Agenda Item	**6.3**
Report No	**PLN/017/20**

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 9 June 2020

Report Title: 19/01096/FUL : Energiekontor

Land 2400M SE Of Cracrail, Toroboll, Lairg

Report By: Acting Head of Development Management – Highland

Purpose/Executive Summary

Description: Lairg 2 Wind Farm - Construction of wind farm comprising 10 turbines, (7 turbines to a maximum tip height of 180m and 3 turbines to a maximum tip height of 150m), associated crane pads, tracks, substation, battery storage compound, 2 borrow pits and upgrade of access track.

Ward: 01 – North, West and Central Sutherland

Development category: Electricity Generation Major

Reason referred to Committee: Major Application and 8 or more objections

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 is acceptable in terms of all other applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **Grant** Planning Permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

1.1 The applicant seeks full planning permission for the construction and operation (25 years) of Lairg II Wind Farm and associated infrastructure. The proposal comprises of 10 wind turbines: 7 with a maximum tip height of 179m; and 3 with a maximum tip height of 150m. The maximum generating capacity will be 34.5MW.

1.2 The development comprises of an array of 10 wind turbines and associated infrastructure. Key elements of the development as assessed within its supporting EIAR highlight:

- 7 x 180m (maximum blade tip) wind turbines (T2, T3, T4, T5, T7, T8 and T9);
- 3 x 150m (maximum blade tip) wind turbines (T1, T6 and T14);
- Turbine foundations;
- Crane hardstanding at each turbine base of 55m x 25m (depending on final design of turbines);
- Approximately 6.4km of on-site access tracks and turning points, 1.2km of which are existing tracks within Lairg I Wind Farm;
- Energy storage compound comprising of the batteries housed in standard 12.2m long x 2.4m wide ISO containers;
- A wind farm control building/substation;
- Temporary site construction compounds and laydown areas;
- Underground cabling linking the turbines with the substation;
- Up to two borrow pits with predicted extraction volume of 123,000m^3;
- On-site substations; and
- Off-site access works.

1.3 The applicant has stated that the access will be via the C1107, utilising the existing access to Lairg I Wind Farm. The existing access will require upgrades and extension of the internal access tracks. The turbines will be delivered to the site via Invergordon Port to B817, to the A9 turning west onto A839. This is followed to the A836 heading south to the minor road to Torroble (C1107), followed by the existing Lairg I Wind Farm access will be utilised to access the site.

1.4 The applicant utilised the Highland Council's Pre-Application Advice Service for Major Developments (ref: 18/02401/PREAP). The response outlined a number of concerns with the proposal. The response outlined that the Planning Authority did not consider the new proposal as an extension to Lairg I Wind Farm due to the scale and number of turbines proposed for this development. The key issues highlighted from the pre-application process were:

- Careful consideration would be required in the siting and design and between the existing 3 turbines (Lairg I Wind Farm), in order to avoid confusing our sense of perspective due to the variation in the size of wind turbines. If this development was to be considered an extension to Lairg I Wind Farm, any subsequent application would be expected to reflect the existing turbines in terms of scale and design;

- It was noted that the site is technically challenging, as such there were significant concerns raised over the access to the site and the impact this proposal may have individually and cumulatively on the landscape, at both local and national level as well as the visual receptors in the area;
- Concerns in relation to the potential impact on the natural heritage of the area and the visual impact, individual and cumulative, of the development from key gateways; and
- Energy storage facilities should be included.

The pre-application response advised that there may be scope for this type of development if all the issues could be satisfactory addressed.

1.5 The applicant held four public events to seek the views of the local community. These were held at Lairg Community Centre and at Rogart Village Hall during September 2018 and February 2019. The applicant also engaged with a number of community councils in the region, principally Ardgay, Lairg and Rogart Community Councils.

1.6 The applicant has requested a micro-sitting allowance of 100m for all tracks and turbine locations to accommodate unknown ground conditions, whilst also maintaining environmental buffers (e.g. set back from water courses, known archaeology, etc.). The final design of the turbines (colours and finish), aviation lighting, substation and control buildings/compounds/ancillary electrical equipment, landscaping and fencing etc. are expected to be agreed with the Planning Authority, by condition, at the time of project procurement. Whilst typical drawings for these elements are set out in the application, turbine manufacturers are constantly updating designs that area available, thereby necessitating the need for some flexibility on approved design details.

1.7 The application is supported by an Environmental Impact Assessment Report (EIAR) which contains chapters on Landscape and Visual Impacts; Archaeology and Cultural Heritage; Geology, Geohydrology and Hydrology; Ecology; Ornithology; Traffic and Transportation; Noise; Socio-economic and Tourism and includes a Schedule of Mitigation. The application is also accompanied by a Planning Statement and includes a Schedule of Mitigation.

1.8 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 to re-power the site. If the decision is made to decommission the wind farm, the applicant advises that all above-ground infrastructure would be removed. Where viable, existing access tracks would be retained for crofting and estate management operations. Reinstatement of the site would be carried out in accordance with an approved Method Statement. It would be expected that the exposed plinth of the foundation pads would be removed to a depth of 0.5m below the surface and cables would be cut away below ground level and sealed. These matters will be confirmed through the submission of the decommissioning and restoration plan.

1.9 The applicant anticipates that the wind farm construction period will last 12 – 18 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 Traffic Management Plan that will be used in conjunction with a Construction

Environment Management Document throughout the construction period. This would require to be approved by the Planning Authority, in consultation with relevant statutory bodies before the start of development.

1.10 There have been significant variations made to the application since the submission that has resulted in the submission of two amendments. The applicant submitted the first Supplementary Information (SI) in September 2019 and the second SI (2) in February 2020.

1.11 The SI included the following changes:

- Turbines 10 and 12 and their associated infrastructure removed;
- Turbines 1, 6 and 13 reduced from a tip height of 180m to 150m;
- Remaining Turbines micro-sited outwith areas of deep peat away from watercourses and potential bat features, and
- Tracks and ancillary infrastructure micro-sited outwith areas of deep peat, away from watercourses and potential bat features.

1.12 The SI 2 included the following changes;

- Turbines 11 and 13 and their associated infrastructure removed; and
- Turbine 14 reduced from a height tip of 180m to 150m.

2. SITE DESCRIPTION

2.1 The site is located approximately 4km south-east of Lairg. The application site is extensive, covering approximately 720 hectares, although the developed area would have a much smaller footprint. The turbines are located between 170m AOD and 280m AOD. Access to the development will be provided through the existing access to Lairg I Wind Farm, located to the north west corner of the site.

2.2 The site is located directly to the south of Lairg I Wind Farm. Lairg I Wind Farm consists of a three turbine array with the closest turbine approximately 0.8km from the northern site boundary of this development. Lairg I Wind Farm comprises of three 2.5MW turbines with an approximate tip height of 100 metres. Lairg I Wind Farm was granted consent in 2008 (ref: 06/00376/FULSU) and became operational in 2012.

2.3 Lairg II Wind Farm proposes that the turbines are clustered in small groups around a central loop road with a series of spurs to provide access to the turbines. The smaller turbines are located along the northern side of the site (closest to Lairg I turbines). The development, as viewed from the surrounding area will appear as a fairly coherent array of turbines, within relatively evenly spaced groups of turbines located away from Lairg I Wind Farm. The turbines have been laid out taking account of key on site interests, such as water courses, hydrology, deep peat etc. The development, as viewed from the surrounding area, appears as clusters of turbines rather than having a geometric form.

2.4 There are a number of residential properties located in proximity to the development, with the nearest properties located to the north west of the development site. Although the properties lie relatively close to the main access to the site the closest turbine is approximately 1.6km away from the closest property (Cracail). There are

no properties located within the boundary of the applications site. There is an overhead line that runs north-south and passes to the west of the site entrance. It is understood that this overhead line will be decommissioned as part of the Loch Budhe transmission upgrade works.

2.5 The wind turbines are located between land forms these include Cnoc na H-Inghinn to the north, Croc an Achaidh Mhòir to the west and Cnoc Cracail to the south. This results in the eastern side of the site mostly comprising of moorland slopes and hills with the western side comprises of sweeping moorland. The site includes both gently sloping areas and steeper areas of open moorland. There are several open lochs and lochans within the site, the largest two are Loch Cracail Mor in the south of the site and Loch Dailidh n'Airbh in the north as well as some smaller lochans, Loch and Fheoir and Loch Dubh. Furthermore, there are two main streams within the site; Allt Ramascaig Mor (forms the southern boundary) and Torroboll Burn, both run east to west. The watercourses are part of the river system that flows into the River Oykel SAC.

2.6 There are no statutory nature conservation designations within the proposed development area, but the proposed development area is within 10km of two SACs, three SPAs and three SSSI's.

Special Area of Conservation

- River Oykel
- Caithness and Sutherland Peatlands

Special Protection Area

- Caithness and Sutherland Peatlands SPA and RAMSAR site
- Lairg and Brora Lochs SPA
- The Strath Carnaig and Loch Fleet Moors SPA

Site of Specific Scientific Interest

- Gruids Peatlands
- Lairg and Strath Brora Lochs
- Strath Carnaig and Strath Fleet Moors

2.7 The site itself accommodates valued habitats; blanket bog; peatland; wet heath and is used by many protected species, for example otters, voles, and bats. The site and wider area also carries a number of ornithological interests that include but not limited to golden eagle; white-tailed eagle; golden plover and other interests.

2.8 The site is not located within any regional landscape designations. However, within the applicants' study area of 25km from the site boundary there are the following landscape designations:

National Scenic Area

- Kyle of Tongue
- Assynt – Coigach
- Dornoch Firth
- Wester Ross

Special Landscape Areas

- Ben Griam and Loch nan Clar
- Ben Kilibreck and Loch Choire
- Loch Fleet, Loch Brora and Glen Loth
- Ben Wyvis
- Sutors of Cromarty, Rosemarkie and Fort George
- Fannichs, Beinn Dearg and Gencalvie
- The Flow Country and Berridale Coast

Gardens and Designated Landscape

- Novar
- Cromarty House
- Ardross Castle
- Kildonan Lodge
- Dunrobin Castle
- Skibo Castle
- House of the Geanies
- Balnagowan Castle
- Tarbat House

2.9 The study area defined within the EIAR contains a number of Wild Land Areas (WLA) as identified on SNH's Wild Land Areas Map 2014:

Wild Land Area (WLA)

- 29. Rhiddoroch – Beinn Dearg – Ben Wyvis
- 34. Reay - Cassley
- 35. Ben Klibreck – Armine Forest
- 37. Foinaven – Bee Hee

2.10 The EIAR does not make any direct reference to these Wild Land Areas, however based on the Zone of Theoretical Visibility (ZTV), these WLAs will have areas of theoretical visibility.

2.11 The site is within an area which may be of value to tourist through recreation use. This include but are not limited to walkers and cyclists. The Land Reform (Scotland) Act also allows for significant access rights for walkers across this countryside.

2.12 The surrounding area contains a number of historic environmental features. The applicant has carried out an assessment based on an Inner Study Area (i.e. within the site) and Outer Study Area (i.e. up to 20km from the turbine array). These include the following heritage assets:

Listed Buildings

- Inveran Old Shin Bridge Over River Shinn
- Achinduich Old Achinduich House
- Lairg, Free Church of Scotland
- Lairg, Free Church Manse
- Lairg Manse (Church of Scotland)
- Lairg Burial Ground with Matheson Memorial

- Lairg, Free Church of Scotland Hall
- Achany House

Scheduled Ancient Monuments

- Achany Glen, settlement 900m to 1850m South of Lairg Station (SM2208)
- Achany chambered cairn (SM1759)
- Achinduich, stone circle (SM1761)
- River Shin, stone cicile on W bank of, S of Lairg (SM1801)
- The Ord, chambered cairns, carns, settlements and field systems (SM1812)

Furthermore, there are a number of records identified within the Historic Environment Record that are non-designated that include but not limited to:

- Invershin Farm, settlement and burn mound
- Ruigh Na Cup
- Toroboll Burn
- Cnoc An Achaidh Mhoir
- Leathad Creagach

2.13 When considering wind farm projects consideration is also given to the issue of cumulative impact of any project with other consented schemes within the surrounding landscape and can up to 35 – 45km, however in this case the study area was reduced to 25km radius. In this regard the following schemes still need to be recognised:

Operational

- Lairg I
- Achany
- Rosehall
- Kilbraur (and extension)
- Gordonbush
- Beinn Tharsuinn (and extension)
- Coire na Cloiche

Consented

- Braemore
- Creag Riabhach
- Gordonbush extension

In Planning

- Strathrory

3. PLANNING HISTORY

3.1	16.01.2004	03/00407/FULSU Installation of 2 No. 40m anemometer masts. During a 4 year period, any mast would be installed for a maximum of 24 months	Permission Granted

3.2	08.04.2008	06/00376/FULSU Construction of wind farm consisting of 3 No. turbines and ancillary construction of access tracks, hard standings and control building (Lairg I Wind Farm)	Permission Granted
3.3	20.07.2018	18/02401/PREAPP Proposed Lairg Wind Farm extension with approximately 13no x 4.2 MW turbines with associated tracks, crane pads, substation, borrow pit and temporary construction compound	Pre-Application Advice Pack Issued
3.4	20.07.2018	18/03267/SCOP Request for Scoping Opinion - Section 36 application - Extension to Lairg Wind Farm	Scoping Opinion Issued
3.5	17.09.2018	18/04000/PAN Formation of wind farm comprising approximately 12 turbines, associated tracks, substation and compound, crane pads, borrow pit, meteorological mast and temporary construction compound	Case Closed
3.6	25.02.2019	Construction of wind farm comprising 14 x 180m tip height turbines, associated crane pads, tracks, substation, battery storage compound, temporary construction compound, 2 x borrow pits and public road upgrades	Application Withdrawn (EIA was not ready to be submitted)

4. PUBLIC PARTICIPATION

4.1 Advertised: Environmental Impact Assessment and Schedule 3 Adverts undertaken

Date Advertised: 28.02.2020

06.03.2020

04.10.2019

Representation deadline: 05.04.2020

Timeous representations: 26 (21 households) comprising of 11 objections, 1 neutral and 12 support comments

Late representations: 1

4.2 Material considerations raised are summarised as follows:

a) Adverse landscape and visual impacts for local residents and tourists (individual and cumulative);
b) Concerns over the size of the turbines and cumulative impact;
c) Concerns that the area is becoming industrialised;
d) Adverse impact on residential amenity such as noise and shadow flicker (individual and cumulative both during and after construction);
e) Adverse impact on natural heritage and wildlife;

f) Adverse impact on tourism and socio-economics;
g) Impact on road network, including construction traffic;
h) Lack of economic benefit;
i) Lack of positive contributions to climate change targets;
j) Micro-siting request of 100m is unreasonable;
k) Adverse impact of aviation lighting;
l) Adverse impact on ornithology; and
m) Health and safety concerns in relation to the proposed turbines.

4.3 Material considerations raised in support are summarised as follows:

a) The proposal is well designed;
b) There will be minimum impact on crofting activities;
c) The site is visually acceptable, turbines will sit lower than the existing Lairg I turbines;
d) Utilises the existing Lairg I access track;
e) Employment created both during construction and after;
f) Positive impact on the local economy;
g) Battery storage is welcomed;
h) The development would respect the environment;
i) Positive contribution to climate change targets;
j) Positive changes to the design that will reduce the visual impact (reduction in number of turbines of height of three of the turbines).

4.4 Non-material considerations raised are as follows:

a) Questions over the MW that each turbine will produce;
b) Tidal power should be considered;
c) Energy bills have not reduced, even with the number of wind turbines and people experiencing fuel poverty;
d) Sutherland is already producing more electricity than is required for the area;
e) Should be sited beside energy sinks;
f) Request for the word “farm” to be removed from the development description;
g) Adverse impact on well-being; and
h) Community benefit will be £5000 per MW, this will support the local economy.

4.5 All letters of representation are available for inspection via the Council’s eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

5.1 **Lairg Community Council** support the application. It considers that the revised proposal is sensitively designed and not set in a visually prominent area.

5.2 **Rogart Community Council** did not provide a consultation response.

5.3 **Environmental Health Officer** does not object to this application. it notes that the noise assessment confirms that the noise levels from this development will meet the simplified ETSU standard of 35dB LA90. A noise condition should be attached which sets a maximum noise limit of 35dB LA90 for day and night time noise and which includes a requirement for the applicant to submit a noise monitoring and mitigation scheme prior to operation.

It considers that given the separation distances involved construction noise is unlikely to be a significant issue. It has reviewed the records of public water supplies and notes that there are no private water supplies that would be impacted in this area.

5.4 **Development Plans Team** do not object to this application.

5.5 **Forestry Officer** does not object to this application. It notes that there may be a number of trees which need to be removed along the proposed delivery routes. Following clarification on this matter no trees will be required to be removed in these pinch points.

5.6 **Flood Risk Management Team** do not object to this application subject to conditions. It notes that there are a number of proposed access tracks that need to cross existing watercourses. Where possible existing culverts are being used, with some requiring upgrading. It requests that culverts are avoided unless there is no practical alternative. A condition is requested to ensure that any new culverts or upgrades to existing bridges are adequately designed to accommodate the 1 in 200 year flows (including an allowance for climate change) to avoid increasing the risk of flooding.

It requests that any widening of the existing tracks in the vicinity of a watercourse should be made on the side further away from the watercourse and any temporary tracks should be reinstated to their original condition on completion of the works.

A condition is requested to secure the minimum buffer strip of 50m to be kept free from development from the top of bank(s) of any watercourse/waterbody as proposed by the applicant. It requests that the condition would allow only watercourse-related infrastructure within this 50m zone and storage of materials within this area during constriction is not permitted.

A Drainage Impact Assessment (DIA) will be required to be secured by condition.

