Agenda Item	**6.1**
Report No	**PLN/038/21**

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 8 June 2021

Report Title: 20/00584/FUL : EnergieKontor UK Ltd

Land at Torr Leathann Strathrory, Ardross, Alness

Report By: Acting Head of Development Management

Purpose/Executive Summary

Description: Strathrory Wind Farm - Erection and operation of a wind farm for a period of 35 years, comprising of 7 wind turbines with a maximum blade tip height of 149.9m, access tracks, borrow pits, substation, control building, and ancillary infrastructure

Ward: 06 – Cromarty Firth

Development category: Major

Reason referred to Committee: Major development, 5 or more objections and Community Council objection

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** the application as set out in section 11 of the report

1. PROPOSED DEVELOPMENT

1.1 The application is for the erection and operation of a wind farm for a period of 35 years, comprising of 7 wind turbines with a maximum blade tip height of 149.9m, access tracks, borrow pits, substation, battery storage, control building and ancillary infrastructure. The proposal has the capacity to generate up to 33.6MW.

1.2 The proposal has been submitted under the Town and Country Planning (Scotland) Act 1997 on the basis that the applicant has sought to operate the wind farm as a standalone consent which would have an electricity output of less than 50MW.

1.3 Key elements of the development as assessed within the application's Environmental Impact Assessment Report (EIAR) include:

- 7 wind turbines of 149.9m to blade tip (capable of generating up to 4.8MW each with a hub height of 83m and a rotor diameter of 133m);
- turbine transformers (internal or external adjacent to the base of each tower depending upon the final turbine supplier's specification);
- turbine foundations with associated hard standing areas for cranes of 1,925m^2 each;
- 4.3km of on-site new access tracks of a 5m width with localised widening and passing places;
- 3 watercourse crossings, where the new access track crosses a water course;
- energy storage compound (18m(l) x 32m(w) x 3m(h)) including 2x battery storage shipping containers with a combined maximum storage capacity of 6MW;
- underground cabling routed alongside access tracks linking the turbines with the onsite substation;
- substation / switchgear housing building (15m(l) x 10m(w) x 6m(h)), plus parking;
- one on site borrow pit (200m x 100m) to source aggregate for construction; and
- two temporary construction compounds (eastern – 80m x 45m) and (western 100m x 50m).

1.4 The applicant held three public exhibitions to seek the views of the local community. These were held at Ardross Community Hall in August and October 2019 and in January 2020. The applicant raised awareness of these events by notifying all Community Council's within the Zone of Theoretical Visibility (ZTV) area who may have visibility of the development, by contacting elected members, placing statutory newspaper adverts and distributed posters.

1.5 The site access will be via the B9176, with a new site entrance from the public road network to be formed.

1.6 The applicant has requested a micro-siting allowance of 100m for site infrastructure, tracks and turbine locations to accommodate unknown ground conditions, whilst also maintaining environmental buffers (e.g. set back from areas of high bat activity and watercourses). This micro-siting allowance is considered to be excessive, and a 50m allowance is to be conditioned to maintain a well-

balanced layout with regular turbine spacing across the valley floor. The final design of the turbines (colours and finish), aviation infrared 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 regularly update designs that are available, thereby necessitating the need for some flexibility on the approved design details.

1.7 The application is supported by an EIAR, EIAR Further Environmental Information (FEI) and EIAR FEI II which contains chapters on: Design Evolution, Renewable Energy and Planning Policy; Landscape and Visual Impacts; Cultural Heritage; Ornithology; Ecology; Noise; Traffic and Transport; Geology, Hydrology and Hydrogeology; Other Issues (including existing infrastructure, telecommunications, safety, aviation, shadow flicker, carbon calculations and major accidents and disasters); and Socio-Economics. The application is also accompanied by a Pre-Application Consultation Report, Planning Statement and Design and Access Statement.

1.8 The wind farm has an expected operational life of 35 years. Following this a further planning application would be required to determine any future re-powering proposal the site. If the decision is made to decommission the wind farm, all turbine components, and above ground infrastructure would be removed. In the EIAR FEI II the applicant has indicated a desire to retain the entrance and internal access tracks as permanent features. Any such track or infrastructure foundation retention, would however need to be agreed via a decommissioning method statement and would require a planning application at the time of decommissioning the remainder of the site. Any application for retention of such infrastructure will be determined in line with the development plan in place at that time.

1.9 The applicant anticipates that the wind farm construction period will last 12 months with a Construction Environment Management Document to be utilised 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 Owing to submission timescale constraints, the applicant has not utilised the Council's Pre-Application Advice Service for major developments.

1.11 Variations made during the course of the application in response to the feedback received from the Planning Authority and consultees include:

EIAR FEI I

- deletion of 1 turbine (T8);
- reduction in tip height of turbine (T7) from 180m to 150m;
- reduction in tip height of turbine (T6) from 180m to 160m;
- tightening turbine spacing to reduce impacts of turbines being backdropped by hills from Viewpoints (VP)7 (A9 Dornoch Firth Bridge) and VP11 (Dornoch Golf Course) from the north;
- relocation of turbines (T2 and T6) to increase setback from escarpment running along sections of Strathrory river;

- micro-siting of turbines to improve visual cohesiveness, whilst avoiding deep peat and watercourses; and
- subsequent reduction in track, associated infrastructure and removal of secondary access option linking with the existing quarry track, confirming that site access will be taken from the B9176.

EIAR FEI II

- reduction in tip height of all turbines to 149.9m to limit scale of the development and to avoid visible aviation lighting requirements;
- realignment and movement of turbines from higher ground to improve visual composition with reduced impacts from VP7 (A9 Dornoch Firth Bridge), VP11 (Dornoch Golf Course) and other key viewpoints, including those across the Black Isle; and
- resultant changes to infrastructure layout.

2. SITE DESCRIPTION

2.1 The site is situated north of Strathy Burn and west of the B9176, approximately 4km northeast of Ardross and 8km northwest of Alness. The wind farm site extends to approximately 831ha with the built development occupying around 6ha, excluding the proposed borrow pit, construction buffer zones and temporary working areas. The site is a slightly undulating area of ground which falls from east to west from Torr Leathann (637m Above Ordnance Datum (AOD)) down towards the B9176 (210m AOD at the site entrance) and is framed by Druim nam Fiadh (363m AOD) and Cnoc Corr Guinie (396m AOD) located further east. The ground on which the turbines sit varies between approximately 300m and 255m AOD. The site comprises open moorland which is partly surrounding by coniferous forestry with existing neighbouring wind farms of Beinn Tharsuinn, Beinn nan Oighrean and Coire na Cloiche being located at a higher elevation to the north west.

2.2 Settlements in closer proximity include those within Ardross, including Dublin, Easter Ardross, Dalnaive and Stittenham, located at between 1.5km to 4km to the south. The nearest larger settlements to the site include Evanton, Alness and Invergordon to the south, Tain to the east, Dornoch, Edderton, Ardgay and Bonar Bridge to the north. The more immediate area surrounding the site is sparsely populated.

2.3 The site is not within any areas designated as important for natural heritage. There are however a number of designations within a 20km radius study area. These are listed below and notably includes the adjacent Morangie Forest Special Protection Area (SPA), located on the eastern side of the B9176 opposite the proposed site entrance:

Special Areas of Conservation

- Loch Achnachoich

Special Protection Areas

- Morangie Forest
- Novar

- Cromarty Firth
- Dornoch Firth and Loch Fleet
- Loch Eye
- Strath Carnaig and Strath Fleet Moors
- Ben Wyvis

Sites of Special Scientific Interest

- Struie Channels
- Kinrive-Strathrory
- Alness River Valley
- Black Park, Edderton
- Cromarty Firth
- Dornoch Firth
- Morrich More
- Loch Eye
- Loch Achnachoich
- Strath Carnaig and Strath Fleet Moors
- Ben Wyvis
- Rosemarkie to Shandwick Coast

2.5 Cultural heritage assets of national status also exist within a 20km radius study area. These include:

- Boath, three chambered cairns NE and NNE of Easter Ballone Farm (Scheduled Monument)
- Carn na Croiche Cairn (Scheduled Monument)
- Carn na Feinne Cairn (Scheduled Monument)
- Ardross (Garden and Designed Landscape)
- Strathrory Bridge (Listed Building)

2.6 Within the site boundary there are five undesignated cultural heritage assets. These comprise two farmsteads, a cairn and a Second World War aircraft crash site all previously recorded on the Council's Historic Environment Record, and the remains of a structure likely to be associated with forestry or peat cutting work. The applicant considers that the site is of negligible archaeological potential and is highly unlikely to contain undiscovered heritage assets.

2.7 There are a number of watercourses within and surrounding the site, including the Strathrory River which flows generally south eastward through the site and the Crannich Burn which flows southward within the southern extent of the site. The Strathrory River discharges into the Balnagown River approximately 7km south east of the site. No waterbodies exist within the site.

2.8 Within the site there are potential Ground Water Dependent Terrestrial Ecosystems (GWDTEs) which are protected under the Water Framework Directive. The Phase 1 Habitat Survey and associated National Vegetation Classification (NVC) survey which accompanies the application identifies that the majority of the site is wet modified bog (M17a and M19a) and that potential GWDTEs are generally confined to the watercourses that drain the site and comprise acid/neutral flush (M6c).

2.9 The bedrock geology underlying the northern area of the site is classified as a low grade metasedimentary psammite and a granitic intrusion, with the southern area of the site is Cnoc Fyrish Conglomerate Formation and Braemore Formation, comprising conglomerates, sandstones and mudstones. Peat probing has been undertaken which has identified typical peat depths of less than 0.5m in areas where infrastructure is to be located. In localised areas where there are greater peat depths of over 1m, sections of the access track measuring a total length of 280m would be floated.

2.10 A variety of habitats are present across the application site. The EIAR reported the results of the surveys for bats, otter, reptile and fish. The surveys, both desk and on site, identified that the site has the potential habitat, both within the site and around it, to attract these species.

2.11 Surveys have been carried out which identify the site (including its immediate surrounds) is frequented by a varied range of birds, including the adjacent Morangie Forest SPA which is a designated as a breeding site for Capercaillie.

2.12 The site area is characterised as Rounded Hills and Moorland Slopes – Ross and Cromarty in the Scottish Landscape Character Types Map produced by NatureScot.

2.13 The site is not located within any international or regional landscape designations. The site lies in proximity (within 45km) to the following landscape designations:

National Scenic Areas

- Dornoch Firth
- Assynt – Coigach
- Glen Strathfarrar

Special Landscape Areas

- Ben Klibreck and Loch Choire
- Loch Fleet, Lock Brora and Glen Loth
- Strathconon, Monar and Mullardoch
- Ben Wyvis
- Fannichs, Beinn Dearg and Glencalvie
- Cromarty Sutors, Rosemarkie and Fort George
- Loch Ness and Duntelchaig
- Drynachan, Lochindorb and Dava Moors

2.14 The site is not located within, or adjacent to any Wild Land Areas (WLAs). The following WLAs are within 45km:

- WLA24 Central Highlands
- WLA28 Fisherfield - Letterewe - Fannichs
- WLA29 Rhiddoroch - Beinn Dearg - Ben Wyvis
- WLA34 Reay - Cassley
- WLA35 Ben Klibreck - Armine Forest
- WLA37 Foinaven - Ben Hee

2.15 The key recreational interests in this area are mountaineering, walking, cycling, golfing and birding. There are a number of tourist and cycle routes in the area, including the North Coast 500 (A9), the Moray Firth Tourist Route (B9176), and the Sustrans Cycle Route (NCR No.1), as well as other low level walking routes including the Dalnavie Drove Road and Tain Drove Roads, as well as paths surrounding settlements which form part of the Core Path Network. Some higher level accessible walks are also available in the area including those around Cnoc Fyrish Monument.

2.16 When assessing a wind farm proposal, consideration of similar developments in proximity of the proposal for cumulative effects is required. The list below sets out the projects in the wider area (45km) that are operational, approved or have been submitted but not yet determined.

Built and / or consented

- Beinn Tharsuinn
- Beinn nan Oighrean
- Braemore
- Coire na Cloiche
- Novar
- Novar Extension
- Foulis Farm
- Cullisse Farm
- Lairg
- Lairg II
- Achany
- Rosehall
- Corriemoillie
- Kilbraur Extension
- Kilbraur
- Lochluichart
- Lochluichart Extension I
- Lochluichart Extension II
- Fairburn
- Auchmore
- Auchmore II
- Gordonbush
- Gordonbush Extension
- Moy

Under consideration

- Garvary
- Kirkan (subject to Public Local Inquiry)
- Kintradwell
- Lairg II Re-design
- Meall Buidhe

- Sallachy
- South Kilbraur (Subject to appeal)
- Strath Tirry

3. PLANNING HISTORY

3.1	08.10.2019	19/04209/PAN - Strathrory Wind Farm - Proposed development of up to 11 wind turbines, with surrounding infrastructure including a battery storage compound, associated crane pads , access tracks, a substation, control room and temporary construction compound.	Closed
3.2	25.10.2019	19/04269/SCOP - Strathrory Windfarm - 11 wind turbines with a blade to tip height of up to 180 metres and a generating capacity of up to 62 Megawatts (MW)	Scoping Response Issued
3.3	08.04.2020	19/05636/FUL - Erection of temporary anemometer mast up to 80 metres in height (36 months)	Permission Granted

4. PUBLIC PARTICIPATION

4.1 Advertised: EIA Development

Date Advertised: 03.04.2020 (EIA), 25.09.2020 (EIAR FEI I) and 12.02.2021 (EIAR FEI II) in the Edinburgh Gazette and the Ross-shire Journal.

Representation deadline: 03.05.2020 (EIA), 25.10.2020 (EIAR FEI I) and 25.03.2021 (EIAR FEI II).

No. of Representations: 55 (53 Against and 2 Support)

4.2 Material considerations raised are summarised as follows:

a) Lack of need for more electricity generation;
b) Lack of locational need for the development;
c) Adverse landscape and visual impact of the proposed turbines both individually and cumulatively, including impacts on wild land and lack of consideration of forestry felling plans;
d) Inappropriate design with turbines being of excessive scale and height;
e) Light pollution and adverse impact on dark skies;
f) Adverse impact on residential amenity due to noise, air pollution and lighting;
g) Adverse impact on habitats, ecology and ornithology;
h) Adverse impact on traffic and road safety;
i) Adverse impacts on peatland;
j) Increased flood risk;
k) Adverse impacts on cultural heritage assets and archaeology;
l) Socio-economic impacts, including impacts on tourism and recreational activities;

m) Loss of open space, adverse impact on agricultural land, field boundary walls and loss of trees;
n) Lack of wider benefits to the economy or climate change and inaccurate carbon balance calculations;
o) Adverse impact on telecommunications;
p) Lack of emergency event contingency planning; and
q) Lack of public consultation.

4.3 Non-material issues raised are summarised as follows:

a) Inappropriate timing of application submission;
b) Impact on property and land values;
c) Applicant not being a UK company; and
d) Lack of local financial compensation / increase in community benefit funding.

4.4 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 **Ardross Community Council** object to the application. Although several matters of concern are raised, these principally focus on: consultation proceedings during Covid-19; landscape and visual impacts, including cumulative effects; visual impacts for residential properties in Ardross and the surrounding area; impacts on the local economy and recreational routes; adverse lighting impact on dark skies and bats; habitat, ecology and ornithology impacts; construction traffic impacts with several pinch points resulting in impacts on cultural heritage assets (war memorial), loss of trees / stonewalls and requirement for access rights over third party land; operational noise impacts and lack of electricity connection details.

The scale of the proposed turbines is also of particular concern, with the design of the wind farm not demonstrating sensitive sitting in the opinion of the Community Council. It considers that the reduction in scale of the proposal through the EIAR FEI II has also not made any material difference and some of the amended turbine position have made the scheme worse. It also considers that the landscape and visual impacts have been underplayed, with overreliance placed upon surrounding commercial forestry for screening, much of which is due to be felled within the operational lifetime of the wind farm. Suggested conditions are also included should the development ultimately proceed. These include: a restoration bond, access track removal and ground reinstatement, Transport Community Liaison Group with input into the Transport Management Plan ahead of its agreement, lower noise limits with further noise baseline data to be recorded ahead of development, and automatic fire suppression systems to be fitted to turbines.

5.2 **Kilmuir and Logie Easter Community Council** are supportive of the application. It considers that we must do all that we can to reduce dependence on fossil fuels and act to reverse climate change with wind farms assisting with these goals. It considers that the project will provide economic benefits.

5.3 **Strathpeffer Community Council** are supportive of the application. It is supportive of renewable energy providing such proposals take into account local issues. It understands that the amendments made now address concerns expressed by some of the statutory consultees, and in particular NatureScot. If this is the case, it considers that the development should be allowed to proceed.

5.4 **Access Officer** does not object to the application. It notes that, the turbines are not on land where public access is regularly undertaken but public access rights still apply. It highlights that a track is used to access Beinn Tharuinn to the north east of the site, which passes the neighbouring quarries, as well as a track/path running north to south through the western side of the site. He explains that several core paths are within 10km of the site with theoretical visibility across Strathrory, Ardross, Alness and Edderton, with users of these potentially having their enjoyment of the routes reduced, however most of these routes have relatively low usage, with the exception the Alness paths and the Fyrish path which are very popular. A Recreational Access Management Plan (RAMP) is requested to be secured by condition.

5.5 **Contaminated Land** do not object to the application. Their records have been checked and it has no comment regarding the potential of contamination from any previous land use activities at the site.

5.6 **Development Plans** do not object to the application. The response identifies the pertinent Council documents and policies which constitute the Development Plan for which the planning application shall be assessed against, alongside any other material considerations. The response also highlights a number of Spatial Framework constraints, landscape sensitivity appraisals, non-Spatial Framework constraints including: proximity to residential homes, Highland Historic Environment Records, Scheduled Monuments, public access tracks, and Inverness Airport's consultation area. General support is also expressed for energy storage technology.

5.7 **Environmental Health Officer** does not object to the application. It notes that the noise assessment demonstrates that the noise levels from the proposed development will be below the simplified ETSU limit of 35dB LA90 at the identified noise sensitive locations. The cumulative levels from the development and other existing and consented developments will also be below this limit. A standard wind farm operational noise condition is therefore advised as per this limit. Given the separation distance involved, it considers that construction noise is unlikely to be an issue. Confirmation is sought that the presence of private water supplies have been investigated and discounted, albeit that they have no record of any such source in the area.

5.8 **Flood Risk Management Team** do not object to the application and have no comments.

5.9 **Historic Environment Team** do not object to the application. It considers that the EIAR provides a comprehensive study of predicted impacts and are satisfied with the mitigation proposed in relation to cultural heritage assets. It agrees that evaluation by trial trenching would not be required. A condition is requested to

secure an Archaeological Management Plan (AMP) with the mitigation measures specified within to be as per Paras 7.82 to 7.86 of the EIAR (which including the recording of structures, marking out of features close to construction activity and watching briefs).

5.10 **Transport Planning** do not object to the application. It is generally satisfied with the assessment of traffic and transport matters associated with the development and requests that the following matters are secured by condition: detailed review of all access routes to the site and provision of any required mitigation; structural assessment of bridges, culverts and other structures along the route to the site; un-laden trail run between the port of entry and the site (with video trial run); conclusion of a Section 96 (roads wear and tear) agreement; and a Construction Traffic Management Plan (CTMP).

5.11 **Access Panel Ross and Cromarty** were consulted but did not respond.

5.12 **Civil Aviation Authority** do not object to the application. It requests that the Defence Geographic Centre and the CAA be notified should the development be approved, for it to be included in the Digital Vertical Obstacle File (DVOF).

5.13 **Historic Environment Scotland** do not object to the application. It has considered impacts on surrounding scheduled monuments, listings and inventory Gardens and Designed Landscapes (GDLs). Most notable is Ardross Castle and its surrounding, where it concludes that impacts on the castle's setting in views from Leathy parklands to the south looking north east have been understated in the EIAR and would be adverse. That said, views from the castle and its formal gardens and views of the castle on approach from the east would not be affected. As such, it concludes that this impact does not affect the cultural significance of the listed building or designed landscape to an extent that raises issues in the national interest.

5.14 **Highlands and Islands Airports Limited (HIAL)** do not object to the application following the submission of further information which demonstrates that the development would not impact the safeguarding criteria for Inverness Airport.

5.15 **Ministry of Defence (Defence Infrastructure Organisation)** do not object to the application. It requests that the development is fitted with MOD accredited aviation safety lighting, with the perimeter turbines fitted with 25 candela omni-directional red lighting or infrared lighting. It wishes to be notified of the date construction starts and ends; the maximum height of construction equipment; and the latitude and longitude of every turbine.

5.16 **National Air Traffic Services** do not object to the application. It notes the development does not conflict with its safeguarding criteria.

5.17 **NatureScot (Formerly Scottish Natural Heritage)** do not object to the application. It advised that the previous iteration of the development would have had significant adverse effects on the special qualities of the Dornoch Firth National Scenic Area (NSA), such that the objectives of the designation and overall integrity of the area would be compromised. It considers that the amendments made, including the reduction in turbine heights, removal of aviation warning lights, and a more

compact, cohesive and clear design has sought to mitigate the proposals effects on the NSA and that the amended scheme is a better fit with the landscape. It notes that the proposal appears as a more cohesive group and whilst still being distinctly larger in scale than other visible wind farms, it will not significantly diminish the scale and sense of grandeur of the hills. As a result, it considers that the amended proposal is now more recessive and overall less of a prominent feature. Whilst the proposal still results in some adverse landscape and visual effects, it does not consider that the proposal will significantly impact the Special Landscape Quality (SLQ) 'inhabited surrounds within a wilder backdrop of hills and moors' of the Dornoch Firth NSA. The Rhiddoroch - Beinn Dearg - Ben Wyvis Wild Land Area (WLA) 29 has also been considered by NatureScot with daytime impacts on WLA29 having been scoped out and no significant impacts would therefore arise following the removal of the aviation lighting from the proposal.

