Agenda Item	**6.7**
Report No	**PLN/044/21**

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 8 June 2021

Report Title: 20/03481/S36 : SSE Generation Limited

Land at Strathy South, Strathy Forest, Strathy

Report By: Acting Head of Development Management

Purpose/Executive Summary

Description: Strathy South Wind Farm - Application under Section 36 of the Electricity Act 1989 to vary the consented Strathy South Wind Farm to increase the blade tip height from 135 m to up to 200 m and increase maximum consented output from 133 MW to 208 MW

Ward: 01 – North, West and Central Sutherland

Development category: Major (Electricity Act Consultation)

Reason referred to Committee: Major Electricity Act Consultation

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 **RAISE NO OBJECTION** to the application subject to conditions and mitigation as set out in section 11 of the report

1. PROPOSED DEVELOPMENT

1.1 The Highland Council has been consulted by the Scottish Government's Energy Consents Unit (ECU) on an application made under Section 36C of the Electricity Act 1989 (as amended) for an increase in blade tip height of the consented, but not yet built, Strathy South Wind Farm as well as an increase in consented output from 133MW to 208MW. The consented blade tip height is 135m, the new proposed blade tip height is 200m. A number of consequential changes as a result of the proposed modifications are also being brought forward.

1.2 The Strathy South Wind Farm was consented in 2018 and comprises of 39 wind turbines of 135m to blade tip (capable of generating up to 133MW in total) and ancillary infrastructure including approximately 32km of on-site access tracks and r permanent metrological masts. A copy of the original Section 36 consent is attached to this report as Appendix 2.

1.3 The number and location of the turbines remain the same between the consented and proposed varied schemes. Table 2.2 of the Environmental Impact Assessment Report (EIAR) sets out the changes to each element of the proposal. This table has been summarised below:

Infrastructure element	Consented Scheme	Proposed Varied Scheme
Number of Turbines	39	39
Tip Height	up to 135m	up to 200m
Rotor Diameter	up to 104m	up to 162m
Hub Height	83m	119m
Access Track Length	32.0km	31.4km
Turbine Foundations and Hard Standing	0.122ha	0.250ha
Borrow Pits	4	7
Aviation Lighting	cardinal turbines to be lit with omni-directional lighting and all other turbines to be lit with infrared lighting	6 cardinal turbines to be lit with 2,000 candela red lights, reducing to 200 candela when metrological visibility exceeds 5km

Substation	1 – located to the south of T9	1 – located to the west of T4
Laydown Areas	2 – one located to the north of T43 and one located within the borrow pit east of T8	2 – one located to the north of T43 and one located east of the track between T11 and T17
Construction Compound	1 – located to the west of the track between T4 and T8	1 – located to the east of T4
Permanent Met Masts / LiDAR (Light Detection and Ranging)	3 met masts – one located east of the track between T2 and T6, one located on the track between T24 and T26, and one located on the track between T35 and T36	2 LiDAR – one located southeast of T36 and one located west of T70
Concrete Batching Plant	one 100m x 100m batching plant north of T43	one 100m x 100m batching plant east of the track between T11 and T17
Watercourse Crossings	15	16 (additional crossing on the track to T9)
Yellow Bog Road	permitted for 4x4 vehicle access	upgraded for use of all traffic during construction

1.3 While not a requirement for applications under S36 of the Electricity Act, the applicant held a drop-in public engagement event on 27 August 2019 in Strathy Hall. A further event was due to be held late March 2020 but it was postponed due to the Covid-19 pandemic. The information was instead provided online.

1.4 The site access will be via the A836 at the existing Strathy North Wind Farm access. The port of entry for turbine components would be Scrabster Harbour. From there the turbined would travel on the A9, then A836 to the site.

1.5 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 watercourses). The final design of the turbines (colours and finish), aviation lighting, substation and control buildings/compounds/ancillary electrical equipment, landscaping and fencing etc. are expected to be agreed with the Planning Authority, by condition, at the time of project procurement. Whilst typical drawings for these elements are set out in the application, turbine manufacturers regularly update designs that are available, thereby necessitating the need for some flexibility on the approved design details.

1.6 The applicant utilised the Council's Pre-Application Advice Service for Major Developments in 2019. The summary of key issues provided to the applicant at that time is set out below:

"Whilst the Council is supportive of renewable energy developments in principle, this must be balanced against the environmental impact of development. It is considered that this proposal has certain positive aspects.

This is a technically challenging site, however the majority of the challenges have been overcome through the original Strathy South proposal and advice is provided throughout this pack on the impact of the turbines at the now proposed scale.

The major outstanding challenge for the proposal is the consideration of the landscape and visual impact of the proposal. Whilst the consented scheme was not considered to have landscape and visual impacts which would, in the view of officers, be significantly detrimental overall, there is a concern that the increase in blade tip height and rotor diameter will increase the visual impact of the proposal and potentially have an impact on with qualities of the wild land areas. These matters need to be thoroughly assessed and mitigation identified through the design process. There is concern that turbines of this scale would be out of keeping with the existing pattern of onshore wind energy development based on the proposals submitted to the Planning Authority.

The proposal will be assessed in terms of para 174 of SPP as a repowering scheme. However it must be recognised that a full suite of supporting documentation will be required to facilitate the consideration of any forthcoming application. This should taking into consideration the advice contained within this pre-application advice pack."

1.7 The application is supported by a comparative Environmental Impact Assessment Report (EIAR) which considered the environmental effect of the varied development, which is the approach required by the regulations and supported by Scottish Government guidance. The EIAR submitted with the application contains chapters on: Landscape and Visual Impact; Ornithology; Noise; Cultural Heritage; Roads and Traffic; Ecology; Soil and Water; Socio Economic, Recreation and Tourism; and Other Issues. The application was also supported by a Design and Access Statement; Pre-Application Consultation Report; Planning Statement; Peat Landslide Hazard Risk Assessment Checking Report.

1.8 The wind farm has an expected operational life of 50 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. 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 24 months with a Construction Environment Management Document to be utilised throughout the construction period. In advance of this, a 9 month enabling works would be let. This would include the removal of forestry.

1.10 Since submission of the application, the proposed aviation lighting strategy has been revised and supplementary environmental information assessing the impact of that change has been submitted.

2. SITE DESCRIPTION

2.1 The site is located within the Strathy South forest block, approximately 12km south of Strathy village, and 30-35 km west of Thurso. The villages of Strathy, Armadale, Kirtomy, Bettyhill and Melvich are the main settlements to the north of the site. There are few other settlements within the vicinity of the site, with other dispersed settlements principally situated along the coast and along the A897 and B871 inland routes. Four noise sensitive properties have been identified as part of the EIAR assessment including Braerathy; Dallangwell; Bowside Cottage & Bowside Lodge. The nearest property to Strathy South is Braerathy at a distance of 3.6km.

2.2 Strathy South Forest extends 12 – 17km inland from the north coast and the proposed wind farm occupies most of the forest between Loch nam Breac Mór and the River Strathy covering an area of approximately 1,600 hectares (ha), although the actual footprint of development is significantly less. Strathy North Wind Farm lies to the west of the proposed development.

2.3 The site varies in altitude between approximately 130m and 200m Above Ordnance Datum (AOD). The topography rises and falls throughout most of the forest with the lower ground towards the central boggy inner boundary of the forest area, which follows the River Strathy valley. A network of watercourses is present on the site with water flowing generally in a northerly direction and draining into the River Strathy catchment. In addition, there are some areas of open water on the site, including Loch nan Clach in the northwest of the site.

2.4 Hills in the surrounding area include Cnoc Meala (211m) 2km to the north, Cnoc Badaireach (213m) 3km to the east, Meall Bad na Cuaiche (337m), Meall Ceann Loch Strathy (344m), and Cnoc nan Tri-clach (346m) to the south, and Dunviden Hill (180m) to the west. The surrounding area is generally open and undulating in nature, and characterised by lochs, pools and blanket bog. The area further to the south rises to more steeply sloping and hilly moorland.

2.5 The site itself is not covered by any known international, national, regional or local landscape-related designations. Various landscape designated areas can be found in the wider study areas including the Kyle of Tongue National Scenic Area (NSA) and 5 local designated Special Landscape Areas (SLA) the closest of which lie to the north comprising the Farr Bay, Strathy & Portskerra SLA and to the south Ben Griam and Loch Nan Clar SLA.

2.6 Since consideration of the original application by the Council, Wild Land Areas have been identified through Scottish Planning Policy. The site is not located within, or adjacent to any Wild Land Areas (WLAs). WLA 13 East Halladale Flows approximately 8km to the east of the site, WLA 36 Causeymire and Knockin Flows approximately 14km to the south east of the site, WLA35 Ben Klibreck-Armine Forest approximately , WLA 38 Ben Hope-Ben Loyal approximately 16km west of the site, WLA 37 Foinaven-Ben Hee approximately 30km west of the site.