5.7 **Landscape Officer** does not object to this development. She initially raised concerns, however noted that there was scope for this type of development on this site and sought further mitigation. She advised that modifications to the design should be explored as the impacts on the setting of the settled Straths around Laird and on views of the Dornoch Firth National Scenic Area were excessive in the originally submitted application. She considered the scheme as originally submitted did not give enough weight to the effects of the composition of the development and therefore she considered that the applicant had under-assessed the significance of the adverse visual impacts on the development. She noted that the was affects of the originally submitted scheme would be most pronounced at viewpoints 8, 11, 12, 15, 16 and 17.

In response to these concerns a SI and SI 2 were submitted showing substantial changes to the design of the project. The Landscape Officer was re-consulted as the number of turbines had been reduced with three turbines also reduced in height.

The changes made improve the presentation of the development, with the composition being improved from several viewpoints. The development now presents as a more balanced view with a strengthened relationship to the landform and to the existing Lairg I turbines.

She considers that the revisions to the design have been effective in reducing the number of turbines visible, improving the relationship of the development with the skyline and reducing the prominence of the development to an acceptable level.

5.8 **Historic Environment Team** do not object to this development. It sets out that the development is located in an area of high archaeological potential. It requests a condition to secure the mitigation proposed in the ES Cultural Heritage Chapter.

5.9 **Transport Planning** do not object to this development, subject to appropriate planning conditions. It was also noted that A836 in not a trunk road as noted in Technical Appendix 9.1, but a principal Council maintained road.

Transport Planning confirmed that the preferred route from Invergodon harbour to the A9 is via the B817 coast road, U4242 Industrial Estate Distributor Road and C1063 Academy Road, joining the A9 at Tomich junction.

Transport Planning accept that in terms of capacity development traffic can be accommodated on the local road network; however, the direct impact of large and heavy construction vehicles on parts of the network will be significant and should be mitigated.

A detailed review of the routes to site for general construction traffic will be required. Following review of the access routes a programme of mitigation works shall be agreed and carried out by the developer in consultation with the Council, as roads authority. These works will be additional to any works needed to enable the local road network to accommodate abnormal load movements.

The full extent of all mitigation/improvement works for general construction traffic and abnormal load movements shall be agreed through the Construction Traffic Management Plan (CTPM). A detailed construction programme with expected flows shall be made available to the Council, as roads authority, following the appointment of a contractor for the works.

With regard to abnormal load movements the applicant has carried out a high level review of the access route from a Port of Entry at Invergordon. Further detailed assessment work will be required prior to delivery of abnormal loads.

Structural assessment of bridges, culverts and any other affected structures along the route shall be undertaken, as necessary, in consultation with the Council's Structures Section.

To further protect the Council's interests, it is recommended that a registered legal agreement is established in respect of the proposed development. The agreement shall relate to Section 96 of the Roads (Scotland) Act and appropriate planning legislation, and include the provision of a Road Bond or similar security.

It requests a construction Traffic Management Plan (CTMP) to satisfy the police, the roads authorities and, as required, community representatives is secured by condition.

Any works required within or alongside Council maintained roads will require the prior written approval of the roads authority.

It notes that the majority the above requirements are linked to the construction phase of the development; however, similar issues will arise during decommissioning.

Further consultation and agreement with interested parties is requested at the relevant time.

A condition is recommended to require notification and approval by the planning authority in consultation with the respective road authorities, and community councils, as required, for any significant HGV or Abnormal Load movement required for maintenance of the wind farm.

5.11 **Civil Aviation Authority (CAA)** do not object this application. It notes that the position and height of the turbines would not impact the safeguarding criteria for Inverness Airport. However, CAA should be notified of the date construction starts and ends, the maximum height of construction equipment and the latitude and longitude of every turbine, this should be secured through an appropriate planning condition.

5.12 **Highlands and Islands Airport Ltd (HIAL)** do not object to this application. It sets out that this development would not impact the safeguarding criteria for Inverness Airport.

5.13 **Historic Environment Scotland (HES)** do not object to this application. It noted the potential for impacts on the setting of nearby scheduled monuments as a result of the originally submitted scheme. It had particular concerns in relation to the impact turbines 1, 2, 3 and 6 will have. However, the impacts do not raise issues of national interest and therefore HES do not raise an objection.

It welcomed the reduction in the number of turbines and changes to their height through the Supplementary Information. It agrees with the applicant that the revisions to the proposals will result in limited changes to the magnitude of impact on nearby heritage assets. It considered that the proposal will likely give rise to significant impacts on the setting of the *Achinduich, stone circle 950m NNE of (Scheduled Monument, Index no. 1761) and The Ord, chambered cairns, cairns, settlements and field systems (Scheduled Monument, Index no. 1812) but does not consider these to be in the national interest.*

5.14 **Ministry of Defence (MOD)** do not object to this application. In the interests of air safety, the it requests that the development be fitted with MOD accredited aviation safety lighting. Turbines 1 and 3 should be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point. Turbines 4 – 10 should be fitted with aviation safety lighting in accordance with the Civil Aviation Authority, Air Navigation Order 2016.

It requests details of the date construction starts and ends, the maximum height of construction equipment and the latitude and longitude of every turbine.

5.15 **National Air Traffic Systems (NATS)** do not object to this application.

5.16 **Network Rail** do not object to this application.

5.17 **Scottish Environment Scotland (SEPA)** does not object to this application, subject to the recommended conditions being attached.

Requests a revised Peat Management Plan be submitted and secured through planning condition, this should also include the preservation of turves as these are crucial to ensure the restoration is successful, especially on areas of exposed peat.

The Peat Management Plan should make it clear what the type of materials being excavated are (i.e. peaty soil, peat and mineral soil) and that these types of material should not be mixed together. They should be stored separately and each utilised in the conditions that will most benefit each.

The Peat Depth map (Figure 10.2) has been amended to show areas of floating track and it considers that these details should be secured by condition or as an approved plan.

While a site plan for the battery storage area has been provided, it is not clear if an oil interceptor would be an appropriate mechanism to treat potential pollution from large scale battery storage and therefore it requests information on the potential environmental risks associated with battery storage to be secured through condition. This should confirm if an oil interceptor would be an appropriate form of treatment.

5.18 **Scottish Natural Heritage (SNH)** do not object to the application following the submission of further information on peat.

It notes that initially the development would have had a significant impact on peat as T1, 2, 10 and 14 (and their associated tracks) were on deep peat and priority peatland habitat. These form part of the nationally important peatland resource as identified within Scottish Planning Policy (SPP). SPP recognised that significant effects on Peatland should be overcome by siting, design and other mitigation. As this habitat has not been identified as nationally important through the EIA process, this has resulted in a failure to identify their loss as significant and to identify appropriate mitigation measures. The removal of T 10 and relocation of T1, 2 and 14 and their tracks have removed these concerns.

Whether or not tracks are floated, has significant implications for the amount of peat excavated and for the nature and significant disturbance to peatland habitats.

It highlights that the proposal lies in proximity to Strath Carnaig and Strath Fleet Moors Special Protection Area (SPA) protected for its hen harrier. In addition, Lairg and Strath Brora Lochs SPA, protected for its black-throated diver lies approximately 4km to the north of the development and is within flight connectivity distance (i.e. 10km).

The nearest component part of the Caithness and Sutherland Peatlands SPA is approximately 6km to the north-west, which has connectivity at this distance for red and black-throated diver (10 – 13.5km). In addition, greylay goose is within connectivity distance (*c.* 13.5km) of this proposal linked to the Dornoch Firth and Loch Fleet SPA.

It notes that the sites status means that the requirements of the Conservation (Natural Habitats, andc.) Regulations 1994 as amended (the “Habitats Regulations”) apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017 apply and the Council is required undertake a Habitats Regulations Appraisal. It is advised that it appears that in this case the proposal is not connected with or necessary for the conservation management of the above sites.

This proposal is likely to have a significant effect on hen harrier which is the qualifying feature of the Strath Carnaig and Strath Fleet Moors SPA. SNH have highlighted that The Highland Council, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest. Based on the appraisal carried out, the proposal will not adversely affect the integrity of the site unless mitigation is secured. The advice provided concluded that the following mitigation would be required:

- Production of a Breeding Bird Protection Plan (BBPP) and included as part of the Construction Environmental Management Plan (CEMP).
- Collision risk to hen harriers is considered to be low and therefore within acceptable limits. The modelling information shows that the hen harrier population will be maintained even in light of this.

It considers that the proposal is unlikely to have a significant effect on any qualifying interests of either Lairg and Strath Brora Lochs SPA and Caithness and Sutherland Peatlands SPA either directly or indirectly. The bird survey work showed minimal diver flights through the development area. This helps to reaffirm that there is very little SPA diver flight activity through the development site. In addition, the golden eagles recorded over the site are considered to be from the wider Natural Heritage Zone (NHZ) population, as there are no known SPA eagles within core foraging range of this proposal.

The view of SNH is that it is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly of Dornoch Firth and Loch Fleet SPA. Greylay geese are the only SPA species with potential links to this development site due to its extended core foraging range. Only very low numbers of summer greylay geese were recorded within proximity of this proposal. Therefore, these are very unlikely to be associated with the Icelandic SPA greylay population which is principally over-wintering.

SNH indicate that the development has been sited away from the northern end of Loch Craical Mor to ensure a future fly-way for divers. However it was noted that Turbine 12 appeared to lie on the diver mitigation flyway, the turbine was removed to resolve this issue.

It requested that further work was required by the applicant to gauge whether any turbines needed to be relocated to reduce collision risk to bats. Three turbines on the south side of the site are close to the Allt Romascaig Mor watercourse. A 50m buffer zone from turbine tip to nearest features that may be attractive to bats, such as water courses and woodland is required. SNH requested turbines in this area were relocated.

Conditions are sought to provide otter, water vole and reptile Species Protection Plans (SPPs) as a precautionary measure.

It welcomes the Habitat Management Plan to help ensure and restore upland habitats for hen harrier, red-throated diver and black grouse. Water vole surveys should be carried out along the riparian zones proposed for planting.

Plastic piling dams for drain blocking are not supported, although extremely useful in some situations, are useful for this site as they are more visually intrusive and cannot be used in shallower areas of peat. It requests that peat is used for drain blocking.

5.19 **Transport Scotland** do not object to the application. It requests planning conditions to facilitate abnormal loads movements. These include the submission of: a Construction Traffic Management Plan (CTMP); an Abnormal Loads Assessment; a scheme for any additional signing or temporary traffic control measures; and a Decommissioning Plan.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28 - Sustainable Design
29 - Design Quality and Place-making
30 - Physical Constraints
31 - Developer Contributions
53 - Minerals
54 - Mineral Wastes
55 - Peat and Soils
57 - Natural, Built and Cultural Heritage
58 - Protected Species
59 - Other important Species
60 - Other Importance Habitats
61 - Landscape
62 - Geodiversity
63 - Water Environment
64 - Flood Risk
65 - Waste Water Treatment
66 - Surface Water Drainage
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

68 - Community Renewable Energy Developments
72 - Pollution
77 - Public Access

6.2 Caithness and Sutherland Local Development Plan 2018

No policies or allocations relevant to the proposal are included in the adopted Local Development Plan.

6.3 **Highland Council Supplementary Planning Policy Guidance**

6.4 **Onshore Wind Energy: Supplementary Guidance (November 2016)**

6.5 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 document is a material consideration in the determination of planning applications following its adoption as part of the Development Plan in November 2016.

6.6 The document includes a Spatial Framework, which is in line with Table 1 of Scottish Planning Policy. The site sits partially within an "area with potential for wind farm development" and "an area with significant protection".

6.7 The document also contains the Landscape Sensitivity Appraisals. The application site does not currently sit within an area covered by an adopted sensitivity appraisal.

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

- Developer Contributions (November 2018)
- Flood Risk and Drainage Impact Assessment (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Highland Renewable Energy Strategy and Planning Guidelines (May 2006)
- Managing Waste in New Developments (March 2013)
- Onshore Wind Energy: Supplementary Guidance (Nov 2016)
- Physical Constraints (March 2013)
- Special Landscape Area Citations (June 2011)
- Standards for Archaeological Work (March 2012)
- Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 The Highland-wide Local Development Plan is currently under review and is at Main Issues Report Stage.

7.2 In addition to the above, The Highland Council has 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 (SPP) and Guidance

7.3 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, but not more than the Development Plan, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case.

7.4 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).

7.5 Other Relevant National Guidance and Policy

- National Planning Framework for Scotland 3.
- Scottish Energy Strategy (Dec 2017).
- PAN 56 – Planning and Noise.
- PAN 58 – Environmental Impact Assessment.
- PAN 60 – Planning for Natural Heritage.
- 2020 Routemap for Renewable Energy.
- Onshore Wind Energy (Statement) (Dec 2017).
- Onshore Wind Turbines.
- SNH Siting and Designing wind farms in the landscape.
- Wind Farm developments on Peat Lands.

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

8.3 The key considerations in this case are:

a) Compliance with the development plan;

b) Onshore Wind Energy Supplementary Guidance;

c) National Policy;

d) Energy and Economic Benefits;

e) Construction;

f) Roads and Transport;

g) Water, Flood Risk, Drainage and Peat;

h) Natural Heritage including ornithology;

i) Built and Cultural Heritage;

j) Design, Landscape and Visual Impact (including Wild Land Areas);

k) Access and Recreation;

l) Noise and Shadow Flicker;

m) Telecommunications;

n) Aviation and Aviation Lighting;

o) Tourism;

p) Decommissioning and Site Restoration; and

q) any other material considerations.

Development Plan Policy

8.4 The Development Plan comprises the adopted Highland-wide Local Development Plan (HwLDP), Caithness and Sutherland Local Development Plan (CaSPlan). There are no site specific allocations for this site within the CaSPlan. The application therefore requires to be assessed primarily in terms of Policy 67 of the HwLDP which is concerned with renewable energy. The other policies listed at 6.1 of this report are also relevant and require due consideration. These matters also fall within the ambit of Policy 67 and are assessed in full within a number of material considerations examined within this report.

8.5 Policy 67 highlights that the Council will consider the contribution of the project towards renewable energy targets; positive and negative effects on the local and national economy; other material considerations including making effective use of existing and proposed infrastructure and facilities. 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 6.1). Such an approach is consistent with the concept of Sustainable Design (Policy 28) and aim of Scottish Planning Policy to achieve the right development in the right place; it is not to allow development at any cost.

8.6 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

8.7 The Council's Supplementary Guidance - Onshore Wind Energy, is a material consideration in the determination of planning applications. The supplementary guidance does not provide additional tests in respect of the consideration of development proposals against Development Plan policy. However, it provides a clear indication of the approach the Council towards the assessment of proposals, and thereby aid consideration of applications for onshore wind energy proposals.

8.8 The Council's Onshore Wind Energy Supplementary Guidance (OSWEG), which forms part of the development plan, outlines that the site falls within both a "Group 3 - Area with Potential for Wind Energy" and Group 2 – "Area of Significant Protection". The vast majority of the site falls within Group 2 which requires these areas to be given further consideration to demonstrate that any significant effects can be substantially overcome by design, siting or other mitigation. Group 2 features within the site relate to Carbon Rich Soils. The potential for high conservation value given to this area, therefore requires the proposal to be assessed against these interests, all as noted within Policy 67 of the HwLDP. The applicant needs to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. It is also important to note that Group 3 Areas are essentially the areas of land which remain, however may still have localised issues.

8.9 The spatial framework identifies a number of Group 1 Areas. These are areas where wind farms will not be acceptable. The site does not contain any Group 1 Areas, however there are a number of these in relatively close proximity of the site. Given the size and prominence of the development proposed, the proximity to both the Assynt – Coigach NSA and the Dornoch Firth NSA interests are relevant.

8.10 The OSWESG provides strategic considerations that identify sensitivities and potential capacity for wind farm development. One of the six areas to be examined is the area of East and Central Sutherland. The Council has yet to progress with its own assessment for this area. However, its approach methodology to the assessment of proposals is applicable and is set out in the OSWESG para 4.16 – 4.17. It provides a methodology for a judgement to be made on the likely impact of a development on assessed "thresholds" in order to assist the application of Policy 67. The 10 criterions will be particularly useful in considering landscape and visual impacts, including cumulative impacts.

Scottish Planning Policy

8.11 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).

8.12 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.

8.13 Criteria outlined within SPP for the assessment of applications for renewable energy developments 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.

8.14 As an up to date statement of the Government's approach to spatial planning in Scotland, National Planning Framework 3 (NPF3) is a material consideration that should be afforded significant weight in the planning balance. NPF3 considers that onshore wind has a role in meeting the Scottish Government's targets to achieve at least an 80% reduction in greenhouse gas emissions by 2050, and to meet at least 30% overall energy demand from renewables by 2020, including generating the equivalent of at least 100% of gross electricity consumption from renewables.

8.15 A number of publications relating to national energy policy have been published by the Scottish Government. In short, none indicate a relevant distinct policy change. Most relevant to this application are as follows:

- Scottish Energy Strategy: The future of energy in Scotland, December 2017
- On-shore Wind Policy Statement, December 2017

8.16 Further to the above, in late 2019 the Scottish Government's targets for reduction in greenhouse gases were amended by The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. This sets targets to reduce Scotland's emissions of all greenhouse gases to net-zero by 2045 at the latest, with interim targets for reductions of at least 56% by 2020, 75% by 2030, 90% by 2040.

8.17 However, it is also recognised that such support should only be given where justified. The On-shore Wind Policy Statement sets out the need for a more strategic approach to new development that acknowledges the capacity that landscapes have to absorb development before landscape and visual impacts become unacceptable. With regard to planning policy, these statements largely reflect the existing position outlined within the National Planning Framework and Scottish Planning Policy, a policy framework that supports development in the justified locations. In addition it must be recognised that the greenhouse gas reduction targets and the targets in the Energy Strategy are related not just to production of green energy but also related to de-carbonisation of heat and transportation.

Energy and Economic Benefits

8.18 The Council continues to respond positively to the Government's renewable energy agenda. Nationally onshore wind energy in the 1st quarter of 2020 had an installed capacity of 13.75GW. Highland onshore wind energy projects in operation, under construction or approved as of 1 January 2019 have a capacity to generate 2.497GW; approximately 34% of the national installed onshore wind energy capacity. There is a further 1.696GW off-shore wind constructed, under-construction and consented.