With regard to ornithological interests, it notes that the proposal lies close to Morangie Forest Special Protection Area (SPA) and Novar SPA which are protected for their capercaillie qualifying interest. It does not consider that the proposal will have an adverse affect on the integrity of these SPAs, subject to application of mitigation identified in the EIA Report and FEI. This mitigation includes now works at dawn or dusk during the capercaillie lekking season. Other matters raised by NatureScot include the requirement for the Council to undertake an Appropriate Assessment of the effects of the proposal on the aforementioned SPA and its species. It also advises the implementation of further EIAR mitigation measures in relation to black grouse.

It also acknowledges the work undertaken to appropriately site infrastructure to avoid areas of deeper peat, and that no turbines have been located in peat >1m deep. Notwithstanding that the nationally important impacts have been substantially overcome, in order to address residual effects, it recommends the preparation of a draft Habitat Management Plan that addresses, quality of the blanket bog habitat on site, the extent of the pressures upon the blanket bog and set out appropriate options for restoration and habitat management works.

5.18 **Scottish Environment Protection Agency** do not object to the application following modifications to the proposal to avoid impacts on deep peat. Outstanding matters which are to be covered via condition include: no excavation closer than 50m from river escarpments, unless a detailed assessment is provided to demonstrate the additional measures and monitoring that will be put in place to reduce the risk of pollution of the river, including as a result of instability; a finalised Peat Management Plan; a finalised Habitat Management Plan; a micro-siting allowance which avoids deep peat, Ground Water Dependent Terrestrial Ecosystems, watercourses and other sensitivities; design of watercourse crossings to convey the 1 in 200 event plus climate change with crossing WX03 to be a single span bridge; Summary of Mitigation and Enhancement Measures; finalised borrow pit details; and a finalised Decommissioning Plan.

5.19 **Scottish Forestry** do not object to the application. The site is located out with the afforested area, but adjacent to publicly and privately owned forests. The layout is unlikely to impact on nearby forests.

5.20 **Scottish Water** do not object to the application. It notes that there are no Scottish Water drinking water catchments that may be affected by the proposed development. It sets out that any potential sewer connections cannot include surface water.

5.21 **Transport Scotland** do not object to the application. It is content with the findings of the assessment on the implications for the trunk road. It requests conditions to secure including, but not limited to abnormal load assessments and accommodating mitigation measures, a CTMP and a Decommissioning Plan.

6. DEVELOPMENT PLAN POLICY

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

Highland Wide Local Development Plan 2012 (HwLDP)

6.2 The relevant policies of the adopted HwLDP are as follows:

28 - Sustainable Design
29 - Design Quality and Place-making
30 - Physical Constraints
31 - Developer Contributions
51 - Trees and Development
53 - Minerals
54 - Mineral Wastes
55 - Peat and Soils
56 - Travel
57 - Natural, Built and Cultural Heritage
58 - Protected Species
59 - Other important Species
60 - Other Importance Habitats
61 - Landscape
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
69 - Electricity Transmission Infrastructure

72 - Pollution
73 - Air Quality
77 - Public Access

Inner Moray Firth Local Development Plan 2015 (IMFLDP)

6.3 No policies or allocations relevant to the proposal are included in the adopted Local Development Plan. It does however confirm the boundaries of Special Landscape Areas within the plan's boundary.

The Highland Council Supplementary Guidance

Onshore Wind Energy Supplementary Guidance, Nov 2016 (OWESG)

6.4 The document provides additional guidance on the principles set out in HwLDP Policy 67 - Renewable Energy Developments and reflects the updated position on these matters as set out in Scottish Planning Policy (SPP). This document forms part of the Development Plan and is a material consideration in the determination of planning applications.

6.5 The document includes a Spatial Framework, which is in line with Table 1 of SPP. The site sits mainly within an area comprising Group 2 – Areas of significant protection. The Group 2 feature present is Carbon Rich Soil, Deep Peat and Priority Peatland Habitat (CPP). CPP is a nationally important mapped environmental asset that indicates where the resource is likely to be found with a detailed peat assessment being required to guide development away from the most sensitive areas and help inform potential mitigation. The remainder of the site falls within Group 3 - Areas with potential for wind farm development.

6.6 The document also contains the Loch Ness Landscape Sensitivity Study and the Black Isle, Surrounding Hills and Moray Firth Coast Caithness Sensitivity Study. The northern half of the site falls within the East and Central Sutherland study area, (with this Landscape Sensitivity Appraisal yet to be produced), and the southern half of the site falls within the Black Isle, Surrounding Hills and Moray Firth Coast Landscape Sensitivity Appraisal. The boundary between the two study areas does not, in the vicinity of this site, denote a change in landscape character type.

Other Supplementary Guidance

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

- Developer Contributions (Nov 2018)
- Flood Risk and Drainage Impact Assessment (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (Mar 2013)
- Highland Renewable Energy Strategy and Planning Guidelines (May 2006)
- Managing Waste in New Developments (Mar 2013)
- Physical Constraints (Mar 2013)
- Special Landscape Area Citations (Jun 2011)

- Standards for Archaeological Work (Mar 2012)
- Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL CONSIDERATIONS

The Highland Council Non-Statutory Planning Guidance

7.1 The Highland-wide Local Development Plan is currently under review and is at Main Issues Report Stage. It is anticipated the Proposed Plan will be published following publication of secondary legislation and National Planning Framework 4. In addition the Inner Moray Firth Local Development Plan is currently under review and at Main Issues Report Stage. It is not considered that the main issues identified in that plan review are relevant to the determination of this application.

7.2 In addition, the Planning Authority has further advice on delivery of major developments in a number of documents. This includes Construction Environmental Management Process for Large Scale Projects (Aug 2010) and The Highland Council Visualisation Standards for Wind Energy Developments (Jul 2016).

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).

Other Relevant National Guidance and Policy

7.5
- National Planning Framework for Scotland 3, NPF3
- Scottish Energy Strategy (Dec 2017)
- Historic Environment Policy for Scotland (HEPS, 2019)
- PAN 1/2011 - Planning and Noise (Mar 2011)
- Circular 1/2017: Environmental Impact Assessment Regulations (May 2017)
- PAN 60 – Planning for Natural Heritage (Jan 2008)
- 2020 Routemap for Renewable Energy (Jun 2011)
- Onshore Wind Energy (Statement), Scottish Government (Dec 2017)
- Siting and Designing Wind Farms in the Landscape, SNH (Aug 2017)
- Wind Farm Developments on Peat Lands, Scottish Government (Jun 2011)

- Energy Efficient Scotland Route Map, Scottish Government (May 2018)
- Assessing Impacts on Wild Land Areas, Technical Guidance, NatureScot (Sep 2020)

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, 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) Development Plan
b) Onshore Wind Energy Supplementary Guidance
c) National Policy
d) Energy and Economic Benefits
e) Construction
f) Roads, Transport and Access
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) Noise and Shadow Flicker
l) Telecommunications
m) Aviation
n) Other Material Considerations

Development Plan

8.4 The Development Plan comprises the adopted Highland-wide Local Development Plan (HwLDP), Inner Moray Firth Local Development Plan (IMFLDP) and all statutorily adopted supplementary guidance. If the Council is satisfied that the proposal is not significantly detrimental overall then the application will accord with the Development Plan.

Highland-wide Local Development Plan

8.5 The principal HwLDP policy on which the application needs to be determined is Policy 67 - Renewable Energy. HwLDP Policy 67 sets out that renewable energy development should be well related to the source of the primary renewable resource needed for operation, the contribution of the proposed development in meeting renewable energy targets and positive/negative effects on the local and national economy as well as all other relevant policies of the Development Plan and other relevant guidance. In that context the Council will support proposals

where it is satisfied they are located, sited and designed such as they will not be significantly detrimental overall, individually or cumulatively with other developments having regard to 11 specified criteria (as listed in HwLDP Policy 67). Such an approach is consistent with the concept of Sustainable Design (HwLDP Policy 28) and aim of SPP to achieve the right development in the right place; it is not to allow development at any cost.

Inner Moray Firth Local Development Plan

8.6 There are no site specific policies or land allocations affecting this application site within the IMFLDP. Para 2.6 sets out that the Special Landscape Area (SLA) boundaries have been revised for IMFLDP, but no amendments were made to the nearby SLA17 Ben Wyvis to the east or SLA19 Sutors of Cromarty, Rosemarkie and Fort George to the west. The boundaries set out in IMFLDP are supported by a background paper which includes citations for the SLAs. HwLDP Policies 28, 57, 61 and 67 of the HwLDP seek to safeguard these regionally important landscapes. The impact of this development on landscape and visual impact is primarily assessed in the Design, Landscape and Visual Impact (including Wild Land) section of this report.

Onshore Wind Energy Supplementary Guidance (OWESG)

8.7 The Council's OWESG 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 OWESG contains a Spatial Framework for wind energy as required by SPP. The site sits mainly within an area comprising Group 2 – Areas of significant protection. The Group 2 feature present is Carbon Rich Soil, Deep Peat and Priority Peatland Habitat (CPP). CPP is a nationally important mapped environmental asset that indicates where the resource is likely to be found with a detailed peat assessment being required to guide development away from the most sensitive areas and help inform potential mitigation. The remainder of the site falls within Group 3 - Areas with potential for wind farm development.

8.9 The OSWESG provides strategic considerations that identify sensitivities and potential capacity for wind farm development. These are called Landscape Sensitivity Appraisals (SLAs). One of the six areas still to be examined is the area of East and Central Sutherland, which is anticipated to cover the northern area of the site. This study area has been prepared in draft, following the methodology and format of those studies already adopted. This has not yet been published for consultation.

8.10 The Black Isle, Surrounding Hills and Moray Firth Coast Caithness Sensitivity Study covers the southern area of the site and was published in 2017, forming part of the statutorily adopted OWESG. The boundary between the two study areas does not, in the vicinity of this site, denote a change in landscape character type.

8.11 The proposal is partly located within area BL40 Above Invergordon, a landscape area described as rounded hills and moorland slopes. The guidance highlights key views as being from Cromarty Harbour and Nairn and key routes as the A9 and the B9176 Struie Road. It advises there is:

"limited scope for large or medium turbines. Any large or medium turbines should (be):

- *located where the bases of turbines are on the far side of horizon to maintain the containment of space*
- *not of such a scale so to overwhelm the landscape and sense of place of the Moray Firth*
- *not breach interim horizons when seen from key locations*
- *not impinge on Key Views*
- *protect legibility of layered landscape in longer views*
- *protect the Key Characteristics and Special Qualities of Ben Wyvis SLA*
- *preserve mitigation established by current nearby schemes."*

8.12 Further, the OWESG approach and methodology to the assessment of proposals is applicable and is set out in the OWESG 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 HwLDP Policy 67. The 10 criteria will be particularly useful in considering visual impacts, including cumulative impacts.

8.13 The application is seen to accord with the landscape sensitivity appraisal, particularly in relation to the site's location not being on the far side of the horizon to maintain the containment of space, and the scale of the development not overwhelming the landscape and sense of place, matters which are discussed later in this report.

National Policy

8.14 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).

8.15 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.

8.16 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. A number of criteria are set out in SPP against which proposals for onshore wind energy development should be assessed (para 169). These criteria are primarily reflected in HwLDP Policy 67 (Renewable Energy). A failure against one of these criteria does not necessarily mean that a development fails as all these criteria must be given consideration.

8.17 In late 2020, the Scottish Government published an update to SPP. The presumption in favour of sustainable development in SPP 2020 is considered to be more definitive than that set out in SPP 2014 as it removes the element of the presumption which supports "development which contributes to" sustainable development. In applying the principles set out in para 29 of SPP 2020, there is a requirement to assess whether a "proposal supports sustainable development" using a series of principles. It is for the decision maker to apply weight to each of the principles set out in para 29. In reaching a decision on whether the development meets with the principles, it is necessary to consider whether the proposed development can be considered sustainable development.

8.18 SPP 2020 modified paras 32 and 33 which are related to the status of the development plan in terms of its age and conflicts with the presumption set out in SPP 2020. SPP 2020 removes the references to up-to-date / out-of-date plans and the related footnote. While this modification has been made it is important to note that although the HwLDP is more than five years old, it is not considered that the relevant provisions of the plan are out of date, with the exception of its references to wild land in HwLDP Policy 57, which should be disregarded.

8.19 As a 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.

8.20 The Scottish Government published, Scotland's Fourth National Planning Framework Position Statement in November 2020. The position statement clearly sets out that the current NPF3 and SPP remain in place until NPF4 is adopted by Ministers. It goes on to set out that the Position Statement provides an idea of the direction of travel in the preparation of the NPF4, and states that it "*is not, in itself, a document setting out policy. Statements in this Position Statement as to what the content of a revised National Planning Framework will contain should be read in that context.*" (page 4). It can be afforded limited weight, particularly because the status of NPF3 and SPP has not changed.

8.21 The Position Statement provides general support for delivery of renewable development through the introductory statements and key opportunities set out in the Position Statement. The Position Statement includes a proposal for a "Plan for Net-Zero Emissions". It is of note that the Scottish Government expects that the Global Climate Emergency should be a material consideration in considering applications for appropriately located renewable energy developments (page 9). This continues to support the aim of the presumption in favour of sustainable development set out in para 28 of SPP 2020 of achieving the right development in the right place; not allowing development at any cost.

8.22 The Position Statement sets out that *"We will have to rebalance the planning system so that climate change is a guiding principle for all plans and decisions. We will need to focus our efforts on actively encouraging all developments that help to reduce emissions".* While this may have implications for applications for renewable energy developments, this needs to be considered in the context of the potential policy changes which look to site specific assessment of proposed developments demonstrating that proposals are acceptable.

8.23 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 (Dec 2017)
- On-shore Wind Policy Statement (Dec 2017)
- Scottish Government, Securing a Green Recovery on a Path to Net Zero: Climate Change Plan 2018–2032 – update, December 2020;
- Committee on Climate Change, The Sixth Carbon Budget, The UK's Path to Net Zero. (including Policy and Methodology), December 2020;
- National Audit Office, Net Zero Report, December 2020; and
- HM Government, Energy White Paper, Powering our Net Zero Future, December 2020.

8.24 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.

8.25 The statements of continued strong support relating to onshore wind contained within these documents are acknowledged. Support for onshore wind is anticipated to meet with the continued aspiration to decarbonise the electricity network, enable communities to benefit more directly in their deployment and to support the renewables industry and wider supply chain. Larger, more optimal turbines are anticipated as is the expectation that landscapes already hosting wind energy schemes will continue to do so beyond the lifetime of current consents/permissions.

8.26 However, it is also recognised that such support should only be given where justified. The Onshore 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 NPF3 and SPP, 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.

8.27 The Highland Council recognise the Scottish Government's declaration of the climate emergency and related biodiversity crisis and have indeed also declared a climate and ecological emergency, but the response to this and manner in which any changes will feed through is yet to be established. The updated Climate Change Plan and the NPF position statement give an indication of the direction of policy but without suggestion of any lessening of protection for the environment. In the meantime it is appropriate that existing and established policy continues to apply.

Energy and Economic Benefits

8.28 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 8.357GW, with a further 4.266GW under construction or consented. Highland onshore wind energy projects as of 1 January 2021 had an installed capacity of 1.852GW; with a further 0.189GW under construction and 0.485GW consented. Onshore wind in Highland therefore account for around 22% of the national installed onshore wind energy capacity, falling to around 20% when considering all installed, under construction and consented schemes combined. However, there is also a further 1.326GW of onshore wind farm proposals currently in planning pending consideration in Highland, and 1.7GW of off-shore wind when accounting for all installed, under-construction or consented schemes around the coast of Highland.

8.29 While The 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.

8.30 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.

8.31 The proposed development anticipates a construction period of 12 months, 35 years of operation prior to 6 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.

8.32 There is also likely to be some adverse effects caused by construction traffic and disruption. 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.

8.33 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 disputed within certain representations. The applicant's EIAR FEI II states that the capital cost of the project is expected to be £44.35m, of which 12% (£5.3m) would be expected to be spent in Highland, 36% in Scotland, increasing to 47% in the UK. The operational and maintenance cost would be around £2m per annum, equating to a spend of £70m over 35 years, of which 42% would typically be spent locally (£29.4m). In summary, the development represents an investment of around £34.7m for the Highland economy, excluding £9.1m of business rates and excluding community benefit funds.

8.34 The applicant's EIAR FEI II also states that during the 12 month construction period the development would give rise to between 34 - 53 FTE jobs in Highland, and between 102 - 158 FTE jobs in Scotland. Thereafter, the operational period is expected to generate between 3 – 15 FTE jobs in Highland per annum, and 4 – 21 FTE jobs in Scotland per annum, and the same number of construction FTE jobs would be generated through the 6 month decommissioning stage.

8.35 The applicant highlights that the project represents a significant investment and identifies significant economic benefits at a ward level during construction. Such construction economic benefits are not anticipated at the regional or national level. Similarly, no significant economic effects are anticipated to arise at the ward, regional or national level during the operational and decommissioning phases. This assessment takes account of annual expenditure during the operation of the wind farm, payment of business rates and a contribution to public finance expenditure over its lifetime.

Construction

8.36 It is anticipated that the construction period for the development would take 12 months. Working hours on site would usually be restricted to be 07.00 – 19.00 Monday to Friday, 08.00 – 13.00 on Saturday with no Sunday of Bank Holiday working. During the during the capercaillie lekking season (March to May inclusive), no works will start before 09:00 and all works shall cease 2 hours before dusk across the site. 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.

8.37 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 Planning Authority and relevant statutory consultees. Such 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. Due to the scale of the development SEPA will control pollution prevention measures relating to surface water run-off via a Controlled Activities Regulations Construction Site Licence.

8.38 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.

8.39 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.

8.40 The applicant has sought a micro-siting allowance of 100m. Micro-siting 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. Further if matters are identified during the application stage which require movement of infrastructure, it is considered that this is best addressed during the application stage rather than relying on micro-siting. A micro-siting limit of no more than 50m, should be secured by condition.

8.41 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, Transport and Access

8.42 The applicant has highlighted the expected impact of this development, particularly through the construction phase, with the Port of Entry likely to be Cromarty Firth Port, Invergordon. The turbines would then travel from the port via either of the following routes:

- Northern route: B817 coast road, A9 – A836 to Edderton – unclassified road linking A836 to the B9176 'Struie Road'; or
- Southern route: B817 coast road, A9 – Scotsburn Road, Achnagarron – through Pat Munro controlled Land – Caplich Road – Ardross Road - B9176 'Struie Road'.

8.43 It is also proposed that construction traffic HGVs would also utilise one of these two routes from the A9, following either:

- Northern Route: A9 – A836 to Edderton – unclassified road linking A836 to the B9176 'Struie Road'; or
- Southern Route: A9 – B9176 'Struie Road'.

8.44 A new junction at the site entrance is proposed, located 650m south west of the Strathrory Bridge. An alternative access option was previously proposed to utilise the existing quarry access track to the north east, however, this has since been removed as set out in the EIAR FEI. The re-introduction of any such alternative access would therefore require a separate planning permission. It has also been assumed in the applicant's Transport Assessment that the bulk construction materials (stone aggregate and the materials required for the mixing of concrete) will be sourced from offsite quarries. It is however possible, based on the results of further assessment, that a reasonable quantity of materials could be sourced on-site via the creation of a borrow pit and therefore transport impacts would be much reduced from those assessed.

8.45 The applicant's Transport Assessment has found that there would be potential significant effects on the A836 at Edderton due to the increase in construction traffic and HGV movements, however mitigation measures reduces the potential for significant effects to arise. Impacts on the B9176 'Struie Road' were assessed as negligible with the effects associated with the effects associated with traffic movements being considered not significant on any route once mitigation is put in place.

8.46 The applicant has undertaken an Abnormal Load Access Assessment which includes swept path analysis and further site specific mitigation measures at each pinch point along both routing options, including street furniture removal, temporary paving and other constraints. Any such offsite measures would be subject to obtain further approval from the relevant Roads Authority, any third party landowners and may be subject to a separate planning application(s) and listed building consent. Such routing constraints include the avoidance or safeguarding of cultural heritage interests, such as the listed Strathrory Bridge and the Elderton War Memorial, as well as the loss of field boundary walls, trees and other habitats adjacent to the finalised proposed routing.

8.47 Both Trunk Road Authority and the Council's Transport Planning Team has confirmed that development traffic can be accommodated on the road network, subject to conditions and a requirement for a legal agreement to address "wear and tear" provisions. These will be consistent with current best practice. These need to highlight potential cumulative impacts arising with other major developments. The conditions are to secure:

- A Construction Traffic Management Plan for approval and implementation as agreed highlighting all mitigation / improvement works required for general construction traffic and abnormal load movements, including the timing of such works and appropriate reinstatement / restoration works.
- A Staff Travel Plan to limit and manage staff travel in a manner which encourages sustainable travel modes.
- An un-laden trial run between the Port of Entry and the site access will be required in liaison with the police and both roads authorities.
- Structural assessment of bridges, culverts and any other affected structures along the route in consultation with the Council's Structures Team.

- Community liaison to ensure the project construction minimises impact on the local community, that construction traffic takes place outwith peak times on the network, including school travel times, and avoids identified community events.

8.48 The site, like most land in Scotland, is subject to the provisions of the Land Reform (Scotland) Act 2003. There are paths running through and around the site and the wider area is rich in opportunities to access the outdoors. There will be a need to restrict access to the site during construction works at key times, including the track upgrade works. Where and when feasible however the existing track should be made available for public use during the construction phase. Access tracks to the proposed development should be accessible to a wide variety of users. Large pedestrian gates and by-pass gates adjacent to cattle grids should all be "easy open" accesses. All other gates within the application boundary should similarly be unlocked to responsible access takers. To ensure access is provided throughout the construction period and that enhanced recreational access opportunities are provided during the operational phase, a Recreational Access Management Plan will be required. This will also be required to include details of signage to be included on the site to warn users of the paths within the wind farm of any hazards such as maintenance or potential ice throw during winter. The visual impact of the development from recreational routes is considered at Paras 8.135 to 8.136 of this report.

Water, Flood Risk, Drainage and Peat

8.49 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.

8.50 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.