2.7 A number of ecological and ornithological designations border the site boundary, including the Caithness and Sutherland Peatlands SSSI, Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. This designated area comprises a number of Sites of Special Scientific Interest (SSSI) including the Strathy Bogs SSSI, Lochan Buidhe Mires SSSI and West Halladale SSSI. It should be noted that the access track leading to the site falls within the Caithness and Sutherland Peatland designation.

2.8 There are no Scheduled Ancient Monuments within the site. However, there is one (Ben Griam Beg) located approximately 7 km south of the site boundary. There are several heritage assets within the site boundary, most of which are classified as being of local importance and one of regional importance which generally relate to agricultural and hunting use of the land, e.g. two sheepfolds and two buildings probably related to hunting and farmstead / hunting lodge at Lochstrathy.

2.9 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 consented and built projects that the applicant took into consideration in their cumulative assessment which was based on a 25km study area:

Operational

- Baillie – 21 turbines at 110m to blade tip height (23.9km north-east)
- Bettyhill 2 turbines at 119m to blade tip height (10.3km north-west)
- Strathy North – 33 turbines at 110m to blade tip height (2.2km north)

Consented / Under Construction

- Limekiln – 21 turbines at 126-139m to blade tip height (17.3km north-east)

In Planning

- Strathy Wood – 13 turbines at 180m to blade tip height (THC raised objection) (1.7km north)
- Ackron – 12 turbines at 149.9m to blade tip height (13.2km north-east)

Scoping

- Armadale – 23 turbines at 180m to blade tip height (9.48km north)

No scoping stage wind farms were included in the full assessment. However, in addition to the above but not included within the applicant's assessment are the recently refused (but subject to appeal) Drum Hollistan 2 Wind Farm, Limekiln Extension Wind Farm (THC have raised objection, PLI to be held), Forss I and Forss II Wind Farms, and Cairnmore Hill Wind Farm (recently refused but may be subject to appeal).

3. PLANNING HISTORY

3.1	27 April 2018	07/00263/S36SU - Wind farm consisting of 47 turbines including access tracks, temporary borrow pits, anemometer masts, control building, switching station and underground cabling.	APPROVED BY SCOTTISH MINISTERS
3.2	5 February 2018	17/05440/FUL - Erection of meteorological mast (continued siting)	PERMISSION GRANTED
	7 June 2019	19/02068/SCOP - Proposed development to construct and operate wind farm	SCOPING APPLICATION DECISION ISSUED
	22 July 2020	20/02331/SCOP - Installation of 4 km, 132 kV overhead electricity line between Strathy Wood wind farm sub-station and Strathy North wind farm sub-station	SCOPING APPLICATION DECISION ISSUED

4. PUBLIC PARTICIPATION

4.1 Advertised: EIA Development

Date Advertised: Edinburgh Gazette 01 September and 08 September 2020, the Herald on 02 September and 09 September 2020 and in the Northern Times on 04 September and 11 September 2020. and 13 April 2021 in the Press and Journal and Edinburgh Gazette

Representation deadline: 13 May 2021

Representations received by The Highland Council: 29 (26 in support, 2 objections, 1 neutral)

Representations received by Energy Consents Unit: 32 (30 in support, 2 objections)

4.2 Material considerations raised are summarised as follows:

- Socio-economic benefit;
- Adverse impact on tourism and associated economic impact;
- Adverse visual impact (both during hours of light and darkness);
- Adverse transportation impacts;
- Adverse impact on wild land areas;
- Impact on tentatively listed flow country world heritage site;
- Climate change benefits (including need for renewable energy);
- Limited traffic impact;
- Limited amenity impacts (noise);
- Benefit of proposed peatland restoration;
- Impact on wild life (including ornithology);
- Noise impact;
- Impact on recreational assets;
- Failure to comply with Schedule 9 of the Electricity Act.

4.3 The following matters raised in representations are not material planning considerations:

- Community benefit;
- Constraints payments

4.4 All letters of representation received by the Council are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Those representations received by the Scottish Government's Energy Consents Unit can be accessed via www.energyconsents.scot. It should be noted that some representations have been submitted to both The Highland Council and Energy Consents Unit.

5. CONSULTATIONS

5.1 **Strathy and Armadale Community Council** support the application. It considers that the proposal is essential to the wellbeing and continuation of the community.

5.2 **Bettyhill, Strathnaver and Altnahara Community Council** support the application. It considers the benefits of the wider changes on the site, beyond those of the turbines, will contribute to the efficiency and minimise visual impact. It considers there is benefit to the removal of a the non-native conifer plantation and its restoration to peatland could contribute to the case for the Flow Country World Heritage Site. It recognises the social and economic benefits of the proposal and contribution to combating climate change.

5.3 **Melvich Community Council** support the application. It considers that the socio-economic benefits of the scheme outweighs the visual impacts.

5.3 **Environmental Health Officer** does not object to the application. It notes that the submitted noise assessment concludes that the cumulative levels between the proposed development, Strathy Wood Wind Farm and Strathy North Wind Farm will meet the ETSU simplified standard of 35dB LA90 at all existing noise sensitive

properties. It recognises that two properties (Dallandwell and Braerathy Lodge) are financially involved and will not be occupied for the lifetime of the wind farm. It explains that through agreement with the applicant's noise consultant proxy monitoring locations for the nearest remaining noise sensitive properties given the noise levels are well below the ETSU limit. It recommends a conditions to be attached to any consent which limits noise and provides a monitoring and mitigation scheme.

5.4 **Transport Planning** do not object to the application. It considers that there is capacity for the development traffic to be accommodated on the local road network. It recommends conditions to secure: a construction traffic management plan; detailed review of routes and programme of mitigation works; structural assessment of bridges, culverts and other affected structures along the route; un-laden trail run between the Port of Entry and the site identifying and committing to mitigation that may be required; conclusion of a Section 96 wear and tear agreement under the Roads Scotland Act; a programme of notification of any maintenance which may involved HGV / abnormal load movements during the operational life of the development.

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

Consultations Undertaken by The Scottish Government's Energy Consents Unit

5.6 **Aberdeen Airport** do not object to the application. It notes the proposal does not affect its safeguarding area.

5.7 **British Telecom** do not object to the application. It considers the proposal should not cause interference to BT's current and presently planned radio network.

5.8 **Crown Estate Scotland** do not object to the application. It confirms that the assets of Crown Estate Scotland are not affected by the proposal.

5.9 **Edinburgh Airport** do not object to the application. It notes the proposal does not affect its safeguarding area.

5.10 **Glasgow Airport** do not object to the application. It notes the proposal does not affect its safeguarding area.

5.11 **Glasgow Prestwick Airport** do not object to the application. It notes the proposal does not affect its safeguarding area.

5.12 **Highlands and Islands Airport Limited** do not object to the application. It notes the proposal does not affect the safeguarding area for Wick Airport.

5.13 **Historic Environment Scotland** do not object to the application. It considers that the proposed variation would significantly alter the currently open undeveloped character of the area as seen in views from the Ben Griam Beg fort Scheduled Monument and the sense of isolation that contributes to how this monument is experienced, appreciated and understood. However, it believes the distance between the proposed turbines and the monument and the topographical separation

between mountain and low-lying peatland is such that the prominence and dominance of Ben Griam Beg fort and its sense of remoteness will not be diminished to the extent that would raise issues of national interest. It explains that the monuments in the wider area of Strath Naver include, a broch (SM 5632 Dun Chealamy, broch), hut circles (SM 1845 Carnachy, hut circles and SM3304 Halladale Bridge, hut circles), a deserted township (SM 2510 Rosal, deserted township) and a long cairn (SM 1815 Skelpick, long cairn) have more localised settings and would not be affected despite there being visibility of the scheme as a result of the increase in blade tip height proposed. It highlights that while it is content with the findings of the EIAR, it finds some elements of the assessment unclear.

5.14 **Ironside Farrar for Scottish Ministers - Peat Slide Checking Report** do not object to the proposal following submission of further information by the applicant related to qualifications of those undertaking the assessment, information on peat probing density and assessment results for ancillary infrastructure. Sihi

5.15 **Joint Radio Company** do not object to the application and does not foresee any potential problems based on known interference scenarios.

5.16 **Ministry of Defence, Defence Infrastructure Organisation** do not object to the application. It notes that the applicant has reached agreement with the Civil Aviation Authority on the lighting scheme.

5.17 **National Air Traffic Services Safeguarding** do not object to the application. It notes that the proposal does not conflict with its safeguarding criteria.

5.17 **NatureScot object** to the application. It considers that the cumulative impact of the proposed aviation lighting combined with that of Strathy Wood Wind Farm would lead to some significant effects on the responses that underpin Wild Land Area 39 East Halladale Flows in relation to quality 2 which is relate to “A remote, discrete interior, with limited access and a strong sense of solitude.” It notes that the effects would not be to a degree that the wild land qualities would be materially affects and will not raise issues of national interest. It encourages the applicant to work with the Civil Aviation Authority to achieve both the minimum number of turbine lights in the vicinity of the wind farm and minimum duration of effect to further minimise effects through implementation of a secondary radar aircraft detection lighting system.

