhairtein
C - Cnoc an Fhuarain Bhain
D - Lochan Ealach Beag
E - Caol Loch
F - Loch Meadhoin
G - Braich Feith Hemigal
H - Beinn Nam Bad Beag

Title:	Wild Land Area 39 with ZTV and Wild Land Viewpoints
Project:	Limekiln Wind Farm Resubmission
Source:	Copyright Scottish Natural Heritage © Crown copyright and database rights 2016 Ordnance Survey 0100031673
Client:	Infinergy
Drawn by: LA	Checked: JP
Date: 02/05/2016	Figure: 9.14
Scale: 0 0.5 1 km	Revision No: 3

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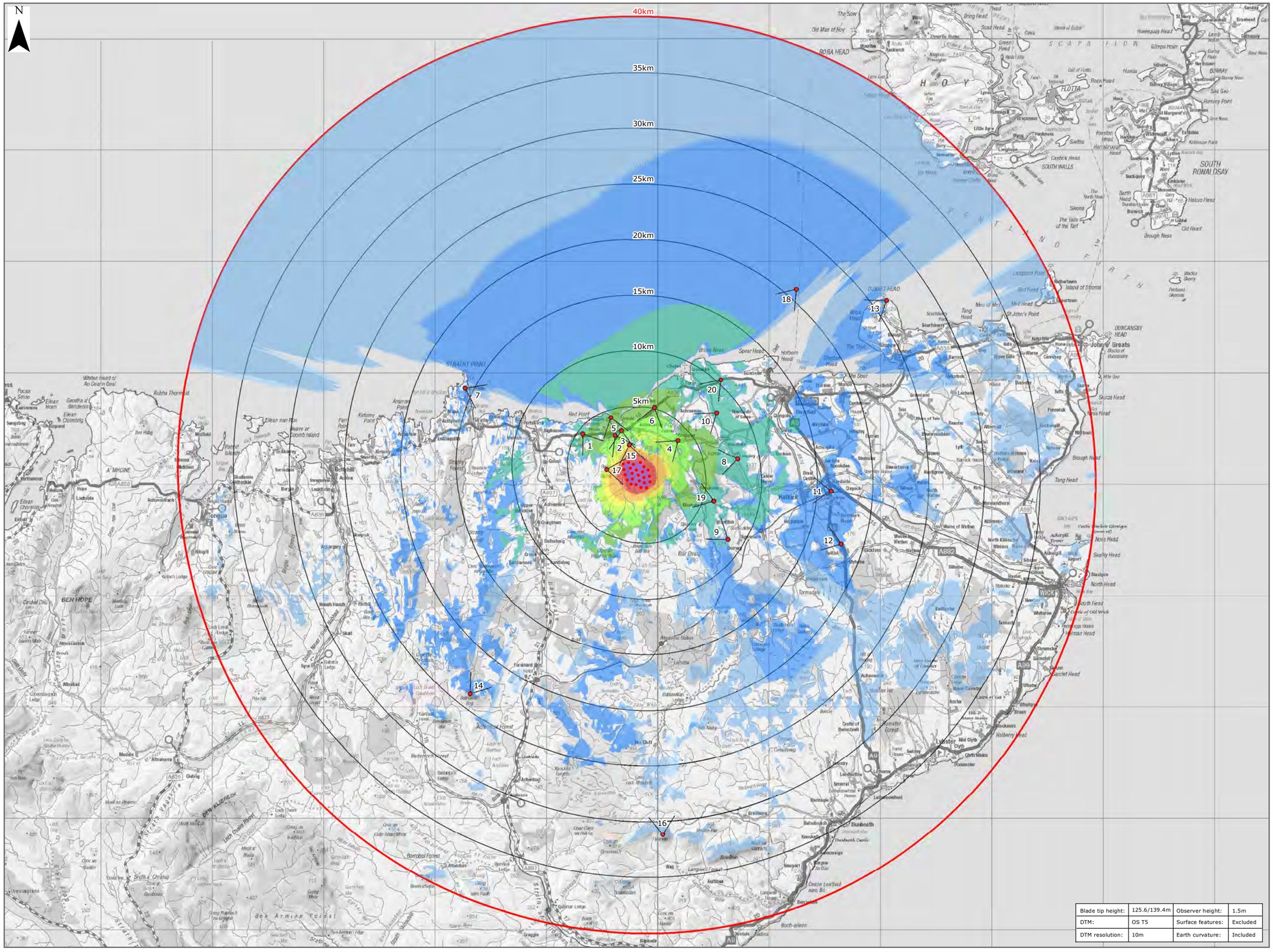

Legend:

- Proposed Development
- 5km Distance Radii
- 40km Study Area

Horizontal Angle
Zone of Theoretical Visibility

Angle in Degrees

- 0
- 0 - 1
- 1 - 5
- 5 - 10
- 10 - 20
- 20 - 30
- 30 - 40
- 40 - 50
- 50 - 60
- 60 - 90
- 90 - 180
- 180 - 360

Viewpoint

1 A836 Layby at Drum Hollistan
2 Reay Footpath
3 A836, Reay Church
4 Shebster
5 Sandside Bay Harbour
6 A836, Dounreay Road Junction
7 Strathy Point Car Park
8 Angler's Car Park, Loch Calder
9 Ben Dorrery
10 Minor road Lythmore Junction
11 Georgemas Junction Station
12 A9, North of Spittal
13 Dunnet Head
14 Ben Griam Beg
15 Borlum Hill
16 Morven Hill
17 Beinn Ratha
18 Scrabster Ferry
19 Shurrery
20 A836, Hill of Forss

Note:
Additional viewpoints for Wild Land Assessment are shown on Figure 9.14.

Title:
Horizontal Angle ZTV with Viewpoints

Project: Limekiln Wind Farm Resubmission

Source:

Client: Infinergy

Drawn by:	Checked:
LA	JP
Date: 02/05/2016	Figure: 9.10
Scale: 0 2.5 5 km	Revision No: 3

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