8.51 In order to protect the water environment a number of measures have been highlighted by the applicant for inclusion in the CEMD including the adoption of sustainable drainage principles, and measures to mitigate against effects of potential chemical contamination, sediment release and changes in supplies to Ground Water Dependent Terrestrial Ecosystems. This includes setbacks from water courses, employment of an Ecological Clerk of Works and undertaking a programme of baseline water quality and quantity monitoring surveys prior to construction, and thereafter during construction and operation of the wind farm.

8.52 SEPA support this approach and conditions are sought to secure further details, particularly no excavations closer than 50m from river escarpments, unless a detailed assessment is provided to demonstrate the additional measures and monitoring that will be put in place to reduce the risk of pollution of the river, including as a result of instability, and a micro-siting allowance which avoids deep peat, Ground Water Dependent Terrestrial Ecosystems, watercourses and other sensitivities.

8.53 The site infrastructure is not considered to be at risk of flooding. It is proposed that any watercourse crossings are designed to accommodate a 1 in 200 year flood event plus and allowance for climate change. SEPA have also specified that crossing ref. WX03 to be a single span bridge (refer to EIAR FEI II Figure 12.2a: Local Hydrology, January 2021). Further, the development proposes the use of Sustainable Drainage Systems (SuDS) to attenuate run off and filter out any potential pollutants. Details of the SuDS plan can be secured by condition to allow final assessment by SEPA and the Council's Flood Risk Management Team.

8.54 The wider site is home to potential Ground Water Dependent Terrestrial Ecosystems (GWDTEs), in particular Mire: acid/neutral flush (M6c) which are predominantly associated with watercourses throughout the site, and wet modified bog (M17a and M19a), located towards the western site boundary and along the B9176 Struie Road, south of the proposed site access junction. 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 GWDTEs.

8.55 The majority of the site contains peat with a large area of deep peat to be avoided, located centrally within the site between proposed turbines T3, T4 and T7 to the north, and T1 and T5 to the south. Over 1,500 peat probes were taken across the application site to identify the depth of peat and to identify impacts of the proposed development on the peat resource. The resultant information has been used to inform the site layout which has typical peat depths of less than 0.5m in areas where infrastructure is to be located. In localised areas where there are greater peat depths of over 1m, sections of the access track measuring a total length of 280m would be floated. The first floating section is at a mid-point between the new site access junction and turbine T2, with the other being south of turbine T3.

8.56 The applicant has advised that advised that approximately 37,086m3 of peat would be disturbed to facilitate construction with all of this to be reused on site for re-instatement purposes. Mitigation proposed to protect the peat resource will include the use of floating track. A Peat Management Plan and a Peat Landslide Hazard and Risk Assessment have also been submitted as part of the EIAR and have helped to inform the proposals. The applicant's risk assessment identifies negligible to low risk of peat instability over the majority of the site, with some areas of medium risk identified during modelling. Subject to micro-siting and the deployment of mitigation measures, these areas can be considered as an insignificant risk. The finalisation of these documents to reflect the amended FEI II layout and any micro-siting, will be secured through the construction environment management document condition.

8.57 A Habitat Management Plan is proposed to be developed that address: quality of the blanket bog habitat on site, the extent of the pressures upon the blanket bog and set out appropriate options for restoration and habitat management works. A condition has been sought by SEPA and NatureScot to ensure that provisions are put in place to ensure that these objectives are met, with this plan also to focus on habitat improvement for ornithological interests in the surrounding forests to aid dispersal.

8.58 There are no known private water supplies in proximity of the proposed development.

8.59 Site drains to the Strathrory River, which is an important fishery which is suitable to support brown trout and salmon. The applicant has committed to the provision of detailed water quality monitoring plans in the EIAR. These will be contained within the final CEMP and it has been conditioned that they be developed in consultation with the Council, SEPA, and local fishing interest groups including the Cromarty Firth Fishery Board (CFFB) and the Cromarty Firth District Salmon Fishery Board (CFBSFB).

Natural Heritage (including Ornithology)

8.60 The site is not within any areas designated as important for natural heritage at local, national or international level. There are however a number of designations within a 20km radius study area. These notably include the adjacent Morangie Forest Special Protection Area (SPA), located on the eastern side of the B9176 opposite the proposed site entrance, and the Novar SPA, located 4km to the south of the site. Both are designated for their capercaillie qualifying interest. As there is potential connectivity with these designated sites, the requirements of the Conservation (Natural Habitats, and c.) Regulations 1994 as amended (the "Habitats Regulations") apply. Consequently, the Planning Authority is required to consider the effect of the proposal on these SPAs before it can be consented (commonly known as Habitats Regulations Appraisal). This is contained in Appendix 4 of this report and concludes that the proposal would not adversely affect the integrity of these SPAs, which is consistent with the advice received from NatureScot.

8.61 The conditions on the site support a number of valued habitats, which are typical of the wider landscape comprising a range of bog habitats, most of which is modified in some way by human influences. The EIA Report has identified the overall presence of protected species (excluding bats) to be low with an absence of suitable habitat to support many of these. The exceptions are otter and water vole habitat, despite limited signs being recorded through the ecological survey work undertaken. The distribution and abundance of bats is comparable with other sites with similar habitat and activity is concentrated around waterways and riparian, forestry edge and clearings at the periphery of the site. The applicants EIAR does not identify any significant adverse effects on protected species from the construction, operation and decommissioning.

8.62 Through the design of the development, it is considered that the applicant has avoided or minimised the impact on these ecological receptors. Inherent mitigation includes the introduction of a 81m turbine blade tip buffer which has been applied to all watercourse and tree lines, where these habitats are found to support high levels of bat activity. Through design reiterations made through the EIAR FEI II, this buffer has however not been met in respect of turbine T2. That said, there remains sufficient scope to rectify this through final turbine micro-siting, or at the future finalised turbine selection and procurement stage of project should a shorter blade length be proposed, or alternative suitable mitigation measures be agreed with NatureScot. The Habitat Management Plan will

therefore secure the maintenance of an appropriate buffer distance which can be estimated using the formula set out at EIAR Para 9.145 which accounts for the blade length, hub height and feature height. Further, the HMP will ensure habitats with 150m of each turbine rotor sweep, are maintained as moorland without scrub encroachment. Post construction bat impact monitoring is will also be required, with a commitment to undertake other habitat enhancement measures to off-set impacts where possible. Other mitigation is proposed in order to further reduce the potential for adverse effects. This includes undertaking further baseline monitoring of the ecology; implementation of pollution prevention plans; and implementation of species protection plans (if required). The implementation of a Habitat Management Plan and employment of an ECoW during construction can be set by condition.

8.63 The impacts of this development on ornithology are related to land take and displacement during the construction phase and potential collision risk through the operation phase of the development. The bird species found to be using the Site were assessed in terms of their conservation importance. Species of high conservation value using the Site were black grouse, curlew, red kite and snipe; in addition, pink-footed geese were found to migrate in significant numbers above the Site. Although not recorded on the Site, capercaillie are qualifying species of the Morangie Forest SPA, and occur in the adjacent forest plantation. No confirmed breeding of any Annex 1 species was found on the site or within the survey area and species that are on various protected lists of conservation concern were found to breed in low numbers.

8.64 The applicant's EIAR has predicted no significant impacts on any bird populations, or on the conservation objectives of the adjacent SPA. Mitigation is still considered appropriate, particularly given that NatureScot advises that the proposal is likely to have a significant effect on capercaillie of Morangie Forest SPA and Novar SPA. With the incorporation of the EIAR and EIAR FEI's mitigation measures, NatureScot however advise that the proposal will not adversely affect the integrity of the nearby SPAs. This is due to:

- the proposal is not likely to result in a collision risk, nor obstruct opportunities for dispersal between woodlands used by capercaillie, based on the location of the capercaillie records in the area, and the lack of records plus limited availability of suitable habitat in woods to the south and south west; and

- the proposal is not likely to result in significant disturbance to capercaillie due to distance between proposed site access tracks and infrastructure, and the woodland areas used by capercaillie, and also the commitment in the EIAR FEI, that during the capercaillie lekking season (March to May inclusive), no works will start before 09:00 and all works shall cease 2 hours before dusk across the site.

8.65 Other ornithological mitigation measures to be incorporated in conditions include works to avoid the bird breeding season (mid-March to August) where possible, with any works within this season to be informed through pre-construction surveys. The employment of an ECoW and implementation of a Habitat Management Plan would also look to deliver ornithological habitat enhancement.

8.66 Royal Society for the Protection of Birds (RSPB) do not object to the application and requests that the Habitat Management Plan focuses on habitat improvement for capercaillie in the surrounding forests to aid dispersal, such as linking forest blocks. They also advise that further pre-construction surveys are undertaken to help refine the proposed mitigation measures. Further conditions are also advised by RSPB, including: securing the best practice mitigation measures outlined in EIAR Para 8.151 to 8.158; all site fencing to be marked to minimise black grouse and capercaillie collision risk; the Habitat Management Plan also include objectives to restore peatland, manage habitat for black grouse and to undertake post construction monitoring of other targeted bird species (collision monitoring and breeding); and for further mitigation measures to be incorporated for pink-footed geese, such as turning off turbines on days of mass migration and in poor visibility during these periods. RSPBs suggested conditions are welcome and have been incorporated wherever possible.

8.67 Exceptions to this are in relation to pink-footed geese as windfarms are not manned on a day to day basis and the precise timings and instances of mass migration and poor visibility is difficult to predict. This suggested condition is not therefore reasonable or practical to deliver. RSPB have also provided more detailed advice in relation to the HMP for the site and have intimated that the surrounding forestry be included for capercaillie and black grouse interests, to aid dispersal by linking forest blocks. A before and after control impact study for the site and surrounding forestry is also advised. As this would involve adjacent forestry outwith the applicant's ownership and control, the scope of the HMP condition has focused on delivering onsite habitat improvements, including peatland restoration, including tacking the Sitka spruce regeneration, and targeted habitat management for black grouse. The HMP condition has also set out the requirement for the developer to fund further off-site monitoring and off-site habitat enhanced should this be required to be undertaken, with the detail of the finalised HMP to be subject to the agreement of the Planning Authority, in consultation with NatureScot, RSPB, and in consultation with any affected landowners. A separate condition has also been imposed to quantify the extent of existing Sitka spruce regeneration across the site, with its management and removal through the implementation of the HMP being accounted for through a Compensatory Planting Plan.

8.68 Overall, it is recognised that there will be impacts on natural heritage as a result of the proposed development both through the construction and operations phases of the development. There is, as with other successfully accommodated wind farm development in Highland, workable and practical mitigation that can be put in place to minimise the environmental effects.

Built and Cultural Heritage

8.69 Within the site boundary there are five undesignated cultural heritage assets. These comprise two farmsteads, a cairn and a Second World War aircraft crash site all previously recorded on the Council's Historic Environment Record, and the remains of a structure likely to be associated with forestry or peat cutting work. These assets are proposed to be marked out on site and be subject to protective barriers to safeguard these features from construction activities. The applicant

considers that the site is of negligible archaeological potential and is highly unlikely to contain undiscovered heritage assets. A suitable programme of archaeological works is considered appropriate mitigation to reduce the likelihood of any adverse effects occurring. A condition will however secure an Archaeological Management Plan (AMP) with the mitigation measures specified within to be as per Paras 7.82 to 7.86 of the EIAR (which including the recording of structures, marking out of features close to construction activity and watching briefs).

8.70 The wider area in which the wind farm sits contains a limited amount of built and cultural heritage features. These comprise five Scheduled Monuments (chambered cairns), one Inventory Garden and Designed Landscape (Ardross Castle which is also a Category A Listed Building) and one Category C Listed Building (Strathrory Bridge). The applicant's EIAR does not identify any operational impacts of greater than negligible significance. Historic Environment Scotland (HES) have not objected. They do however consider that impacts on Ardross Castle's setting in views from Leathy parklands to the south looking north east have been understated in the EIAR and would be adverse. That said, HES have confirmed that views from the castle and its formal gardens and views of the castle on approach from the east would not be affected. As such, they conclude that this impact does not affect the cultural significance of the listed building or designed landscape to an extent that raises issues in the national interest.

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

8.71 A total of 16 viewpoints across a 45km study area have been assessed with regard to landscape and visual impact. These viewpoints are representative of a range of receptors including recreational users of the outdoors and road routes. The expected bare earth visibility of the development can be appreciated from the ZTV to Blade Tip with Viewpoint Locations (EIAR FEI II Figure 6.5, January 2021) in the EIA Report. Although sufficient information has been provided to enable an assessment, concerns were raised with the quality of photography used for producing photomontages for two longer range viewpoints VP14 (Ben Bhraggie) and VP16 (Culloden Battlefield). The photography for these has been taken in sub-optimal weather conditions and the selected viewpoint location for VP16 was also questioned, due to the presence of intervening vegetation. As a result, a series of additional wireframes were provided from different areas of the battlefield for VP16, and for both viewpoints the assessment of effects has erred on the side of caution given the reliance on wireframes.

8.72 The methodology for the Landscape and Visual Impact Assessment (LVIA) is sufficiently clear, being generally in accordance with the Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3), with the assessment's methodology being provided at EIAR Appendix 6.1. This methodology has been used to appraise the assessment provided and to come to a view on what combination of effects on the sensitivity of receptor and magnitude of change are leading to a significant effect.

8.73 As set out at GLVIA3 Para 3.32 "LVIA should always clearly distinguish clearly between what are considered to be significant and non-significant effects." The

Council is of the view that Moderate effects can be significant but this needs to be considered on a viewpoint by viewpoint basis. 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. 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 usually very high sensitivity receptors.

Siting and Design

8.76 The site has a predicted wind resource and is not within any protected area designated for nature conservation, landscape quality, or cultural heritage. The proposed turbine locations maintain a setback for at least 1.7km from nearby residential properties. The site is also located relatively close to the existing road network, with a new access to be formed off the B9176 ‘Struie Road’ and the applicant has also identified a potential local grid connection which is anticipated to be an underground to Alness substation, albeit that this connection does not form part of the planning application.

8.77 The development will predominantly be viewed from the north east and south-west as an array of 7 turbines, represented by VP7 (Dornoch Firth Bridge), VP11 (Dornoch Golf Course), VP4 (Minor Road near Lealty Lodge), VP5 (Conc Fyrish Monument) and from VP9 (Ben Wyvis). More localised views of the development will also be obtained, particularly whilst travelling along the B9176 ‘Struie Road’, refer to VP1 (B9176 Strathrory Bridge) and EIAR FEI II Figure 6.19c Sequential Route Assessment – B9176 (Moray Firth Tourist Route) VP3 (Junction with minor road at Strathy) and VP4 (Layby near Stone).

8.78 The design of the wind farm has had to balance of: landscape character and visual amenity; environmental constraints; topography and ground conditions; and technological and operational requirements. The applicant has explained for each viewpoint how the design has sought to address the receptor(s) at the viewpoint. The design of the development is best demonstrated by the visuals from the viewpoints listed above.

8.79 The design process started with a proposed development of 11 turbines with a blade tip height of 200m as reported within the EIAR Chapter 4: Design Evolution. The same number of turbines remained at the EIA Scoping stage, albeit their tip height having been reduced to 180m. At the point of the application’s submission the number of turbines fell to 8, with a tip height of 180m. Thereafter, the EIAR FEI

I reduced this to 7 turbines, 5 at 180m, 1 at 160m and 1 at 150m. Finally, following negotiation with the applicant in light of the extent of adverse effects of the scheme being deemed unacceptable, EIAR FEI 2 maintains 7 turbines with a substantially reduced blade tip height of 149.9m which now is of a height to avoid visible aviation turbine lighting requirements. The hub height of the turbines would be 83m with a rotor diameter of 133m. Whilst the applicant has sought to maintain flexibility to have either internal or external transformers, a condition is proposed to make these internal only.

8.80 The development as now presented sits on a slightly undulating site that is currently open moorland. The proposed turbines have been cohesively located, low down within the landscape to benefit from intervening screening from surrounding ground which limits the visibility of the proposed turbines as well as reducing the horizontal and vertical extent of the Proposed Development from key views and particularly when perceived from the Dornoch Firth NSA, residential properties along Strathy Road, B9176, across the Black Isle, Ben Wyvis SLA and WLA29: Rhiddoroch - Beinn Dearg - Ben Wyvis, and surrounding areas.

8.81 The applicant's focus has been on reduction of impacts on the Dornoch Firth NSA and in turn, reducing the visual impacts for receptor across southern areas of Dornoch and in vicinity of the Dornoch Bridge. Through the reconfiguration of turbines, siting turbines at a slightly lower elevation and reducing the turbine heights by 30m to 149.9m to tip, this has had positive impact when considering all other landscape and visual receptors. The main exception to this the repositioned turbine 5 which is sighted further south and closer to the B9176 and neighbouring properties to the south. This reduces the development's separation distance to certain parts of the scattering of local settlements which make up Ardross, however, this re-located turbine has not been found to give rise to any new significant effects, with the overall reduction in the scale of all turbines having a reduced impact for this community, which is best represented by VP2 (Ardross).

8.82 The chosen height of turbines, while now common across Scotland, contrasts with the scale of the surrounding wind farms, albeit that the proposed wind is situated at much lower elevation. For example, Beinn Tharsuinn turbines are 80m to tip, Beinn nan Oighrean 80m, Coire na Cloiche 100m, Novar 61m with its extension turbines being 106m. This will be most noticeable in closer in views, of the development when viewed in combination with other wind farms, such as from the B9176. Whilst the findings of the EIAR's LVIA considered that taller turbines could be accommodated, this was contested by NatureScot, particularly due to aviation lighting impacts on the Dornoch Firth NSA, and by the Planning Authority who raised visual impact concerns with the scale of larger turbines above 150m in height from a number of receptors and representative viewpoints.

8.83 The relationship with other wind energy schemes in the area has generally been well considered with the wind farm maintaining its own distinctive setting in accordance with the criterion set out in the OWESG. There are limited receptors who would experience the visual effect of existing wind farms to the north west and south east alongside the proposed development and given the different landscapes in which the developments sit, they would appear as distinctly separate schemes.

The matter of cumulative and sequential impact is more of a concern as one travels through the area on the principal road network and as it relates to operational and consented Wind Farms.

8.84 Despite the applicant's site selection process, the sites position and lower elevation pose some issues in terms of landscape and visual impacts, when considered against sensitive receptors and views. To the north the site is constrained by land ownership and the site is bound by existing forestry. To the east the site is constrained by existing overhead lines which run through the site, the B9176 and the adjacent Morangie Forest SPA. To the west, the site is constrained by its topography, with turbines having been removed from higher ground to limit their visual prominence. To the south, the site is constrained by land ownership, deep peat, as well as its proximity to residential properties, meaning the designers have to maintain adequate separation distances for residential amenity. The resultant design is a layout that concentrates turbines towards the centre of the site, which when viewed from the north east and south west at mid range appears as a linear, well balanced composition across the valley floor at broadly at a constant height, in line with NatureScot guidance. The applicant has also consciously avoided 'stacking' of turbines from key design viewpoints, particularly VP5 (Cnoc Fyrish Monument), VP7 (A9 Dornoch Firth Bridge) and VP11 (Dornoch Golf Course). These considerations speak to the suitability of the site for windfarm development, with the proposals taking account of the surrounding constraints and topography albeit that the proposals will still give rise to some significant adverse landscape and visual effects which are discussed further below.

8.85 In terms of design of the other infrastructure on the site, these appear to have been well sited and designed with those elements of greatest visual impact (borrow pits and tracks) set low within the landscape. However, the areas of forestry surrounding the site will continue to be managed throughout the operation of the wind farm. This may increase the visibility of turbines from some areas as felling takes place. Whilst certain areas of surrounding forestry may be re-stocked or retained for capercaillie conservation interest, the applicant's bear earth ZTV mapping has been assessed to avoid overreliance upon any forestry screening effects and to determine the proposals on the likely worst case scenario.

Landscape Impact (including Wild Land)

8.86 There are several aspects to consider in determining whether this development represents an acceptable degree of impact on landscape character, including:

- impacts on the Landscape Character Type (LCT) as a whole and on neighbouring LCTs;
- compliance with the OWESG as it relates to Landscape Sensitivity; and
- impacts on surrounding landscape designations.

8.87 The Proposed Development is not located within any landscape designations or Wild Land Areas. The proposed development is set relatively centrally within the extensive Rounded Hills and Moorland Slopes LCT within Ross and Cromarty. The SNH 2019 Landscape Character Assessment describes this LCT as consisting of "*smooth rounded hills, sweeping moorland slopes and broad, high level unfarmed*

straths, and often joins Rounded Mountain Massif via wide straths or smooth u-shaped valleys. The matching landform and moorland vegetation, and similar sweeping, smooth lines of the two types merge to create an overall landscape of vast scale. To the north, this type merges with the similar, but lower, Rounded Hills - Caithness and Sutherland."

8.88 The key characteristics of this LCT includes: 'broad, rounded hills and upland moorlands with smooth, gentle slopes down to broad straths, creating an undulating skyline', 'large coniferous forests on accessible lower slopes', 'occasional major trunk roads curve through the lowest major straths, with very little associated service development', 'man-made structures of pylons, wind farms and reservoirs occur as occasional features within a large scale landscape' and 'large, remote interior areas of vast scale with wildness characteristics'.

8.89 In this context, the development is sited near to the roadside where there is low-key human activity and away from the hill-tops and more remote areas associated with a strong wild character. The site is partially enclosed by broad, rounded hills and coniferous forestry. Two existing quarries exist to the north west and east of the site. Other human influences include the existing Beinn Tharsuinn, Beinn nan Oighrean and Coire na Cloiche wind farms to the north west and two parallel pylon lines running north east to south west, through the eastern part of the site. In this regard the applicant has assessed the susceptibility of the site to wind farm development as medium to low, which is not disputed.

8.90 The Proposed Development is located on and beyond the edge of the area covered by the OWESG; Part 2B: Landscape Sensitivity Appraisal: *Black Isle, Surrounding Hills and Moray Firth Coast Caithness*. This advises that the Rounded Hills and Moorland Slopes Landscape Character Type (LCT) is one of the least sensitive landscapes to large scale wind farm development scoring 3 out of 4 (with 1 being the most susceptibility to change). The document states that there may be some limited scope for large scale development within LCA BL40: Rounded Hills and Moorland Slopes LCT.