8.19 While Highland Council has effectively met its own target, as previously set out in the Highland Renewable Energy Strategy, it remains the case that there are areas of Highland capable of 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, it is simply a recognition of the balance that is called for in both national and local policy.

8.20 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.

8.21 The proposed development anticipates a construction period of 12 – 18 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.

8.22 There is also likely to be some adverse effects caused by construction traffic and disruption, albeit the applicant has sought to utilise the existing infrastructure in place for Lairg I Wind Farm. 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.

8.23 The assessment of socio-economic impact by the applicant identifies that the development is unlikely to have a significant adverse impact on tourism. The applicant notes that there will be economic benefits to the local community and economy arising from the community benefit fund and additional expenditure in the local economy. This is both disputed and supported by those making representations.

8.24 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. The applicant highlights that the project, including its potential connection to the grid, represents a significant investment in Scotland of £19.6m. In addition, there would be annual expenditure of £1.4m per annum during the 25 years of operation for the local economy. This would include business rates and a contribution to public finance expenditure over its lifetime. The applicant states the investment will benefit UK businesses, local businesses and the wider Scottish economy.

8.25 The applicant states that the developer is committed to maximising the local economic impact from the proposed development. Additional wider benefits associated with the proposed development include a shared ownership scheme for local communities to invest in the wind farm, this will give the local community a further annual return, allowing them to reinvest money back into the local area. This is covered further in paragraph 8.28 and 8.29 below.

8.26 The applicant states that the proposed development is consistent with national and regional economic development policy objectives, which emphasise the role and importance of renewable energy as a source of employment. In particular, the proposed development, by creating or safeguarding jobs, could contribute to meeting the targets set by the Highland and Islands Enterprise.

8.27 The economic impact analysis provided (SI 2) suggests the proposed development is expected to contribute up to:

Construction phase

- £6.5 million and 48 jobs in Highland; and
- £19.6 million and 143 jobs in Scotland.

Each year of the operation and maintenance

- £1.04 million and 9 jobs in Highland; and
- £1.4 million and 12 jobs in Scotland.

Wider benefits

- Shared ownership opportunity for the local community;
- Non-domestic rates estimated at £345,000 per year, £8.5 million over 25 years.

8.28 The applicant would implement shared ownership in line with Scottish Government guidance. Community ownership can deliver a consistent stream of funding to the communities in the area to deliver projects of benefit to the community. Policy 68 of the HwLDP is clear that initially the same level of assessment will apply to community schemes as it will to commercial schemes. The policy then goes on to state that if the impacts of the development are solely limited to the community which will benefit from the proposal, then community ownership will be a material consideration. In the case of this proposal, it is considered that the proposed development has wider impacts than the community in which the project is based and of which may benefit from community ownership. As this is the case Policy 68 does not apply.

Construction Impacts

8.29 It is anticipated that the construction period for the development would take 12 - 18 months. Working hours on site will be restricted to be 07.00–19.00 Monday to Saturday with no Sunday working, nor deliveries to site after 13.00 on Saturdays. Some flexibility is normally granted at turbine erection stage and electrical fit out. Such activities involve specialist labour and are weather dependent and generally do not involve activities which generate impacts beyond the site boundary.

8.30 The project anticipates the deployment of a Construction Environmental Management Document (CEMD) in association with the successful contractor engaged. This should include a site specific environmental management procedures which can be finalised and agreed through appropriate planning conditions with the local Planning Authority and relevant statutory consultees. For the avoidance of any doubt submissions are expected to be “plan based” highlighting the measures being deployed to safeguard specific local environmental resources and not simply re-

state best practice manuals. SEPA has advised that due to the scale of the development they will directly control pollution prevention measures relating to surface water run off via a Controlled Activities Regulations Construction Site Licence.

8.31 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 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.

8.32 Developers have to comply with reasonable operational practices with regard to construction noise so as not to cause nuisance. Section 60 of the Control of Pollution Act 1974 sets restrictions in terms of hours of operation, plant and equipment used and noise levels etc. and is enforceable via Environmental Health.

8.33 The applicant has sought a micrositing allowance of 100m. This is a significant distance and is not supported. While micrositing is acceptable within reason to address unforeseen onsite constraints, anything in excess of 50m may have a significant effect on the composition of a development. Therefore the micrositing condition attached to any permission which may be granted should limit micrositing to no more than 50m.

8.34 Should the development be granted consent, a Community Liaison Group should be set up to ensure that the community council and other stakeholders are kept up to date and consulted before and during the construction period.

Roads and Transport

8.35 The application proposes the use of both the local and trunk road network, particularly during the construction phase, with traffic arriving to site from the south via the A9(T) from Invergordon Port, to the A839 and then onto the A836. The submitted Transport Assessment has predicted likely peak flows will be on the A836 adjacent to the proposed development and on the A836 to the south of the site.

8.36 The results of the applicant's assessment (outlined in EIAR, Chapter 12, EIAR I Chapter 10) indicated that the maximum increase in total traffic on the trunk road network will occur on the A9(T) south of the junction with A839 with a rise of 0.8% (up from 813.8 to 846.8 total weekday traffic flows). The maximum increase in total traffic on the local road network will occur on the A836 adjacent to Lairg Station with a rise of 6.34% (up from 946.14 to 1006.14). These results indicate that during construction of the proposed development, neither total or HGV traffic flows are predicted to increase by more than 30% on the A9. Transport Scotland is therefore satisfied that no further detailed assessment of environmental effects associated with increased traffic on the trunk road network is required. The peak number of vehicle movements during the construction period is expected to be between month 5 or 6 with up to 33 average daily vehicle trips (outlined in Figure 12-3 and summarised on Table 12 – 11 – Assessment of Daily Construction traffic Impact EIAR Chapter 12).

8.37 A swept path analysis has been carried out, which has identified potential areas where remedial works would be required to accommodate the movement of Abnormal Loads (ALs). While there are several potential pinch points/overhang areas identified on the trunk road sections of the route, it is not anticipated that much work will be required other than removing street furniture and some temporary road widening.

8.38 The applicant has highlighted its commitment to preparing a finalised Construction Traffic Management Plan (CTMP) for the delivery of abnormal loads with the aim of reducing conflict between abnormal load traffic and other road users. A framework for the TMP is provided in the submitted Transport Assessment. This has been reviewed by Transport Scotland and is considered appropriate at this stage. It asks that the final document be discussed and agreed with the Network Area Manager. This requirement can be set by planning condition and is typical of the approach deployed for such projects.

8.39 The Transport Planning Team request that the preferred route from Invergordon Harbour to the A9 is via the B817 coast road, U4242 Industrial Estate Distributor Road and C1063 Academy Road, joining the A9 at Tomich junction is utilised. Transport Planning also accept that the local road network has capacity to accommodate the construction traffic from this development. However, the direct impact of large heavy construction vehicles on parts of the network will be significant and should be mitigated. A detailed review of the routes to the site for general construction traffic will be required. Following a review of the access routes a programme of mitigation works shall be agreed and carried out by the developer in consultation with the Council, as roads authority.

8.40 It should be noted that the development proposed the use of 2 on site borrow pits to win material for access track construction etc. While borrow pits are not supported by Scottish Planning Policy, the use of borrow pits for this site has significant benefits in respect of reducing the potential construction traffic impact on local roads and is to be welcomed.

8.41 As part of the Construction Traffic Management Plan (CTMP) the applicant should be aware that the full extent of all mitigation/improvement works for general construction traffic and abnormal load movements shall be agreed. Should the development be granted consent full details of this are to be included within the CTMP which can be secured by condition. 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.

Water, Flood Risk, Drainage and Peat

8.42 The EIAR 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. A outline of what the CEMD will contain is included within the EIAR.

8.43 The CEMD needs to be 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.

8.44 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 and sediment release. This includes setbacks from water courses. SEPA support this approach however conditions are sought to secure further details of these matters.

8.45 The wider site is home to Ground Water Dependent Terrestrial Ecosystems (GWDTEs). Overall SEPA are satisfied that the positioning of the tracks and turbines have generally avoided the most sensitive GWDTEs. SEPA is satisfied that the proposed development has been designed to avoid impacts on GWTEs. As a result of amending the design of the project there will be no requirement for watercourse crossings if this was to change then they would be required to be designed to cope with a 1 in 200 year flood event, the detailed design of which can be secured by condition.

8.46 SEPA welcomes the fact that the layout of the scheme has taken steps to minimise direct impacts on the water environment. THC Flood Risk Management Team request that a condition is imposed if any permission is granted to ensure that details of SuDs is provided through a Drainage Impact Assessment (DIA) for the application site to allow a final assessment.

8.47 The majority of the site contains peat. Further information was submitted following a request from SEPA to provide further information relating to peat depth, peat probing points, quantity of peat to be excavated and where the peat will be stored is provided. SEPA have withdrawn their objection following the submission of further information and the removal of turbine 10 and 14 to avoid areas of deep peat. SEPA still have concerns in relation to the excavated material which includes peaty soil, peat and mineral soil. The applicant provided all-in-one figures that are not considered to be appropriate for assessment purposes, as the way in which mineral soil and peat should be re-used is very different. Therefore, it is important that the Peat Management Plan should therefore clearly separate out peat and peaty soils from mineral soils to provide an estimation of the volumes of excavated peat required to be reused on site, and whether suitable uses (such as restoration) are available on site. The Peat Management Plan should also make it clear that these types of materials should not be mixed together, and should be stored separately and each utilised in the conditions that will most benefit each. A Peat Management Plan will be secured through planning condition should consent be granted.

8.48 Two potential borrow pit areas have been identified, SEPA initially objected as there were no site plans provided. These were submitted under the SI, however it is not clear from the amended site plans if the cut-off drains are connected to the trackside drainage. The purpose of cut off drains is to keep clean surface water coming off the hills separate from the dirty water coming of the tracks and construction works. Provided the clean water drains are directed away from working areas and dirty

water drains, then SEPA have no objection. The materials from the borrow pit would be stockpiled within the base area of the borrow pit prior to being used elsewhere on site. This appears to address the storage of the excavated rock, whereas SEPA are interested in how any peat/soils and specifically turves will be removed and stored and where these will be located, as they should be preserved during construction and kept close to the borrow pits for ease of restoration. The preservation of turves is most crucial to ensure restoration is successful, especially on areas of exposed peat. Turves should not be temporarily placed along the rock bunds as a surrogate site, as these will be too permeable and likely dry out and this information should be submitted within the final Peat Management Plan which can be secured by condition. Surface water management and risks of pollution as a result of these workings will be addressed via the Controlled Activities Regulations (CAR) Construction Site Licence.

Natural Heritage including Ornithology

8.49 The EIAR has identified and assessed impacts on protected species, ornithology, ecology and designated sites.

8.50 RSPB raised concerns to the proposed development due to the applicant underestimating impacts such as collision risk, peatland habitat and species (for example hen harrier and divers). The information provided within the EIAR in relation to these issues has been provided, and SNH have accepted the developer's assessment.

8.51 The proposal lies in proximity to Strath Carnaig and Strath Fleet Moors Special Protection Area (SPA) protected for its hen harrier. In addition, Lairg and Strath Brora Lochs SPA, protected for its black-throated diver lies approximately 4km to the north of the development and is within flight connectivity distance (i.e. 10km). The nearest component part of the Caithness and Sutherland Peatlands SPA is approximately 6km to the north-west, which has connectivity at this distance for red and black-throated diver (10- 13.5km). In addition, greylag goose is within connectivity distance (13.5km) of this proposal linked to the Dornoch Firth and Loch Fleet SPA.

8.52 SNH initially raised concerns in relation to collision risk, specifically to the hen harrier. However, SNH consider the collision risk to hen harriers to be low and therefore within acceptable limits. The modelling information demonstrated that the hen harrier population will be maintained even in light of this. Furthermore, the risk have been reduced further through the revision of the development which has reduced the number of turbines.

8.53 The site's status means that the requirements of the Conservation (Natural Habitats, andc.) Regulations 1994 as amended (the "Habitats Regulations") apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017. Consequently, The Highland Council is required to consider the effect of the proposal on the above SPAs. The Highland Council has therefore undertaken a Habitats Regulations Appraisal, that is attached in the Appendix 4.

8.54 SNH had raised concerns that T12 appeared to lie on the fly-way for divers and recommended that it was moved further to the west to ensure that the flyway remains unobstructed. This turbine was removed therefore resolving SNH's concerns. The bird survey work showed minimal diver flights through the development area. This helps reaffirm that there is very little SPA diver flight activity through the development site. In addition, the golden eagles recorded over the site are considered to be from the wider Natural Heritage Zone (NHZ) population, as there are no known SPA eagles within core foraging range of this proposal.

8.55 SNH recommended that further work should be undertaken by the applicant to gauge whether any turbines need to be relocated to reduce collision risk to bats. At least three of the turbine locations in the south are close to the Allt Romascraig Mor watercourse. There should be a 50m buffer zone from turbine tip to the nearest features that may be attractive to bats, such as water courses and woodland. This buffer zone is now identified as standard mitigation within *Bats and Onshore Wind Turbines: Survey, Assessment and Mitigation (Jan 2019)*. Both common and soprano pipistrelles have now been re-assessed as high-risk species for wind farm collision. The turbine buffer zones have been implemented adjacent to linear watercourses to reduce collision risk to any bats that may forage over this upland habitat through the SI.

8.56 SNH welcome the commitment within the EIAR that otter, water vole and reptile Species Protection Plans (SPPs) will be agreed. This can be secured by condition as part of the CEMD.

8.57 An outline Habitat Management Plan (HMP) has been submitted by the applicant. SNH welcome the outline HMP to help enhance and restore upland habitats for hen harrier, red-throated diver and black grouse. SNH would encourage the applicant to explore rewarding crofters and/or common grazings for carrying out sympathetic moorland management within the HMP area to benefit species such as hen harrier and curlew.

8.58 SNH recommends that water vole surveys are carried out along the riparian zones proposed for planting just in case this helps to inform which areas can be left as open corridors. Water voles can provide a food source for hen harrier, therefore this should be taking into consideration to help maximise the benefits of the approach of the HMP.

8.59 SNH also welcomes blanket bog restoration being included with the HMP. SNH acknowledges that future work will be required to gauge the priority and scale of specific areas for habitat recovery. However it requires that the material used for drain blocking should be peat.

8.60 SNH recommend that a pre-construction survey for legally protected species is carried out at an appropriate time of year, at a maximum of eight months preceding commencement of construction, and that a watching brief is then implemented by the Ecological Clerk of Works (ECOW) during construction. This should include, but not be limited to, breeding birds, otter, water vole and reptiles. The surveys should include all areas directly affected by construction plus and appropriate buffer to

identify any species within disturbance distance of construction activity and to allow for any micro-siting needs. The watching brief should be implemented by the ECoW during construction, in case of unexpected activity on site by protected species.

Built and Cultural Heritage

8.61 The applicant has undertaken an assessment on built and cultural heritage within the outer and inner study area of the development. This concluded that there are a number of listed buildings and scheduled monuments within proximity of the site as noted in paragraph 2.12. In undertaking the assessment, the applicant produced visualisations showing the view from a number of assets, these include Achinduich, stone circle 950m NNE of (SM1761) and The Ord, chambered cairns, cairns, settlement and field system (SM1812).

8.62 Historic Environment Scotland has indicated that it agrees with the EIAR conclusion that the proposal is unlikely to have any significant adverse impacts on the nationally important heritage assets, such as Listed Buildings or Conservation Areas. However there is potential for impact on the setting of the Achinduich, stone circle 950m NNE of (SM1761) and The Ord, chambered cairns, cairns, settlement and field system (SM1812). The level of impact on these scheduled monuments are not considered to be of national interest, therefore HES do not object to the proposal. The visual impact from cultural features is considered in Appendix 3 (Assessment against Landscape and Visual Assessment Criteria contained within Section 4 of the Onshore Wind Energy Supplementary Guidance), Criteria 3.

8.63 It is considered that there will be impacts on the setting of a number of scheduled monuments. Historic Environment Scotland has not objected. SPP paragraph 145 states, “Where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances.” Historic Environment Scotland has intimated through its consultation responses that the impacts are not of national significance. Therefore the test in paragraph 145 of SPP is not applicable to the affects of this application. The Council’s Historic Environment Team do not consider the impacts significant either and have not objected to this development.

8.64 The Achinduich, stone circle 950m NNE of (SM1761) comprises the remains of a double stone circle of which only the wester archs survive. Situated in the relatively flat upland landscape to the east of Achany Glen, the monument holds panoramic views in all directions, this likely to be an intention of the stone circle’s builders. The setting of the monument is also largely undeveloped, comprising open moorland with the majority of existing nearby settlements and roads located in the glen below and obscured by forestry. Two exceptions to this are a powerline which passes the monument on its western side, and the three existing Lairg I turbines which are visible in the distance. The proposals would be located northeast of the Achinduich stone circles, disrupting the largely unobstructed views in this direction.

8.65 While the three existing Lairg I turbines have an impact on this view, they occupy a relatively small part of the horizon and do not detract from the open expanse of moorland surrounding the monument. The proposals would expand the existing cluster of turbines considerably, so that they would occupy a wider section of the outward view. The height of the turbines would also result in an increased

dominance of turbines with the open upland setting, with turbines 1, 2 and 3 being particularly overbearing at a distance of less than 3km away. HES considered that this would be a pronounced change in the monument's setting. Turbine 1 was subsequently reduced in height, this was welcomed by HES, although there were limited changes to the magnitude on the heritage assets it did reduce the visual impact. These impacts are not considered to be of national interest, therefore HES did not raise an objection.