It has objected on the grounds of impact on greenshank which is a qualifying feature of the Caithness and Sutherland SPA. It considers that the submitted survey data underestimates collision mortality for greenshank. It considers that a significant number of turbines are likely to overlap with the current distribution of breeding territories, and with loss of forestry, SPA birds may move into and occupy breeding sites within Strathy South forest after tree removal, as has been seen elsewhere in the Flow Country. It estimates that this may place up to 15 -16 existing pairs at risk of collision mortality. Theoretical modelling work provides an average estimate of 13 birds per annum being lost through collision mortality. Further it highlights that greenshank densities are, on average, higher than elsewhere in this SPA which indicates the habitat around Strathy South is particularly suitable for greenshank. This implies that losses of birds from this area may disproportionately affect the SPA as good breeding densities here are likely to mean that the population in this area

acts as a source population of recruits into the SPA. It considers that change in habitat from forestry to open blanket bog will increase the risk to greenshank given blanket bog is more suitable breeding ground for greenshank.

In relation to other qualifying features of the SPA (hen harrier, red-throated diver and merlin), NatureScot advise that there are likely significant effects but subject to mitigation, including a habitat management plan and sward management, that the proposal will not affect the integrity of the site. In relation to other SPA species it is not considered there will be a likely significant effect.

Advice is provided on impacts on the Caithness and Sutherland Peatlands SAC. It considers that disturbance of deer during construction could result in effects on the Caithness and Sutherland blanket bog and wet heath habitats due to increased grazing and trampling. It recommends a condition to secure a deer management plan to be implemented prior to and during construction. Concerning the upgrade to the Yellow Bog track, it advises the upgrades would be contained within the non-qualifying habitat either side of the existing track and subject to use of a Ecological Clerk of Works and work being completed from the existing tracks running surface, the conservation objectives of the SAC would be met.

It does not consider that the wider landscape and visual effects of the turbines during daylight will raise issues of national interest.

5.18 **Northern District Salmon Fisheries Board** do not object. It notes that the variation does not effect the interests of the fisheries board beyond that considered in the original proposal.

5.19 **Royal Society for the Protection of Birds Scotland** object to the application in principle. It welcomes the applicant's engagement on seeking to resolve the matters raised in the original application however it objects due to adverse impacts on hen harrier and red-throated diver; lack of information on collision risk on common scoter; inadequate cumulative assessment with regard to collision risk, displacement impacts and barrier effects on the Caithness and Sutherland Peatlands SPA; los of designated land and permanent habitat change within the Caithness and Sutherlands SAC due to upgrade of access tracks; and collision risk for white-tailed eagle. It fully supports a comprehensive habitat management plan to maximise restoration of the site and consider it could be considered an exemplar of habitat restoration.

5.20 **Scottish Environment Protection Agency (SEPA)** do not object to the application. It recommends conditions to secure: micrositing proposals as set out in the EIAR; final details of the peat management plan which requires to be informed by additional peat probing; rewording of the conditions related to peat instability to reflect SEPA's role. It advises that it would not support more than one watercourse crossing in vicinity of the access to Strathy Wood.

5.21 **Scottish Forestry** do not object to the proposal. It considers that the submitted forestry management plan which requires the removal of conifer plantation and subsequent peatland restoration will bring environmental benefit in terms of peatland habitat and landscape. As a result it considers the woodland removal is in line with the Scottish Government's Policy on Control of Woodland Removal and does not require compensatory planting.

5.23 **Scottish Water** do not object to the application. It notes the proposal would not affect any Scottish Water drinking water catchment areas. It provides advice that it would not support surface water drainage connections to the public sewer network.

5.24 **Scotways** do not object to the application. It notes that Scottish Hill Track number 344 Strath Halladale (Trantlebeg) to Strathy will be affected by the proposal but recommends that the applicant's commitment to no disruption via use of a outdoor access management plan is secured. It seeks clarification on the set back of the turbines from the Strath Halladale to Strathy Hill Track. It recommends that turbines are set back the equivalent height (i.e. 200m) from the hill track.

5.25 **Transport Scotland** do not object to the application. It requests conditions to secure details of the final abnormal road route and any traffic management required to be undertaken by a quality assured traffic management consultant.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28 - Sustainable Design
29 - Design Quality & 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 & 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

6.2 **Caithness and Sutherland Local Development Plan 2018 (CaSPlan)**

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)

6.3 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.

6.4 The document includes a Spatial Framework, which is in line with Table 1 of SPP. The site sits mainly within an area comprising Group 3 – Areas with potential for wind farm development. There are however pockets of Group 2 areas – Areas for 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.

6.5 The document also contains the Loch Ness Landscape Sensitivity Study and the Black Isle, Surrounding Hills and Moray Firth Coast Caithness Sensitivity Study. The site falls within an area not covered by a Landscape Sensitivity Study at this time, however is in the same landscape character type as CT4 (Sweeping Moorland Flows) as identified in the Caithness Landscape Sensitivity Appraisal.

Other Supplementary Guidance

6.6 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 & Drainage Impact Assessment (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (Mar 2013)
- Highland Renewable Energy Strategy & 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.

7.2 In addition, the Council 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).

7.5 Paragraph 170 of SPP sets out that areas identified for wind farms should be suitable for use in perpetuity. This means that even though the consent is time limited the use of the site for a wind farm must be considered as, to all intents and purposes, a permanent one. The implication of this is that operational effects should be considered as permanent, and their magnitude should not be diminished on the basis that the specific proposal will be subject to a time limited consent.

7.6 Paragraph 174 of SPP sets out that proposals to repower existing wind farms which are already in suitable sites can help to maintain or enhance installed capacity, under pinning renewable energy targets. It further highlights that the current use of a wind farm site will be a material consideration in any repowering proposal.

Other Relevant National Guidance and Policy

7.7
- 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 As explained, the application has been submitted to the Scottish Government for approval under Section 36 of the Electricity Act 1989 (as amended). Should Ministers approve the development, it will receive deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended). While not a planning application, the Council processes S36 applications in the same way as a planning application as a consent under the Electricity Act will carry with it deemed planning permission.

8.2 Schedule 9 of The Electricity Act 1989 contains considerations in relation to the impact of proposals on amenity and fisheries. These considerations mean the developer should:

- Have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and
- Reasonably mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

8.3 It should be noted that for applications under the Electricity Act 1989 that the Development Plan is just one of a number of considerations and Section 25 of the Town and Country Planning (Scotland) Act 1997 which requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise, is not engaged.

Determining Issues

8.4 While this is the case the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

8.3 The key considerations in this case are:

a) compliance with the development plan and other planning policy

b) modification of blade tip height including consideration of matters related to: Energy and Economic Benefits; Construction; Roads, Transport and Access; Water, Flood Risk, Drainage and Peat; Natural Heritage (including Ornithology); Built and Cultural Heritage; Design, Landscape and Visual Impact (including Wild Land Areas); Noise and Shadow Flicker Telecommunications; Aviation; Forestry; and

c) any other material considerations.

Development plan/other planning policy

8.4 The Development Plan comprises the adopted Highland-wide Local Development Plan (HwLDP), Caithness and Sutherland Local Development Plan (CASPLAN) 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. The HwLDP was in place at the time of consideration and determination of the original application.

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.

8.6 If the Council is satisfied that the proposal is not significantly detrimental overall, then the application will accord with the Development Plan.

Caithness and Sutherland Local Development Plan

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

Onshore Wind Energy Supplementary Guidance (OWESG)

8.8 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.

8.9 The OWESG contains a Spatial Framework for wind energy as required by SPP. The majority of the site falls within a Group 3 - Areas with potential for wind farm development. Those areas of Group 2 – Areas of significant protection are as result of 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 development has largely avoided areas of deep peat

8.10 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 criterion will be particularly useful in considering visual impacts, including cumulative impacts. An appraisal of how the proposal meets with the thresholds set out in the criteria is included in Appendix 3 of this report.

National Planning Policy

8.11 National planning policy remains supportive of onshore wind energy development with the framework for assessing wind farm proposals set out in Scottish Planning Policy (SPP). SPP sets out that areas identified for wind farms should be suitable for use in perpetuity. In determining the original application, Ministers considered that impacts had been minimised or mitigated.

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

8.13 Criteria outlined within SPP for the assessment of applications for renewable energy developments include landscape and visual impact; effects on heritage and historic environment; contribution to renewable energy targets; effect on the local and national economy and tourism and recreation interests; benefits and dis-benefits to communities; aviation and telecommunications; development with the peat environment, noise and shadow flicker; and cumulative impact. A number of criteria are set out in SPP against which proposals for on-shore wind energy development should be assessed (paragraph 169). These criteria are primarily reflected in Policy

67 (Renewable Energy) of the Highland-wide Local Development Plan. A failure against one of these criteria does not necessarily mean that a development fails, all these criteria must be given consideration.