8.91 The OWESG description of BL40 states that: "*The LCA mainly comprises forested slopes, beyond which glimpses of rounded moorland summits and Beinn Tharsuinn windfarm are sometimes visible. When viewed from low on the north side of the Black Isle the LCA is more strongly comparable to the Forest Edge Farming which it borders at LCA-BL13. Habitation pushes up close to the LCA boundary at Lamington and Ardross, making the LCA seem less remote from the settled Firth than BL38 and BL39. The LCA also has a network of tracks and paths, including Core Paths and leisure parking facilities. In wider views the LCA appears as a forested backdrop to Invergordon and a barrier between the settled firth and wilder landscapes to the north."*

8.92 The OWESG's identified potential for wind energy development in the form of large or medium scale turbines in this LCT, is subject to further guidance set out on Page 80 of this document. This includes:

- *"located where the bases of turbines are on the far side of horizon to maintain the containment of space.*

- *not of such a scale so to overwhelm the landscape and sense of place of the Moray Firth.*
- *not breach interim horizons when seen from key locations.*
- *not impinge on Key Views (from Cromarty Harbour and Nairn).*
- *protect legibility of layered landscape in longer views.*
- *protect the Key Characteristics and Special Qualities of Ben Wyvis SLA.*
- *preserve mitigation established by current nearby schemes."*

8.93 The OWESG also describes key routes and gateways to include the B9176 which passes through the LCA and has a distinctive character of remoteness and moorland exposure. The OWESG states that 'Development in proximity to the road may diminish this experience'. The gateway location is described in the vicinity of Balnacraig, south of Dalneich Bridge, when travelling northbound on the B9176 where there is a sense of transition between the enclosed Cromarty Firth and the progression of Moorland and Forest Landscapes.

8.94 The applicant's assessment considers that the development accords with the OWESG guidance on the basis that the proposed development would be relatively enclosed by broad, rounded hills and coniferous forestry, with the turbines being placed on the far side of the horizon and due to the limited extent of visibility of the development from the OWESG's identified key locations, with no visibility of the development from the OWESG's described 'gateway' location on the B9176. In this regard, the scale of the development has also been found not to overwhelm the landscape and sense of place of the Moray Firth, the key characteristics and special landscape qualities of the nearby Ben Wyvis SLA would not be significantly affected and the development maintains effective separation from other windfarms, preserving mitigation established by these schemes. The applicant's conclusion drawn is not disputed, that when considering the OWESG as a whole the development is in conformity. In appraising the applicant's findings, it has however also been found that the development would diminish the experience of transition between the settled enclosed coastal landscape and moorland and forested landscape when travelling northbound, albeit that this would occur for a short duration of this route and only in close proximity to the site for a distance of 1.6km as per the applicant's Sequential Route Assessment.

8.95 The applicant has concluded that the landscape effect of the development on the host LCT would be substantial / moderate to moderate and significant within 2km, and moderate / slight beyond this distance.

8.96 The potential for indirect landscape effects on the surrounding landscape character have also been assessed, with the applicant concluding that effects across 7 of the 8 surrounding LCTs would be minor to none, principally due to the separation distance and partial or very limited ZTV coverage. The remaining neighbouring LCT which would be more adversely affected is Forest Edge Farming LCT. From this adjacent LCT moderate (significant) effects are predicted within the Ardross LCA, in two small areas to the south west and south east, best represented by VP4 (Minor road near Lealty Lodge). The applicant's assigned significance of landscape effects is not disputed, however, the extent of the wind farm's visibility and indirect effect across this LCA may increase, or indeed, decrease with changes in land management over time depending upon forestry felling cycles and planting. Should

significant tree felling take place, the ZTV mapping demonstrates the full extent of increased visibility. This theoretical maximum level of visibility is however limited to the upper areas of the valley, either side of Ardross Castle and the River Averon, and therefore this would not materially alter the assessment's findings for this LCT, with the theoretical direct of loss of woodland itself within this LCT having a far greater impact.

8.97 The landscape character effects as a result of the presence of the turbines will be reversible. However, as set out in SPP Para 70, 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.

8.98 The applicant has stated in the EIAR that the introduction of the development into the landscape would not significantly affect the special qualities of the nationally and regionally designated sites. These include those set out in Para 2.13 of this report. The assessment is not disputed due to the intervening distances to the proposed development. The principal designations where there would be adverse landscape effects is the Dornoch Firth NSA and Ben Wyvis SLA.

8.99 There is theoretical visibility of the proposed development from the Dornoch Firth NSA, with this being at a distance of between 10km near Ardmore and 20km at Dornoch, with landscape impacts being represented by VP7 (A9 Dornoch Firth Bridge) and VP11 (Dornoch Golf Course). The special landscape qualities of the NSA, as described by SNH (now NatureScot) are:

- *"The contrast between the enclosed west and the expansive east*
- *Inhabited surrounds within a wilder backdrop of hills and moors*
- *A wide diversity of woodland cover*
- *A rich variety of alluvial lands, dunes and links*
- *The ever-changing firth*
- *The tranquillity of an undeveloped coastline*
- *Migdale, a microcosm of the wider Dornoch Firth."*

8.100 As described previously, the amendments made through the EIAR FEI II sought to reduce the development's landscape effect on the special qualities of the NSA. The resultant level of effect is now predicted within the applicant's assessment to be moderate to minor (not significant) with the integrity of the NSA being maintained. The applicant's findings are is due to the development not significantly affecting the undeveloped character, sense of tranquillity and rural ambiance of the NSA, the background hills and their scale or sense of grandeur, or the variety and complex interplay of scenery and horizontal layering of landscape character. In appraising these landscape effects, whilst it has been found that the amendments made to the scheme have been effective in 'designing out' significant landscape effects, these are predicted to be moderate, rather than the applicant's scoring of moderate to minor. This is a matter of judgement and it is agreed that the turbines would appear set low in the landscape, resulting in a development that would be a new, but recessive, feature in the landscape with limited potential to detract from the existing

views and scenic composition of the NSA. These findings are consistent with the advice received from NatureScot, who have confirmed that in their opinion, the revised proposal will not have an adverse effect on the integrity of the NSA or the objectives of the designation.

8.101 The other impacted landscape designation is the Ben Wyvis SLA, located 12.8km to the west, represented by VP9 (Ben Wyvis). It covers the rounded summits and foothills of Ben Wyvis from the southern shores of Loch Glass in the north east to Little Wyvis in the south west. The extent of theoretical visibility of the proposed development from the SLA is very limited to the upper north eastern ridges and summit. The applicant's assessment identifies that there would be no effect on Ben Wyvis as a dominant landmark when viewed from the surrounding area, nor would there be any effect on the character of the extensive panoramas which would be uninterrupted by the development, located beyond the existing Novar Wind Farm and its extension. Whilst the development would extend the influence of wind farm development, these findings are not disputed as discussed further within the following wild land section.

Wild Land

8.102 No element of the proposed development is within a wild land area. The development will however be visible from three wild land areas: WLA 29 - Rhiddoroch - Beinn Dearg - Ben Wyvis (14.4km west of the nearest proposed turbine); WLA 24 - Central Highlands (35km south of the site); and WLA 35 Ben Klibreck - Armine Forest (35km north of the site). As it is not within a Wild Land Area it is considered that SPP Para 215 does not apply, but the general test considering the effects on wild land as set out in SPP Para 169 and reflected in HwLDP Policy 67 and the OWESG. Given the initial potential requirement for aviation lighting (based higher turbines in excess of 149.9m proposed at the application submission stage and through the EIAR FEI I) the applicant provided a wild land assessment.

8.103 The scope of the wild land assessment was agreed in consultation with NatureScot and was restricted to assessing the development's impact on WLA 29 with the ZTV coverage of this wild land area being restricted to the Ben Wyvis area. Furthermore, the requirement for this assessment was also only triggered due to potential aviation lighting impacts only on WLA 29, given that there are a number of operational and consented wind farms between located between WLA 29 and the proposed development. The assessment therefore considered night-time effects only. The applicant's assessment concluded that with aviation lighting, there would be no significant adverse effects on the Wild Land Qualities (WLQs) or perceptual response associated with WLA 29, with the magnitude of effect being low to negligible and the development having a resultant moderate to minor not significant effect.

8.104 Although the turbines would result in another external influence on the extent of the surrounding WLAs, on the basis that the qualities of the WLAs are mostly enjoyed looking in rather than out, and given that the turbines are now, through the EIAR FEI II, below the height threshold where visible aviation lighting would

be required (and therefore non-visible infrared safety lighting is sufficient), the development's impact on the qualities of the surrounding WLAs is not considered significant. For WLA 29, this is consistent with the assessment of VP9 (Ben Wyvis) with the development contrasting in scale with Novar Wind Farm in the middle ground, but does not significantly change the character of the perceived views and does not lie in any of the more scenic views of the available panorama. Whilst the development would have an influence and adverse effect on WLQ 1 (panoramic views and associated perceptual sense of awe), and WLQ 3 (sense of remoteness and sanctuary), the intervening wild farm development already disrupts these qualities with the proposal not being found to cause any significant cumulative effect. For WLAs 24 and 35, it is considered that the separation distance of around 35km and the limited extent of ZTV of the development, limits the likelihood for any significant effects to arise for receptors in these areas, particularly given the commitment to avoid visible aviation lighting. This judgement is consistent with NatureScot's view that the proposal does not raise landscape issues of national importance in relation to the qualities of Wild Land Areas.

Visual Impact

8.105 The Council considers visual impact using the Criterion set out in Section 4 of the OWESG, with assessment against the criterion and view as to whether the threshold set out in the guidance is met or not, is contained in Appendix 3 to this report. Unsurprisingly, as visual impact assessment combines objective and subjective aspects through the application of professional judgement, there is a difference between the applicant's assessment and the appraisal undertaken. 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.

8.106 The applicant's assessment draws upon the supportive elements of how the proposal could be viewed within the landscape. The ZTV demonstrates that the scheme will be predominantly visible from areas to the north east and south west of the development, with more limited visibility to the north west given the containment provided by the hills of Meall a'Bhreacain, MeaMeall Meadhonach, Beinn Tharsuinn and Torr Leathann. The development would extend the theoretical visibility of turbines beyond that already experienced as a result of the consented and operational wind farms in the area. However, this is relatively limited in areas to the south and to the north east. Whilst this extension of theoretical visibility is limited, it is recognised that some of these areas are occupied and are frequented by both locals and tourists. Further it should be noted that in those areas where turbines are already visible, a ZTV can not demonstrate any increase in intensity of wind energy developments in a view from an area. Cumulative ZTV mapping has however only been produced for the initially proposed larger 180m to blade tip 8 turbine scheme, and therefore requires to be cross checked with the latest EIAR FEI II ZTV mapping, given that the extent of visibility with the amended proposal having been reduced.

8.107 The Zone of Theoretical Visibility contained in the EIAR FEI II indicates where the development would be theoretically visible within the 45km study area, however, visibility will predominantly be concentrated within 20km zone to the north, south, and east with significant areas of visibility stretching around the outskirts of Inverness at a distance of 30-45km. To the north, the turbines will also be

theoretically visible along the eastern coastline between Golspie and Brora at a distance of around 30-40km. Further south visibility extends across much of Dornoch and the surrounding area, including a circa 8km stretch of the A9 and Dornoch Bridge. The turbines would also be visible from across the northern area of the Black Isle, particularly when travelling along the B9169 heading east. Visibility also extends out towards Nigg where the turbines would be back clothed by the Easter Ross hills. The extent of theoretical visibility within a 10km range is also more extensive, with this including receptors at Cnoc Fyrish Monument, properties, local roads and recreational routes across Ardross, Easter Ardross, Dalnaive, Stittenham. The applicant has also provided a Sequential Route Assessment for the B9176 (Moray Firth Tourist Route) which provided a series of wireframes and existing photography. This demonstrates that the development will be theoretically visible for around 3km of this route where the development would be most apparent when travelling north towards the site. This is not however the most scenic section of this route but does provide extensive open views over moorland which contrasts with the more settled and developed areas surrounding the coast as one travels north.

8.108 The EIAR includes a visual impact assessment from each of the 16 viewpoints, with most viewpoints considered to be used by receptors of high sensitivity and susceptibility to wind energy development, although it is acknowledged that not all receptors experiencing the development from all of the viewpoints would have a high sensitivity to the development. Four of the 16 viewpoints were however considered in the applicant's assessment to be used by receptors of medium or high / medium sensitivity and therefore less susceptible to wind energy development. These viewpoints relate to minor local roads, the B9163 Resolis road and the A9 with the applicant's assessment attributing medium sensitivity to road users and high sensitivity to any nearby residential properties. The approach taken is not agreed as the A9, VP12 (A9 Duncanston) is a receptor of High Sensitivity, with this being the main road and tourist route through Highland and being identified as a Key Route throughout the OWESG. For VP4 (Minor road near Lealty Lodge) it's medium sensitivity is also not agreed given that this quiet rural backroad is believed to be used by walkers heading to and from the hills of Fyrish.

8.109 Despite the aforementioned disputed sensitivity levels for certain receptors, the applicant's assessment in the EIAR reaches similar conclusions as to the significance of the impact of the proposal as a standalone development. Both parties are in agreement that the development will have a significant visual impact, singularly, for VP1 (B9176 Strathrory Bridge), VP4 (Minor road near Lealty Lodge) and VP5 (Cnoc Fyrish Monument), representative of receptors within 8.5km of the site. For receptors between 8.5km to 45km, the 'standalone' visual impact is agreed to not be significant.

8.110 Of the agreed three significant visual impacts, it has been found that for VP1, this effect on receptors would be greatest at a point along a straighter section of the B9176 to the south which is at a higher elevation. At this point south of the VP, the significant adverse effect would be major. For this straight north of Stittenham to the point where the road drops to the bridge, the effect may be to dominate the experience of travelling across the plateau in a way that would constitute a high magnitude of change to a promoted scenic route (Moray Firth National Scenic

Route) and would hence constitute a major significant adverse effect. The B9176 is also identified as a key route in the SG Landscape Sensitivity Appraisal for The Black Isle, Surrounding Hills and Moray Firth Coast. Section BL40: Above Invergordon, under the heading key routes states: *"B9176 passes through the LCA and has a distinctive character of remoteness and moorland exposure. Development in proximity to the road may diminish this experience."* It is considered that the development would diminish this experience, however, it must also be recognised that the site and its surroundings are not entirely void of human activity with commercial forestry, electricity infrastructure, quarries, associated tracks and existing more distant turbines being present. The proposal would also not interfere with the most scenic aspect of this route, which is located further to the north where there is visibility over the Dornoch Firth to the North from the Struie Hill viewpoint.

8.111 Of the other two agreed significant visual impacts, it has been found that for VP4 (Minor road near Lealty Lodge), visibility of the wind farm would be most apparent eastbound for a 1km stretch of this minor local road where Ardross Castle and Ardross Distillery are also visible across agricultural fields. From this viewpoint the turbines appear well contained by landform and are well spaced, but the composition is however slightly irregular with some turbines being at variable heights. Given the recreational use of this local road, and proximity to the site, major/moderate significant visual effects would arise, with the applicant's assessment scoring the level of effect at a slightly lower at Moderate (significant).

8.112 Finally, for VP5 (Cnoc Fyrish Monument) the applicant's findings are agreed. The turbines would not be visible from the monument itself so the viewpoint is located on a track on the summit ridge, which will be seen by fewer visitors and generally those engaged in slightly more energetic active recreation or wish to venture to the accessible area surrounding the summit to seek solitude from other visitors. Those seeking solitude are considered more sensitive to changes in the landscape and from here the turbines would be the new focus of the view, seen in a context of farming and forestry blocks on lower ground, giving way to moorland on higher ground. The turbines appear to occupy the moorland immediately on the boundary of the farmland, but do not seem disproportionate when observed with large forestry blocks. From this elevated point, the access tracks for the turbines would also be visible. A degree of tranquillity would be lost giving the sweeping nature of the large blades. The amendments made to the scheme have avoided visible aviation lighting and have improved the composition with generally well-spaced turbines that avoid stacking and appearing at a regular height. Despite these improvements, major / moderate significant adverse visual effects are still anticipated, albeit experienced away from the primary direction of view which is the Cromarty Firth itself.

8.113 Beyond the agreed significant visual effects, it remains important to also consider other moderate, but not significant adverse visual effects. Of the remaining 13 viewpoints, such moderate (non-significant effects) are anticipated to occur at 9 viewpoints, however the applicant's assessment predicts slightly less with 7 moderate (non significant) effects. The areas of dispute relate to longer distance viewpoints VP14 (Ben Bhraggie) and VP16 (Culloden Battlefield). For VP14, our assessment has erred on the side of caution given the reliance on a wireframe,

given the photomontage being based on photography taken in sub-optimal weather conditions. For VP16, again our assessment is based on assessment of a series of wireframes and judgement has been applied to the magnitude of change, which is considered to be low, rather than the applicant's scoring of negligible, given that he scale of the turbines mean that they would be more noticeable than any existing turbines in view within the layered landscape. From the battlefield, the turbines would be most apparent in clear conditions with the viewing distance of 34km being the main limiting factor. The turbines would also occupy a small portion of the view and would not break the skyline.

8.114 The amendments made to the proposal's design have focused on mitigating impacts on the Dornoch Firth NSA, represented by VP7 (A9 Dornoch Firth Bridge) and VP11 (Dornoch Golf Course), with these amendments also helping to limit visual impacts for users of the A9, and also across Dornoch and the surrounding area. These amendments include: reducing the scale of all turbines, avoidance of visible aviation lighting, improving the spacing of turbines, and the re-position of turbines away from the higher ground to the west to reduce the amount of back clothing of the turbines against the hillside on the right hand side of the view with the turbines sitting more compactly within the saddle of the hillsides. When viewed from VP7, these measures avoid significant effects from occurring given the reduced extent of visibility (3 hubs and 4 blades) with the turbines set low in the landscape. This result in a development that would be a new, but recessive, feature in the landscape with limited potential to detract from the existing views and scenic composition of the NSA. Similar moderate (not significant) effects would occur from VP11, though the development will be more pronounced because the angle of view gives greater visibility to the turbines. From here, the development will have a well balanced composition across the valley floor and broadly at a constant height with both factors being critical to ensuring that the turbines are recessive in the landscape. From both of these key design viewpoints, the level of adverse visual effect would be moderate (non-significant), which differs from the applicant's assessment of moderate to minor, principally due to differences in professional judgement relating to the magnitude of change arising from the development.

8.115 In securing the aforementioned amendments to the proposal, to mitigate impacts when viewed from the north, this has had knock on beneficial impacts for several other viewpoints, most notably VP6 (B9163 Resolis), VP10 (Culbokie) and VP12 (A9 Duncanston), with these viewpoints being representative of visibility across the Black Isle and when travelling north on the A9 before crossing the Cromarty Firth. Should no amendments have been secured, the height and scale of the initially proposed turbines would have undoubtably resulted in significant adverse effects for receptors across the Black Isle, with this being contrary to the finings of the applicant's initially submitted LVIA.

8.116 The EIAR FEI II wireframes for VP10 and VP12, demonstrate that visibility from the A9 northbound and from Culbokie will now be limited to (3 hubs and 1 to 2 tips), with the turbine bases being concealed and the development forming a compact and small group on the horizon, contained visually by a saddle in the skyline. As one travels east along the B9163, VP6 illustrates how visibility of this grouping becomes more prominent with the turbines no longer appearing as recessive in northward views with the wind farm being in the foreground. Here the turbines

appear in association with the existing distant Beinn Tharsuinn turbines, but will seem larger in the view. Again, however, the reduced scale of the turbines secured through the EIA FEI II, has enabled the proposal as now presented to remain visually well contained by the dip in the landscape with rising ground to east and west. Whilst the proposal is still found to be intrusive in this view, the magnitude of change is lessened by the presence of existing turbines, industrial activity on the firth, and by the character and sweep of the view, resulting in the development not characterised as prominent and can therefore be accommodated. This would not have been the case for the initially proposed larger turbines which would have been dominant, lacking containment with their bases being much more visible with hub heights approaching and breaching the skyline. The amendments made to the scheme have now avoided significant visual effects from arising across the Black Isle.

8.117 Overall, it has been found that the development would be more visually prominent to highly sensitive receptors at select representative viewpoints than the applicant assessment has indicated, albeit that this has not resulted in the identification of any additional significant adverse visual effects. The applicant's visual impact assessment findings for the EIA FEI II scheme have therefore been accepted. This is not however the case for the larger scale of turbines initially proposed at the EIA and EIA FEI I stages, with further amendments having been secured through working closely with the developer to reach consensus.

8.118 In addition, it is important to consider the context of the development in combination with other windfarm developments and assess the likely cumulative effects. Of particular importance is how wind energy 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. In this instance, cumulative impacts of the proposed development in combination with existing wind farms has been found to give rise to a limited number of significant cumulative visual effects, over and above the significant effects identified in the 'solus' assessment. Scope for such cumulative effects to arise has however been mitigated through site selection as the development would appear visually separate from surrounding wind farms, appearing in a different landscape context, and at a different scale and where visible rotation speed. This visual separation and contrast allow the development to be perceived as a different and separate wind farm.

8.119 Where the development introduces turbines to views from the viewpoint where turbines are not currently visible, this is not considered a cumulative visual impact irrespective of the magnitude of change.

8.120 Once more, the applicant's assessment as to the significance of the cumulative impact for receptors at each viewpoint is accepted. The applicant's assessment identifies significant in combination visual effects with existing and consented wind farms occurring: at VP1 (B9176 Strathrory Bridge) for 3km where the proposal would be viewed with Beinn Tharsuinn. At VP4 (Minor road near Lealty Lodge) where the proposal would be visible with Novar and Novar Extension; and from VP5 (Cnoc Fyrish Monument) where the proposal would be visible alongside several other wind farms which are located at a distance between 11km – 40km. In addition, significant cumulative visual effects in relation to other significantly visible

wind farm developments would be experienced from VP9 (Ben Wyvis) towards Novar, Novar Extension, Lochluichart, Corriemoillie and Kirkan should it be consented.