8.66 The Ord, chambered cairns, cairns, settlements and field systems (Scheduled Monument, Index no. 1812) comprises a range of prehistoric sites including two chambered cairns, a homestead, several hut circles and accompanying field systems including cairns of field-cleared stones. The Ord North is a well-preserved circular chambered tomb with an exposed entrance to the southeast. The Ord South is the remains of an Orkney-Cromarty type round cairn. Much of the cairn material has been removed and its polygonal chamber has been exposed. Although the ability to understand and appreciate the original form of the cairn its location, situated on a rocky knoll, is readily appreciable. The entrance to the chamber is to the east-southeast. A burnt mound is situated on the northeast slope of The Ord close to a burn. Settlement remains consist primarily of scattered hut circles accompanied by a system of plots, made up of low lynchets and banks on which clearance cairns are piled. A more substantial banked enclosure situated on the southeast slope of the Ord has been classified as a homestead and may represent a later phase of occupation than the hut circles.

8.67 Due to its topography the Ord has served as a focal point in the landscape across millennia, consequently attracting the high concentration of varied archaeological remains visible across the monument. The monument has panoramic views in all directions, with Loch Shin to the north and Achany Glen to the south acting as entrance passages deliberately orientated to the southeast and east-southeast, respectively, broadly in a similar direction, with the main views for both cairns being into and over the chamber and out from their chambers. Outward views would have incorporated both the immediate area where associated rituals would have taken place but also much more distant features, including the hills and peaks beyond and, potentially, towards the rising sun. The outward view from North cairn would have encompassed the South cairn. These views are therefore of considerable importance to these monuments' cultural significant and setting. The more distant peaks within these important southeast views are already occupied by the existing Lairg I turbines, these turbines being a visible presence in view from the passage of the North cairn, appearing above the South cairn. The telecommunications mast and associated infrastructure, immediately adjacent to the cairns also represents a significant modern feature in the settings of both monuments.

8.68 The North and South chambered cairns on The Ord have the entrances to their chambers orientated southeast and east-southeast, broadly in the same direction. The existing communications mast already has an impact on both monuments' immediate setting but wider views to the southeast are still available. These views include the sunset and skyline, as well as the broad rural valley and upper hill slopes in between. The proposal would be located directly along these alignments at a distance of less than 5km from the monument. The Lairg I wind farm already has an

impact on these views. However, these proposals would add a number of new, larger turbines, across a substantially wider proportion of the skyline directly within the important south-eastern views from the monument.

8.69 Although these views are already partially compromised, these new turbines would substantially further detract from the ability to appreciate and experience the relationship between the cairns and the skyline and the sunset beyond. The additional turbines would result in turbines becoming the most significant and dominant feature in these views, with turbines 1, 2, 3 and 6 being particularly dominant. Mitigation was sought and turbines 1 and 6 were reduced in height. Taking this into consideration and with the presence of Lairg I turbines and the existing infrastructure, it is considered that the proposals would not result in a significant adverse effect on the setting of the monument and the visual impact would be acceptable.

8.70 It should be noted that that there could be further design evolution to reduce the impact of the development further, to lessen the impact of the scheme when viewed from Achinduich, stone circle and The Ord, chambered cairns, cairns, settlements and field systems. In particular the reduction in height of Turbines 2 and 3 would have benefit. However, when balancing the changes to the development that has been secured through negotiations with the application and that these assets are not of national importance it is not considered to be reasonable. Furthermore, this would not remove the visual influence of turbines it would only reduce the prominence of the scheme from these assets. The impact here must also be considered in the context of the wider experience where Lairg I turbines are also visible with other structures such as the nearby telecommunications mast. A scheme for enhanced interpretation and promotion of the historic environment could be secured to offset, but not mitigate, the impact.

8.71 There is 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 and the mitigation set out in the EIAR is implemented. This can be secured by condition.

Design, Landscape and Visual Impact (including Wild Land)

8.72 The applicant has presented a number of submissions to best illustrate the impact of the development by design, particularly upon the surrounding landscape and receptors using the countryside, from local roads and communities and in combination with existing wind farm developments. A total of 17 viewpoint 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, road users and residents. The expected impact of the development in isolation can be seen with the ZTV to Blade Tip with Viewpoints (Figure 4.2) in the SI 2.

8.73 The methodology for the Landscape and Visual Impact Assessment generally follows that set out in Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3). However, it does not set a threshold for significance; instead relying solely on professional judgement and past experience to identify when the threshold of an effect is significant. As set out in para 3.32 of GLVIA 3 the “LVIA

should always distinguish clearly between what are considered to be significant and non-significant effects". Chapter 2: Approach to the Environmental Impact Assessment Table 2.1: Significance Matrix of the EIAR sets out the indicative level of effect diagrams which the applicant has used to attribute significant effects. Generally, it appears that the applicant has applied a threshold of anything being of moderate impact or below as being not significant. It has therefore considered anything of Moderate/Major and above to be a significant effect if classed to be within an area of high or medium sensitivity. The Highland Council is of the view that Moderate effects can be significant but this needs to be considered on a viewpoint by viewpoint basis using professional judgement. This has been done in Appendix 2 to this report.

8.74 In the assessment of each viewpoint, the applicant has come to a judgement as to whether the effect is significant or not. This is undertaken on a viewpoint by viewpoint and case by case basis. In assessing visual impacts in particular, it is important to consider that the viewpoint is representative of particular receptors i.e. people who would be at that point and experiencing that view of the landscape not just in that single view but in taking in their entire surroundings.

8.75 A key consideration in the effects on receptors of wind energy development is the sequential effect when travelling through and 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. As such it is considered that road users are high susceptibility receptors.

8.76 The landscape and visual impacts of the proposed development will be reversible as the scheme will be capable of being decommissioned. 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 and visual effects as non-reversible in that context.

Design and Layout

8.77 The project has evolved from a desire to generate additional renewable energy to provide electricity to the national grid. The site is located within an area partially defined as having potential for such development within SPP Group 3, however the majority of the site lies within Group 2 that is offered significant protection.

8.78 The applicant states that throughout the initial design process the position of the turbines was continually altered to account for the proximity of constraints as these were assessed.

8.79 Across the immediate landscape of the study area there are several distinctive groups of wind turbines/wind farms with heights ranging from Achancy and Lairg I with 100m to tip and Braemore with 126m to tip. The height of these turbines at 180m to tip will be the first in the area if planning permission is granted.

8.80 It has become increasingly important to consider the context in which wind farm development is seen and cumulative effects. Of particular importance is how developments relate to each other in design and relationship to their surroundings; their frequency when moving through the landscape; and their visual separation to allow experience of the character of the landscape in between. Care and attention are therefore required regarding design, siting and location to avoid detrimental visual impacts.

Landscape

8.81 The development site sits between an undulating plateau and hills between Strath Fleet, Achany Glen and the Kyles of Sutherland. The hills in the area are not high, 250-350 AOD, but form an upland area. However, given the location and scale of the proposal it will be viewed from a number of Landscape Character Types (LCTs). Each of these LCTs cover much wider areas than would be subject to the effects of this application. The assessment undertaken by the applicant has identified a number of LCTS within a 25km study area. These include:

- Sweeping Moorland;
- Moorland hills and slopes;
- Small Farms and Crofts; and
- Coniferous woodland plantation

Coniferous woodland as an LCT was not assessed due to the limited visibility from the LCT due to forest cover.

8.82 The applicant has assessed the site to lie partly within Moorland hills and slopes (eastern part) and partly within Sweeping Moorland (western part). Moorland hills and slopes LCT consists of undulating hills and covers much of the study area. In this case the extensive areas of Moorland hills and slopes are divided by the major valleys in the area, with some flatter areas within the plateau and broader valleys in the area defined as Sweeping Moorland LCT. This LCT if further fragmented by coniferous plantations. Sweeping Moorland LCT is dominated by its wide open space, resulting in a high degree of exposure, affording extensive visibility and covers several areas in the wider study area. In this case the LCT is mainly associated with Moorland hills and slopes. There are areas of Small Farms and Crofts LCT located within the wider area. These are principally around lower lying areas within straths such as Achany/Shin valley around Lairg.

8.83 The guidance for wind energy development for the LCTs it lies within explains that wind farms will tend to appear most appropriate where it is located within the wide open areas so that the turbines appear inferior to the scale of the surrounding space. Generally, it is considered that the location of the wind farm has led to the turbines appearing as an inferior scale than they are. This is due to the development sitting in an open area, with turbines set on lower ground than the surrounding landscape and being set away from roads and other wind energy developments.

8.84 The views from the north, around settlements, are where the turbines will have the most significant impact, however it is considered that the design improvements to the composition have reduced the impact to an acceptable level.

8.85 As the turbines are over 150m in height they will be required to be lit during the hours of darkness in relation aviation safety concerns. The impacts of this lighting is discussed later in the report.

8.86 The relationship with other wind energy schemes in the area, can be seen from more distant viewpoints and has been relatively well considered. Further discussion on this matter is contained in Appendix 2 to this report. In short, the location and design of the scheme has maintained an appropriate separation from other wind energy development allowing them to maintain their own setting when viewed from the majority of viewpoints. This has been particularly important when considering Lairg I. The matter of cumulative and sequential impact is more of a concern as one travels through the area on the principal road network but due to the separation between other Lairg I and other schemes is not necessarily problematic.

8.87 In terms of design of the other infrastructure on the site (control building, substation and tracks), these appear to have been well sited with those elements of greatest visual impact set back from the road and screened by the topography of the site from the public realm. However, the design of these require to be progressed from the standard uninspiring designs as shown indicatively in the EIAR. This could be secured by condition. The applicant has not specified if the transformers will be external or internal therefore a condition can be imposed to any consent to ensure that the turbines have internal transformers.

8.88 Generally, it is considered that the design and location of the scheme has taken into consideration the position of surrounding developments in the landscape and, following the reduction in the scale of the proposal, represents a scheme that fits with the pattern of development in the area. This is discussed further in Appendix 3 of this report.

8.89 The EIAR identifies that the effect on some localised parts of the LCT where the development takes place would be significant. However, for other areas of the LCT will be negligible therefore the cumulative impact would not be significant (minor).

8.90 The EIAR has also identified significant (major) effects on the character of the Moorland Slopes and Hills LCT located within 3-5km due to the increase in the influence of tall engineered structures. This impact is reduced to not significant (minor reducing to negligible) beyond the 5km buffer.

8.91 Similar effects have been identified for localised areas of the Small Farms and Crofts LCT judged to be significant (moderate). There are wind farms visible from parts of the LCT, located on the hill horizons above crofting straths, such as Lairg, Achany and Rosehall Wind Farms above the Achany-Lairg area, and Kilbraur Wind Farm above the Rogart area as such the LCT is judged to have a high sensitivity to wind farm development. However, the operational effects of the proposed development on the LCT with the introduction of additional turbines on the horizon above the straths to the south or south-east, seen adjacent to Lairg I and on the opposite side of Achany Glen to Rosehall and Achany Wind Farms the magnitude of change to the LCT in localised areas is judged to be significant (moderate) with all other areas the magnitude of change will be low not significant (negligible).

8.92 The EIAR has not identified significant effects on any other LCA in the study area other than within localised areas.

8.93 The landscape character effects as a result of the presence of the turbines will 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 in that context.

8.94 The applicant has stated in the EIAR 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 2.8 and 2.9 of this report. The assessment is not disputed.

8.95 The application site does not sit within any landscape designations but the wider study area for the Landscape and Visual Impact Assessment includes

- Dornoch Firth National Scenic Area (NSA) located at VP12;
- Ben Kilbreck and Loch Choire Special Landscape Area (SLA) located at VP14;
- Assynt Coigach NSA (VP16);
- Loch Fleet, Loch Brora and Glen Loth SLA; and
- Fannich, Beinn Dearg and Glencalvie SLA.

On review of the citation for these designations, while the proposed development may theoretically be noticeable from Dornoch Firth NSA, visibility will be limited and is unlikely to have an adverse effect on safeguarding or enhancing the character of the NSA there will be limited visibility from the others. Due to distance and lack of visibility, the proposal will not have an adverse effect on safeguarding or enhancing the character of the Assynt Coigach NSA. The proposed development will not have an impact on the special qualities SLAs in the area. This is further discussed within Appendixes 2 and 3 of this report.

Wild Land

8.96 No element of the proposed development is within a wild land area, however it is in relative proximity to Wild Land Area 29 – Rhiddoroch – Beinn Dearg – Ben Wyvis (VP17), 34 – Reay – Cassley (VP16), 35 – Ben Klibreck – Armine Forest and 37 – Foinaven – Ben Hee. The applicant scoped out the impact on WLA 34 that is the closest to the proposed development due to other wind farms being closer than the proposed development. The other WLAs were scoped out due to the distance the proposed development is from the wild land areas that will result in limited views of the proposed development, with existing wind farms visible. As the development site 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 does apply. 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.

8.97 A Wild Land Assessment has not been carried out by the applicant as it was scoped out. SNH have not undertaken a Wild Land Assessment either, taking this into account the applicants' decision to not undertake one is not disputed.

8.98 Scottish Natural Heritage published descriptors for each of the 42 Wild Land Areas across Scotland in January 2017. These descriptors set out wild land qualities for each of the Wild Land Areas and are based on the particular combinations of the wild land attributes and influence when experienced. The applicant has not undertaken a wild land assessment following the new methodology as published by SNH in January 2017, assessing the proposal against the impact on the Wild Land Attributes.

8.99 Although SNH has not requested the applicant to undertake a WLA assessment, the application site is surrounded by a number of WLAs with VP16 and VP17 located within WLAs as noted above. Furthermore, representations have raised concerns about the impact of the proposed development on the qualities of Wild Land Areas, therefore a short appraisals of the impact of the development on each WLA and the impact of the development on each WLAs key attributes and qualities as outlined below:

8.100 The Rhiddoroch – Beinn Dearg – Ben Wyvis (WLA 29) is located approximately 14km to the west and south west of the development site (VP17). This WLA consists of an area of land extending between Ullapool in the north west to the mountain of Ben Whyvis to the south east. Within this WLA there are seven Munros and five Corbetts that attract hillwalkers, with Ben Wyvis being particularly popular.

- The WLA has a range of awe-inspiring massive, high rounded hills and plateaux, as well as steep rocky peaks and ridges, offering elevated panoramas. Here one is drawn from one top to the other with the focal points being the elevated aspects of a series of retreating rolling horizons. Lairg II would not create a new focus in the landscape, it would introduce further modern elements into the landscape but these would not be immediately in one's view when looking toward the more elevated features of the wild land but in lower far distant views behind other wind development.
- Long and deep penetrating glens with steep, arresting side slopes that limit views. It is not considered that Lairg II would have an adverse impact on this key characteristic.
- A very large interior with a strong sense of remoteness and sanctuary that seems even more extensive where appearing to continue into neighbouring WLAs. Lairg II would bring additional large moving objects into view, however given the distance it is not considered that the development would reduce the sense of remoteness thus not affecting the integrity of the WLA.

- Rocky hills, cnocan and peatland slopes that appear simple and awe-inspiring at a broad scale, but harbour intricate features at a local level, as well as a strong sense of sanctuary and solitude. It is not considered that Lairg II would affect this given its position outwith the wild land area and the distance.

8.101 **Reay - Cassley WLA 34** is located approximately 8km to the north west of the development site (VP16). The WLA consists of an area of land that extends across the north west Sutherland from Scourie in the north to Rosehall in the south. The area comprises of moorland to the north, high and irregular mountain range within the central section and simpler peatland slopes in the south.

- A range of large, irregular, rocky mountains with steep, arresting slopes and a variety of lochs and lochans, possessing a strong sense of naturalness, remoteness and sanctuary. Similarly, to WLA 29, Lairg II would not create a new focus in the landscape, it would introduce further modern elements into the landscape but these would be absorbed between landforms and will not significantly spread the presence of wind farms across the wider view.
- An awe-inspiring, broad scale expanse of cnocan in which there is a complex pattern of features at a local level that contribute to the sense of naturalness and sanctuary. It is not considered that Lairg II would have an adverse impact on this key characteristic as there are other human elements located within the WLA.
- A variety of spaces created by irregular landform in which there is perceived naturalness, as well as a strong sense of sanctuary and solitude. It is not considered that Lairg II would affect this given its position outwith the wild land area and the distance.
- Extensive, elevated peatland slopes whose simplicity and openness contribute to a perception of awe, whilst highlighting the qualities of adjacent mountains. Given the position and distance of Lairg II it is not considered that it will affect the integrity of this key characteristic of the WLA.

8.102 The **Ben Klibreck – Armine Forest (WLA 35)** is located approximately 11km to the north east of the development site. The WLA consists of an area of land that extends across central Sutherland between the settlements of Laird, Altnaharra and Kinbrace. It comprises of a series of round-topped hills and plateaux and an extensive area of undulating peatland and lochans that reflect the effects of glaciation. The Ben Klibreck and Loch Choire SPA is located within the WLA recognising its scenic value.

- An awe-inspiring simplicity of landform and landcover and a perception of ‘emptiness’, so that the extent of the peatland often seems greater than it is.
- Arresting, isolated mountains rise up in stark contrast to surrounding peatland and glens, amplifying the awe-inspiring qualities of each;
- A remote interior where access involves long distances and lengthy time via penetrating glens or crossing over and around rugged landforms and waterbodies;
- An extensive area of peatland with a prevailing strong sense of naturalness; and
- A secluded, elevated and remote interior plateau shielded by an outer rim of hills, in which there is a strong sense of solitude, sanctuary and risk.

Lairg II would not have an adverse impact on the key characteristic or attributes of the WLA as it is unlikely that there will be visibility from anywhere within the WLA.

8.103 The **Foinaven – Bee Hee (WLA 37)** is located approximately 20m to the north west of the development site. The WLA consists of an area of land that extends across north west Sutherland, extending from the peatlands of Crask in the south east to the mountain of Foinaven in the north west. The WLA scenic qualities are recognised by its inclusion in part within the North-West Sutherland NSA.