8.14 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 paragraph 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 paragraph 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.

8.15 SPP 2020 modified paragraphs 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 policy 57, which should be disregarded.

8.16 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.

8.17 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.

8.18 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.

8.19 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. The way in which this scheme has addressed site specific matters will be addressed in this report.

8.20 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;
- HM Government, Energy White Paper, Powering our Net Zero Future, December 2020.

8.21 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.

8.22 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.

8.23 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.

8.24 The proposal is one which would fit the definition of a “re-powering” project under the terms of paragraph 174 of Scottish Planning Policy. This sets out that “proposals to repower existing wind farms which are already in suitable sites where environmental and other impacts have been shown to be capable of mitigation can help to maintain or enhance installed capacity, underpinning renewable energy generation targets. The current use of the site as a wind farm will be a material consideration in any such proposals.” In consenting the original application Scottish Ministers concluded that the applicant had regard to the desirability of preserving natural beauty, of conserving flora, fauna, and geological and physiographical features of special interest and protecting sites, buildings and objects of architectural, historic or archaeological interest. Further Ministers considered that the applicant had done what it reasonably could to mitigate the effects of the development on the aforementioned features. Scottish Ministers. In reaching these conclusions, the Scottish Ministers concluded that the development accorded with the provisions of the Development Plan and Scottish Planning Policy subject to the application of conditions to secure mitigation.

Modification of Blade Tip Height

8.25 The principle of the development of a wind farm in this location has been established. This is an application to modify the scheme through an increase in blade tip height on an existing consent. In order to address the determining issues therefore, the Council must consider the extent to which the proposal, as amended, continues to comply with policy and take into consideration any other material considerations. Consideration is required of the proposals changed construction and operational impacts as a result of the modifications now proposed to the development. The applicant has submitted a Environmental Impact Assessment Report (EIAR) which focuses on the these matters as they relate to: Landscape and Visual Impact; Ornithology; Noise; Cultural Heritage; Roads and Traffic; Ecology; Soil and Water; Socio Economic, Recreation and Tourism; and Other Issues These matters are addressed in turn below.

Energy and Economic Benefits

8.26 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.

8.27 While Highland Council has effectively met its own target, as previously set out in the Highland Renewable Energy Strategy, it remains the case that there are areas of Highland capable of absorbing renewable developments without significant effects. However, equally the Council could take a more selective approach to

determining which wind farm developments should be supported, consistent with national and local policy. This is not treating targets as a cap or suggesting that targets cannot be exceeded, it is simply a recognition of the balance that is called for in both national and local policy.

8.28 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 as it has the potential to generate 207MW of electricity, whereas the consented development has the capacity to generate up to 132.6MW. This increase in generation is largely as result of the increased rotor diameter from 104m to 162m, which will provide a greater energy yield. Each turbine has the potential to generate up to 5.3MW. Later in this report further visual impact mitigation will be outlined which will recommend the removal of four turbines at the south of the scheme. If accepted by Ministers, this will reduce the energy yield by 21.2MW. However, even with this reduction, the increased yield from the development as a result of the proposed variation would be significant and key consideration in relation to the matters set out in paragraph 174 of SPP, where there is support for the enhancement of installed capacity through wind farm repowering proposals, subject to mitigation of impacts.

8.29 The proposed development anticipates a construction period of 24 months, 50 years of operation prior to decommissioning or repowering. 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. There will also be economic benefits through the 9 month enabling works contract.

8.30 There is also likely to be some adverse effects caused by construction traffic and disruption. Representations have raised the economic impact that turbines, and in particular the construction phase 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.

8.31 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 based upon national studies but is also informed by research undertaken to look at the economic impact of the Strathy North Wind Farm. The EIAR explains that based upon their experience of constructing wind farms that the varied development would directly support 32 years of employment in Caithness and Sutherland and 323 years of employment in Highland. The applicant envisages that there would be short term benefit to the local economy as a result of the development.

8.32 The applicant highlights that the project represents a significant capital expenditure of £239.3 million based upon assumptions made in the RenewableUK report produced by BiGGAR Economics. It is estimated that £105 million of this would be

spent in Scotland, £43.7 million in Highland and £5.4m in Caithness and Sutherland. These are considered by the applicant as minor beneficial effects at a national and regional level as it relates to economic impact during construction. This is not disputed.

8.33 In relation to operation, the applicant has cited the RenewableUK report and extrapolated from its findings that the proposed development has the potential to have an operational spend of £10.8 million per annum, £5.4 million of which would be spent in Highland and of that £1.7 million in Caithness and Sutherland. This figure does however include community benefit which is not a material planning consideration. The economic benefits of the development are highlighted in many of the letters of support for the varied development.

8.34 Specifically, in relation to impact on tourism, the applicant refers to the study undertaken in 2017 which compares the effect on tourism of already constructed wind farms. This study found no link between the development of a wind farm and tourism related employment.

8.35 The scheme will produce renewable energy. Based upon a fossil fuel mix in the electricity grid, the applicant anticipates that 387,420 tonnes of carbon could be displaced by the development per year. This is an increased saving of just under 160,000 tonnes per year when compared to the consented scheme. There will however also be carbon losses as a result of the development, including those related to felling of forestry, turbine manufacture and impact on peat. These losses would equate to approximately 648,761 tonnes of carbon. With that said, it is anticipated that the estimated carbon payback period for the development would be 2.2 years, again based on a fossil fuel mix.

8.36 Further elements of the carbon offsetting will come in the form of peatland restoration which will occur following the felling of the forestry and erection of the wind farm as part of the habitat management plan. The peatland restoration is seen to be in the public interest, therefore no compensatory planting would be required based upon the response from Scottish Forestry.

Construction

8.37 It is anticipated that the construction period for the development would take 15 months. Working hours on site would usually be restricted to be 07.00 – 19.00 Monday to Friday, 07.00 – 12.00 on Saturday with no Sunday of Bank Holiday working. The applicant has however noted that it ay request working outwith these hours during fair-weather and at critical periods within the programme. Given the location of the development and lack of proximity to properties this is considered acceptable. However, it is recommended that the applicant continues to keep noise to a minimum on the site and a construction noise assessment will be required as part of the Construction Environment Management Document.

8.38 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.

8.39 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.

8.40 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.

8.41 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. It is however noted that an increased micrositing allowance for T1, T4, T9, T18, T19, T33, T42, T29, T52, T69 and T72 of 100m is sought to avoid impacts on deep peat. While, it would have been preferred that these turbines were moved prior to submission, given this is a variation application, it is considered acceptable.

8.42 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. It is noted that the Community Liaison Group is already in operation and meets on a semi-regular basis.

Transport and Access

8.43 The applicant has highlighted the expected impact of this development, particularly through the construction phase, with the port of entry likely to be Scrabster Harbour. The turbines would then travel from the port to the site via the A9 and A836.

8.44 The existing Strathy North site access will be used. It has also been assumed in the applicant’s Transport Assessment that the bulk of stone required for the development would be sourced from onsite borrow pits but for the purposes of the assessment a small allowance has been made for the use of local quarried. Further concrete batching will take place on site.

8.45 It is anticipated that the total vehicle movements (including HGVs) across the entire construction period would be 82,170 (this includes journeys to and from the site), of which 24,570 would be HGV movements. It is anticipated that there would be an average of 143 vehicle movements per day, with a maximum of 188 vehicle movements per day between May 2023 and August 2023. This is based on

construction commencing in January 2023. The applicant's Transport Assessment has found that there would not be potential significant effects as a result of increased vehicle movements. The applicant proposes a range of mitigation such as the delivery of a Construction Traffic Management Plan. In principle this type of mitigation is accepted subject to detailed consideration of the plan in due course.

8.46 Both Trunk Road Authority and the Council 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.
- 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.
- All traffic management being undertaken by a quality assured contractor.

8.47 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.

Water, Flood Risk, Drainage and Peat

8.48 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.

8.49 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.

8.50 In order to protect the water environment a number of measures have been highlighted by the applicant for inclusion in the CEMD including the adoption of sustainable drainage principles, and measures to mitigate against effects of potential chemical contamination, sediment release and changes in supplies to Ground Water Dependant Terrestrial Ecosystems. This includes setbacks from water courses, 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. This was a matter of particular concern to the Northern District Salmon Fisheries Board on the original application and the mater was at that time dealt with by condition. Such a condition should also be applied on any varied consent granted to ensure that water quality monitoring and where appropriate mitigation is carried out.

8.51 The site infrastructure is not considered to be at risk of flooding. There are 11 watercourse crossings within the development. It is proposed that any watercourse crossings are designed to accommodate a 1 in 200 year flood event plus and allowance for climate change. It is considered that that crossings should be either either single span bridges or bottomless culverts. 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 THC Flood Risk Management Team.