8.121 The applicant's assessment has also considered the visual effects on settlements and concludes that there would be no significant adverse effects. In considering settlements within 10km, several local representations were raised from residents in Ardross, which for reporting purposes is considered to include the series of small settlements from west to east being, Dublin, Easter Ardross Dalvaide, and Stittenham, as well as other scattered farmsteads and residential properties across this area. The visual effects across this collective community, is represented by VP2 (Ardross) and the B9176 Sequential Route Assessment. The extent of potential bear earth visibility across this area can also be appreciate from the EIAR FEI II ZTV.

8.122 Considering each small settlement which make up Ardross in turn, the settlement of Dublin (Ardross) is located 3.6km to the south west. Here the applicant's assessment states that the ZTV indicates that residents from the majority of the settlement would potentially view between three and seven turbines although in reality, visibility of the development would be limited to blades and blade tips which would be visible from the northern edge of the settlement with views would be partially screened by rising landform, stone walls and trees. Whilst intervening trees may be felled in future, most properties here are orientated to have their principal elevations to the south west, away from the site, and therefore, the findings are agreed, that no significant visual effects would arise.

8.123 At Easter Ardross and Dalvaide, which is considered to be the service hub for the community, home to Ardross Primary School and Community Hall, the ZTV shows that there would not be any visibility of the development, with a circa 3km stretch of the west to east minor road which links these settlements also being shown not to have any visibility, which is consistent with the topography here falling away to the south along the valley which contains Ardross Castle, from which there would also not be any visibility.

8.124 At Stittenham the applicant's assessment identifies minor to no view of the development. Again, principal elevations of properties at Stittenham, located 3.2km to the south, facing east / southeast across the B9176 and the falling landform beyond, away from the Proposed Development. Views to the rear of these properties are generally screened by forestry associated with Stittenham Wood. Again, this forestry could be felled in future and the ZTV indicates theoretical visibility of all proposed turbines from properties towards the north of the settlement. Taking account of the potential removal of intervening forestry, it is considered that visibility would however likely be limited to blade tips as show in the EIAR FEI II Sequential Viewpoint 2: Figure F6.19b).

8.125 Collectively across this string of smaller settlements and outlying properties which can be generally described as Ardross, the wind farm will have an influence. Whilst not every resident of this area will have visibility from their property window, or their garden ground, they are likely to experience visibility of the development at some point in the surrounding local road network or from neighbouring ground. The extent of existing intervening forestry would help to screen the development,

however, landscape changes will occur over time with felling of commercial forestry having the potential to open up views towards the development, from the locations shown in the ZTV mapping. As reported in the applicant's assessment, even with all intervening woodland being theoretically removed, this development would still have a limited visibility with the intervening topography reducing the extent of predominantly blades and tips that would be visible, results in a development that has a moderate to minor adverse effect (not significant) on the collective small settlements which make up Ardross. It is noteworthy that, the initially proposed larger turbines at the application submission stage would have been more visible, resulting in moderate (significant) visual effects, represented by VP2 (Ardross). Despite turbine 5 now being repositioned further to the south, when considering the amendments made to the EIAR FEI II scheme as a whole, these have been found to have reduced the visual effects for Ardross.

8.126 The EIAR FEI II ZTV showing turbine hub heights helps to demonstrate this, with VP2 representative of the area where there is predicted to be most localised visibility where at worst moderate (not significant) adverse effects would occur for road users, and a scattering of residential properties to the south and west, for a circa 1.5km stretch between VP2 and Loch Dubh. From here, at a distance of 2.4km to the nearest turbine the development is framed by the rising landform, which helps to absorb the development into the view with the presence of exiting farm buildings and trees on the horizon providing an indication of the development's scale. It is the belief of Ardross Community Council that the development would constitute encirclement of wind farm development. This is the view of the Community Council and several local residents, with this impression possibly being reflective of those who spend the vast majority of their time at home or locally, with this having been influenced by Covid, as well as those who regularly use the surrounding land beyond their immediate homes and local roads for land management or recreational purposes. Contrary to this opinion, it is considered that the proposed wind farm would have an acceptable degree of influence. It would be a noticeable new feature of the landscape experienced most frequently from local rural roads and nearby rural scattered smaller settlements of Ardross, but it has not been found to constitute encirclement of wind farm development for local residents or visitors to Ardross.

8.127 Another more distant settlement within 10km is Alness which is 7.7km to the south. The majority of the settlement is outwith the ZTV and applicant's assessment identifies minor to no view of the development. Examination of the EIAR FEI II ZTV indicates that visibility would being largely confined to forested areas to the north, as well as predominantly industrial land to the south surrounding Teaninich Distillery where visibility would be limited to blades and be interrupted by forestry, local trees and buildings.

8.128 Visual effects at across settlements beyond 10km have been considered within the applicant's assessment with again no significant visual effects arising. Whilst these findings are agreed, it is disputed that minor, rather than moderate (non significant) effects would arise for receptors in Dornoch, as per our assessment of VP11 (Dornoch Golf Course).

8.129 Returning to closer to the site, there are five residential properties within 2km of the Proposed Development:

- Crannich;
- Wester Baldoon;
- Easter Baldoon;
- Easter Strathy; and
- Wester Strathy.

8.130 The presence of these properties within 2km therefore necessitates further consideration and assessment of whether the turbines would appear overbearing and would overwhelm visual amenity. Properties within 2km would usually experience the greatest overall visual effects, not just when residents are in their homes but also when going about their everyday lives. To that end, the applicant has undertaken a Residential Visual Amenity Assessment (RVAA). This has found that Easter Baldoon, Easter Strathy and Wester Strathy would have no visibility of the development based on the EIAR FEI II ZTV. The two remaining properties Crannich and Wester Baldoon are located 1.7km and 1.9km respectively from the nearest turbine, and this assessment has concluded that neither property would experience a significant visual effect from the main living areas of the property or otherwise be unacceptably affected by the development in terms of their residential visual amenity.

8.131 The applicant's initial RVAA undertaken that for Wester Baldoon considered significant effects may however have arising from the upper floor of this property, however this assessment has been amended to reflect the EIAR FEI II scheme, and now concludes that this significant effect would no longer arise. These assessment findings are agreed and the development would not have an overbearing effect or otherwise affect the living standards of individual properties such that any of these would become an unattractive place to live. This is regardless of the screening effect of the existing forestry which may or may not remain or be re-planted during the operational lifetime of the development. This is particularly the case for Crannich, due to the majority of windows being on the south elevation facing away from the development and their being fairly substantial outbuildings to the north. Such properties connected to farming and the rural economy generally host additional outbuildings, which may influence the development's effect on their visual amenity as the properties' relationship to the turbines is complicated through alternating screening and framing effects. Such effects would also be experienced from the property's associated garden ground which lies to the south and east. It is considered that the applicant's RVAA has placed an overreliance on the retention of intervening forestry, but it is agreed that the development's likely impact on residential visual amenity will not make either property an unattractive place to live.

8.132 The EIAR has also provided an assessment of the development's effect on the amenity of transport routes, which in turn enlightens the assessment of the in-combination effects in terms of how the development is experienced sequentially through the landscape. The EIAR has considered several transport routes, concluding that the development will result in significant effects on the users of:

- the Moray Firth Tourist Route, represented by VP1, (B9176 Strathrory Bridge), and limited to short sections of road affecting up to 3km (1.6km northbound and 1.4km southbound);

- the A9 North Coast 500, represented by VP7 (A9 Dornoch Firth Bridge) and VP12 (A9 Duncanston), but significant effects are only considered to arise when viewed sequentially with the presence of Moy Wind Farm, due to Moy Wind Farm's medium magnitude of change when viewed from the southern section of the A9; and

- two minor roads:
    - 1) Crannich and Dublin (Strathy Road), represented by the B9176 Sequential Route Assessment VP3, Figure F6.19c, where significant effects would now only occur at the junction with the B9176 as a result of the amendments secured through the EIAR FEI II; and
    - 2) Contullich and Boath represented by VP4 (Minor road near Lealty Lodge), where significant effects would occur for a 1km stretch between west of Wester Lealty and east of Acharn.

8.133 These findings are not contested with these being consistent with the significant effects identified within the viewpoint appraisal as summarised in Appendix 2.

8.134 The visual effect of the development on rail users has also been assessed with the applicant's assessment identifying significant adverse cumulative effects for the Far North Railway Line (between Inverness and Brora). The ZTV has shown intermittent theoretical visibility of the development for short sections of the line. The most notable section with visibility would be at Ardmore where a 1km section of the line is raised to cross a local road. From here blades and tips would be visible above forestry at a distance of around 10km. This 'solus' effect of the development on users of the line is not predicted to be significant, however, when assessed sequentially with other wind farm developments, including Lairg, Lairg II and Braemore, significant cumulative major / moderate effects would arise, principally due to these other wind farm developments having a high to medium magnitude of change when viewed from the rail line. Whilst there would be in combination adverse effects, these would likely arise regardless of the proposed development proceeding or otherwise and the applicant's findings are not therefore disputed.

8.135 Recreational receptors have also been subject to assessment with a focus on walkers and cyclists utilising the Moray Firth Tourist Route, the Sustrans Cycle Route (NCR No.1), North Coast 500, the Tain Drove Roads and core paths . Both parties consider all recreational users of the outdoors, where their focus is on their surroundings, to be high sensitivity. This is due to the heightened sense of awareness and slower speed of movement through an area, giving the receptor more time to appreciate their surroundings. The EIAR has considered that the visual impact of the development when viewed from a number of core paths will be significant. These are principally the routes in close proximity to the proposed development. These include views from the B9176 forming part of the Moray Firth

Tourist Route and National Cycle Route No.1, as well as from part of the routes of the following five recreational routes or groups of routes within the local area including:

- Core Path R41.01: Strathrory (Overlapped by Tain Drove Roads Heritage Path and Scottish Hill Track 320: Strathrory to Dalnaclach);

- Core Paths RC05.03 and RC05.04 around Loch Dubh (for context refer to EIA Appendix 6.6.1: Excluded Viewpoint Wirelines showing the previously proposed eight turbines with a 180m tip height);

- Core Path RC05.01: Fyrish Path, represented by VP5 (Cnoc Fyrish Monument);

- Core Path RC05.02: Tollie to Lealty Path (within Ardross Castle Gardens and Designed Landscape); and

- RC15.04: Struie Hill Mast Track.

8.136 Whilst there would be a significant effect on views from these routes, viewing towards the development, the applicant's assessment considers that there would be no significant adverse effects on the overall walking experience and summit / destination views of these routes, due to the intervening distance, 360° / wide panoramic views and the focus of key attractions in the opposite direction. These effects may be felt both during construction and operation of the scheme. It is considered that the assessment of recreational receptors undertaken gives a fair account of the likely effects of the development.

8.137 It should also be noted that where agreement with the applicant has been reached on the significance of the visual impact in EIA terms, whether singularly or cumulatively, this does not by definition correspond to an agreed assessment of the magnitude of the impact of the development. In general, the magnitude of change has been found to be marginally higher than that assessed and reported by the applicant for certain receptors. The difference comes down to an assessment of the turbines' prominence in the view, whether the development would result in a negligible, minor, or moderate change to the baseline view, and, how the development is expected to interact with existing and consented schemes, by increasing the visual prominence of existing schemes for example. Given the relatively small margins of variation between both parties' assessments, the applicant has been found not to have materially underplayed the magnitude of the impact of the development. Critical to this conclusion is taking into account the turbine number and height reductions secured through the EIAR FEI I and FEI II which have been fundamental to aligning these assessments.

Noise and Shadow Flicker

8.138 It is not anticipated that noise will be a significant issue as a result of this development, both individually and in combination with the consented scheme, due to the distance between it and noise sensitive properties. The EIAR's noise assessment includes a background noise survey covering daytime and night time

periods. The assessment demonstrates that predicted noise levels will comply with the simplified ETSU limit of 35dB LA90 at all receptors. As the proposed turbine locations across the site were amended through the EIAR FEI II, the noise assessment has been updated accordingly, however, this has not altered the assessments findings. Given the existence of other wind farm development in the surrounding area, it is considered appropriate to seek a cumulative noise mitigation and management scheme if an issue arises. By taking this approach, the Planning Authority will retain effective control over the potential noise impacts and have a suitable avenue for investigation should any noise complaints arise from the development.

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

Telecommunications

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

Aviation

8.140 There are no unresolved objections with regard to aviation interests, with no outstanding concerns being raised by the Civil Aviation Authority, Highlands and Islands Airports Limited, Ministry of Defence or National Air Traffic Services. Should the proposal be granted consent, a condition can be applied to secure suitable mitigation in terms of infrared aviation lighting only and notification to the appropriate bodies of the final turbine positions.

Other Material Considerations

8.141 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.

8.142 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. The Planning Authority also requires that any foundations remaining on site; the exposed concrete plinths would also be removed to a depth of 1m below the surface, graded with soil and replanted. Cables also require to be cut away below ground level and sealed. Whilst the applicant has indicated a preference to retain the new site tracks for landowner use, this is yet to be agreed as it would be expected that any new tracks or areas used for constructing the wind farm would be reinstated to the approximate pre-wind farm condition, unless otherwise agreed with the Planning Authority.

8.143 These matters will not be confirmed until the submission of the Decommissioning and Restoration Plan (DRP) which would reflect best practice measures at its time of preparation. The DRP would be submitted to and approved in writing by the Planning Authority in consultation with NatureScot 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.

8.144 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. 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.

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

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

Non-material issues raised in representations

8.147 The matters of timing of the application's submission and consideration; impact on property values; the applicant not being a UK based company; and the lack of local financial compensation / increase in community benefit funding are not material planning considerations.

Matters to be Secured by Legal Agreement

8.148 None.

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 33.6MW of renewable energy capacity towards Scottish Government targets and would give an economic boost to the area, notably during the construction period. 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 As set out in the Landscape Sensitivity Appraisal for the site, it is considered that there is limited scope for large turbines in this area. That said, as noted in the landscape and visual section of the report, the application is seen to accord with the landscape sensitivity appraisal, particularly in relation to the development not overwhelming the landscape and sense of place. The Landscape Sensitivity

Appraisal highlights key views as being from Cromarty Harbour and Nairn and key routes as the A9 and the B9176 Struie Road. The proposal's clear breach in this regard is its impact upon the B9176 Struie Road where significant adverse visual effects would be apparent for a 3km section of this tourist route. How much weight should be attributed to this however brought into question given that the site is an area of moorland with its surroundings not being in pristine condition with this area has been subjected to a degree of human influence and disturbance, including a substantial amount of surrounding commercial forestry, other wind farm development, overhead line infrastructure and quarrying activity.

9.3 The siting and design amendments made to the proposal through the planning application's determination period have also reduced the visual impact on a number of receptors and it is positive that no significant visual effects would be experienced within any recognised nearby settlement. The site also maintains a suitable setback from all nearby residential properties with their being five homes located within 2km of the nearest turbine. Of which, two have theoretical visibility of the proposal when considering the potential removal of any surrounding intervening forestry. Although there would be significant visual effects on the surrounding road and path network, these effects have been found to be contained within a distance of around 8.5km and be limited to a select number of receptors, the most notable being a short section of the B9176 tourist route and the summit of Cnoc Fyrish Monument. In both instances, the significant effects can not be 'designed out' due to proximity and the scale of the proposal and for both receptors, the principal scenic parts of the route / view would not be impacted. While extending the impacts of wind energy development beyond that currently experienced, it has not been found to be detrimental for road user's experience of this route, or be detrimental to the overall enjoyment of the popular summit of Fyrish and the surrounding local path network.

9.4 The amendments made to the proposal has also been successful in avoiding significant adverse 'solus' visual effects across a wider range of receptors, including the A9, Dornoch, Ben Wyvis, Nigg Bay, Culbokie, as well as from across the northern area of the Black Isle. In combination effects may still arise from the A9, when considered sequentially in relation to the visibility of Moy Wind Farm further south and from the Far North Railway Line, however, given the separation distances involved and recessive nature of the proposal in these views, this is not considered to be any particular fault of this proposal but reflective of higher visibility of other wind farm development across the wider Highland transport network. In summary, the limited number of significant adverse landscape and visual effects of this proposal have been found to be capable of being accommodated.

9.5 Having achieved significant design changes through negotiations with the applicant, the resultant landscape and visual impact of the development are now considered acceptable. The key modifications secured have included the removal of one turbine and associated infrastructure, reducing the scale of all turbines, avoidance of visible aviation lighting, improving the spacing of turbines, and the re-position of turbines away from the higher ground to the west to reduce the amount of back clothing of the turbines against the hillside with the turbines sitting more compactly within the saddle of the hillsides when viewed from the A9 and Dornoch Firth NSA. The scale of the initially submitted scheme, including the height of

turbines proposed, was unacceptable. It is only through the significant revisions that have been achieved are we now in the position where we can offer support for the proposal.

9.6 The development has attracted several letters of representation from members of the public, including from the Ardross Community Council, however, other neighbouring community councils have expressed their support for the proposal. Whilst the amendments made to the proposal have been successful in addressing all maters raised by all other consultees, notably NatureScot's previous concerns, these amendments have not overcome the local residents' concerns.

9.7 Having found effects on other environmental matters can be adequately managed by condition, it therefore comes to the planning balance in relation to principally the energy and economic benefits of the scheme, local objection and its adverse landscape and visual effects. The proposed development as now presented would not be considered significantly detrimental overall, and its benefits of renewal energy generation and economic benefit are considered to outweigh the contained significant visual impacts. Scottish Planning Policy aims to achieve the right development in the right place, it is considered that, subject to the conditions proposed, this development meets with this aim.

9.8 The application has been against the policies set out in the Development Plan, principally HwLDP Policy 67 with its eleven tests which are expanded upon with the OWESG. This policy also reflects policy tests of other policies in the plan, for example HwLDP Policy 28. This policy also draws in the range of subject specific policies as also contained within the HwLDP as listed in Section 8 above. Given the above analysis, the application has been found to accord with the Development Plan.

9.9 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and 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 proposal has the ability to make a meaningful contribution toward the production of renewable energy.

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued None

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

Conditions and Reasons

1. Duration of Planning Permission

   Planning Permission is granted for a period of 37 years from the date of Final Commissioning, comprising an operational period of up to 35 years from the date of Final Commissioning and a period of up to 2 years for decommissioning and site restoration to be completed in accordance with a scheme to be approved under Condition 22 of this permission. Written confirmation of the Date of Final Commissioning must be provided to the Planning Authority no later than one 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. Accordance with the Provisions of the Application

   The development shall be constructed and operated in accordance with the provisions of the Application, the Environmental Impact Assessment Report (EIAR) and Further Environmental Information II (FEI II), except in so far as amended by the terms of this consent.

   Reason: To clarify the terms of the permission.

3. 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:

   a) the make, model, design, power rating and sound power levels of the turbines to be used;

   b) 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

   c) the turbines must have internal transformers.

   Thereafter, development shall progress in accordance with these approved details and, with reference to part (b) 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 all elements of the development accord with the parameters set out in the description of development as described in this consent and set out in Chapter 3 of Environmental Impact Assessment Report

(EIAR) and as amended by the (FEI II); and to ensure that all elements are acceptable in terms of visual, landscape, noise and other environmental impact considerations.

4. Design of Ancillary Infrastructure

No development shall commence on the control building, substation or ancillary infrastructure until final details of the location, layout, external appearance, dimensions and surface materials of all buildings, compounds, parking areas including electric vehicle charging provision, 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. 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. Battery Storage

No development shall commence on the battery storage facility until final details of specific pollution prevention measures been submitted to, and approved in writing by, the Planning Authority, in consultation with SEPA.

Reason: In the interest of pollution prevention and protection of the water environment.

6. 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.

7. Micro-siting

All wind turbines, buildings, borrow pits, areas of hardstanding and tracks shall be constructed in the location shown in Figure F3.1 – FEI II Site Layout Plan and as per the turbine co-ordinates set out in Table 3.2: Individual Turbine Details of the Environmental Impact Assessment Report Further Environmental Information II. Wind turbines, buildings, borrow pits, 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 NatureScot), micro-siting is subject to the following restrictions:

a) no wind turbine or related hardstanding, access track, water crossing, borrow pit or temporary construction compound shall be moved more than 50m from the original position shown;

b) no wind turbine foundation shall be positioned higher, when measured in metres Above Ordinance Datum (AOD), than the original position shown;

c) No micro-siting shall take place with the result that infrastructure (excluding floating access tracks) is located within areas of peat of greater depth than the original position shown;

d) No micro-siting shall take place within areas hosting highly dependent Ground Water Dependent Terrestrial Ecosystems, watercourses and other sensitivities;

e) With the exception of water-crossings, no element of the proposed development shall be positioned closer than 50m from the top of the bank of any watercourse, unless a detailed assessment is provided to demonstrate the additional measures and monitoring that will be put in place to reduce the risk of pollution of the watercourse, including as a result of instability; and

f) All micro-siting permissible under this condition must be undertaken under the direction of the Environmental Clerk of Works (ECoW).

No later than one month after the date of Final Commissioning, an updated Site Layout 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.