- Towering, rugged mountains, highlighted by their prominent rock covering, that appear awe-inspiring and contribute to a strong sense of naturalness;
- A remote, secluded interior with very few human elements and a strong perception of sanctuary and solitude;
- A variety of shelves, corries and basins carved into the mountain landforms that harbour a strong sense of sanctuary and solitude- some with lochs, rivers and waterfalls;
- A complex mix of towering and arresting crags, cliffs and knolls with a predominance of bare rock, conveying a strong sense of naturalness;
- Long straths and glens that penetrate far into the interior – some with tracks or paths, that provide access through the landscape; and
- Extensive peatland slopes that appear awe-inspiring in their simplicity and contrast to neighbouring mountains, and allow wide open views of the surrounding area.

Lairg II would not have an adverse impact on this key characteristic or attributes of the WLA as there will be limited visibility within the WLA.

Visual Impact

8.104 The ZTV demonstrates that the scheme will be theoretically visible at a distance of up to 40km however principally within 25km study area, largely to the north, north-west with all 10 turbines in theoretical view. Visibility extends along sections of the A836 and the A838 to the north. The development would extend the theoretical visibility of turbines beyond that already experienced as a result of the operational wind farms in the area. However, it is considered that this site has the scope to absorb the turbines, even at this scale without having a significant visual impact overall.

8.105 It was considered that the original scheme would have a significant visual impact and therefore would not have been acceptable. However, through negotiations with the applicant, they have made a number of modifications to the scheme to reduce the visual impact to an acceptable level.

8.106 The visual receptors for the development have all been assessed in the EIAR. This states that receptors at Viewpoints 1 – 6 have the potential to be significantly affected by the proposed development. These viewpoints range in from a distance of 1.5km – 4.6km from the nearest visible turbine. Although these turbines will not result in new elements to the area they will appear as significantly larger, particularly when viewed from close proximity to the receptor. The views from the remaining 11 viewpoints have not been assessed as significant by the applicant.

8.107 The Council considers visual impact using the criterion set out in Section 4 of the Onshore Wind Energy Supplementary Guidance. The assessment against this criterion is contained in Appendix 3 to this Report and comes to a view as to whether the threshold set out in the guidance is met or not. To support this, a viewpoint appraisal has also been undertaken. This is contained within Appendix 2 to this report.

8.108 Unsurprisingly, as visual impact assessment is largely subjective and dependant on the application of professional judgement, there is a difference between the applicant's assessment and that of the Planning Authority. The information in Appendix 2 and 3, combined with matters set out earlier in this report, explain the difference between the outcomes of the assessments. Generally, there is broad agreement with the applicant's assessment. The main difference is the level of significance given to the magnitude of the impact as it has been underplayed by the applicant in a number of viewpoints, particularly in some of the more distant views as detailed in Appendix 2. Nevertheless, this difference in impact assessment is not considered to be of such a magnitude that it would be considered to be significant.

8.109 In coming to an opinion on the acceptability of this development, the secured design changes have played an important factor and should be given some weight. The changes have resulted in the development having an improved composition from several viewpoints, with the turbines now appearing inferior to the landscape particularly in the scenic views or more distant views. It is considered that these changes are most noticeable in VP4, VP7, VP8 and VP12.

8.110 VP4 (Ord Hill) has benefited significantly from the following changes:

- Removal of turbines 10, 11, 12 and 13;
- Reduction in tip height of Turbines 1, 6 and 14; and
- The reconfiguration of the layout of the turbines.

Whilst it is noted that the development will have a significant visual impact from this viewpoint, the design changes have reduced the impact. The amended design has successfully resulted in an improved arrangement of turbines and reduced the horizontal spread of the turbines. This has given the development a more even appearance with the turbines contained between landforms and reduced stacking of turbines both within the proposed wind farm and with the existing turbines. These changes have led to the development appearing less prominent in the landscape even though the turbine blades will appear larger than the existing Lairg I turbines, all the turbines will sit around the same height as the exiting turbines, with the new turbines located on lower ground, given the development a more even appearance from this viewpoint. The visual impact at this viewpoint, while significant, is considered acceptable.

8.111 VP7 (Loch Buidhe) has benefited significantly from the following changes:

- Removal of turbines 10, 11, 12 and 13;
- Reduction in tip height of Turbines 1, 6 and 14; and
- The reconfiguration of the layout of the turbines.

These changes have substantially reduced the visual impact with only the tips of 5 turbines now visible. It is therefore unlikely that the turbines would distract one's eye, particularly as there are overhead lines running in front of the turbine blades that would be viewed first. The visual impact at this view point is considered acceptable.

8.112 VP8 (A838, near Shinnes Broch) has benefited from the following changes:

- Removal of turbines 10, 11, 12 and 13;
- Reduction in tip height of Turbines 1, 6 and 14; and
- The reconfiguration of the layout of the turbines.

VP8 is a scenic view, located to the north side of Loch Shin, it was therefore imperative to seek design improvements in order to reduce the visual impact when viewed from here to allow the proposal to be considered acceptable. The changes have resulted in a range of improvements, most notably a significant reduction in the horizontal spread of the development. This has led to a significant improvement in the relationship with the existing wind energy development by ensuring each wind farm will retain its own setting. There will however be a noticeable change in the view when reaching this point on the A838 and turbines would be much more closely associated with the Lochside than the existing wind turbines. The view experienced at this point on the road will however be short lived as the road drops in height and the trees would screen the proposal from view. Overall, it is not considered that the route overall would be adversely affected by the presence of the turbines.

8.113 VP12 (Struie Viewpoint) has benefited from the following changes:

- Removal of turbines 10, 11, 12 and 13;
- Reduction in tip height of Turbines 1, 6 and 14; and
- The reconfiguration of the layout of the turbines.

Within this VP, Lairg I wind farm can be viewed with Achany and Rosehall to the west. The proposed development would be viewed with the existing Lairg I turbines. VP12 is one of the most visited viewpoints in the Highland's road network, therefore the magnitude of change in the view is particularly important. The viewpoint is one of the best vantage points to appreciate the Dornoch Firth National Scenic Area (NSA). While the development itself lies beyond the NSA, from this location it sites firmly within the layered landscape which contains the NSA and as such forms part of the Scenic Area's setting. The changes to the design have reduced the visual impact to an acceptable level by reducing the horizontal spread, with only the tips now visible. This has resulted in the proposed development appearing inferior to the landscape as it would be contained between landforms. The visual impact from this location is considered acceptable as it the turbines would not foreshorten the view or detract from the special qualities which are currently experienced at this viewpoint.

8.114 Overall the design improvements have improved the composition of the development, resulting in a less intrusive proposal particularly from the more scenic and distant viewpoints. A full assessment of each viewpoint is contained with Appendix 2 of this report.

8.115 Visual impact in hours of darkness requires to be assessed as a result of the need for the turbines to be lit for aviation safety. This is due to the turbines being over 150m in height. Consultees have requested that 25 candela omnidirectional lighting be attached to the turbines. Whilst the site is not a designated dark skies park, the

aviation lighting may have a significant visual impact when viewed from darker skies. The applicant's assessment states that there will be other lighting visible within several viewpoints as detailed in Appendix 2 therefore the applicant seems to underplay the impact the lighting will have. While during the day one's eye would be drawn to the moving blades of the turbines, in hours of darkness ones eye would be drawn toward the red aviation lighting. Depending on the position of the receptor to the lighting, the lights may appear to flash as a result of the turning of the turbine blades, passing between the light and the viewer. This may be a visually confusing effect for the receptor unless they were aware of the reason for the lights. Given the difference in hub heights due to ground conditions the lights would likely be at differing heights as well. This again may present a confusing image as in hours of darkness one does not have the benefit of being able to relate the lighting to a landform.

8.116 The applicant has put forward a scheme which is considered to be worst case scenario in terms of the impact of aviation lighting. A range of options may be available to mitigate the impact on receptors during hours of darkness and it may be possible that this could be infra-red which would reduce the impact. The applicant has also suggested shielding lights that would also reduce the impact, by reducing the amount of light that will be visible from lower levels such as the residential properties. These technical issues do however require approval from the relevant authorities, in particular the Civil Aviation Authority. Given the clear need for aviation safety lighting, the lightly intensity of the lighting and the lack of landscape designations or features in the surrounding area which would have their qualities adversely affected by the aviation lighting, it is considered that this matter can be adequately addressed by condition.

8.117 Despite the scale of the proposed development, the turbines are not visible from within Lairg itself. The applicant has not undertaken a Residential Visual Amenity Assessment (RVAA) as they have stated a review of the properties within 1.5 – 2km of the site, indicated that there are only a small number of properties within this distance located on the higher part of Torroble that are within the ZTV. These properties face away from the proposed development, looking out to the north-west over Achany Glen and the Lairg basin. Views from the properties are represented by VP1 from the minor road serving the Torroble properties. The applicant notes that there may be views from the rear of some of the properties, however they may be screened by outbuildings or vegetation. It is considered that the impact on residential amenity has been understated as the applicant appears to have focussed on the orientation of the property and the effects of screening.

8.118 The turbines, as viewed from these properties, would appear to dominate views due to the proximity. It is appreciated that the houses in this area do not all face directly onto the wind farm, however residents will be aware of the turbines and will see them as they use the external space and travel to and from their properties. It is however accepted that the effects would not render the properties as what may be regarded as unattractive places to live. It should be noted that residential amenity also should consider other factors such as noise and shadow flicker. These are covered elsewhere in this report.

8.119 When one travels through the area on roads and paths the proposed development will be visible in sequential views on the hills beside Lairg Wind Farm, and across Achany Glen from Rosehall and Achany Wind Farms. The most significant visual impacts are identified for the routes which pass the Lairg basin with the proposed development on the horizon. Although this development will be seen in many views with the existing group of turbines, given that they will only be viewed for short distances on many of the routes and the distance between them and other schemes the visual effect on routes is not considered to be significant. Matters in relation to the sequential impact as one travels through the area is discussed in Appendix 3 to this report.

8.120 While there are differences, visually, the amended development is considered to be an appropriate solution for the landscape in which it sits. The reduction and relocation of turbines secured through negotiations with the applicant has reduced the horizontal spread of the proposed development when viewed from several locations and has increased the separation distance from Lairg I from the majority of the viewpoints. Additionally, the reduction of turbine heights on three of the turbines has reduces the overall prominence of the development particularly from the viewpoints within the 5km buffer, whilst the visibility of the development has been reduced on the more distanced views subsequently the development is no longer visible from VP10 at Strath Fleet.

Access and Recreation

8.121 The site, like most land in Scotland, is subject to the provisions of the Land Reform (Scotland) Act 2003. There are tracks running through and around the site and the wider area, providing rich 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 could be secured by condition.

Noise and Shadow Flicker

8.122 The applicant has submitted a noise assessment in support of the application. This identifies predicted levels from the wind farm exceed the simplified ETSU standard of 35dB LA90 at a possible 13 residential properties for certain wind speeds and direction. This includes cumulative impacts from other wind turbine developments such as Lairg I. These matters can be addressed via a noise management and mitigation scheme which would include mode management of the turbines, this and can be secured by condition. This will allow the Council's noise limits of 35dB (daytime) and 38dB (night time) to be met.

8.123 Environmental Health has advised they have no objection to the application subject to a standard noise condition being attached which limits noise levels to no more than 3dB above the levels predicted in Table 11-6 of the EIAR (Chapter 11 Noise). Furthermore, given the distances involved construction noise is unlikely to be a significant issue. Where necessary, Environmental Health has powers under the Control of Pollution Act 1974 to control and restrict construction activities to reduce the impact of noise if complaints were to arise.

8.124 In terms of shadow flicker there is potential to impact three residential properties. The guidelines state the any shadow flicker should be limited to a maximum of 30 hours per year or 30 minutes on the worst affected day. This theoretically means that shadow flicker may exceed this limit in relation to two residential properties. The applicant has suggested that this can be dealt with through mitigation, such as shutting down wind turbines when shadow flicker effects could occur. This is accepted and a scheme for mitigation via mode management will be secured by planning condition.

Telecommunications

8.125 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.

8.126 The application has raised no concerns with regard to aviation interests in relation to the Civil Aviation Authority (CAA) and Ministry of Defence (MOD). Should the application 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. If granted consent, the MOD has requested notice of the following prior to commencement of construction:

- the date construction starts and ends;
- the maximum height of construction equipment;
- the latitude and longitude of every turbine.

8.127 Highlands and Islands Airport Ltd., Civil Aviation Authority and National Air Traffic Systems have no objections subject to conditions. Due to the height and position of the wind farm, it would become the dominant structure in the area and aviation warning lights may be required to be fitted at the hub height of some of the turbines, a scheme for which will require to be approved if consent were to be given.

Decommissioning and Site Restoration

8.128 The applicant has advised that at the end of their operational life, if the decision is made to decommission the wind farm, all turbine components, transformers, substation and associated buildings and infrastructure will be removed from the site. Foundations would remain on site; the exposed concrete plinths would be removed to a depth of 0.5m below the surface, graded with soil and replanted. Cables would be cut away below ground level and sealed. New site tracks and hardstanding areas constructed during development of the wind farm would be reinstated to the approximate pre-wind farm condition, unless otherwise agreed with the landowner and/or Highland Council. The material used to construct the tracks would be taken up, removed to areas identified in the site restoration scheme, backfilled with suitable material and covered with topsoil/reseeded. Backfilling of access tracks would be carefully planned in advance to avoid having to move plant machinery and equipment on freshly reinstated land.

8.129 The applicant acknowledges that these matters will not be confirmed until the time of the submission of the Decommissioning and Restoration Plan (DRP). The DRP would be submitted to and approved in writing by The Highland Council in consultation with SNH and SEPA no later than 12 months prior to the final decommissioning of the wind farm. The detailed DRP would be implemented within 18 months of the final decommissioning of the development unless otherwise agreed in writing with the planning authority.

8.130 The requirements to decommission and restore a wind farm site at its end of life is relatively standard and straight forward, with any request for re-powering to be considered with the submission of a relevant future application. SEPA may also require best practices and the removal of buried cables at the time of decommissioning. It is important to ensure that any approval of this project secures by condition a requirement to deliver a draft decommissioning and restoration plan for approval prior to the commencement of any development and ensure an appropriate financial bond is put in place to secure these works.

Other Material Considerations

8.131 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.

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

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

Non-material consideration

8.134 The Applicant has extended an opportunity to the local community to share ownership in the proposed development, by investing in up to £5000 per MW. This money will be available for community projects and will require a continued dialogue with the local Community Councils. The monies will be appointed according to this continued dialogue and be based on a series of agreed criteria such as location and visual impact of the proposed development. In line with Council policy and practice, community benefit considerations are undertaken as a separate exercise and generally parallel to the planning process. Furthermore, local tourism, recreation assets and activities are likely to benefit from the community benefits package.

8.135 The issue following issues raised by third parties are not material planning considerations:

- Efficiency of wind technology
- Alternative forms of renewable energy are more sustainable

- Green energy has not reduced energy costs
- Surplus energy is being generated in the area
- The terminology of “wind farm” is not supported

8.136 The Planning Authority can only deal with matters that are relevant to the application that is under consideration as is presented. The planning system has no remit in relation to these matters.

Matters to be secured by Section 75 Agreement

The following matters shall require to be secured by legal agreement:

a) Financial guarantee to secure decommissioning and restoration of the development.

8.137 The applicant has four months from the date that the Council's solicitor writes to the Applicant/Applicant's solicitor indicating the terms of the legal agreement, to deliver to the Council a signed legal agreement. Should an agreement not be delivered within four months, the application shall be refused under delegated powers.

9. 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 situated in appropriate locations. The project has the potential to contribute an additional 34.5MW (or more depending on the final design of the turbines) of renewable energy capacity towards Scottish Government targets. However, as with all applications, the benefits of the proposal must be weighed against potential drawbacks and then considered in the round, taking account of the relevant policies of the Development Plan.

9.2 The application has attracted several letters of representation both objecting and supporting this development from members of the public. There are no objections from statutory consultees, where many concerns addressed through planning conditions. 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, telecommunications, etc.) and environmental resources (water, soils, peat, etc.). Parties have recognised the potential mitigation proposed 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 however it is considered that they can be accommodated due to the scale of the landscape and the separation from other wind energy developments in the area.

9.6 Furthermore, it is considered that having achieved significant design changes through negotiations with the applicant the visual impact of the development is now considered acceptable. The modifications secured have included the complete removal of four turbines (and associated infrastructure), relocation of turbines and the reduction of tip height of three turbines. These changes have reduced the magnitude of the impact of this development and addressed many concerns over the development. It is therefore considered that this scheme's benefits now outweigh any impacts.

9.7 The Council's response to this application is considered 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 6.1 above. Given the above analysis the application would, on balance, accord with the Development Plan.

9.8 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 is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: Not applicable

10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: The application has the potential to generate renewable energy and make a contribution toward meeting climate change targets.

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued Y

Conclusion of Section 75 Obligation Y

Subject to the above, it is recommended that planning permission be **GRANTED,** subject to the following reasons:

Conditions and Reasons

1. The Planning Permission is granted for a period of 28 years from the date of Final Commissioning, comprising an operational period of up to 25 years from the date of Final Commissioning and a period of up to 3 years for decommissioning and site restoration to be completed in accordance with a scheme to be approved under Condition 25 of this permission. Written confirmation of the Date of Final Commissioning must be provided to the planning authority no later than one calendar month after the event.

   Reason: to clarify the terms of the permission as the permission sought is temporary and to define the duration of the consent.

2. Design and operation of turbines

   No turbines shall be erected until 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;
   ii. The external colour and/or finish of the turbines to be used (including towers, nacelles and blades) which should be non-reflective pale grey semi-matt; and
   iii. The turbines must have internal transformers.

   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.

   Reason: To ensure that only the turbines as approved are used in the development and are acceptable in terms of visual, landscape, noise and environmental impact considerations.

3. Advertisement on Infrastructure

   None of the wind turbines, anemometers, power performance masts, switching stations or transformer buildings / enclosures, ancillary buildings or above ground fixed plant shall display any name, logo, sign or other advertisement (other than health and safety signage) unless otherwise approved in advance in writing by the Planning Authority.

   Reason: To in the interests of the visual amenity of the area and compliance with Town and Country Planning (control of advertisements) (Scotland) regulations 1984.