8.52 The wider site is home to potential Ground Water Dependent Terrestrial Ecosystems (GWDTEs). The applicant has identified that the proposed varied development does not encroach on any areas of GWDTE of specific value or which are ground water dependant. The implementation of good construction practices will never the less require to be implemented on site and a GWDTE protection plan brought forward in the Construction Environment Management Document to ensure existing groundwater and surface water flow paths are maintained.

8.53 Peat is present to a greater or lesser extent across the application site. However, much of the peat on the site has been disturbed by the commercial forestry across the application site. Where peat has been identified as being present, peat probing has demonstrated that it varies in depth from 0m-5m. The applicant has requested a micrositing allowance of 100m to allow the relocation of turbines and associated infrastructure away from deep peat. This is accepted. The proposed development is estimated to require extraction of an estimated 554,789m^3 of peat. However, the submitted outline Peat Management Plan, identifies that this can all be reused on site. Through careful management and construction techniques, it is considered the impact on peat can be reduced.

8.54 A Peat Management Plan and a Peat Landslide Hazard and Risk Assessment have been submitted as part of the EIAR and have helped to inform the proposals. The applicant's risk assessment identifies negligible risk of peat instability over the majority of the site. Subject to micro-siting and the deployment of mitigation

measures, these areas can be considered as an insignificant risk. The finalisation of these documents, will be secured through the construction environment management document condition.

8.55 A Habitat Management Plan is proposed to be developed, based upon the outline Habitat Management Plan submitted as part of the EIAR. This will include an area of peatland restoration across the areas where the forestry will be felled. This is considered to be a significant benefit of the scheme and in the public interest. ;RSPB object to the application on the grounds of loss of designated land and permanent habitat change within the Caithness and Sutherlands SAC due to upgrade of access tracks. However, it fully supports a comprehensive habitat management plan to maximise restoration of the site and consider it could be considered an exemplar of habitat restoration.

8.56 There are four known private water supplies within 1km of the proposed development. The applicant has undertaken an assessment of these and the potential impact of the development on the sources of the private water supplies. Three of the four private water supplies have been identified as not having hydrological continuity with the proposed development and there for are not at risk as a result of the development. The fourth (Dallangwell Farmhouse), does have hydrological continuity with the development but is owned by the applicant and it has been confirmed that the abstraction is no longer used.

8.57 Given the large number of watercourses across the site, water quality will require to be managed through the construction, operation and decommissioning phases of the development. This can be secured by condition, with the final scheme being developed in consultation with THC, SEPA, the relevant fishery boards.

Natural Heritage (including Ornithology)

8.58 The site is adjacent to and in proximity of a number of sites designated as important for natural heritage at local, national or international level. This notable includes the Caithness and Sutherland Peatlands Special Protections Area (SPA) and Ramsar site, and the Caithness and Sutherland Peatlands Special Area of Conservation (SAC). The SPA is designated for populations of breeding birds including: black throated diver; common scoter; dunlin; golden eagle; golden plover; hen harrier; merlin; red-throated diver; short eared owl; wigeon; wood sandpiper and greenshank. The Caithness and Sutherland Ramsar site is designated for blanket bog; breeding bird assemblage; dunlin; and greylag goose. The SAC is designated for: acid peat-stained lakes and ponds; clear water lochs with aquatic vegetation and poor to moderate nutrient levels; marsh saxifrage; blanket bog; depressions on peat substrates; otter; very wet mires; and wet heathland with cross-leaved heath. 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, Scottish Ministers will be required to consider the effect of the proposal on the qualifying features of these sites before it approves any application (commonly known as Habitats Regulations Appraisal). NatureScot’s consultation response (summarised in para 5.17 of this report) sets out that the proposal will have a likely significant effect on greenshank which is a qualifying feature of the Caithness and Sutherland SPA and considers that the submitted survey data underestimates collision mortality for greenshank. In its consideration it

estimates that this may place up to 15 -16 existing pairs at risk of collision mortality. It considers this risk has been heightened due to the removal of forestry to accommodate the wind farm. In relation to other qualifying features of the SPA (hen harrier, red-throated diver and merlin), NatureScot advise that there are likely significant effects but subject to mitigation, including a habitat management plan and sward management, that the proposal will not affect the integrity of the site. In relation to other SPA species it is not considered there will be a likely significant effect. RSPB raise similar concerns, however have a wider objection in relation to ornithology and the effects of the wind farm.

8.59 The matter of ornithological impact of the original Strathy South Wind Farm application was the matter which ultimately led the Council's North Planning Applications Committee to raise an objection to the application in 2014. The subsequent Public Local Inquiry heard evidence from a range of experts in their field from the Applicant, NatureScot and RSPB. The Scottish Government Reporter reached his conclusion, which was ultimately adopted by Scottish Ministers in granting consent for the proposed development. Likely significant effects were noted by the Reporter in relation to the Caithness and Sutherland Peatlands SPA, however he found the proposed development would not have an adverse effect on the integrity of the SPA. As part of this the Reporter considered the effect of the removal of forestry on greenshank movements and in doing so was presented with evidence of greenshank behaviour at other wind farms where forestry had been removed.

8.60 In relation to other ornithological qualifying features of the designated sites, NatureScot consider there are likely significant effects on hen harrier, red-throated diver and merlin. While this is the case NatureScot advise that subject to mitigation, including a habitat management plan and sward management, that the proposal will not affect the integrity of the site. In relation to other SPA species it is not considered there will be a likely significant effect.

8.61 As stated above RSPB, also object to the development on the grounds of impacts on ornithology. It objects due to adverse impacts on hen harrier and red-throated diver; lack of information on collision risk on common scoter; inadequate cumulative assessment with regard to collision risk, displacement impacts and barrier effects on the Caithness and Sutherland Peatlands SPA and collision risk for white-tailed eagle.

8.62 It is noted that this is a varied development will have different effects to the original scheme due to the change in hub height, rotor diameter and ultimately blade tip height. It is considered that the matter of ornithology will require further consideration by Scottish Ministers, taking into consideration the findings of the Public Local Inquiry on the original scheme, the position of NatureScot and RSPB and the evidence as presented by the applicant through the EIAR. While the Reporter, and ultimately Scottish Ministers did not find a conflict between the development and Policy 57 (Natural, Built and Cultural Heritage) of the HwLDP on the original scheme, it will be for the Scottish Ministers to judge, in their capacity as the Competent Authority for the application.

8.63 In relation to the Caithness and Sutherland Peatlands SAC. It considers that disturbance of deer during construction could result in effects on the Caithness and Sutherland blanket bog and wet heath habitats due to increased grazing and trampling. As conditioned on the 2018 consent, NatureScot recommends a deer management plan to be implemented prior to and during construction.

8.64 The Yellow Bog track connects elements of the scheme and is within the Caithness and Sutherland Peatlands SAC. The original scheme sought to detain this for 4x4 use only but this varied application seeks to upgrade the track for use during construction of the wind farm. The applicant has set out a construction methodology that ensures that the track upgrades will be undertaken in a manner which avoids qualifying habitats of the SAC and the upgrades would be undertaken via the existing tracks running surface. In addition an Ecological Clerk of Works would oversee the works and have the power to stop the job if a breach or potential breach of the construction methodology was identified. If such mitigation is followed, NatureScot consider the conservation objectives of the SAC would be met.

8.65 The EIAR has identified minor adverse effects on protected species as a result of the proposed development. Subject to the delivery of protected species protection plans the adverse effect can be mitigated but would continue to be minor adverse (not significant).

8.66 The impact on bats as a result of the varied development, while no greater than that of the consented development, is considered o be minor and adverse (not significant) this is predominantly due to a reduction in foraging habitats.

8.67 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. As previously highlighted, the matter of ornithological impacts remains outstanding and will require to be considered by Scottish Ministers.

Built and Cultural Heritage

8.68 Thirteen sites of cultural heritage significance have been identified within the application site. Additional buried and unrecorded remains of archaeological significance may survive in the area. The original consent included a condition to secure an Archaeological Programme of Work (APoW) for the evaluation, preservation and recording of any archaeological and historic features affected by the Development, including a timetable for investigation. It is recommended that this condition is carried forward to any varied consent.

8.69 While there are a range of scheduled monuments in the wider area including Strath Naver include, a broch (SM 5632 Dun Chealamy, broch), hut circles (SM 1845 Carnachy, hut circles and SM3304 Halladale Bridge, hut circles), a deserted township (SM 2510 Rosal, deserted township) and a long cairn (SM 1815 Skelpick,

long cairn) these all have more localised settings and would not be affected despite there being visibility of the scheme as a result of the increase in blade tip height proposed.

8.70 However, Ben Griam Beg fort, Schedule Monument has a wider setting given its prominent position on a hill top. Historic Environment Scotland (HES) consider that its isolated location contributes to how the monument is experienced, appreciated and understood. The varied turbines will be more visible from the monument but HES consider that the separation distance (8.64km) between the monument and the low-lying peatland on which the development sits is a mitigating factor. As a result HES do not consider that the sense of remoteness of the scheduled monument would be diminished to an extent where it would raise issues of national importance.