8. Borrow Pit

There shall be no Commencement of Development until a site specific scheme for the working and restoration of any 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 map showing the location, size, depths and dimensions of any borrow pit;

b) a map showing in relation to each proposed excavation, stocks of rock, overburden, soils and temporary and permanent infrastructure including tracks, buildings, oil storage, pipes and drainage, overlain with all lochs or watercourses to a distance of 250m from working areas;

c) a site-specific buffer drawn around each loch or watercourse proportionate to the depth of excavations and at least 10m from access tracks. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse, drawings of what is proposed in terms of engineering works;

d) a ground investigation report giving existing seasonally highest water table including sections showing the maximum area, depth and profile of working in relation to the water table;

e) site map showing cut-off drains, silt management devices and settlement lagoons to manage surface water and dewatering discharge. Cut-off drains must be installed to maximise diversion of water from entering quarry works;

f) a site map showing proposed water abstractions with details of the volumes and timings of abstractions;

g) a detailed working method statement based on site survey information and ground investigations;

h) a site map showing the location of pollution prevention measures such as spill kits, oil interceptors, drainage associated with welfare facilities, recycling and bin storage and vehicle washing areas. The drawing notes should include a commitment to check these daily;

i) a site map showing where soils and overburden will be stored including details of the heights and dimensions of each store, how long the material will be stored for and how soils will be kept fit for restoration purposes. Where the development will result in the disturbance of peat or other carbon rich soils then the submission must also include a detailed map of peat depths (this must be to full depth and follow the survey requirement of the Scottish Government's Developments on peatland: Site surveys and best practice) with all the built elements and excavation areas overlain so it can clearly be seen how the development minimises disturbance of peat and the consequential release of CO_2;

j) sections and plans detailing how restoration will be progressed including the phasing, profiles, depths and types of material to be used;

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

l) a programme of implementation of the works described in the scheme; and

m) full details of the reinstatement, restoration and aftercare of the borrow pits 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 pits is carried out in a safe manner, minimises environmental and visual impacts, and to secure the restoration of borrow pits at the end of the construction period.

9. Construction Environmental Management Plan

There shall be no Commencement of Development until a finalised Construction Environmental Management Plan (CEMP) 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); highlighting mitigation set out within each chapter of the Environmental Impact Assessment Report (EIAR), within the EIAR Further Environmental Impact II, and the conditions of this consent;

b) processes to control / action changes from the agreed SM;

c) The following specific CEMP details:

i. A Construction Method Statement which shall cover:

- hard surfaces and access tracks, including details of floating track, with the provision of cross section drawings;
- site compound and sub-station, detailing the storage of materials and machinery, including the areas designated for offices, welfare facilities; fuel storage, battery storage and car parking;
- crane pads, turbine foundations and cable trenches;
- erection of the wind turbines;
- emergency event contingencies;
- measures to ensure construction vehicle adherence to the routing of the access tracks within the site with no informal access tracks or shortcuts to be formed which deviate from the routes approved under Condition 10.

ii. finalised Peat Management Plan, building upon the outline Peat Management Plan provided at Appendix 12.2 of the Environmental Impact Assessment Report (EIAR); to include details of all peat

stripping, excavation, storage and reuse of material in accordance with best practice advice published by SEPA and NatureScot; this should:

- highlight how sensitive peat areas are to be marked out on-site to prevent any vehicle causing inadvertent damage;
- measures to avoid bare peat being left to dry out and provision of a drawing detailing the placement of removed turves over top of the stored peat to protect it from drying out as well as providing the turves a surrogate site so that the vegetation is maintained during storage; and
- avoid peat slide risk in accordance with the mitigation measures set out within a finalised Peat Landslide Hazard and Risk Assessment, building upon the outline assessment provided at Appendix 12.1 of the EIAR;

iii. a finalised Water Construction Management Plan (WCEMP); this shall include details of:

- development and storage of material buffers (50m minimum) from water features, unless otherwise agreed in writing by Planning Authority, in consultation with SEPA;
- watercourse crossings designed to accommodate the 1 in 200 year flood risk event plus 20% for climate change with crossing WX03 to be a single span bridge (refer to EIAR Further Environmental Information II Figure 12.2a: Local Hydrology, January 2021) and other crossings designed as oversized bottomless culverts or traditional style bridges;
- surface water drainage provision which accords with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time. Site specific maps shall be provided showing (1) cut off ditches to prevent clean surface water entering the construction site; and (2) proposed locations of SuDS features (lagoons, cut off drains, discharges to vegetated buffers, check dams etc), demonstrating where polluted water will be directed and treated and where clean water will be re-directed. These plans must clearly show how polluted surface water is kept away from the water environment. All surface water drainage provision shall be completed in a timely manner and installed concurrently with the construction of any track or hard surface;
- construction related maintenance regimes;
- a surface and ground water (quantity and quality) baseline survey construction and operational monitoring programme, highlighting any necessary public and private water supply protection measures; and
- a fisheries monitoring plan, to be prepared by the applicant in consultation with SEPA and local fishing interest groups (including the Cromarty Firth Fishery Board (CFFB) and the Cromarty Firth District Salmon Fishery Board (CFBSFB)), to:

establish the characteristics of the baseline conditions prior to construction; monitor the performance of the mitigation measures set out within the WCEMP; and identify triggers for any remedial action by applicant to maintain water quality and potential fish passages;

iv. measures to mitigate construction impacts on wetland habitats as set out within the Habitat Management Plan under Condition 15;

v. a Site Waste Management Plan;

vi. a Pollution Prevention Plan;

vii. Construction Noise and Vibration Mitigation Plan;

viii. An Archaeological Management Plan (AMP) setting out:

- the recording of structures
- the physical marking out on the ground and erection of a visible protective barrier around known features, with extractive operations to avoid these features;
- watching briefs; and
- a procedure to be followed should any unexpected features be identified during construction.

Where it is not possible to avoid impact on any of the above sites, archaeological mitigation (excavation) in advance of development may be undertaken providing it has been approved in advance in writing by the Planning Authority;

ix. a Breeding Bird Protection Plan (BBPP) and Species Protection Plans, with associated survey and monitoring requirements to be agreed by the Planning Authority, in consultation with NatureScot and RSPB.

This must be informed by a further pre-construction ecological survey for legally protected species which must be carried out at an appropriate time of year for the species, at a maximum of 12 months preceding commencement of construction, and a watching brief must then be 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, otter, pine marten, water vole, badger, red squirrel, wildcat 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 micro-siting needs.

A communication plan must be provided to ensure all contractors are aware of the possible presence of protected species frequenting the site and the laws relating to their protection. This plan must detail a notification and stop the job commitment requirements.

x. a site Construction Decommissioning Restoration Plan (CDRP), 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.

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

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

10. Traffic Management Plan

There shall be no Commencement of Development until a Traffic Management Plan (TMP) has been submitted to, and approved by, the Planning Authority, in consultation with the Roads Authority, Transport Scotland and the community liaison group. The TMP, which shall be implemented as approved during all period of construction, wind farm operation and decommissioning, must include:

a) 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 Quality Assured traffic management consultant;

b) 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. This shall include / be informed by:

i. the site access being via the B9176 only;

ii. a detailed review of the routes to site for general construction traffic with any delivery route from Invergordon harbour to the A9 to be via the B817 coast road, U4242 Industrial Estate Distributor Road and C1063 Academy Road, joining the A9 at Tomich junction;

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

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

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

vi. 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 and Transport Scotland, with the local Roads Authority must being in attendance;

vii. 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 Roads Authorities, 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 Roads Authorities; thereafter the approved works shall be completed prior to the abnormal indivisible load deliveries to the site;

c) a risk assessment for the transportation of abnormal loads to site during daylight hours and hours of darkness;

d) 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;

e) wheel washing measures with all vehicles transporting construction material to be sheeted to ensure water and debris are prevented from discharging from the site onto the public road;

f) details of appropriate traffic management which shall be established and maintained at the site access for the duration of the construction period;

g) measures to ensure that construction traffic adheres to agreed routes on the road network;

h) 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;

i) 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;

j) a detailed delivery programme for abnormal load movements, which shall be made available to the Planning Authority and community representatives;

k) a procedure for the regular monitoring of road conditions and the implementation of any remedial works required during construction / decommissioning periods; and

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

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

11. Road Wear and Tear Agreement

There shall be no Commencement of Development until 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 applicant, to the satisfaction of the Roads Authority. It will also require the submission of an appropriate financial guarantee, bond or alternative form of security acceptable to the planning authority in respect of the risk of any road reconstruction works.

Reason: To ensure financial security for the protection of the road network, and for the cost incurred to repair any damage to the road network.

12. Operational Traffic Management

There shall be no significant heavy goods vehicle or abnormal load movement during the operational lifetime of the wind farm without the prior written approval of the Roads Authorities, and prior consultation with the community liaison group. Any such movements shall demonstrate adherence to the agreed Traffic Management Plan required by Condition 10.

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.

13. Recreational Access Management Plan

There shall be no Commencement of Development until a Recreational Access Management Plan (RAMP) 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 the development 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. 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 applicant of an independent Ecological Clerk of Works (ECoW) in consultation with NatureScot and SEPA. The terms of appointment shall:

a) impose a duty to monitor compliance with the ecological and hydrological commitments provided in the Environmental Impact Assessment Report, Further Environmental Information, and other information lodged in support of the application including but not limited to the Construction and Environmental Management Plan (CEMP), the Habitat Management Plan (HMP) and other plans approved ("the ECoW Works");

b) require the ECoW to report to the applicant'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 report every two months to the Planning Authority, or monthly at the further written request of the Planning Authority, summarising progress with the development and environmental 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 applicant'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 pre-construction survey work ahead of the Commencement of Development, throughout any period of construction activity and during any period of post-construction decommissioning and restoration.

No later than 12 months prior to decommissioning of the development or the expiration of this consent (whichever is the earlier), the applicant shall submit details of the terms of appointment by the applicant of an independent ECoW throughout the decommissioning, restoration and aftercare phases of the Development to the Planning Authority for approval in consultation with NatureScot 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.

15. Habitat Management Plan

There shall be no Commencement of Development until a Habitat Management Plan (HMP) has been submitted to and approved in writing by the Planning Authority, in consultation with SEPA, NatureScot, RSPB and any affected landowners. The HMP shall set out proposed habitat management of the wind farm site during the period of construction, operation, decommissioning, restoration and aftercare of the site. It shall comprise:

a) an assessment of the quality of the blanket bog habitat on site, the extent of the pressures upon the blanket bog and set out appropriate options for restoration and habitat management works, including tacking the Sitka spruce regeneration;

b) restoration measures for the most sensitive habitats, peatland restoration proposals, provide enhancement of Annex 1 habitats, habitats for protected species and mitigation measures for birds (including black grouse);

c) provision of an appropriate buffer distance from finalised turbine locations to watercourses and tree lines of high bat activity, applying the formula set out below and at Environmental Impact Assessment Report Paragraph 9.145 which accounts for the finalised blade length, hub height and feature height, or alternative suitable mitigation measures subject to the prior written approval of the Planning Authority, in consultation with NatureScot should any turbine buffer be breached:

$$b = \sqrt{(50+bl)^2 - (hh - fh)^2}$$

d) measures to manage habitats within 150m of each turbine rotor sweep to and avoid shrub encroachment to mitigate bat activity;

e) all site fencing to be marked to minimise black grouse and capercaillie collision risk;

f) provision for regular surveys, monitoring and reporting in relation to:

- ground conditions within HMP area from the period from Commencement of Development until the date of completion of restoration;
- bird and bat populations (collision and breeding monitoring), including flight paths within and adjacent to the wind farm site from the period from Commencement of Development until the date of completion of restoration with the provision of a before and after control impact study; and
- deer populations and management within and adjacent to the wind farm site;

g) requirements for the developer to fund further on and off-site monitoring and on or off-site habitat enhanced should this be required to be undertaken; and

h) provision for the HMP to be reviewed at regular intervals to consider whether amendments are needed to undertake other habitat enhancement measures to off-set impacts wherever possible and better meet the habitat plan objectives whish shall be informed by the monitoring findings.

The approved HMP shall be implemented in full, unless otherwise agreed in advance in writing by Planning Authority.

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

16. Compensatory Tree Planting

There shall be no Commencement of Development or tree felling until a detailed Compensatory Planting Plan (including future maintenance) has been submitted and approved in writing by the Planning Authority, following consultation with Scottish Forestry and any other relevant stakeholders.

The area of planting shall be no less than the area to be felled, consisting primarily of productive species and located within the Highlands.

The Compensatory Planting Plan shall be prepared by and then implemented under the supervision of a suitably qualified forestry consultant and in accordance with Annex 6 of the Scottish Government's policy on Control of Woodland Removal: Implementation Guidance (February 2019).

All planting shall be implemented in full prior to the Commencement of Development, or as otherwise agreed with the Planning Authority. The planting shall be maintained thereafter in accordance with the approved scheme, until established to the full satisfaction of the Planning Authority.

Reason: To protect Scotland's woodland resource, in accordance with the Scottish Government's policy on the Control of Woodland Removal.

17. Construction Hours

Construction and decommissioning work or development associated with the proposed development shall only take place between the following hours:

i) 07:00 to 19:00 Mondays to Fridays and from 07:00 to 13:00 hours on Saturdays with no work on Sundays or a Bank Holiday in Scotland, unless otherwise agreed in advance in writing by the Planning Authority; and subject to

ii) during the during the capercaillie lekking season (March to May inclusive), no works will start before 09:00 hours and all works shall cease 2 hours before dusk across the site.

Reason: In the interest of protected species and local amenity.

18. Operational 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 35dB LA90 at any noise sensitive location existing at the time of consent and:

In addition:

a) prior to the First Export Date, the wind farm operator shall submit to the Highland Council (THC) 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 THC;

b) within 21 days from receipt of a written request of THC, 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 THC to assess the level of noise immissions from the wind farm at the complainant's property (or a suitable alternative location agreed in writing with THC) in accordance with the procedures described in the attached Guidance Notes.

The written request from THC shall set out at least the date, time and location that the complaint relates to. Within 14 days of receipt of the written request of THC made under this paragraph (b), the wind farm operator shall provide the information relevant to the complaint to the in the format set out in Guidance Note 1(e);

c) prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to THC for written approval the proposed

measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken.

Where the proposed measurement location is close to the wind turbines, rather than at the complainants property (to improve the signal to noise ratio), then the operators submission shall include a method to calculate the noise level from the wind turbines at the complainants property based on the noise levels measured at the agreed location (the alternative method). Details of the alternative method together with any associated guidance notes deemed necessary, shall be submitted to and agreed in writing by THC prior to the commencement of any measurements.

Measurements to assess compliance with the noise limits of this condition shall be undertaken at the measurement location approved in writing by THC;

d) prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to THC for written approval a proposed assessment protocol setting out the following:

   i. the range of meteorological and operational conditions (the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions; and

   ii. a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component.

   The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the information provided in the written request of THC under paragraph (b), and such others as the independent consultant considers necessary to fully assess the noise at the complainant's property. The assessment of the rating level of noise immissions shall be undertaken in accordance with the assessment protocol approved in writing by THC and the attached Guidance Notes;

e) the wind farm operator shall provide to THC the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within two months of the date of the written request of THC made under paragraph (b) of this condition unless the time limit is extended in writing by THC. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. 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 THC 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 pursuant to Guidance Note 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (e) above unless the time limit for the submission of the further assessment has been extended in writing by THC;

g) the wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d) of the attached Guidance Notes. The data from each wind turbine 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) of the attached Guidance Notes to the Local Authority on its request within 14 days of receipt in writing of such a request;

h) where it is proposed to operate any turbine in a reduced running mode in order to meet the limits, no turbine shall be erected until a curtailment plan for the turbines has been submitted and approved in writing by THC. The curtailment plan shall demonstrate how the limits will be complied with and shall include the following:

   i. definition of each noise reduced running mode including sound power data;

   ii. the wind conditions (speed and direction) at which any noise reduced running mode will be implemented; and

   iii. details of the manner in which the running modes will be defined in the SCADA data or how the implementation of the curtailment plan can be otherwise monitored and evidenced;

   The Curtailment Plan shall be implemented in accordance with the approved details;

i) prior to the First Export Date, the wind farm operator shall submit to THC for written approval, a scheme of mitigation to be implemented in the event that the rating level, after adjustment for background noise contribution and any tonal penalty, is found to exceed the conditioned limits. The scheme shall define any reduced noise running modes to be used in the mitigation together with sound power levels in these modes and the manner in which the running modes will be defined in the SCADA data; and

j) the scheme referred to in paragraph (i) above should include a framework of immediate and long term mitigation measures. The immediate mitigation measures must ensure the rating level will comply with the conditioned limits and must be implemented within seven days of the further assessment described in paragraph (f) above being received by

THC. These measures must remain in place, except during field trials to optimise mitigation, until a long term mitigation strategy is ready to be implemented.

Guidance Notes for Noise Condition

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Note 3 with any necessary correction for residual background noise levels in accordance with Note 4. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

Note 1

(a) Values of the $L_{A90,10\text{-minute}}$ noise statistic should be measured at the complainant's property (or an approved alternative representative location as detailed in Note 1(b)), using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated before and after each set of measurements, using a calibrator meeting BS EN 60945:2003 "Electroacoustics – sound calibrators" Class 1 with PTB Type Approval (or the equivalent UK adopted standard in force at the time of the measurements) and the results shall be recorded. Measurements shall be undertaken in such a manner to enable a tonal penalty to be calculated and applied in accordance with Guidance Note 3.

(b) The microphone shall be mounted at 1.2 - 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone shall be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

(c) The $L_{A90,10\text{-minute}}$ measurements should be synchronised with measurements of the 10-minute arithmetic mean wind speed and wind direction data and with operational data logged in accordance with Guidance Note 1(d) and rain data logged in accordance with Note 1(f).

(d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine, arithmetic mean power generated by each turbine and any data necessary to define the running mode as set out in the Curtailment Plan, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. Each 10 minute arithmetic average mean wind speed data as measured at turbine hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data which is correlated with the noise measurements determined as valid in accordance with Note 2(b), such correlation to be undertaken in the manner described in Note 2(c). All 10-minute periods shall commence on the hour and in 10-minute increments thereafter synchronised with Greenwich Mean Time and adjusted to British Summer Time where necessary.

(e) Data provided to the Local Authority shall be provided in comma separated values in electronic format with the exception of data collected to asses tonal noise (if required) which shall be provided in a format to be agreed in writing with the Local Authority.

(f) A data logging rain gauge shall be installed in the course of the independent consultant undertaking an assessment of the level of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d). The wind farm operator shall submit details of the proposed location of the data logging rain gauge to the Local Authority prior to the commencement of measurements.

Note 2

(a) The noise measurements should be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b).

(b) Valid data points are those measured during the conditions set out in the assessment protocol approved by the Local Authority but excluding any periods of rainfall measured in accordance with Note 1(f).

(c) Values of the $L_{A90,10\text{-minute}}$ noise measurements and corresponding values of the 10-minute standardised ten metre height wind speed for those data points considered valid in accordance with Note 2(b) shall be plotted on an XY chart with noise level on the Y-axis and wind

speed on the X-axis. A least squares, “best fit” curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) shall be fitted to the data points to define the wind farm noise level at each integer speed.

Note 3

(a) Where, in accordance with the approved assessment protocol noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty shall be calculated and applied using the following rating procedure.

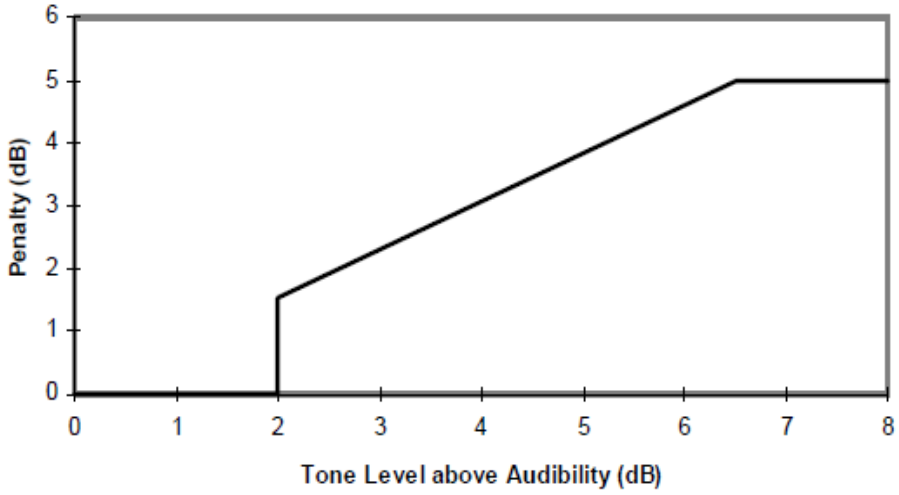
(b) For each 10-minute interval for which $L_{A90,10\text{-minute}}$ data have been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise immissions during 2-minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available (“the standard procedure”). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure shall be reported.

(c) For each of the 2-minute samples the tone level above audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R-97.

(d) The tone level above audibility shall be plotted against wind speed for each of the 2-minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.

(e) A least squares “best fit” linear regression shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the “best fit” line fitted to values within ± 0.5m/s of each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2.

(f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below derived from the average tone level above audibility for each integer wind speed.



Note 4

(a) If a tonal penalty is to be applied in accordance with Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Note 3 at each integer wind speed within the range set out in the approved assessment protocol.

(b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Note 2.

(c) If the rating level lies at or below the noise limits approved by the Local Authority then no further action is necessary. In the event that the rating level is above the noise limits, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.

(d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

i. Repeating the steps in Note 2, with the wind farm switched off, and determining the background noise (L_3) at each integer wind speed within the range set out in the approved noise assessment protocol.

ii. The wind farm noise (L_1) at this speed shall then be calculated as follows where L_2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10\log\left[10^{L_2/10} - 10^{L_3/10}\right]$$

iii. The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L_1 at that integer wind speed.

iv. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty lies at or below the noise limits approved by the Local Authority then no further action is necessary. If the rating level at any integer wind speed exceeds the noise limits approved by the Local Authority then the development fails to comply with the conditions.

Reason: In the interest of amenity.

19. Aviation Safety

There shall be no Commencement of Development until the applicant has provided the Planning Authority, Ministry of Defence, Defence Geographic Centre, Civil Aviation Authority, Highlands and Islands Airports Limited, and National Air Traffic Services with the following information, and has provided evidence to the Planning Authority of having done so:

a) the date of the expected commencement of each stage of construction and the expected end date;
b) the height above ground level of the tallest structure forming part of the development;
c) the maximum extension height of any construction equipment; and
d) the position of the turbines and masts in latitude and longitude.

Reason: In the interests of aviation safety.

20. Aviation Lighting

There shall be no Commencement of Development until the applicant has submitted a scheme for aviation lighting for the wind farm to the Planning Authority for written approval. For the avoidance of doubt the scheme shall include details of infrared aviation lighting to be applied which shall be invisible to the naked eye and no visible aviation lighting will be permitted. No lighting other than that described in the scheme may be applied at the site, unless otherwise agreed in advance and in writing by the Planning Authority. The development shall thereafter be operated fully in accordance with the approved scheme.