4. Design of sub-station and ancillary development

No development shall commence on the control building, substation and or ancillary infrastructure until final details of the location, layout, external appearance, dimensions and surface materials of all buildings, compounds, parking areas, battery storage, as well as any external lighting, fencing, walls, paths and any other ancillary elements of the development, have been submitted to, and approved in writing by, the planning authority. Thereafter, development shall progress in accordance with these approved details. For the avoidance of doubt, details relating to the control building and substation buildings shall include additional architectural design, landscape and visual impact assessment and other relevant assessment work, 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.

5. Micro-siting

All wind turbines, buildings, masts, areas of hardstanding and tracks shall be constructed in the location shown on plan reference Figure 3.1 (SI 2). Wind turbines, buildings, masts, areas of hardstanding and tracks may be adjusted by micro-siting within the site. However, unless otherwise approved in advance in writing by the Planning Authority (in consultation with SEPA and SNH, micro-siting is subject to the following restrictions:

a. No wind turbine foundation shall be positioned higher, when measured in metres Above Ordinance Datum (AOD), than the position shown on Figure 3.1 (SI 2);
b. No wind turbine, building, mast or hardstanding shall be moved more than 50m from the position shown on the original approved plans;
c. No access track shall be moved more than 50m from the position shown on the original approved plans;
d. No micro-siting shall take place within areas of peat of greater depth than the original location;
e. No micro-siting shall take place within areas hosting Ground Water Dependent Terrestrial Ecosystems;
f. No element of the proposed development should be located closer than 50m to the top of the bank of any watercourse; and
g. All micro-siting permissible under this condition must be approved in advance in writing by the Environmental Clerk of Works (ECoW).

No later than one month after the date of First Commissioning, an updated site plan must be submitted to the Planning Authority showing the final position of all wind turbines, masts, areas of hardstanding, tracks and associated infrastructure forming part of the Development. The plan should

also specify 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 control environmental impacts while taking account of local ground conditions.

6. Borrow Pits – Scheme of Works

No development shall commence until a site specific scheme for the working and restoration of each borrow pit forming part of the Development has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The scheme shall include;

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

The approved scheme shall thereafter be implemented in full.

Reason: To ensure that excavation of materials from the borrow pit(s) is carried out in a manner that minimises the impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented. To secure the restoration of borrow pit(s) at the end of the construction period.

7. Borrow Pits – Blasting

Blasting shall only take place on the site between the hours of [10.00 to 16.00 on Monday to Friday inclusive and 10.00 to 12.00 on Saturdays], with no blasting taking place on a Sunday or on national public holidays, unless otherwise approved in advance in writing by the planning authority.

Ground vibration from blasting shall not exceed a peak particle velocity of 6mm/second at agreed blasting monitoring locations. The measurement shall be the maximum of three mutually perpendicular directions taken at the ground surface.

Reason: To ensure that blasting activity is carried out within defined timescales to control impact on amenity and in accordance with best current practice.

8. Planning Monitoring Officer

No development shall commence until the Planning Authority has approved in writing the terms of appointment by the Company of an independent and suitably qualified environmental consultant to assist the Planning Authority in monitoring compliance with the terms of the deemed planning permission and conditions attached to this consent ("PMO"). The terms of appointment shall;

a. Impose a duty to monitor compliance with the terms of the deemed planning permission and conditions attached to this consent;
b. Require the PMO to submit a monthly report to the Planning Authority summarising works undertaken on site; and
c. Require the PMO to report to the Planning Authority any incidences of non-compliance with the terms of the terms of the deemed planning permission and conditions attached to this consent at the earliest practical opportunity.

The PMO shall be appointed on the approved terms throughout the period from Commencement of Development to completion of post construction restoration works.

Reason: To enable the development to be suitably monitored to ensure compliance with the consent issued.

9. Ecological Clerk of Works

There shall be no Commencement of Development unless the Planning Authority has approved in writing the terms of appointment by the Company of an independent Ecological Clerk of Works (ECoW) in consultation with SNH and SEPA. The terms of appointment shall;

a. Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the environmental statement and other information lodged in support of the application, the Construction and Environmental Management Plan, the Habitat Management Plan approved in accordance with condition 13, [any species or habitat management plans identified in the Environmental Statement] and other plans approved ("the ECoW works");
b. Require the EcoW to report to the Company's nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
c. Require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site;

d. Have power to stop to the job / activities being undertaken within the development site when ecological interests dictate and/or when a breach or potential breach of environmental legislation occurs to allow for a briefing of the concern to the Company's nominated construction project manager; and
e. Require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW Works at the earliest practical opportunity.

The EcoW shall be appointed on the approved terms throughout the period from Commencement of Development, throughout any period of construction activity and during any period of post construction restoration works approved.

No later than 18 months prior to decommissioning of the Development or the expiration of this consent (whichever is the earlier), the Company shall submit details of the terms of appointment by the Company of an independent ECoW throughout the decommissioning, restoration and aftercare phases of the Development to the Planning Authority for approval in consultation with SNH and SEPA. The ECoW shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the Development.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development.

10. 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 SEPA and other appropriate consultees as appropriate. The document shall include provision for:

a. An updated Schedule of Mitigation (SM);
b. Processes to control / action changes from the agreed Schedule of Mitigation; and
c. The following specific Construction and Environmental Management Plans (CEMPs):

I. Details of the construction works, construction methods and surface treatment for all hard surfaces and tracks;
II. Method of construction of the crane pads;
III. Method of construction of the turbine foundations;
IV. Method of working cable trenches;
V. Method of construction and erection of the wind turbines and meteorological masts;
VI. details of watercourse crossings designed to 1 in 200 year flood risk event plus 20% for climate change;
VII. Residual Forest Waste Management Plan;

VIII. Details of the temporary site compounds, for the storage of materials and machinery, including the areas designated for offices, welfare facilities; fuel storage and car parking;

IX. 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 also highlight how sensitive peat areas are to be marked out on-site to prevent any vehicle causing inadvertent damage;

X. Water Quality Management Plan - highlighting drainage provisions including monitoring / maintenance regimes, water crossings, 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;

XI. Public and Private Water Supply Protection Measures Plan;

XII. Pollution Prevention Plan;

XIII. Site Waste Management Plan;

XIV. Construction Noise Mitigation Plan; and

XV. Species Protection Plan(s): - including otter, water vole and reptile.

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 for example. 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 micrositing needs;

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;

The notification and a stop the job commitment requirements set out below:

Should an otter holt be found during construction, all works within 250m of the holt shall stop immediately and the SNH Golspie office be notified and asked for advice.

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 Golspie office be notified and asked for advice.

XVI. Site Construction Decommissioning Method Statement highlighting restoration/ reinstatement of the working areas not required during the operation of the Development, including construction access tracks, borrow pits, construction compound, storage areas, laydown areas, access tracks, passing places and other construction areas.

Wherever possible, reinstatement is to be achieved by the careful use of turfs removed prior to construction works. Details should include all seed mixes to be used for the reinstatement of vegetation;

VII. A Construction Method Statement for the approval of the Planning Authority in consultation with SNH and SEPA incorporating the mitigation measures set out in Technical Appendix 8.1 and Section 8.9.10 of the Peat Landslide Risk Assessment; and

VIII. A Construction Environment Management Plan incorporating the mitigation contained in Table 6 of the Ground Water Dependent Terrestrial Ecosystem Assessment.

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

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

11. Traffic Management Plan

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 during all period of construction and decommissioning, 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, including but not limited to upgrades to the local and trunk road network to make it suitable for construction traffic, 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 Roads Authorities, including;

    a. Access via the A836 and C1107 only;

    b. Delivery route from Invergodon harbour to the A9 will be via the B817 coast road, U4242 Industrial Estate Distributor Road and C1063 Academy Road, joining the A9 at Tomich junction;

    c. A detailed review of the routes to site for general construction traffic;

d. Details of all mitigation/improvement works for general construction traffic and abnormal load movements;

e. A high-level review of the access route from Port of Entry at Invergordon;

f. An initial 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;

g. 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;

h. 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;

i. No deliveries by abnormal indivisible loads shall take place until a final assessment of the capacity of existing bridges and structures along the abnormal indivisible load delivery route is carried out and submitted to and approved by the Planning Authority and full engineering details and drawings of any works required to such structures to accommodate the passage of abnormal indivisible loads have been submitted to and approved by the planning authority, thereafter the approved works shall be completed prior to the abnormal indivisible load deliveries to the site.

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

iv. 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;

v. A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during construction / decommissioning periods;

vi. 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;

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

viii. 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;

ix. 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;

x. Wheel washing measures to ensure water and debris are prevented from discharging from the site onto the public road;

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

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

xiii. 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). It will also require the submission of an appropriate financial bond acceptable to the Council in respect of the risk of any road reconstruction works.

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.

12. Community Liaison Group

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 project implementation, ensuring community dialogue and the delivery of appropriate mitigation measures for example to minimise potential hazards to road users, including pedestrians, travelling on the road networks.

13. Outdoor Access Management Plan

No development shall commence until an Access Management Plan, has been submitted to, and agreed in writing by, the Planning Authority. The plan should ensure that public access is retained in the vicinity of Lairg I Wind Farm during construction, and thereafter that suitable public access is provided during the operational phase of the wind farm. The plan as agreed shall be implemented in full, unless otherwise approved in writing with the Planning Authority.

Reason: In the interests of securing and enhancing public access rights.

14. Habitat Management Plan

There shall be no Commencement of Development unless a habitat management plan has been submitted to and approved in writing by the Planning Authority in consultation with SNH and SEPA. The habitat management plan be based on the principles of the draft Habitat Management Plan (June 2017) shall set out proposed habitat management of the wind farm site during the period of construction, operation, decommissioning, restoration and aftercare of the site, and shall provide for the maintenance, monitoring and reporting of sward height across any permanent, long term, open areas that are within 500m of wind turbines.

The approved habitat management plan will include provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the habitat plan objectives. In particular, the approved habitat management plan will be updated to reflect ground condition surveys undertaken following construction and prior to the date of

Final Commissioning and submitted to the Planning Authority for written approval in consultation with SNH and SEPA.

Unless otherwise agreed in advance in writing with the Planning Authority, the approved habitat management plan shall be implemented in full.

Reason: In the interests of good land management and the protection of habitats.

15. Deer Management Statement

No development shall commence until a deer management statement has been submitted to and approved in writing by the Planning Authority in consultation with SNH. The deer management statement shall set out proposed long term management of deer using the wind farm site and shall provide for the monitoring of deer numbers on site from the period from Commencement of Development until the date of completion of restoration.

The approved deer management statement shall thereafter be implemented in full.

Reason: In the interests of good land management and the management of deer.

16. Programme of Archaeological Works

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, 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.

17. No trees within the application site, other than those which are specifically identified for removal on the approved plans, shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

Reason: In order to ensure the protection of retained trees, which are important amenity assets, during construction.

18. Peat Landslide Management

No development shall commence until a detailed peat landslide risk assessment, addressing construction phase of the development and post-construction monitoring, has been approved in writing by the Planning Authority.

The peat landslide risk assessment shall comply with best practice contained in “Peat Landslide Hazard and Risk Assessments: Best Practice Guide for Proposed Electricity Generation Developments” published by the Scottish Government in January 2007, or such replacement standard as may be in place at the time of submission of the peat landslide risk assessment for approval. The peat landslide risk assessment shall include a scaled plan and details of any mitigation measures to be put in place.

The approved peat landslide risk assessment shall thereafter be undertaken in full prior to Commencement of Development.

Prior to Commencement of Development, the Company shall appoint and pay for an independent and suitably qualified geotechnical engineer acceptable to the Planning Authority, the terms of whose appointment (including specification of duties and duration of appointment) shall be approved by the Planning Authority.

The Company shall undertake continuous monitoring of ground conditions during the construction and deforestation phases of the Development. Continuous analysis and call out services shall be provided by the geotechnical engineer throughout the construction phase of the Development. If a risk of peat failure is identified, the Company shall install such geotechnical instrumentation to monitor ground conditions as is recommended by the geotechnical engineer and shall monitor ground conditions. Any remediation work considered necessary by the geotechnical engineer shall be implemented by the Company to the satisfaction of the geotechnical engineer. Monitoring results shall be fed into risk analysis reports to be submitted to the planning authority on a quarterly basis during the construction and deforestation phases of the Development.

Reason: To minimise the risk of peat failure arising from the Development.

19. Shadow Flicker

No development shall commence until a scheme for the avoidance or mitigation of any shadow flicker experienced by residential and commercial properties situated within 11 rotor diameters of any turbine forming part of the Development and which lawfully exist or for which planning permission has been granted at the date of this consent has been submitted to and approved in writing by the Planning Authority. The approved mitigation scheme shall thereafter be implemented in full.

Reason: To offset impacts of shadow flicker on residential and commercial property amenity.

20. Television Reception

There shall be no Commencement of Development unless a Television Reception Mitigation Plan has been submitted to, and approved in writing by, the Planning Authority. The Television Reception Mitigation Plan shall provide for a baseline television reception survey to be carried out prior to the installation of any turbine forming part of the Development, the results of which shall be submitted to the Planning Authority.

For the avoidance of doubt the scheme shall include, but not be limited to:

- Details of publication and publicity for the scheme;
- Timescale for investigation of any claims within a reasonable timescale;
- details for reporting mechanism to the planning authority the number of complaints / claims;
- details of the length of the operation of the mitigation scheme. This shall be no less than 18 months of the first export of electricity from the site; and
- details of the bond to be placed with the planning authority to ensure funds are available to deliver the mitigation plan.

The approved Television Reception Mitigation Plan shall thereafter be implemented in full.

Any claim by any individual person regarding television picture loss or interference at their house, business premises or other building, made during the period from installation of any turbine forming part of the Development to the date falling twelve months after the date of Final Commissioning, shall be investigated by a qualified engineer appointed by the Company and the results shall be submitted to the Planning Authority. Should any impairment to the television signal be attributable to the Development, the Company shall remedy such impairment so that the standard of reception at the affected property is equivalent to the baseline television reception.

Reason: To ensure local television services are sustained during the construction and operation of this development.

21. Private Water Supplies

No development shall commence until a method statement has been submitted to and approved in writing by the Planning Authority, detailing all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties which are served by private water supplies at the date of this consent and which may be affected by the Development. The method statement shall include water quality sampling methods and shall specify abstraction points. The approved method statement shall thereafter be implemented in full.

Reason: To maintain a secure and adequate quality water supply to all properties with private water supplies which may be affected by the development.

22. Redundant turbines

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.

Paragraph (i) and (ii) shall not apply if such outages are out with the operator's control or as a consequence of any emergency or requirement of National Grid. In these instances the planning authority shall be informed of the turbine shutdowns, reasons for the turbine shut downs and timescales for the outages within 5 working days of the turbines being switched off.

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.

23. Aviation Safety

No development shall commence until the Company has provided the Planning Authority, Ministry of Defence, Defence Geographic Centre and NATS with the following information, and has provided evidence to the Planning Authority of having done so;

- the date of the expected commencement of each stage of construction;
- the height above ground level of the tallest structure forming part of the Development;
- the maximum extension height of any construction equipment; and
- the position of the turbines and masts in latitude and longitude.

Reason: In the interests of aviation safety.

24. Aviation Lighting

No development shall commence until the Company has submitted a scheme for aviation lighting for the wind farm to the Planning Authority for written approval. The scheme shall include details of infra-red aviation lighting to be applied. No lighting other than that described in the scheme may be applied at the site, other than as required for health and safety, unless otherwise agreed in advance and in writing by the Planning Authority.

No turbines shall be erected on site until the scheme has been approved in writing. The Development shall thereafter be operated fully in accordance with the approved scheme.

Reason: In the interests of aviation safety.

25. Site Decommissioning, Restoration and Aftercare

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 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.

26. Water Quality and Fish Population Monitoring

No Development shall commence until an integrated hydrochemical and macroinvertebrate scheme for water quality monitoring and monitoring fish populations has been submitted to and approved in writing by the planning authority.

This shall include, but not necessarily be limited to:

i. Frequency of monitoring, not less than once a month;
ii. Reporting mechanism to the Planning Authority, Marine Scotland and SEPA being not less than quarterly;
iii. Proposed method for agreeing mitigation required.

Thereafter, any mitigation identified shall be implemented.

Reason: In the interests of water quality management and protection and enhancement of the water environment.

27. Sustainable Drainage Systems

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 Third 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.

28. Noise

The rating level of noise immissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in or derived from Tables 1 and 2 attached to these conditions.

(A) Where there is more than one property at a location specified in Tables 1 and 2 attached to this condition, the noise limits set for that location shall apply to all dwellings at that location. In the event of a noise complaint relating to a dwelling which is not identified by name or location in the Tables attached to these conditions, the wind farm operator shall submit to the Planning Authority, for written approval, proposed noise limits to be adopted at the complainant's dwelling for compliance checking purposes. The submission of the proposed noise limits to the Planning Authority shall include a written justification of the choice of limits. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Planning Authority for the complainant's dwelling.

(B) Prior to the First Export Date, the wind farm operator shall submit to the Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Planning Authority.

(C) 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 framework for the measurement and calculation of the rating level of noise immissions from the wind farm (including the identification of any tonal component) to be undertaken in the event of a complaint in accordance with ETSU-R-97 and its associated Good Practice Guide and Supplementary Guidance Notes.

- Noise limits, agreed with the Planning Authority including any trigger limits for cumulative noise which will determine the need for a further assessment.
- Options for long term mitigation measures to be enacted, along with a timetable(s) for implementation in the event that the agreed noise limits are exceeded.
- Details of the short term mitigation measures to be implemented within one week of identifying that the agreed noise limits are exceeded which will ensure that those limits are complied with.

(D) 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 wind farm operator shall, at its expense, employ an independent consultant approved by the Planning Authority to assess the rating level of noise immissions from the wind farm at the complainant's property in accordance with the approved Noise Measurement and Mitigation Scheme. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

Within 14 days of receipt of a written request from the Planning Authority, the wind farm operator shall provide the Planning Authority with the information relevant to the complaint logged in accordance with paragraph (H) of this condition.