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

8.71 As set out earlier in this report, it is important to remember that the principle of a wind farm development in this location has been established. As such, the matter that is under consideration is the varied blade tip height and the associated impacts. One of the most notable impacts are in relation to design, landscape and visual impact.

8.72 A total of 14 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 residents, recreational users of the outdoors and road users. The expected bare earth visibility of the development can be appreciated from the ZTV to Blade Tip with Viewpoint Locations (Figure 4.5b – Viewpoints with ZTV) in the EIA Report. Sufficient information has been provided to undertake an assessment of landscape and visual impact and the quality of the visual information provided is generally of a high standard.

8.73 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). The applicant's methodology has been used to enable the Planning Authority 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 of the varied scheme.

8.74 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." THC is of the view that Moderate effects can be significant but this needs to be considered on a viewpoint by viewpoint basis.

8.75 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.

Siting and Design

8.76 The site has a predicted wind resource and is proximity of, but not within, any protected area designated for nature conservation, landscape quality, or cultural heritage. The nearest residential receptors are in properties scattered around the site entrance. The site is also located in a location which is relatively remote from the local and trunk road networks, however would be visible from a range of angles from the network.

8.77 The site sits to the south of the operational Strathy North Wind Farm where turbines are 110m to blade tip. The site is currently forested but forestry will be removed in phases prior to commencement of development. The removal of forestry will in itself bring about a landscape and visual change but this is not unusual in the Highland landscape. A proposal for Strathy Wood Wind Farm is located to the east of the proposed varied scheme. The turbines at Strathy Wood are proposed at 180m to blade tip height. The Council raised objection to that application predominantly due to the increase in horizontal spread of wind energy development as viewed from the north, the design and layout of the development leading to the development appearing to extend across the strath and the concern with regard to the proposal undoing previously secured mitigation related to siting and design of other wind energy development in the area. The Strathy Wood Wind Farm will be under consideration by Scottish Ministers following conclusion of the Public Local Inquiry in April 2021.

8.78 The original Strathy South Wind Farm, consented at 135m to blade tip height, had been developed through an iterative design process which considered the scheme in the context of the then consented Strathy North Wind Farm.

8.79 It is noted through the NatureScot Siting and Designing Wind Farms in the Landscape Guidance, that it can be particularly challenging to accommodate multiple wind farms in an area but design objectives centred around limiting visual confusion and reinforcing the appropriateness of each development for its location. It is noted that the key design driver for the consented and proposed varied development appears to be integration with the Strathy North development when viewed from the north, in particular in areas around Strathy, Bettyhill, and along the A836. Similar views are gained from those more elevated areas to the south of the scheme. From these areas, the scheme appears as a wind farm obviously larger in scale than Strathy North. This is not necessarily problematic given the level of topographic screening and containment provided by the intervening landscape.

8.80 Where the original scheme increased the horizontal spread of turbines in one's view, such as for receptors at VP1- Ben Griam Beg, by virtue of the larger turbines now proposed, these impacts are compounded with those turbines appearing to the north and south of the scheme as more obvious additions which will draw the eye and potentially give added emphasis to the existing turbines at Strathy North. The larger turbines, in some views, also increase visual clutter when viewed from areas to the north of the proposed development. There would however be an element of visual clutter as a result of the location and height of the turbines in the consented scheme.

8.81 To mitigate these matters officers held discussions with the applicant on a further design iteration which would reduce the concerns with regard to increased horizontal spread when viewed from the east and west. This would have involved the removal of a series of turbines to make the design more compact when viewed from the east and west and reduced visual stacking / overlapping of wind turbines within the development when viewed from the north and south. The applicant has highlighted that the scheme as currently proposed meets the current market conditions and turbine availability; is supported by the local community and delivers an extensive habitat management package. It has further highlighted that any changes to the scheme to address the matters of design concern raised would not change the findings of the landscape and visual assessment. This is not disputed. However, it is considered a more appropriate design composition could, and should be delivered on the site given the identified significant effects and the location of the proposed development.

8.82 When the applicant was first approached about changes to the design of the scheme, a cluster of turbines at the north (T1, T69, T70 and T72) and a cluster to the south west (T35, T36, T39 and T41) were discussed and highlighted as being of concern. Further discussions were held with the applicant and it was agreed that removal of all of the aforementioned turbines would have an adverse impact on the composition of the wind farm as a whole, would significantly reduce the output of the scheme (and in turn the resultant benefits), as well as potentially impacting on the ability to deliver some habitat management measures. Considering the reduction in the scale of the scheme in the balance of such considerations, it is however deemed appropriate to continue to seek the removal of the south western cluster (T35, T36, T39 and T41). While acknowledging that the removal of these turbines would be unlikely to reduce any significant visual impacts to a point where they would not longer be significant effects, this is considered to balance the competing priorities for the site, while reducing the horizontal spread of the development and removing a level of turbine blade stacking and overlapping. The resultant impacts of the other required infrastructure such as tracks, crane hardstandings etc would also be reduced albeit these benefits go beyond matters of visual impact. It should be noted that NatureScot recommended that these turbines be removed from the scheme in its response to the original application.

8.83 In terms of design of the other infrastructure on the site, these appear to have been well sited and designed. However, the forestry will continue to be managed through the enabling contract and construction of the wind farm. This may increase the visibility of features from some areas. The EIAR has however assessed matters related to design, landscape and visual impact on the basis of the forestry removed and the ground restored to peatland.

Landscape Impacts

8.84 Given the scale of the Landscape Character Type that the proposed development sits within, the applicant has assessed the landscape impacts of the proposal against the Landscape Character Type (LCT) set out in the NatureScot National Mapping. In doing so it has identified that the proposed development would be in an area already indirectly affected by the Strathy North Wind Farm. The applicant's assessment sets out that the sweeping moorland and flows LCT, in which the wind farm sits, would

become more strongly characterised by wind turbines. In doing so the sense of remoteness and isolation may be diminished. The overall finding of the applicant is that there would be moderate and significant effects on this LCT. This is not disputed.

8.85 Outwith the LCT in which the development sits, the applicant has set out that there would be localised significant effects related to LCT138 (Lone Mountains) but these would be limited to north and east facing slopes and summits, in particular Ben Griam Beg as demonstrated from the photomontage for VP1. This is accepted.

8.86 Minor-moderate effects which would not be significant have been identified on the Rocky Hills and Moorland, and Rounded Hills – Caithness and Sutherland LCTs. All other LCTs within the area have been assessed as having either minor or negligible effects. This assessment is considered appropriate.

8.87 The Bens Griam and Loch Nan Clar Special Landscape Area lies to the south of the proposed varied development. It's special qualities include assessible solitude and flow country views. The impact on the special qualities were considered by the Reporter when considering the original application the Reporter agreed with the applicant's findings of moderate (significant) adverse impacts on the SLA. In doing so the Reporter noted that the removal of the forestry, which the applicant considers is an "alien" feature in the wider views of moorland, would be beneficial. The increased scale of the proposal would continue to have effects on the sense of remoteness and solitude experienced within the SLA, particularly at the summit and on the slopes of Ben Griam Beg. However, the effect is not considered to affect the special qualities of the SLA to a point where the proposed development would compromise the integrity of the SLA. Given the remoteness from the site, it is not considered that there would be significant effects on the Farr Bay, Strathy and Portskerra SLA, Berriedale Coast SLA, Dunnet Head SLA or the Ben Klibreck and Loch Choire SLA.

8.88 No significant effects were identified on the Kyle of Tongue National Scenic Area. Given the special qualities of the National Scenic Area will, for the most part, not be experienced with the wind farm in view, the applicant's assessment is accepted.

Wild Land

8.89 The matter of impact on wild land was considered by the Reporter on the original proposal following submission of a wild land assessment, in accordance with what was the NatureScot guidance, as part of the Public Local Inquiry. At that time, neither the Reporter nor NatureScot raised concerns with regard to the impact of the proposed development on the nearby wild land areas.

8.90 Since the consideration of the original scheme, NatureScot have issues wild land descriptors for each of the wild land areas identified in the 2014 mapping of wild land areas. In addition, new guidance on assessing wild land impacts has been published. Through this application, the applicant has assessed the effects of the proposal on the qualities of each of the Wild Land Areas (WLA) in proximity of the site. The applicant has identified localised moderate and significant effects on the special qualities of WLA 39 (East Halladale Flows). It has not identified significant effects on any other WLA. NatureScot do not object to the effects on the qualities of WLA39 during daylight. While noting that there will be an affect on the special qualities as a

result of the impact on wild land quality 2, “a remote, discrete interior, with limited access and a strong sense of solitude for receptors” from the northern and western boundaries of the WLA, it is not considered that the larger turbines proposed by the variation would have any greater impact on this wild land quality beyond that of the consented scheme, which for the purposes of this application is considered to be part of the baseline.