Reason: In the interests of aviation safety, landscape and visual amenity.

21. Television Reception

There shall be no Commencement of Development until 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:

a) details of publication and publicity for the scheme;

b) timescale for investigation of any claims within a reasonable timescale;

c) details for reporting mechanism to the planning authority the number of complaints / claims;

d) 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

e) 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 12 months after the date of Final Commissioning, shall be investigated by a qualified engineer appointed by the applicant and the results shall be submitted to the Planning Authority. Should any impairment to the television signal be attributable to the development, the applicant 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.

22. Decommissioning and Restoration Plan

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, NatureScot and the Roads Authorities. Thereafter:

a) the IDRP shall be reviewed by the applicant within five years of the Commencement of Development and every five years thereafter until such time as the wind farm is decommissioned and the site restored. Each review shall 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 NatureScot and SEPA;

b) 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 NatureScot and SEPA; and

c) the DRP shall be implemented in full as approved. In the event that the final DPR is not approved by the Planning Authority in advance of the decommissioning, the Interim DRP (IDRP) shall be implemented in full, unless otherwise agreed by the Planning Authority.

Unless otherwise agreed in writing with the Planning Authority and in accordance with legislative requirements and published best practice at time of decommissioning, the IDRP and subsequent DRP shall include details about the method of removal of all elements of the development, relevant access tracks and all cabling, including where necessary details of: (i) justification for retention of any relevant elements of the development, (ii) the treatment of disturbed ground surfaces, (iii) management and timing of the works, (iv) environmental management provisions and (v) a traffic management plan to address any traffic impact issues during the decommissioning period.

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.

23. 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:

a) any wind turbine installed and commissioned fails to supply electricity on a commercial basis to the grid for a continuous period of six 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 three months of the end of the said continuous six month period, be dismantled and removed from the site and the surrounding land fully reinstated in accordance with this condition; or

b) 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 (a) and (b) 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 five 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 Decommissioning and Restoration Statement (DRS), or the Interim DRS (IDRS) should the DRS not have been approved at that stage.

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

24. Decommissioning and Restoration Guarantee

There shall be no Commencement of Development until:

a) full details of a guarantee, bond or other financial provision to be put in place to cover all of the decommissioning and site restoration measures outlined in the Decommissioning and Restoration Plan (DRP) approved under Condition 22 of this permission have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt the bond must be able to be called upon by The Highland Council and be enforceable against the operator and landowner and / or leaseholder;

b) confirmation in writing by a suitably qualified independent professional that the amount of financial provision proposed under part (i) above is sufficient to meet the full estimated costs of all decommissioning, dismantling, removal, disposal, site restoration, remediation and incidental work, as well as associated professional costs, has been submitted to, and approved in writing by, the Planning Authority; and

c) documentary evidence that the guarantee, bond or other financial provision approved under parts (a) and (b) above is in place has been submitted to, and confirmation in writing that the financial provision is satisfactory has been issued by, the Planning Authority.

Thereafter, the Operator, and Leaseholder and / or Landowner, shall:

d) ensure that the guarantee, bond or other financial provision is maintained throughout the duration of this permission; and

e) pay for the guarantee, bond or other financial provision to be subject to a review five years after the commencement of development and every five years thereafter until such time as the wind farm is decommissioned and the site restored. Each review shall be:

    i. conducted by a suitably qualified independent professional;

    ii. published within three months of each five year period ending, with a copy submitted upon its publication to both the landowner(s) and the Planning Authority; and

iii. approved in writing by the Planning Authority without amendment or, as the case may be, approved in writing by the Planning Authority following amendment to their reasonable satisfaction.

Where a review approved under part (c) above recommends that the amount of the guarantee, bond or other financial provision should be altered (be that an increase or decrease) or the framework governing the bond or other financial provision requires to be amended, the Operator, and Leaseholder and/or Landowner shall do so within one month of receiving that written approval, or another timescale as may be agreed in writing by the Planning Authority, and in accordance with the recommendations contained therein.

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

25. Community Liaison Group

There shall be no Commencement of Development until a community liaison group is established by the applicant, in collaboration with the Planning Authority 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 and performance of the Traffic Management Plan.

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. Thereafter, at least 12 months prior to the decommissioning of the development the liaison group shall be re-established by the applicant and remain active until the completion of the site restoration.

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.

26. Planning Monitoring Officer

There shall be no Commencement of Development until the Planning Authority has approved in writing the terms of appointment by the applicant of an independent and suitably qualified environmental consultant to assist the Planning Authority in monitoring compliance with the planning permission and conditions attached to this consent. The terms of Planning Monitoring Officer (PMO) appointment shall:

a) impose a duty to monitor compliance with the planning permission and conditions attached to this consent;

b) require the PMO to submit a report at least every two months to the Planning Authority, or monthly at the further written request of 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 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 the 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.

REASON FOR DECISION

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.

Reasoned Conclusion

With the exception of landscape and visual effects of the development, the Council is in agreement with the findings of the Environmental Impact Assessment Report and Further Environmental Information, that the development is unlikely to give rise to any new or other significant adverse impact on the environment. The Council has found that significant adverse landscape and visual effects are likely to arise in close proximity, both during construction and operation of the wind farm. These effects would however by sufficiently localised and would not occur to an unacceptable degree. The Council also satisfied that all other environmental effects of this development can be addressed by way of mitigation. The Council has incorporated the requirement for a schedule of mitigation within the conditions of this permission. Monitoring of construction and operational compliance has been secured through Conditions 9, 10, 14, 15 and 26 of this permission.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar

requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.

2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans and Conditions
You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action.

Flood Risk
It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water
You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks and Soakaways
Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity. Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: http://www.highland.gov.uk/yourenvironment/roadsandtransport

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud and Debris on Road

Please note that it an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

You are advised that construction hours of work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, has been conditioned. Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action. If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if

the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species

Signature:	Dafydd Jones
Designation:	Acting Head of Development Management - Highland
Author:	Peter Wheelan, Planner MRTPI - Strategic Projects Team
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 - Site Location (Figure EIAR Figure 1.1)
-	Plan 2 - Site Layout (EIAR FEI II Figure F3.1)

Appendix 2 – Viewpoint Assessment Appraisal – Visual Impact

Viewpoint	APP / THC	Sensitivity	Magnitude of Change	Level of Effect	Significance	THC Notes
VP1 – B9176 Strathrory Bridge	APP	High	High to Medium/High	**Major to Major/Moderate**	**Significant**	The VP is located in the bottom of the strath, looking up the river, this particular angle of view is of short duration and at a point in the road where drivers and other road users will have their attention focused on the road and traffic rather than looking to the west where the turbines are located. This is perhaps not the best location for a viewpoint with a point along a straighter section of the B9176 to the south at a higher level, north of Stittenham, being more representative of the views experienced by road users over a longer duration and in association with views of Beinn Tharsuinn (refer to EIAR FEI II Figure 6.19c Sequential Route Assessment – B9176 (Moray Firth Tourist Route) VP3 – Junction with minor road at Strathy and VP4 – Layby near Stone). The view from the specific VP location is has prominent turbines, which may dominate the principle direction of scenic view, but the effective magnitude of change is limited by the brevity of that angle of view and hence the effect at this point is not significantly adverse in consideration of the route. However, it is likely that from the straight north of Stittenham to the point where the road drops to the bridge, the effect may be to dominate the experience of travelling across the plateau in a way that would constitute a high magnitude of change to a promoted scenic route (Moray Firth National Scenic Route) and would hence constitute a significant adverse effect. The B9176 is also identified as a key route in the SG Landscape Sensitivity Appraisal for The Black Isle, Surrounding Hills and Moray Firth Coast. Section BL40: Above Invergordon, under the heading key routes states: *"B9176 passes through the LCA and has a distinctive character of remoteness and moorland exposure. Development in proximity to the road may*
	THC	High	High to Medium/High	Moderate/Minor (at VP) **Major** (south of VP)	**Significant**	

Viewpoint	APP / THC	Sensitivity	Magnitude of Change	Level of Effect	Significance	THC Notes
						diminish this experience." The development would diminish this experience, however, it must also be recognised that the site and its surroundings are not void of human activity with commercial forestry, electricity infrastructure, quarries, associated tracks and existing more distant turbines being present. The proposal would also not interfere with the most scenic aspect of this route, which is located further to the north where there is visibility over the Dornoch Firth to the North from the Struie Hill viewpoint.
VP2 – Minor road at Loanreoch, near Ardross	APP	Medium	Medium to Low	Moderate to Minor	Not Significant	In broad agreement with the applicant's LVIA. The view is from a narrow single track road primarily used for residential access and land management access. The view to the turbines would be prominent over a section of road around 1.5km when travelling north or east. Approximately 50 residences may have a similar view from some part of or when accessing and leaving their properties. Other receptors are likely to be limited to modest numbers of recreational users and land management workers. The change is limited to a relatively small portion of the view to the north, but, is highlighted by its visibility in the primary direction of travel. Two turbine hubs are visible, plus four tips. The presence of Wester Baldoon farm buildings and trees on the horizon give an indication of scale of the development and it should be recognised that windbreak tree planting may not remain in place for the duration of the windfarm consent. The development is framed by the rising landform, which helps to absorb the development into the view. Moderate (not significant) level of effect would occur traveling north east, with this reducing to minor level of effect travelling south west.
	THC	Medium	Medium to Low	Moderate (north east bound) Minor (south west bound)	Not Significant	
VP3 – B9176 near Aultnamain	APP	High	Low to Negligible	Moderate to Minor	Not Significant	In broad agreement with applicant's LVIA. The turbines are mostly below the horizon, with foreground pylons and conifer plantation partially screening some of the turbines, albeit that forestry may be felled in future. The development will be in the
	THC	High	Low to	Moderate to	Not	

Viewpoint	APP / THC	Sensitivity	Magnitude of Change	Level of Effect	Significance	THC Notes
			Negligible	Minor	Significant	main direction of view for a round 1km and offset thereafter. While the Struie Road is a part of the Moray Firth National Tourist Route, there are no key viewpoints which take in this view, and recently planted areas to the west of the road will reduce visibility of the development in this direction over time. Moderate to minor level of effect and can be accommodated.
VP4 – Minor road near Lealty Lodge	APP	Medium	Medium	**Moderate**	**Significant**	In broad agreement with APP's LVIA. This minor road connects Alness to Boath and passes Fyrish car park. The sensitivity of this viewpoint is however regarded to be high, given that this quiet rural backroad is believed to be used by occasional walkers heading to and from the hills of Fyrish. Visibility of the wind farm would be most apparent eastbound for a 1km stretch of this road where Ardross Castle and Ardross Distillery are also visible across agricultural fields. Further to the east along this road, existing and young emerging woodland could largely screen the proposal if retained. From this VP the turbines appear well contained by landform and are well spaced. The composition is however slightly irregular with some turbines being at variable heights. Given the proximity at around 5.5km, significant effects would arise.
	THC	High	Medium	**Major/Moderate**	**Significant**	
VP5 – Cnoc Fyrish (Monument)	APP	High	Medium	**Major/Moderate**	**Significant**	Proximity to population means that this elevated viewpoint, at a distance of 8.5km, has a high footfall being used by local walkers, tourists, runners, dog-walkers, mountain bikers and some equestrians. The primary direction of view from Fyrish is the Cromarty Firth itself, which presents a view of a very mixed economy with vessels loading sub-sea piping, oil installations at temporary anchor, off-see wind turbine jackets being assembled at Nigg, Invergordon port, plus farming and commercial forestry. The turbines would not be visible from the monument itself so the viewpoint is located on a track on the summit ridge, which will be seen by fewer visitors and generally those engaged in slightly more energetic active recreation or wish to venture to the accessible area surrounding the summit to seek solitude from other visitors.
	THC	High	Medium	**Major/Moderate**	**Significant**	

Viewpoint	APP / THC	Sensitivity	Magnitude of Change	Level of Effect	Significance	THC Notes
						Here the turbines would be the new focus of the view, seen in a context of farming and forestry blocks on lower ground, giving way to moorland on higher ground. The turbines appear to occupy the moorland immediately on the boundary of the farmland, but do not seem disproportionate when observed with large forestry blocks. From this elevated point, the access tracks for the turbines would also be visible. A degree of tranquillity would be lost giving the sweeping nature of the large blades. The amendments made to the scheme have avoided visible aviation lighting and have improved the composition with generally well-spaced turbines that avoid stacking and appearing at a regular height. The turbines would occupy the less visually interesting portions of the view, with most visitors resting at the sunny south facing monument, looking south east out to sea and west towards a more dramatic distant peaks.
VP6 – B9163 Resolis	APP	High to Medium	Low	Moderate to Moderate/Minor	Not Significant	In broad agreement with applicant's LVIA. The B9163 from Culbokie has views towards the site eastbound with this road being generally flat and the eye being drawn towards the view of water and backdrop of the hills to the north. Views of the turbines would be possible along this stretch eastbound to Newhall point, where the focus would be more on shipping activity and rigs at the water in the foreground. This viewpoint is also representative for scattered properties across the northern side of the Black Isle with properties generally being orientated along the contour lines east to west, overlooking the Cromarty Firth albeit that some properties have perimeter tree planting. The turbines appear in association with the existing Beinn Tharsuinn turbines, but on opposite sides of the Torr Lethan ridge. The proposed turbines will seem larger in the view but remain visually well contained by the dip in the landscape with
	THC	High to Medium	Low	Moderate to Moderate/Minor	Not Significant	

Viewpoint	APP / THC	Sensitivity	Magnitude of Change	Level of Effect	Significance	THC Notes
						rising ground to east and west. Whilst the proposal is found to be intrusive, the magnitude of change is lessened by the presence of existing turbines, the existing industrial activity on the firth, by the character and sweep of the view and the development is therefore not characterised as prominent and can be accommodated.
VP7 – A9 Dornoch Firth Bridge	APP	High	Low	Moderate to Minor	Not Significant	This key design VP is representative of views from the A9 for a 2km stretch before and after the River Evelix southbound. The development would be situated centrally within the 'saddle' between Croc an t-Sabhail and Cnoc Muigh bhláraidh and in association with the farmed land above Ardmore. The views are across the designated landscape of the Dornoch Firth NSA. Similar views to this viewpoint are available from properties within Dornoch as well as recreational open spaces around the town. The VPs 360 degree panorama comprises sea, hills, forestry and with limited human influence except for Glenmorange distillery, the odd house, Dornoch, ferry pier terminal, hilltop mast and A9. The more impressive and dramatic view is further to the west over the water with larger hills in the panorama, with the gentile sloped farmland, broken up by forestry being apparent in the foreground of the proposed site. Existing turbines are only apparent when not in shadow by cloud cover and the tips above the skyline are difficult to pick out. Significant amendments have been made to the proposal through the EIAR FEI II to reduce the magnitude of change from this VP. Amendments include: reducing the scale of all turbines, avoidance of visible aviation lighting, improving the spacing of turbines, and the re-position of turbines away from the higher ground to the west to reduce the amount of back clothing of the turbines against the hillside on the right hand side of the view
	THC	High	Low	Moderate	Not Significant	

Viewpoint	APP / THC	Sensitivity	Magnitude of Change	Level of Effect	Significance	THC Notes
						with the turbines sitting more compactly within the saddle of the hillsides. These measures avoid significant effects from occurring given the reduced extent of visibility (3 hubs and 4 blades) with the turbines set low in the landscape. This result in a development that would be a new, but recessive, feature in the landscape with limited potential to detract from the existing views and scenic composition of the NSA.
VP8 – Nigg Bay RSPB Nature Reserve	APP	High	Low to Negligible	Moderate to Minor	Not Significant	View is also representative of a 4-km stretch of Sustrans Cycle Route 1 and the B9175. There are also local minor roads and residences in the area which have similar views but from a slightly more elevated position. Although the turbines (3 hubs and 3 blade tips) would be back clothed by hillslopes, which increases their visibility, they would form a small horizontal portion of the available view and would be well contained within a notch in the hills, located well below the skyline. Given the viewing distance, breadth of view available and understanding that this view is relatively contained, no significant effects would arise. It is however considered that the proposal would be noticeable and therefore the magnitude of change would be low with a resultant moderate (not significant) effect.
	THC	High	Low	Moderate	Not Significant	
VP9 – Ben Wyvis	APP	High	Low to Negligible	Moderate to Minor	Not Significant	In broad agreement with applicant's LVIA. Ben Wyvis gives panoramic views, not least towards other designated landscapes. From this location the contrast in scale with Novar Wind Farm in the middle ground may be apparent, but the development does not significantly change the character of the perceived views and does not lie in any of the more scenically focal areas of the available panorama.
	THC	High	Low to Negligible	Moderate to Minor	Not Significant	
VP10 – Culbokie	APP	High	Low to Negligible	Minor	Not Significant	The turbines form a small group on the horizon, contained visually by a saddle in the skyline. While the turbines would have visibility, they would meet the guidance for BL 40 of being
	THC	High	Low to	Moderate/Minor	Not	

Viewpoint	APP / THC	Sensitivity	Magnitude of Change	Level of Effect	Significance	THC Notes
			Negligible	to Minor	Significant	located where the bases of turbines are on the far side of the horizon to maintain the containment of space. Forming as small part of the wide sweep of view available, the magnitude of change is low to negligible.
VP11 – Dornoch Golf Course	APP	High	Low to Negligible	Moderate to Minor	Not Significant	This key design VP has been taken adjacent to the second golf course (the Struie), next to the Dornoch Caravan and Camp Park and lower access road to the beach. The VP is also representative of views from the rear of the elevated first tee on the Royal Dornoch Championship Golf Course, from within the clubhouse first floor public lounge, as well as from several other properties, guest houses and hotels with a southern outlook in Dornoch. The VP is however taken from a slightly closer in, but lower elevation, from the surrounding receptors noted above. The turbines will have very similar effects to VP7 though more pronounced because the angle of view gives greater visibility to the turbines and included visibility of Novar Wind Farm in clear conditions and Beinn Tharsuinn Wind Farm. All seven turbine hubs would be partly visible with the scale of the turbines being apparent, albeit with a well balanced composition across the valley floor and broadly at a constant height with both factors being critical to ensuring that the turbines are recessive in the landscape. Most of the hubs are situated just above the ridgeline in the foreground and more of the turbine bases are in view in comparison to VP7. The back clothing of T6 and T7 against the hillside heightens the prominence of these turbines but not to an unacceptable degree, with their siting remaining at the base of the hillside, and not encroaching up upon the side slopes with this having been secured through the amendments made to the proposal through the EIAR FEI II.
	THC	High	Low	Moderate	Not Significant	

Viewpoint	APP / THC	Sensitivity	Magnitude of Change	Level of Effect	Significance	THC Notes
						Whilst circa four turbines of Ben Tharsuinn are visible to the right, and are at roughly the same distance away, they are partly screened at the base by intervening topography and are not of a comparable scale. As with VP7, the turbines will be a noticeable new, but recessive, feature in the landscape.
VP12 – A9 Duncanston	APP	High to Medium	Negligible	Minor to Minor/Negligible	Not Significant	The VP is representative of the view obtained from the A9. Views from the A9 are regarded to be of high sensitivity with this being the main road and tourist route through Highland and being identified as a Key Route throughout the OWESG, and specifically a Key Route to be considered for development within LCA BL40. From this viewpoint, the effect would be akin to VP10, but with fewer turbines visible which are well contained and compact.
	THC	High	Low to Negligible	Moderate/Minor to Minor	Not Significant	
VP13 – Portmahomack	APP	High	Negligible	Minor	Not Significant	In broad agreement with applicant's LVIA. One turbine tip is theoretically visible. Any visibility would be in context of the Dornoch Firth NSA.
	THC	High	Negligible	Minor	Not Significant	
VP14 – Ben Bhraggie	APP	High	Negligible	Minor	Not Significant	The turbines would not create a significant new feature in the view, would appear contained by landscape and in association with existing turbines. The turbines would however appear larger in scale than the exiting turbines at Beinn Tharsuinn, Beinn nan Oighrean and Corie na Cloich which would be viewed at a similar distance of around 28km, but this considered acceptable given broad sweep of view. Given the scale of the turbines, and the photomontage being based on photography which has been taken in sub-optimum visibility conditions, we have verged on the side of caution with a moderate level of effect being stated.
	THC	High	Low	Moderate	Not Significant	
VP15 – Nairn Harbour	APP	High	Negligible	Minor	Not Significant	In broad agreement with applicant's LVIA. One turbine tip is theoretically visible. It would appear contained by landscape and in association with existing turbines.
	THC	High	Negligible	Minor	Not	

Viewpoint	APP / THC	Sensitivity	Magnitude of Change	Level of Effect	Significance	THC Notes
					Significant	
VP16 – Culloden Battlefield	APP	High	Negligible	Minor	Not Significant	The initial photomontage of the proposed turbines is of insufficient quality, with vegetation in the foreground (which is located within the western area of the battlefield itself) resulting in the panoramic view of the hills in the distance not being in sufficient focus, with visibility of existing turbines within the view not being sufficiently visible with these appearing washed out / hazy. Additional wirelines from a selection of points from the battlefield have since been provided which demonstrate that there would be theoretical visibility of all the proposed turbines, including all hubs. The turbines would be noticeably larger in scale than existing turbines which are visible in clear conditions. The proposed turbines would also be visible from the elevated surrounding residential areas, including Croy and southern Inverness (Balloch, Culloden and Milton of Leys), albeit at a significant distance. From more elevated viewpoints, as noted in the OWESG Landscape Sensitivity Appraisal for The Black Isle, Surrounding Hills and Moray Firth Coast (Page 12): *"Conservation Area Views to surrounding landscape important to setting of battlefield."* Pages 25 and 26, BL4 also states: *"Particular care should be taken to avoid development which skylines from the vantage point of Culloden Battlefield and Visitor Centre."* From the battlefield the turbines are likely to be clearly seen as a backdropped feature below the northern horizon. The viewing distance of around 34km is a limiting factor, and not all of the turbine bases would be visible. The scale of the turbines mean that they would be more noticeable than any existing turbines in view within the layered landscape. The turbines would be most apparent in clear conditions but would
	THC	High	Low	Moderate	Not Significant	

Viewpoint	APP / THC	Sensitivity	Magnitude of Change	Level of Effect	Significance	THC Notes
						occupy a small portion of the view with the turbines not breaking the skyline. Given the distance, the magnitude of change is considered to be Low, not 'negligible' as reported by the applicant. The resultant level of effect is considered moderate (not significant) in terms of the proposal's impact on the scenic resource. The Council's Historic Environment Team and HES have also not raised any concerns in relation to the setting of the battlefield as a Historic Environment Feature.