The independent consultant's assessment must be undertaken in accordance with the approved Noise Measurement and Mitigation Scheme and must relate to the range of conditions which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the information provided in the written request from the Planning Authority and such other conditions as the independent consultant considers necessary to fully assess the noise at the complainant's property.

(E) 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. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

(F) 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.

(G) Within one week of the Planning Authority receiving an assessment which identifies that the wind farm noise levels are exceeding any of the limits, the wind farm operator will implement mitigation measures which will ensure that those limits are complied with. These measures will remain in place until a long term mitigation strategy is submitted and approved by the Planning Authority.

(H) The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Planning Authority on its request, within 14 days of receipt in writing of such a request.

Note: For the purposes of this condition, a “dwelling” is a building within Use Class 9 of the Use Classes Order which lawfully exists or had planning permission at the date of this consent.

Reason: In the interest of amenity.

29. Private Water Supplies

No Development shall commence until an comprehensive protection plan for private water supplies has been submitted and approved in writing by the planning authority. Any mitigation identified shall thereafter be implemented prior to commencement of development unless otherwise agrees in writing by the planning authority.

Reason: In the interests of protection of water quality in private water supplies.

30. Ornithological Monitoring

No development shall commence until the Planning Authority has approved in writing a scheme for the ongoing monitoring of Ornithology, including flight paths within and adjacent to the wind farm site. This shall include regular reporting to Scottish Natural Heritage and RSPB of the findings of the monitoring.

Reason: To enable the flight patterns of birds to be suitably monitored.

Designation:	Acting Head of Development Management – Highland
Author:	Claire Farmer
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 - 00001 Location Plan
	Plan 2 - Figure 3.1: Layout and Infrastructure Plan

Appendix 2 – Viewpoint Assessment Appraisal – Visual Impact

Viewpoint		Receptor	Sensitivity of Visual Receptor	Magnitude of Impact	Residual Effect on Visual Amenity at Viewpoint	Notes
Viewpoint 1 – Torroble	APP	Road users and local residents	High	Significant	Major	This viewpoint represents the view along the minor road within the Torroble area and represents the view from local residents' properties. The existing three turbines at Lairg I can be viewed from this viewpoint, however the new turbines have adequate separation to allow the viewer to understand perception of distance between the two developments, reducing the magnitude of change. The wind turbines will only be viewed for a short time by road users in this location. The amended design has resulted improved the visual impact. There is a reduction in the number of turbines visible, reducing the horizontal spread with only 4 turbines visible. The turbines will not be visible from anywhere else on this Torroble road as per the ZTV. There will be aviation lighten visible at dark on the horizon to the east, however if the lights are shielded this would reduce the impact. Given the proximity to the site the magnitude of change is judged as significant as stated within the EIAR.
	THC		High	Significant	**Major**	
Viewpoint 2 – A836 East Achany Glen	APP	Road users (tourist and general) and visitors	High	Significant	Major	From all the viewpoints this one provides one of the most open views of the proposed development and given the more open nature of the landscape to the west of the site in Achany Glen is seen by visitors and local residents it has a high sensitivity. This viewpoint is on one of the main approaches to Lairg. The exiting Lairg I turbines can be viewed from this location and T1 from Lairg II would become the most dominant set to the front of the existing turbines, this may cause confusion with ones sense of perspective due to the variation in the size of wind turbines. Furthermore, the turbines within the proposed development will be closer to
	THC			Significant	**Major**	

						the viewer and from this location viewed with the turbines within the existing development, dominating one's experience of the view. The viewpoint is close to the road, as a result of there is a substantial change in the baseline conditions, even though the turbines will only be visible for a short section when traveling in a northerly direction. The amended design has resulted in reducing the visual impact as the number of turbines visible has reduced and there is less clustering. There will be lights visible from the scattered properties and from the turbines after dark, however it may be possible to mitigate this.
Viewpoint 3 – A839 East of Lairg	APP	Road users (tourist and general)	Medium	Significant	Major/Moderate	This viewpoint represents one of the main approaches to Lairg that connects Lairg to Rogart. The view represents views from the eastern part of Lairg and within Loch Fleet. The existing Lairg I turbines van be seen in this view. T1 of the proposed development will be the most prominent and although it is likely that the majority of tips of the other turbines will be screened by a forest plantation and the new turbines will not be a new feature in the landscape, they will be notably larger therefore it is argued that the magnitude of change is judged as significant not moderate. Furthermore, the forestry will likely be removed at some point in the future which would increase the length of turbine blades which would be visible. There is no real improvement from this viewpoint through the design changes. There will be lights visible from the scattered properties and from the turbines after dark.
	THC		High	Significant	**Major/Moderate**	
Viewpoint 4 – Ord Hill (The Ord, Chambered Cairn)	APP	Road Users (tourist and general), Walkers and	High	Significant	Major	This viewpoint is located at a chambered cairn on the top of a small hill. It is accessed via a track and paths up from the settlement of Lairg, or from the A839. It also represents views from the A839 as

	THC	Recreational receptors	High	Moderate in respect of Road Users and Significant in respect of tourists and walkers	**Major/Moderate**	one approaches Lairg, and views from some properties of Lairg and Gruids. The view is an open 360^{o} panorama from this low hill which lies within the broad valley basin at the foot of Loch Shin. There are four wind farms visible in the panorama, Lairg I, Achany Wind Farm (two blades visible), Beinn Tharsuinn and Coire Na Cloiche Wind Farms. Broad agreement with the applicant's assessment. Although the effects are major/moderate as the proposed turbines will be contained within the one landform when viewed from here. The design changes have reduced the visual impact as the horizontal spread has reduced and the turbines appear to be in a more cohesive layout. There will be lights visible on the turbines, lights on the properties on the lower slopes and lights from Lairg visible after dark.
Viewpoint 5 – A839 above Gruids	APP	Road users (tourist and general) and Walkers	Medium	Significant	**Major**	Broad agreement with the applicant's assessment of residual visual impact. The turbines would significantly extend the horizontal spread of turbines when viewed from this location. The layout has been significantly improved through an amended scheme, reducing the horizontal impact as well as increasing the separation between the proposed development and the existing Lairg I wind farm therefore the magnitude of change is considered to be major/moderate. The amended design has reduced the visual impact from this viewpoint, the turbines will appear as a more even array of turbines with a reduced spread. There will be lights visible on the turbines, lights on the properties on the lower slopes and lights from Gruids visible after dark.
	THC		High	Significant	**Major/Moderate**	

Viewpoint 6 – Lairg Grave Yard	APP	Visitors (local and tourists) and local residents	High	Significant	Major	Broad agreement with the applicant's assessment of residual visual impact. The viewpoint is located at the cemetery to the north-east of Lairg. The panoramic view from this elevated position is over rooftops of Lairg and the Loch Shin. The proposed development will be seen on the skyline beyond Lairg, located to the right of Lairg I wind farm (with only the tips of T14 seen behind Lairg I) and above a forest plantation. The proposed turbines will be more extensive and notably larger than Lairg I, however the amended design has reduced the prominence of the proposed turbines but does not reduce the magnitude of change. There will be lights visible on the turbines and lights on the properties on the slopes around Lairg and Achany Glen visible after dark.
	THC		High	Significant	**Major**	
Viewpoint 7 – Loch Buidhe	APP	Road users (tourist and local) and Walkers	Low	Not Significant	Minor	Some agreement with the applicant's assessment. It is considered that the wind farm would integrate with the landform and existing Lairg I wind farm from this viewpoint. The turbines will not be new manmade structures, as there are two overhead lines that run across the view from south and west. The proposed development would lead to an alteration of the characteristics of the baseline, however this is not considered to be significant. The amended design has reduced the visual impact as only five turbine tips are now visible. There will be lights visible on the turbines after dark.
	THC		High	Moderate	Moderate	
Viewpoint 8 – A838 Near West Shinness	APP	Road users (local and tourists)	Medium	Negligible	Minor	The view is a panoramic view of up and down the linear valley of Loch Shin, with the loch stretching away to the south-east. The proposed development will be seen in the distant skyline to the south-east,

	THC		High	Moderate It is considered that the applicant has underplayed the magnitude of impact from this viewpoint leading to an overall underplaying of the effect on receptors at this viewpoint.	**Major/Moderate**	forming an array of turbines with the existing Lairg I turbines. The amended design has reduced the impact in the sense that there is clear definition between the scale of Lairg I and the proposed development. This viewpoint has scenic qualities when viewed with the Loch and the horizon. The proposed development will be introducing huge structures within this view and therefore the impact will be higher than the applicants' assessment. However due to the geographical extent of effect it is not considered that the effect would be higher than Moderate/Major. The amended design has reduced the visual impact, with the horizontal spread of turbines reduced. After dark the lights on the turbines will be visible, with a few lights on the scattered slopes on the northern side of Loch Shin.
Viewpoint 9 – West Langwell	APP	Road users (local and tourists), local residents and walkers	Low	Not Significant	Minor	While there is broad agreement with much of the applicant's assessment in relation to this viewpoint, the proposed development although fairly significant when viewed from here, it will be contained between landscape features which reduces the impact. Review of VP9, is relatively close to the WLA37, however through the amended design the horizontal spread has been reduced, there is less cluster and the turbines are less prominent. After dark the lights on the turbines will be visible.
	THC		High	Moderate	Moderate/Minor	
Viewpoint 10 – Strath Fleet	APP	Road users (local and tourists), local residents	Low	Not Significant	Negligible	Agree with the applicant's assessment. The viewpoint is on a minor road that rises out of Strath Fleet towards Rogart. There are scattered

	THC		High	Not Significant	Negligible	properties on the lower hills and a telecommunication mast to the right of the proposed turbines. Through design Turbines 11, 12 and 13 were removed and Turbine 14 was reduced in height, therefore there will no longer be turbines visible.
Viewpoint 11 – A836, Rhian Bridge	APP	Road users (local and tourists), local residents	Low	Not Significant	Minor	Broad agreement with the applicant's assessment. The viewpoint is located at a layby on the A836, to the south of Rhian Bridge. The road runs along the shallow valley of Strath Tirry. At this viewpoint while the proposed development would increase the influence of turbines, it appears well related to the cluster of existing Lairg I turbines with an array of turbines located between landforms. The final design will show distant turbines, with turbine hubs low on the horizon. The applicant has judged the visual effect as not significant (minor). The visual impact has been improved with the amended scheme as the turbines will appear in a more cohesive group and the horizontal spread of turbines has been reduced. After dark the lights on the turbines will be visible with lights on a property at Rhian Bridge.
	THC		High	Moderate	Moderate/Minor	
Viewpoint 12 – B9176, Struie Road Viewpoint	APP	Road users (local and tourists) and visitors (local and tourists).	High	Negligible	Minor	Broad agreement with the applicant's assessment. The viewpoint is located at Struie Viewpoint, this is one of the most visited viewpoints on the Highland road network and is regularly to be found full or cars and coaches. Part of the significance lies in its being one of the best vantage points to appreciate the Dornoch Firth NSA. While the development itself lies well beyond the NSA, from this location it sits firmly within the layered landscape which contains the NSA and as such forms part of the Scenic Area's setting. The most intrusive turbines in this view have been removed (T11, T12 and 13), this has improved the composition and landscape
	THC		High	Moderate/Minor It is considered that the applicant has underplayed the magnitude of impact from this viewpoint leading to an overall underplaying of the	Moderate	

				effect on receptors at this viewpoint.		containment of the development by reducing the horizontal spread of the development. This has reduced the prominence of the development to an acceptable level. After dark there are scattered lights visible from the settlements of Ardgay and Bonar Bridge. The lights will not be visible from this viewpoint.
Viewpoint 13 – A837, Strath Oykel	APP	Road users (local and tourists), local residents, walkers and fishers.	Medium	Not Significant	Minor	The viewpoint is located on the A837 within Strath Oykel. It has a view along the strath and the view of the proposed development is contained within the u shaped valley. Lairg II will be viewed behind Braemore Wind Farm with only tips visible above a forested area. They will form an array of rotating features on the distant horizon. There will be no lights visible from this viewpoint.
	THC		High	Not Significant	Minor	
Viewpoint 14 – Ben Kilbreck (Meall Nan Con)	APP	Hill Walkers and climbers	High	Not Significant	Minor	The viewpoint is at the summit of Ben Kilbreck at Meall nan Con (961m AOD), a remote Munro. Similar views can be seen from high slopes and tops to the north of the study area, although this is the highest tip. The viewpoint is within and SLA and WLA. Although the development will introduce more turbines they will be located within a wider landscape that are in the far distant views in the context of other wind farms. The amended design reduces the horizontal spread and reduces the prominence of the turbines so they are no longer overbearing within the landscape. It is unlikely that receptors will be on this mountain after dark.
	THC		High	Negligible	Minor	
Viewpoint 15 – A838 Overscraig	APP	Hill Walkers	Medium	Not Significant	Negligible	The viewpoint is located at a passing place on the A838, to the west of Overcraig Hotel. It is not in a designated landscape, but it is close to a WLA and

	THC		Medium	Moderate	Moderate	at a point where the scenic view along Loch Shin opens out. While the distance to the development is acknowledged, its position at the focal point of the landscape where lines and topography coverage, lend it prominence. It is agreed that in views toward the site the proposed wind farm would extend the presence of wind turbines, the horizontal spread of turbines is not considered to be significant and the turbines have a good relationship with the landform. There will be no views after dark.

Viewpoint 16 – Ben More Assynt	APP	Hill Walkers and Climbers	High	Not Significant	Negligible	The viewpoint is located at the summit of Ben More Assynt (998m AOD), a popular Munro in the Assynt-Coigach NSA. In good conditions Rosehall and Achany Wind Farms are also visible in the far distance on the moorland slopes. While there will be an increase in the number of wind turbines in this view, they appear to be absorbed into the landform and are not considered to notably alter the characteristics of the baseline. There will be no views after dark.
	THC		High	Moderate	Moderate	
Viewpoint 17 – Ben Wyvis	APP	Hill Walkers	High	Not Significant	Negligible	The viewpoint is located at the summit of Ben Wyvis (1046m AOD), a popular Munro north-west of the Cromarty Firth. At present there is little to no visibility of the existing wind turbines from the summit. The VP shows the proposed development having theoretical visibility in more distant views with the turbines being small elements in the distance
	THC		High	Moderate	Moderate	

						The introduction of these wind turbines would alter the base levels even though there are other windfarms in the wider setting and would have a higher magnitude of change than the applicant's assessment. There will be no views after dark

Interpretation notes

- The methodology followed is the same as that set out by the applicant in Volume 6, Appendix 6:1 of the EIAR and the supplementary clarification document.
- The applicant's assessment in terms of the susceptibility, viewpoint value, sensitivity, magnitude and overall significance has been taken from Volume 6, Appendix 6:1 of the EIAR
- APP is short for Applicant
- THC is short for The Highland Council
- Where text is highlighted in bold in the column titled "Overall", this means that a significant effect has been identified.

Appendix 3 - Assessment against Landscape and Visual Assessment Criteria contained within Section 4 of the Onshore Wind Energy Supplementary Guidance

Criterion 1 is related to relationships between settlements/key locations and the wider landscape. The nearest settlement identified within the Local Development Plan is Lairg, located 2.5km to the north. Due to the site location and topography, the proposed turbines are screened from the vast majority of the settlement/key locations within the 5km study area. The proposed development would not be seen in the majority of the views within the settlements/key locations or from the majority of settlement approach routes. Views from the dispersed communities which are common in this area, will be limited as the topography plays a significant role in reducing the visibility of the scheme with only a small number of properties having views from the rear of their properties. The proposed development meets the threshold of Criteria 1.

Criterion 2 is related to the transitional nature of key gateway locations and routes. Whilst the Landscape Sensitivity Appraisal is a work in progress the A836 and A838 would meet the Council's criteria as key routes. No key gateway locations are referenced. The ZTV shows theoretical visibility some distance along these routes, however given the topography and vegetation the proposed turbines will be screened for the more distanced views on the route. There will be a section of the A838 route that the turbines will be visible from along the edge of Loch Shin where views open up with the turbines on the horizon and views towards Assynt with Ben More Assynt. The turbines will be viewable with Lairg I turbines, however it is not considered that the additional turbines would reduce or detract from the transitional experience. Similarly, the A836 runs close to Strath Tirry with views towards Lairg from the junction with the A838 to Crask with views restricted due to topography and vegetation.

The development would also be seen when travelling north towards Lairg on the A836, however these are not forward views and only in view for a short distance.

It is not considered that the proposed development would reduce or detract from the transitional experience of key gateway locations and routes or overwhelm or otherwise detract from landscape characteristics which contribute the distinctive transitional experience found at key gateway locations and routes. It is agreed the proposed development meets the threshold of Criterion 2.

Criterion 3 is related to the extent to which the proposal affects the fabric and setting of valued natural and cultural landmarks. In terms of natural landmarks, there are a number of remote Munro mountains of Ben Kilbreck, Ben More Assynt and Ben Wyvis within the study area that are key natural landmarks. These will all have theoretical visibility of the wind farm as represented by VP14, VP16 and VP17. The table from appendix 2 of this report identifies that there would be major/moderate to minor impacts on these viewpoints as there is a clear visual impact from the summit of these hills, in the context of increasing the number of turbines visible. However, it is considered that as the turbines will not sit in front of the mountains, and they will not affect the setting of these landmarks.

The surrounding land hosts a number of archaeological remains and built heritage. The applicant has presented an assessment based on an Inner Study Area (i.e. within the application site) and Outer Study Area (i.e. 10km from the turbine array). Within the extensive site boundary there are 9 HER asset entries and 38 non-heritage assets identified

during the desktop study and/or site survey. The 38 non-heritage assets have been identified within the site boundary and are indicative of a rural, agricultural landscape inhabited from the prehistoric to modern period. The designated asset located within the western site boundary – Achany Glen, settlement 900m to 1850 S of Lairg Station, Scheduled Monument.