8.91 In the initial response from NatureScot, an objection was raised in relation to impacts on wild land quality 2 in hours of darkness due to the worst case scenario presented in terms of aviation lighting. Aviation lighting to a specification agreed with the CAA is required on all structures over 150m at the highest practicable point. For wind turbines, this is the nacelle. In addition NatureScot raised concerns with regard to the quality and level of information provided in relation to the impacts of the proposal in hours of darkness. As submitted, the varied development included an aviation lighting strategy which included two, 2000 candela aviation lights on the nacelle of each turbine. The consented scheme included aviation lighting but this was to be limited to lighting of the turbines at cardinal points within the application site with 25 candela lights with a 60 flashes per minute. The remaining perimeter turbines would be lit with infra-red lighting only.

8.92 The applicant held discussions with NatureScot and the CAA to identify an aviation lighting strategy which would have reduced impact. This also involved discussion between the applicant for the proposed varied application and the adjacent proposed Strathy Wood Wind Farm to progress a scheme with reduced cumulative impacts. These discussions resulted in a proposal for six of the cardinal point turbines being lit with aviation safety lighting which would have a maximum lighting intensity of 2000 candela but reducing to 200 candela when metrological visibility is more than 5km. NatureScot now considers that the cumulative impact of the proposed aviation lighting combined with that of Strathy Wood Wind Farm would lead to some significant effects on the responses that underpin wild land quality 2 of WLA 39. The reduced lighting scheme is, no longer considered to be of a level which would raise issues of national interest. As this is the case NatureScot has withdrawn its objection to the application on the impacts of WLA39. It does however recommend that the applicant work with the Civil Aviation Authority to achieve both the minimum number of turbine lights in the vicinity of the wind farm and minimum duration of effect to further minimise effects through implementation of a secondary radar aircraft detection lighting system. It is our understanding that such systems are under consideration by CAA and NatureScot’s recommendation is supported.

Visual Impact

8.93 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, west and east of the development within 20km, with more limited and scattered visibility beyond 20km. The varied development would extend the theoretical visibility of turbines beyond that already experienced as a result of the consented wind farm. However, this is relatively limited in more distant views at higher elevations where topographic screening which contains provides less containment of views toward the proposed development. In

areas where the development would have already been seen, it is anticipated that a greater extent of the turbines, both in terms of number of turbines and proportion of each turbine, would be visible.

8.94 Unsurprisingly, as visual impact assessment is largely subjective and dependant on the application of professional judgement, there is a difference between the applicant's assessment and the appraisal of the Planning Authority.

8.95 The visual receptors for the development have been assessed in the EIAR against the baseline of the consented scheme. The applicant has undertaken a detailed visual impact assessment at each of the 14 viewpoints, focussing on the effect on the receptors at the viewpoint. The EIAR states that receptors at 4 of the 16 viewpoints would have the potential to be significantly affected by the proposed development. This includes at VP1 (Ben Griam Beg), VP3 (Loch Nan Clach Geala), VP6 (Bettyhill viewpoint), and VP7 (A836 west of the B871). These viewpoints range in their proximity to the site and in most cases a new element is not introduced into the view and the cumulative impact with the consented development is taken into consideration. The views from the remaining viewpoints have not been assessed as significant by the applicant. The intervening distance between the viewpoint and the scheme, the more limited magnitude of change due to the baseline containing a range of wind energy developments are the most common reason for these viewpoints not being assessed as significant.

8.96 Unsurprisingly, as visual impact assessment is largely subjective and dependant on the application of professional judgement, there is a difference between the applicant's assessment and the appraisal of the Planning Authority. It is not however considered that the development will have an affect on Residential Visual Amenity based on the assessment provided by the applicant. What follows is a summary of the Planning Authority's consideration of what are considered key viewpoints for the proposals:

8.97 **Viewpoint 1 – Ben Griam Beg** – This viewpoint is located approximately 8.6 km to the nearest wind turbine and is representative of views experienced by receptors of recreational users of the outdoors. It is important to note that views of the development are not experienced solely at the summit but also on the ascent (when one stops to take in their surroundings) and descent of the hill. The journey is an important part of ones experience as recognised by the Ben Grianm and Loch Nan Clar SLA, where a special quality is identified as "accessible solitude". From this area, the entire wind farm will be visible to receptors. While this is not a new area of accessibility, the varied scheme would be more prominent due to its increased scale. It would sit in a separate location from the operational Strathy North scheme and would, due to the effect of perspective, not have an adverse impact on ones perception of scale and distance due to the vastness of the landscape in which the development is sited. The horizontal emphasis of the scheme in ones view appears to be extended due to the increased scale of the turbines, however this could be reduced by a relatively significant proportion through the removal of T35, T36, T39 and T41. While these matters are of concerns subject to the mitigation proposed the visual impacts of the proposal from this location are considered to be acceptable.

8.98 **Viewpoint 5 – Strathy** – This viewpoint is representative of road users on the A836 and some limited residential receptors at a distance of approximately 12.5km to the nearest turbine. The operational Strathy North turbines are also in the view as would the proposed Strathy Wood turbines. Here there is an appreciation of the scale of the strath and the majority of the development would be behind the ridgeline. Compared to the consented development, the amount of each turbine that would be visible would increase with a larger extent of turbine blades now likely to be visible between the Strathy North turbines in the right of ones view. In the left of ones view, the increased extent of turbines visible is more obvious with a greater proportion of hubs of turbines being present. However, the turbines would still appear to be a largely recessive feature when considered against the operational Strathy North turbines, which, while smaller in height (110m to blade tip height), would be in the foreground and as such appear larger. The proposed Strathy Wood turbines (180m to blade tip height) would also appear to be a more dominant feature given their position in the view, appearing predominantly to the front of the proposed varied scheme, more in line with the Strathy North turbines. The proposed design mitigation set out earlier in this report comprising the removal of turbines T35,T36, T39 and T41 would have a more limited impact from this viewpoint given the topographic screening of the turbines but it would remove some stacking and overlapping of blades with both the proposed turbines and the operational turbines. From this location residential and road based receptors would be able to see the aviation lighting in hours of darkness. Following the reduced level of lighting now proposed combined with the design mitigation, while it may appear to flash in certain weather conditions due to the blades passing in front of the lights, the effect of what would appear as one lit turbine is considered acceptable.

8.99 **Viewpoint 6 – Bettyhill Viewpoint** – this viewpoint is representative of views experienced by users of the A836 at a designated viewpoint south of Kirtomy approximately 9.1km from the nearest turbine. No other wind energy development would be in ones view as looking toward the scheme as the Strathy North development would be screened by topography. The Bettyhill Wind Farm would also be visible to the west of the development, but not in the same field of view. The consented scheme would also visible from this location but fewer turbines and a lesser extent of blade length would have been apparent. Given the increased proportion of the development that would be visible for receptors in this location, the horizontal spread of the development would be more apparent and it is considered that there would be benefit in reducing this by the removal of the previously highlighted design mitigation proposed by officers (T35, T36, T39, T41). Of particular concern in this location are T35 and T41 which appear remote from the rest of the development which is somewhat contained by topography. While there is an increase in the scale of turbines it is not considered that this is out of scale with the landscape in which the proposal sits. Subject to the design mitigation proposed, the moderate and significant effect identified by the applicant from this location is considered to be acceptable.

8.100 **Viewpoint 7 – A836 west of the B871** – this viewpoint is representative of views likely to be experienced by road users on the A836 over a stretch of the road where one would be looking directly toward the scheme from the north west. The turbines would be approximately 9.6km from receptors at this viewpoint which is located in a passing place adjacent to the road. The operational Strathy North turbines would

largely be hidden behind the horizon with only tips of turbines visible. The proposed Strathy Wood turbines would also be visible but in a distinctly separate location from the proposed varied development but those turbines would present as large features in the view, albeit at a greater distance. The proposed varied development would largely site between two small rises in the landform which provides a level of visual containment. The turbines in the south west of the development, T35, T36, T39 and T41 would however site as distinctly separate from the rest of the development. Their removal would reduce the horizontal spread of the proposed development which would be of benefit as the increased height of the proposed development makes the whole development more prominent from this location. In hours of darkness, four lit turbines would be visible from this location. As highlighted above, dependant on weather conditions, the light may appear to flash due to the passing of blades between the viewer and the light. The lights would not appear in the context of other development but given the limited nature and likely spread o the lighting it is not considered to have an affect that would be significant. The applicant has however suggested that the lights would be seen in the context of vehicle lights as one moves along the route. It is not considered that this is an appropriate consideration given the location of turbines away from ones view of the road in a location where no other infrastructure exists.