Note 1 – the text in bold indicates 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 in the immediate vicinity includes Ardross, which comprises the areas of Dublin, Easter Ardross, Dalnaive and Stittenham, located at between 1.5km to 4km to the south where visibility of the proposal from these areas, or their surrounding road network, would be apparent. Larger more distant settlements include Evanton, Alness and Invergordon to the south, Tain to the east, Dornoch, Edderton, Ardgay and Bonar Bridge to the north. With the exception of Dornoch, where the development would be a new feature of the landscape in views looking south west towards the hills, the development would not be widely visible from any of the other listed mid-range settlements.

Due to the site location and topography, the proposed turbines would also be new feature in the landscape from Nigg, where the turbines would appear in western views against the hills of Beinn Tharsuinn and Torr Leathann. Mid-range visibility would also occur for settlements across the Black Isle, including Culbokie, Resolis and Balblair.

Longer range views would also be obtained from the more distant settlements of Golspie and Brora, as well as from elevated areas across the Inner Moray Firth including the south of Inverness with glimpsing views of 1 to 2 turbines being theoretically possible from Nairn. The OWESG Part 2b, LCA BL40 lists key views as Cromarty Harbour and Nairn. Whilst the development would not be visible from Cromarty, it would be from the shoreline of Nairn with just the very tip of a turbine being visible in the distance above the Black Isle.

To date, wind farm development has taken place on the central and western side of the Easter Ross hills, with development being located further back from the B9176 Struie Road. In the absence of other wind farm development in this immediate area, the development would be a stark new feature in the landscape for users of this route, with impacts being predominantly when travelling northbound near to the site. The wind farm would also be a noticeable new feature of the landscape from more local rural roads and nearby rural smaller scale scattered settlements to the south. When viewed from Dornoch and Nigg, the proposal would situated low in the landscape and be recessive in views towards the surrounding hills.

It is not considered that the proposal would contribute to the encirclement, either real or perceived of settlements. The proposed development meets the threshold of Criteria 1.

Criterion 2 is related to the transitional nature of key gateway locations and routes which are listed within the OWESG Part 2b, Pages 15 to 20. Key routes and gateways affected include the A9 Trunk Road, particularly for a 8km stretch southbound before and at Dornoch Bridge, as well as the B9176 Struie Road with this being a recognised part of the National Cycle Network.

Given the scale of the development in views from the A9 southbound before and at Dornoch Bridge, it has limited potential to detract from the existing views and scenic composition of the NSA.

The close proximity of the development to the B9176 would however affect the scenic quality of this route, notably when travelling northbound from the settlement of Stittenham. This is however a relatively short section of the route, but the development would result in a reduction in the transitional qualities of this route which are as described in OWESG, Part 2B, LCA BL40: *"..the sense of transition between the enclosed Cromarty Firth and the progression of Moorland and Forest Landscapes."* Although such adverse effects would still occur for a 3km stretch of this route, these effects have been mitigated to a certain degree through the reduction in scale of the proposed turbines secured though the EIAR FEI II.

Based on the current proposal, the threshold of the criterion has been met for the A9 at Dornoch Bridge. The threshold of the criterion has not however been met for localised sections of B9176, but has been met for the overall B9176 route with the most scenic sections of this route being located further to the north of the site, as the road descends and overlooks the Dornoch Firth.

Criterion 3 is related to the extent to which the proposal affects the fabric and setting of valued natural and cultural landmarks.

The site is not located within any international or regional landscape designations. The most valued landscape feature which would be adversely affected is the Dornoch Firth NSA located to the north. Whilst localised adverse landscape and visual effects within the NSA may occur, the proposal would not significantly impact the Special Landscape Quality (SLQ) *'inhabited surrounds within a wilder backdrop of hills and moors'* of the NSA.

There other nearby designation is SLA17: Ben Wyvis to the west where visibility from the summit would be obtained, albeit that no significant effects would arise as explained for VP9 (Ben Wyvis). To the south lies SLA19: Sutors of Cromarty, Rosemarkie and Fort George. There would be visibility of the turbines within the northern area of this designation at Nigg Hill, but the special qualities of this designation focus on the views over the distinctive variety of coastal scenery, firth activity against a settled landscape backdrop with the development not compromising the appreciation of the designated landform.

The surrounding land hosts a number of archaeological remains and built heritage. There are three notable nationally important designated historic assets within 20km of the site, including two Scheduled Monuments (Carn na Croiche and Carn na Feinne) and the category A listed Ardross Castle and its associated Inventory garden and designed landscape. The applicant's assessment of the scheduled monuments is accepted by statutory consultees who are in agreement that the impact on would not be significant. Similarly, statutory consultees are in agreement that there would be no visibility of the development from Ardross Castle and its formal gardens. That said, HES are in disagreement with the applicant's assessment and conclusion in relation to the castle and its formal gardens. Whilst the applicant's assessment considers the impact on these assets to be negligible, HES advises that the turbines will be in the same view as the castle when viewed from Lealty parklands to the south, with blades and hubs breaking the skyline of the moor land that forms the backdrop of the views. HES have therefore determined that the development would have an adverse impact on the experience of the GDL, distracting from the main focus of the views and introducing a modern element into the planned visual relationship between the Baronial castle and its rugged setting. Whist

the impacts have been underestimated by the applicant, HES advise that the overall adverse impact on the castle and its formal gardens is not significant.

The Council's Historic Environment Team and HES have also not raised any concerns in relation to the setting of Culloden Battlefield and given the separation distance of around 34km, no significant impacts at the battlefield would arise.

Other more localised undesignated cultural heritage interests are present within the site, however, following a programme of archaeological survey, excavation and recording negligible impacts would arise.

Based on the above, the threshold of the criterion has been met for the Dornoch Firth NSA, and whilst there would be an adverse impact on Ardross Castle and its formal Gardens, this is not significant and all other aspects of the proposal in relation to this specific criterion are therefore found to be acceptable.

Criterion 4 is related to the amenity and visual appeal of key recreational routes and ways. For this scheme this would include the B9176 forming part of the Moray Firth Tourist Route and National Cycle Route. Visual effects within 10km would also extent across a short section of the Tain Drove Road to the east, as well as at Fyrish summit to the south, and other paths surrounding Edderton, Alness, Invergordon and Nigg. Visibility also extends to more distant routes including the North Coast 500 along the A9, in and around Dornoch and across the northern area of the Black Isle. Significant adverse impacts would however be largely contained to a nearby section of the B9176, the summit and northern slopes of Fyrish, including its perimeter minor road near Lealty Lodge (VP4).

Although the proposed development would affect have localised adverse effects on the amenity of certain recreational routes and would hence detract from their visual appeal in those places, the development does not overwhelm the routes nor significantly detract from the overall visual appeal of the routes and therefore meets the threshold of Criterion 4.

Criterion 5 is related to the amenity and visual appeal of transport routes. As discussed under Criteria 2, the threshold of the criterion has been met for the A9 at Dornoch Bridge and is not met for localised sections of B9176, but has been met for the overall B9176 route, with the most scenic sections of this route being north of the site looking over the Dornoch Firth.

Based on the above, the threshold of the criterion has been met specifically due to the avoidance of significant adverse impacts on the amenity of the A9 and long sections of the B9176.

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 wind farm development from being absent on the eastern side of the Easter Ross hills, with development being set back from the B9176 Struie Road as advocated in the OWESG, Part 2b, LCA BL40. The proposed turbines are also a step-change in scale when compared to those previously approved in the vicinity. For example, Beinn Tharsuinn turbines are 80m to tip, Beinn nan Oighrean being under 100m to tip, Novar's being 61m with it's extension turbines being at around 100m. The siting and increased scale has given rise to localised significant adverse

landscape and visual impacts, but in mid to long distance views the siting and scale of the proposal can be accommodated with the turbines siting low in the landscape. The overall composition from key design VP7 (A9 Dornoch Firth Bridge) and VP11 (Dornoch Golf Course) has significant improved through the EIAR FEI II and with the mitigation measures introduced, the visual appearance of the scheme is acceptable.

The applicant has also referenced that intervening forestry would also help partially screen the turbine bases. This screening effect may however be overstated in the applicant's assessment as commercial forestry can come and go over time and wirelines have therefore been relied upon to ascertain the theoretical bare earth visibility and resultant effects.

Although the proposal introduced wind farm would alter the pattern of wind farm development in this area, the proposal's composition is well balanced when viewed from several key viewpoints and remains low in the landscape. The increase scale of turbine in this location is also justified given that the wind farm will largely be viewed in isolation.

The proposal has therefore been found to meet the threshold of Criterion 6.

Criterion 7 and 9 are related to the separation between development/and or clusters both in visual and landscape terms. The majority of the viewpoints provided show the development in isolation and therefore would read as a standalone wind farm and both Criterion 7 and 9 would be met.

Criterion 8 is related to perception of landscape scale and distance. Given the scale of the turbines, these would appear closer to the viewer. This is apparent in VP7 (A9 Dornoch Firth Bridge) and VP11 (Dornoch Golf Course), where the existing turbines of Beinn Tharsuinn are at a similar distance away but appear to be more distant given their limited visibility and height. The two wind farms are however distinctly separate and with the proposal being framed and remaining within the valley floor, the scale of the surrounding hills would still be fully appreciated. The proposal has therefore been found to meet the threshold for this Criterion.

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.

The site is located within LCT 330 - Rounded Hills and Moorland Slopes – Ross and Cromarty which would be directly affected. Eight other LCTs would have theoretical visibility of the development within a 20km radius. Based on the applicant's LVIA, significant adverse effects are contained to a distance of 2km within the host LCT, with indirect significant effects occurring across part of three neighbouring LCTs when considered in combination with other cumulative proposed wind farm developments.

The B9176 Struie Road is also noted in the OWESG Landscape Sensitivity Appraisal for The Black Isle, Surrounding Hills and Moray Firth Coast as having a *'distinctive character of remoteness and moorland exposure.'* The road passes through LCA BL40: Above Invergordon and the OWESG state *'development in proximity to the road may diminish this experience'.* It has been found that it is likely that visibility of the development would create

significant localised impacts which would indeed detract from this locally valued landscape character. However, it is also agreed that the receiving host LCT is of medium to low sensitivity, i.e. that this area of moorland and the sites surroundings is not a pristine environment and has been subjected to a significant degree of human influence and disturbance, including a substantial amount of surrounding commercial forestry, other wind farm development, overhead line infrastructure and quarrying activity. It is therefore considered that the proposed development does not have an adverse impact on the integrity and variety of Landscape Character Types when moving through the landscape. Therefore the criterion is met.

Appendix 4 – 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 NatureScot, the applicant and various published information.

Morangie Forest SPA and Novar SPA

In its response to the Council of 9 November 2020, NatureScot advised that the proposal is likely to have a significant effect on the qualifying interest (capercaillie) of the Morangie Forest SPA and Novar SPA. Their advice is set out below:

"We advise that based on the information provided, including the commitments and mitigation detailed in the EIAR FEI I, dated 4 August 2020, and appraisal carried out to date, our conclusion is that the proposal will not adversely affect the integrity of the sites.

The appraisal we carried out considered the impact of the proposals on the following factors:

- *The proposal is not likely to result in a collision risk, nor obstruct opportunities for dispersal between woodlands used by capercaillie, based on the location of the capercaillie records in the area, and the lack of records plus limited availability of suitable habitat in woods to the south and south west.*
- *The proposal is not likely to result in significant disturbance to capercaillie. This is based on the distance between proposed site access routes and infrastructure and the woodland areas used by capercaillie, and also the commitment in the EIAR FEI I, dated 4 August 2020, that during the capercaillie lekking season (March to May inclusive), no works will start before 09:00 and cease 2 hours before dusk across the site.*

In the light of these factors, we have concluded that all the conservation objectives for both SPAs will be maintained and that the proposal will not adversely affect the integrity of the sites."

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 aforementioned sites either individually or in combination with other plans or projects; and therefore;
- An Appropriate Assessment of the implications (of the proposal) for both sites in view of each site's conservation objectives is provided below.

The impacts on the Morangie Forest SPA and Novar SPA are considered for the proposed construction, 35 year operation and decommission of the proposed wind farm. The applicant has undertaken an Environmental Impact Assessment Report (EIAR), FEI I and FEI II which considers connectivity with the adjacent SPAs in terms of disturbance and loss of habitat caused by the proposed development in relation to capercaillie and their associated habitat.

Mitigation measures to manage the development's impacts are set out within the EIAR and associated FEI I and FEI II. The mitigation measures set out within these documents are to secured by condition and notably, the applicant has confirmed their commitment to prepare a Habitat Management Plan for the site which focuses on habitat improvement for capercaillie, and for the capercaillie lekking season (March to May inclusive), no works starting before 09:00 all works shall cease 2 hours before dusk across the site.

As a result of the mitigation measures set out, no adverse effects on either site's integrity can be concluded for this species. The appointment of an ECoW is also to be conditioned to undertake protected species surveys and advise on the implementation of the Habitat Management Plan, and the Construction Environmental Management Plan.

The mitigation measures set out within the EIAR, and the conditions, should be sufficient to address any significant risk and avoid an impact on the integrity of the designated sites and their qualifying feature.

Overall, it can be therefore concluded that while likely significant effects have been identified, there will not be an adverse effect on site integrity of the Morangie Forest SPA and Novar SPA providing the mitigation set out within the appropriate assessment are applied.

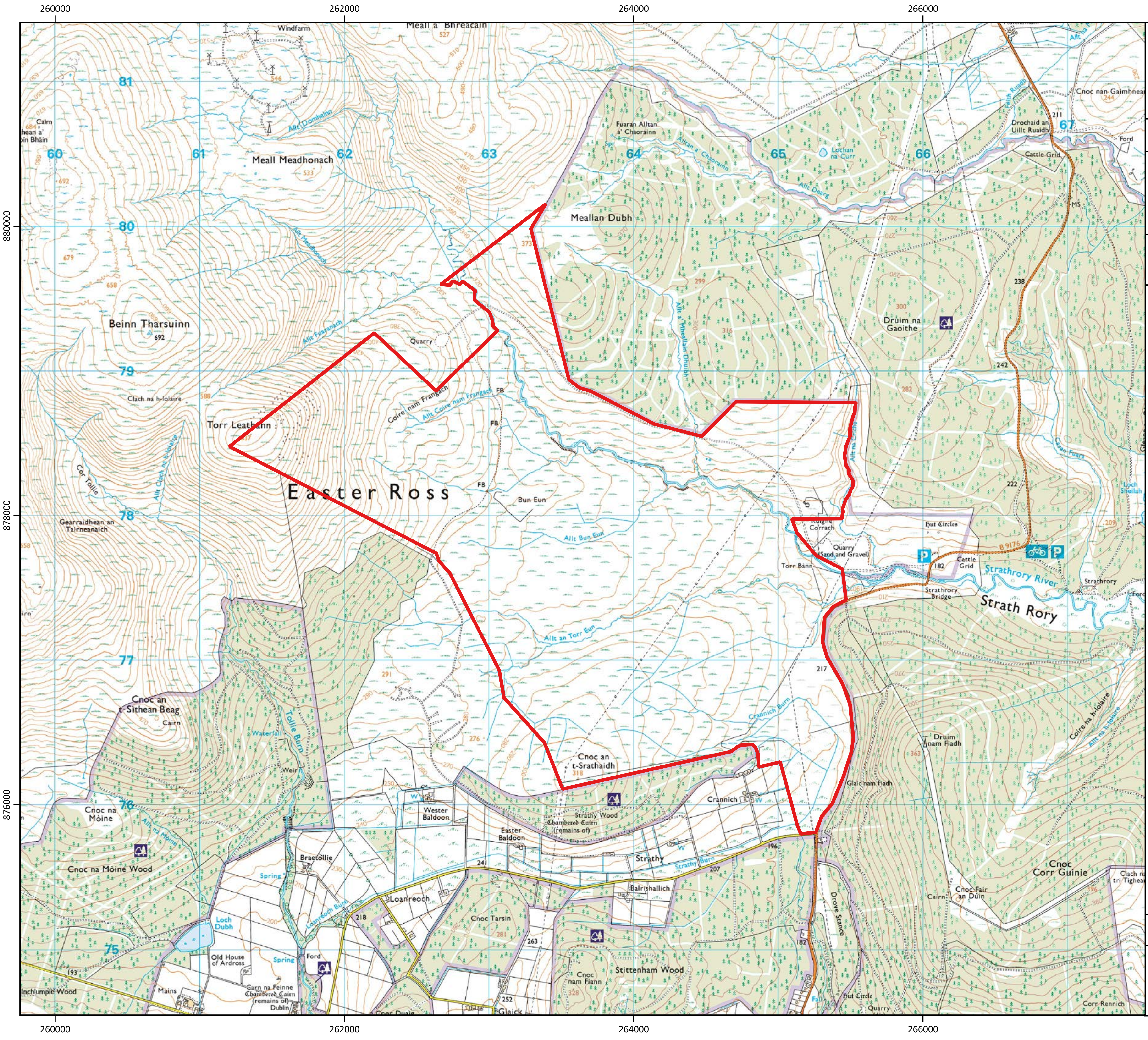


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Figure 1.1: Site Location

Key:

Site Boundary

Drawn by: RC Scale:1:25,000 @ A3 Date: 19/11/19 Revision: A

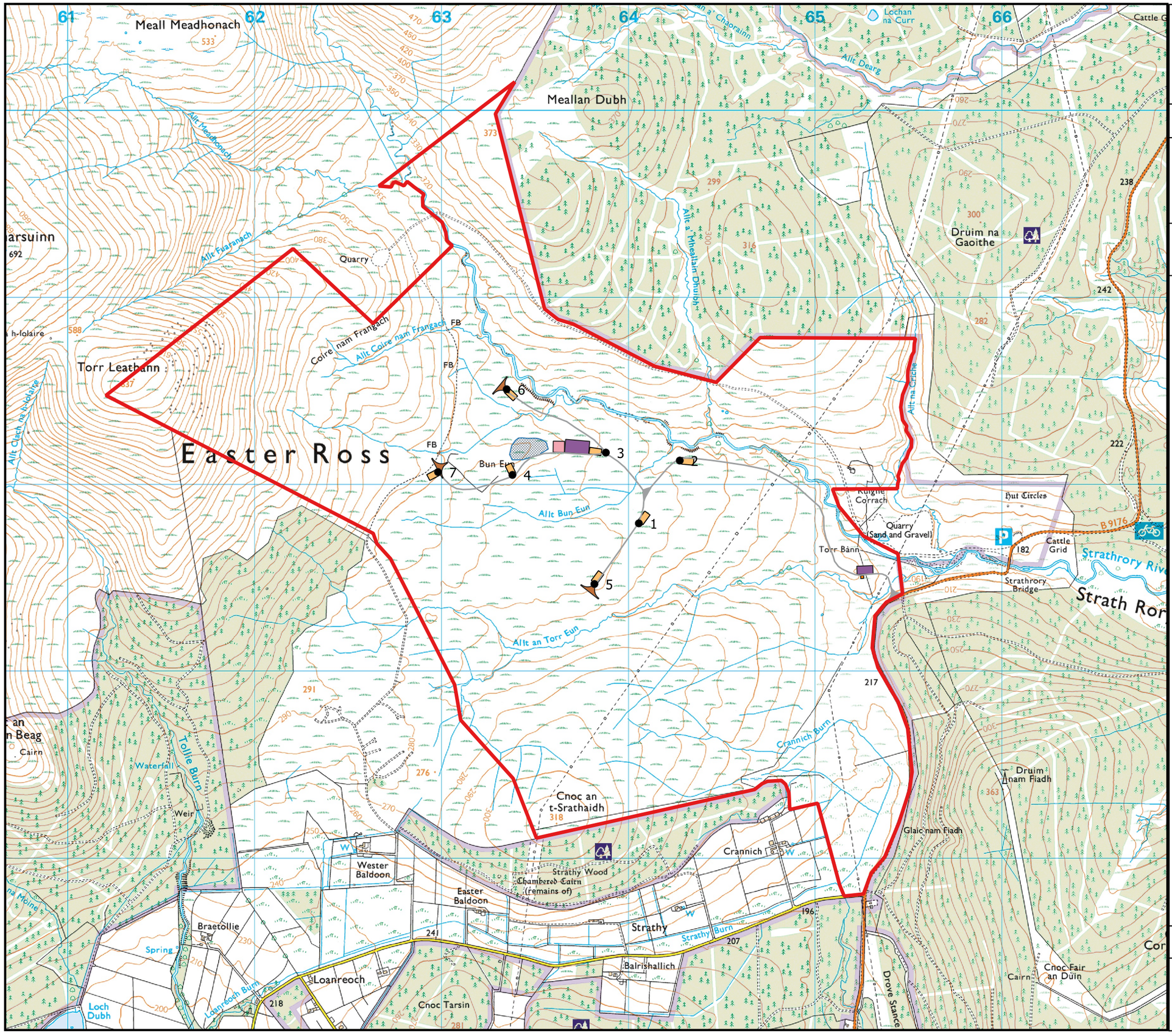

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Figure F3.1: FEI II Site Layout Plan

Key:

- Site Boundary
- Turbine Locations
- Access Track
- Crane Hardstanding
- Turning Head
- Borrow Pit Search Area
- Substation
- Construction Compound & Laydown Area
- Energy Compound

0 250 500 750 1000 m

N

Drawn by: AA Scale:1:20,000 @ A3 Date: 28/01/2021 Revision: A