Within the Outer Study Area there are four known heritage assets within the Study Areas comprising of comprising 1 Category A Listed Building, 7 Category B Listed Building. There are also 49 Scheduled Monuments and An Inventoried Battlefield, Battle of Carbisdale.

Whilst it is concluded that it is unlikely that the development would have any significant adverse impacts on nationally important heritage assets, such as Listed Buildings or Designated Landscapes there it the potential for significant indirect impacts, particularly in relation to the setting of the Achinduich, stone circle 950m NNE of (SM1761) and The Ord, chambered cairns, cairns, settlement and field system (SM1812). VP4 – The Ord and VP2 – A836 East Achany Glen demonstrates that there will be a significant impact, however as these views are already impacted by wind energy development, one might expect to see further turbine development. Taking this into consideration and that the assets are not of national interest it is considered that the criterion is met save for the localised issues at the identified scheduled monuments.

Criterion 4 is related to the amenity of key recreational routes and ways. For this scheme the development would be visible from a number of remote Munro mountains, these include Ben Kilbreck, Ben More Assynt and Ben Wyvis. Whilst not the dominant features the proposed development would have a cumulative effect as the number of turbines visible would increase as demonstrated in VP14, 16 and 17 with the horizontal spread extending in VP17.

Overall, it is considered that while there will be some impacts, the threshold of the criterion has been met as the development would not significantly affect the amenity of any key recreational routes and would not detract the visual appeal from the Munros when taking the distance to the development into consideration. Furthermore, the turbines will not overwhelm, or otherwise significantly detract from the visual appeal of the recreational routes in the area.

Criterion 5 is related to the amenity and visual appeal of transport routes. Given the location and topography the proposed turbines are well screened from much of the transport routes within the study area. The development will be visible on sequential views, on the hills beside Lairg I wind farm, and across Achany Glen. Although visual effects are identified within the EIAR from routes which pass through the Lairg basin, including the A836, the A830 and the B864 which will include views of the development on the horizon, these are not considered to overwhelm or otherwise significantly detract from the visual appeal of transport routes. The criterion is met.

Criterion 6 is related to pattern of development. The pattern of development is discussed under Criteria 1 above in so far as it relates to encirclement (perceived or real) it raised no issues given the lack of views from settlements or the approaches to them. The proposed development will reduce the visual separation between wind energy developments as seen from a number of viewpoints. There is no clear visual break from Lairg I, as seen from VP2, VP6 and VP8 as well as the more distant views. Significant mitigation was sought prior to

making a recommendation on the development this reduced the impact to an acceptable level and it is considered that the development does on balance meet the threshold of Criterion 6.

Criteria 7 and 9 are related to the separation between development / and or clusters both in visual and landscape terms. The proposal is located immediately south of the operational wind farm known as Lairg I. In most views Lairg II will appear with Lairg I, this is discussed under Criterion 6 above. In the more distant views Lairg II will be viewed with other wind farm developments in the wider context. Whilst the proposed development will appear a larger scale than that of Lairg I, in many of the viewpoints there appears to be adequate separation to distinguish between Lairg I and the proposal. In the more distant views the separation distance is diminished, however they appear in a cohesive layout. It is considered that the minimum threshold for the criterion 7 is met, however the threshold for criterion for 9 is not met as although the proposal relates well to the landscape it will increase the perceived visual prominence of turbines.

Criterion 8 is related to perception of landscape scale and distance. Where the turbines appear with other wind energy developments, they appear behind other wind energy development but in the distance, beyond at least one layer of topography. For the most part, the turbines do not create a focal point in the view and they do not diminish the scale of the landforms which it is situated on or behind. Due to the mitigation sought by officers the turbine scale in so far as it relates to the relationship with the surrounding area and avoids creating visual confusion despite the differences in scale of the turbines to others in the area.

Criterion 10 is related to distinctiveness of landscape character. For the avoidance of doubt this does not relate to landscape designations. Consideration should be given to the variety of landscape character as one travels through the area and how that changes and transitions as one moves through the area. It is not considered this is adversely affected and that overall the proposal is considered to meet the threshold of the criterion.

Appendix 4 – Appropriate Assessment

Appropriate Assessment

Lairg 2 Wind Farm - Construction of wind farm comprising 10 turbines (7 turbines to a maximum tip height of 180m and 3 turbines to a maximum tip height of 150m), associated crane pads, tracks, substation, battery storage compound, 2 borrow pits and upgrade of access track.

19/01096/FUL

CONSIDERATION OF PROPOSALS AFFECTING EUROPEAN SITES

Dornoch Firth and Loch Fleet Special Protection Area
Caithness and Sutherland Peatlands Special Protection Area
Strath Carnaig and Strath Fleet Moors Special Protection Area
Lairg and Strath Brora Lochs Special Protection Area

The status of Dornoch Firth and Loch Fleet Special Protection Area, Caithness and Sutherland Peatlands Special Protection Area, Strath Carnaig and Strath Fleet Moors Special Protection Area and the Lairg and Strath Brora Lochs Special Protection Area means that the requirements of the Conservation (Natural Habitats, and c.) Regulations 1994 as amended (the 'Habitats Regulations') or, for reserved matters the Conservation of Habitats and Species Regulations 2017 as amended apply.

This means that where the conclusion reached by the Council on a development proposal unconnected with the nature conservation management of a Natura 2000 site is that it is likely to have a significant effect on those sites, it must undertake an Appropriate Assessment of the implications for the conservation interests for which the areas have been designated. The need for Appropriate Assessment extends to plans or projects out with the boundary of the site in order to determine their implications for the interest protected within the site.

This means that the Council, as competent authority, has a duty to:

- Determine whether the proposal is directly connected with or necessary to site management for conservation; and, if not,
- Determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then
- Make an Appropriate Assessment of the implications (of the proposal) for the site in view of that site's conservation objectives.

The competent authority can only agree to the proposal after having ascertained that it will not have an adverse effect on the integrity of the sites. If this is not the case and there are not alternative solutions, the proposal can only be allowed to proceed if there are imperative reasons of overriding public interest, which in this case can include those of a social or economic nature.

Screening of Likely Significant Effects

It is evident that the proposal is not connected with or necessary to site management for conservation, hence further consideration is required. The proposed wind farm has the potential to have a likely significant effect on the qualifying interests due to impacts arising from construction operation and decommissioning of the wind farm. The Council is therefore required to undertake an appropriate assessment of the implications of the proposal on the above named SPAs.

The qualifying features which it is considered would be impacted are hen harriers that Strath Carnaig and Strath Fleet Moors SPA is protected for and black-throated diver that Lairg and Strath Brora Lochs SPA are protected for. The site also lies within connectivity distance for red and black-throated divers connected with the nearest component part of the Caithness

and Sutherland Peatlands SPA and the greylag goose which is in connectivity distance to the Dornoch Firth and Loch Fleet SPA.
Due to the nature of the proposal and the distance from the following relevant SPAs, there are unlikely to be any significant adverse effects on the qualifying features of the Caithness and Sutherland Peatlands SPA and Lairg, Strath Brora Lochs SPA and Dornoch Firth and Loch Fleet SPA therefore they are hereby screened out and therefore do not require any further consideration.

APPROPRIATE ASSESSMENT

While the responsibility to carry out the Appropriate Assessment rests with the Council, advice contained within Circular 6/1995 is that the assessment can be based on the information submitted from other agencies. In this case, the Appropriate Assessment is informed by information supplied by SNH, the applicant and various published information.

Appraisal Summary

In its initial response to the Council, SNH advised that the proposal is likely to have a significant effect on the qualifying interests of the Strath Carnaig and Strath Fleet Moors SPA, this includes hen harrier. The main risk relates to potential for collision with key bird species and potential impact on breeding birds. The risk of collision was reduced following removal of turbines within the development. The risk for breeding birds remains.
SNH have advised that this proposal should be conditioned so that works are done strictly in accordance with the appropriate mitigation below:

- *A Breeding Bird Protection Plan (BBPP)*

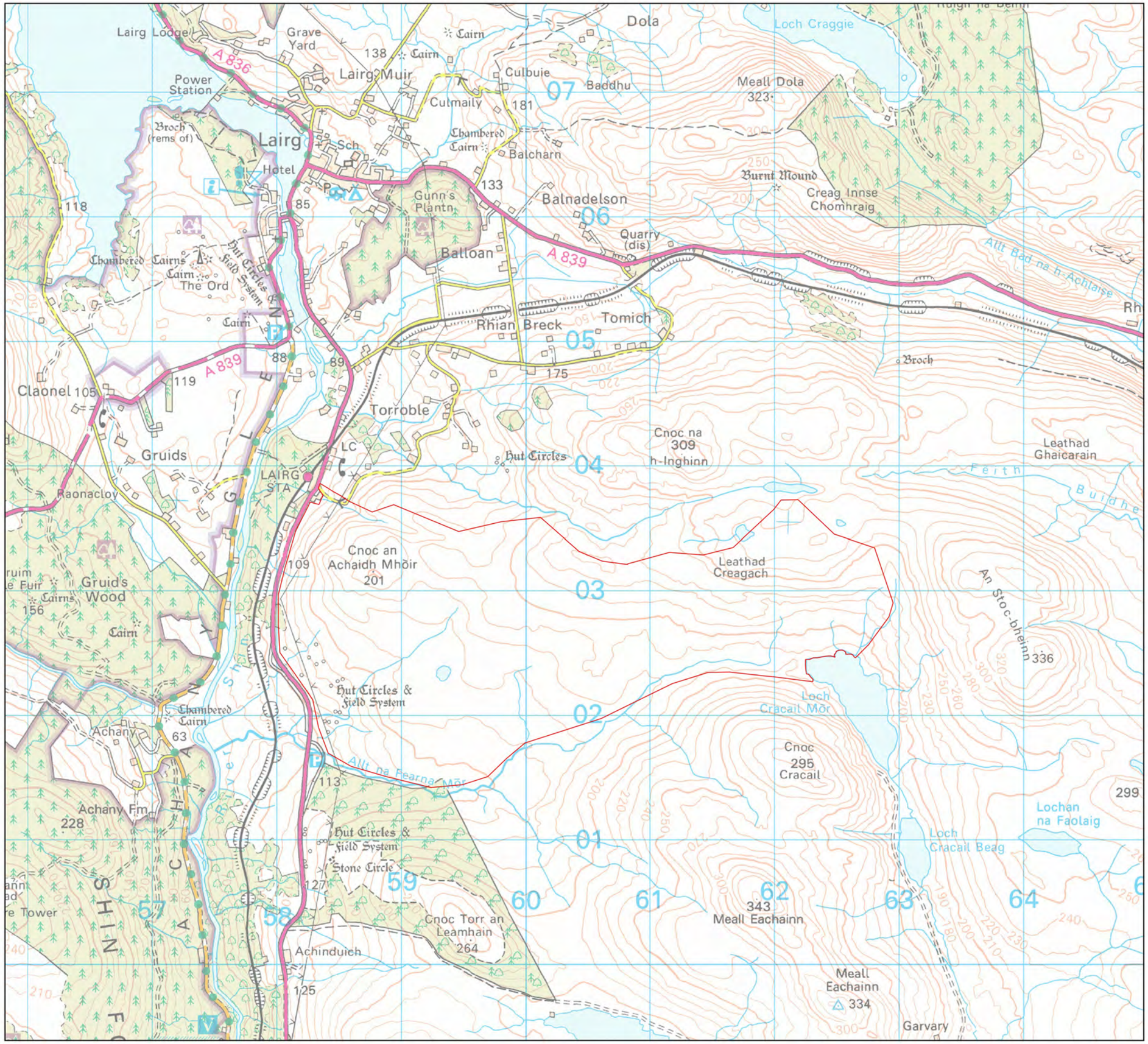
The BBPP will be developed and included as part of the Construction Environmental Management Plan (CEMP). SNH agree that the hen harrier nest site identified is unlikely to be disturbed during construction of this proposal. However, due to the potential for hen harriers to breed in a new location within the development boundary, the BBPP will be used as a precautionary measure to ensure any SPA hen harriers can breed without being disturbed within the development site.
Furthermore, the collision risk to hen harriers is considered to be low and therefore within acceptable limits. The modelling information provided shows that the hen harrier population will be maintained even in light of this.
It is concluded by implementing a BBPP this will protect the existing hen harrier nest site and any future nesting sites to reduce the impact on nesting hen harriers which may be connected to this Special Protection Area and will therefore not adversely affect the integrity of the Strath Carnaig and Strath Fleet Moors Special Protection Area.

HIGHLAND COUNCIL APPRAISAL OF THE PROPOSAL

- The proposal is not directly connected with or necessary to site management for conservation;
- The proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; therefore;
- An Appropriate Assessment of the implications (of the proposal) for the site in view of that site's conservation objectives is provided below.

The impacts on the Strath Carnaig and Strath Fleet Moors Special Protection Area are considered in terms of the different components of the development which may impact on the qualifying interests, i.e. the construction phase; operational phase and the decommissioning phase. The mitigation proposed by SNH should be sufficient to address any significant risk. Although the Strath Carnaig and Strath Fleet Moors SPA is designated for many bird species, SNH advise that the mitigation identified for the Strath Carnaig and

Strath Fleet Moors SPA will also reduce potential impacts to birds linked to the Strath Carnaig and Strath Fleet Moors SPA.
Overall, it can be therefore concluded that there will not be an adverse effect on site integrity of Strath Carnaig and Strath Fleet Moors SPA if the aforementioned mitigation is applied.



EnergieKontor

Lairg II Wind Farm

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Planning Application Location Plan

Legend

Planning App Boundary

N

250 0 250 500 750 m

Date	By	Paper	Scale	Rev
11/02/19	AM	A3	1:30,000	01

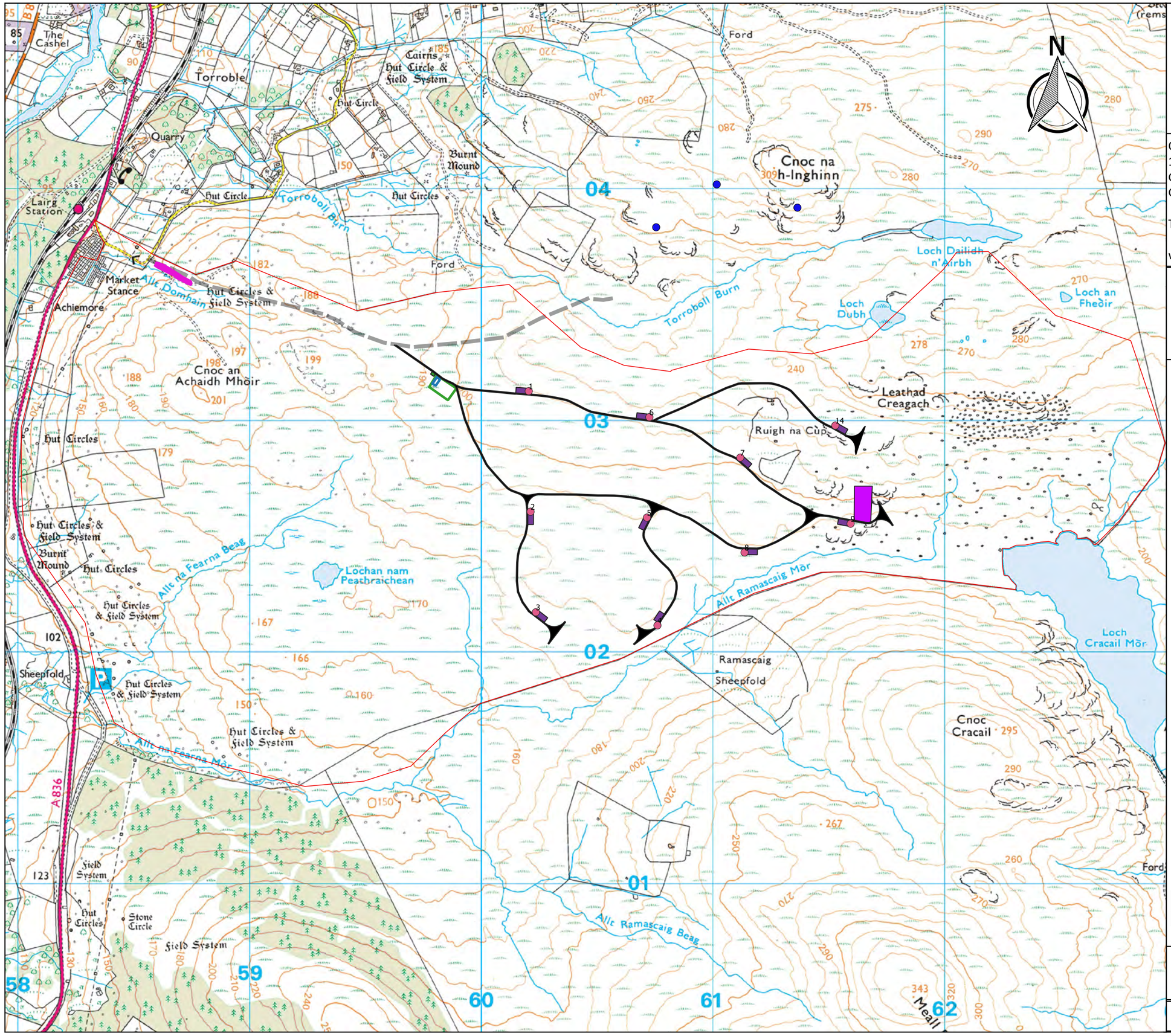

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Figure 3.1: Layout & Infrastructure Plan

Legend

- Existing Lairg Wind Farm (3 x N80s)
- Planning Application Boundary
- Existing Track
- Turbine
- Battery storage area
- Borrow pit
- Construction compound
- Crane hardstanding
- Onsite access track
- Substation

200 0 200 400 600 800 m

Note: All turbines are 180m Tip Height Save T1, T6 & T14 which are 150m.

Date	Paper	Scale	Rev	By
04/02/20	A3	1:16,000	FEI2	AM