8.101 **Viewpoint 10 – Beinn Ratha** – this viewpoint is representative of the views experienced by recreational users of the outdoors from a prominent local hill at the easterly edge of WLA39. The viewpoint is approximately 16km to the east of the proposed development. From this viewpoint one can experience a 360º panoramic of north Sutherland and Caithness. The development would be seen in the context of the consented wind energy development to both the east and west of the viewer. Depending on ones journey to and from the summit of the hill, the turbines may also be visible on the ascent and descent of the hill if the shoulder of the hill is used as part of the route rather than ascending and descending from the forest tracks within the Limekiln and Sandside estates. The turbines would be backclothed by the mountains of northern Sutherland to the west and would appear as a feature in scale with the vast sweeping moorland landscape in which the development will sit. From here the development would also be seen in the context of the operational Strathy North turbines and the proposed Strathy Wood turbines. From this view the turbines at the northern edge of the development appear to site remote from the remainder of the scheme but overall the development has its own identity and has an appropriate level of separation from the operational development at Strathy North. That gap between the developments allows for the change in scale between the proposed development and the operational development to be accommodated. The cumulative effect with the proposed Strathy Wood Wind Farm is somewhat uncomfortable, as it would appear to bridge and fill the gap between the proposed varied development and the operational Strathy North turbines, introducing a further change in scale. However, the Strathy Wood scheme is still under consideration by the DPEA and has not been supported by The Highland Council. From this viewpoint one would see the cumulative aviation lighting with Strathy Wood wind farm. The individual and cumulative effects of aviation lighting in hours of darkness would have an adverse impact on ones perception of the sense of remoteness and solitude experienced in this part of WLA39. From locations such as this, it would be beneficial for a further reduction to the aviation lighting scheme to be brought forward.

8.102 **VP11 – Forsinard** – this viewpoint is representative of the views experience by road and rail users approximately 11km south east of the site. This is a location where the consented development was barely perceptible. Given that 4 turbines and up to 25 blades would now be visible, this is quite a step change. With that said the development is largely behind the ridgeline and would not be in one's immediate view given the orientation of the road and railway. While there would be benefit in reduction in scale of the turbines to reduce visibility of the scheme from this location, the view is largely fleeting as demonstrated by the ZTV. Further the turbines would unlikely be seen for any length of time by train users due to the railway being in a cutting to the west of Forsinard. It is however considered that there would be greater visibility of the scheme from the RSPB viewing tower.

8.103 The wind farm will be visible from the A836, however this will not be the only wind farm visible from this route. This section of the A836 forms part of the North Coast 500 and National Cycle Network 1. The consented scheme will be most prominent to the north of the development and will be visible intermittently along the route due to the topographical screening provided by the landscape. As set out earlier in the report the reduction in scale of the proposed development through the removal of turbines 35, 36, 39 and 41 would be of benefit in views from the A836 as highlighted in the viewpoint appraisal above. In views from the A836 from the west of the scheme, it would reduce the horizontal extent of the development and from the north, it would improve the composition through the reduction in overlapping blades and stacking of turbines.

8.104 When assessing recreational receptors the focuses on walkers and cyclists utilising National Cycle Network 1 and core paths. Walkers and cyclists are considered to be both high sensitivity as their focus will be on their surroundings and have heightened sense of awareness and slower speed of movement through an area, giving the receptor more time to appreciate their surroundings. It is considered that the assessment of recreational receptors undertaken gives a fair account of the likely effects of the development.

8.105 Overall, the design and setting of the scheme as originally consented has reduced the visual impact on a number of settlements including Strathy and Bettyhill, key routes through the area and key recreational routes and locations from where the vast sweeping moorland landscapes of this part of Sutherland can be experienced. The increase in blade tip height, while substantial, for the most part does not undermine the design rationale for the original scheme. It does however emphasise the horizontal extent of the scheme in some views and in others lead to additional stacking and overlapping of turbine blades. It is however considered that these matters can be substantially overcome by the removal of T35, T36, T39 and T41. While turbines to the north of the scheme remain a concern, this is more in relation to cumulative impact with the proposed Strathy Wood wind farm. The cumulative effect with Strathy North is considered acceptable. The cumulative effect with operational Strathy North and proposed Strathy Wood together is less comfortable given the proposed design and layout of the Strathy Wood development which leads to the gap between the Strathy North and Strathy South schemes being filed and bridged. This does not then allow for separation between the schemes to allow for the change in turbine scales to be accommodated. A key difference between the consented development and the now proposed development is the requirement for

aviation lighting which will extend the impact of the proposed development into hours of darkness. With that said, it is considered that the applicant has done what it reasonably can to mitigate the effects of this and encouragement will be provided to the applicant to further reduce the impacts of aviation lighting in partnership with the CAA.

Noise and Shadow Flicker

8.106 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 noise assessment includes a background noise survey which indicates high background levels both for daytime and night time. The assessment demonstrates that predicted noise levels will comply with the simplified ETSU limit of 35dB LA90 at all noise sensitive receptors cumulatively with Strathy North Wind Farm and the proposed Strathy Wood Wind Farm. Two properties (Dallandwell and Braerathy Lodge) are financially involved and will not be occupied for the lifetime of the wind farm. That being the case, 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.

8.107 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

8.108 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

8.108 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 permission, a condition can be applied to secure suitable mitigation in terms of aviation lighting and notification to the appropriate bodies of the final turbine positions.

Forestry

8.109 The site is currently forested, and the entire forest will require to be felled to accommodate the wind farm. This will be undertaken in a phased manner with areas where construction will take place being felled in the first year of work following commencement of site works and the remainder of the site felled on a phased basis over the next four years. Rather than replant the forest around the turbines, the applicant has proposed to manage the habitat and restore peatland across the site as an alternative to re-planting. Scottish Forestry support this peatland restoration is

in the public interest. This means that no compensatory planting is required and the proposal would accord with the provisions of the Scottish Government's Control of Woodland Removal Policy. A condition will be required to secure details of the peatland restoration programme as part of the Habitat Management Plan.

Other material considerations

8.110 The Peatlands Partnership have been progressing the case for the designation of the Flow Country as a World Heritage site since the late 1990's. The Peatlands Partnership includes the following bodies / organisations:

- Scottish Natural Heritage;
- Highland Council;
- Forestry Commission (Scotland);
- RSPB Scotland;
- Plantlife Scotland;
- The Environmental Research Institute;
- Northern Deer Management Group;
- Flow Country Rivers Trust;
- The Highland Third Sector Interface; and
- Highlands and Islands Enterprise.

It also liaises with local community groups, the Scottish Government's Rural Payments and Inspections Directorate and the North Sutherland Community Forest Trust.

8.111 The reason for seeking designation of the Flow Country as a World Heritage Site relate to the quality and extent of the blanket bog habitat. It is not possible, due to the lack of a formal designation along with supporting qualities / citations, at this stage to assess the potential impacts on any potential World Heritage Site resulting from any current adjacent or proposed developments. Inevitably this means that there is a risk that land use change prior to possible nomination and inscription may compromise areas which might otherwise have been included within the site boundary. However, the impacts on the habitats for which the Flow Country are famed can be minimised through appropriate mitigation.

8.112 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.

8.113 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 the Planning Authority expects all new tracks areas constructed during development of the wind farm to be reinstated to the approximate pre-wind farm condition, unless otherwise agreed with the landowner and/or Highland Council. The material used to construct the tracks to be taken up, removed to areas identified in a site restoration scheme, backfilled with suitable material and covered with topsoil/reseeded. Backfilling of access tracks would be carefully planned in advance to avoid having to move plant machinery and equipment on freshly reinstated land.

8.114 These matters will not be confirmed until the time of the submission of the Decommissioning and Restoration Plan (DRP). The DRP would be submitted to and approved in writing by the 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.

8.115 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.

8.116 The applicant has made an offer to the community for a share in ownership of the scheme. This is in line with current good practice recommended by the Scottish Government. As the scheme has the potential to have an effect beyond the community that it is situated within the provisions of Policy 68 (Community Renewable Development) of the Highland-wide Local Development Plan do not apply.

8.117 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. For this application it would include the financial contribution and the in-kind contribution to upgrade of broadband infrastructure.

8.118 In terms of section 57 of the Town and Country Planning (Scotland) Act 1997 (As Amended), Ministers may on varying a section 36 consent give a direction in respect of planning permission. It is understood that any Section 36 Variation granted would include a varied deemed planning permission. As this is the case, it was considered prudent to review the conditions attached to the consented development to ensure that all relevant matters are addressed. The consented development did not include a noise condition therefore a new condition is recommended to Scottish Ministers as requested by Environmental Health. All other conditions remain appropriate subject to minor modifications to address modifications to the proposed development and consultee requirements.

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

Non-material considerations

8.120 The issues of constraint payments and community benefit are not material planning considerations.

Matters to be secured by Legal Agreement / Upfront Payment

8.121 None. As is standard practice in relation to applications progressed under the Electricity Act, matters related to decommissioning, restoration and roads wear and tear are, in the first instance secured by condition.

9. CONCLUSION

9.1 The Scottish Government gives considerable commitment to renewable energy and encourages planning authorities to support the repowering of wind farms where it can be demonstrated that they are on suitable sites and environmental and other impacts have been shown to be capable of mitigation. The varied project would allow for an additional 75MW contribution toward Scottish Government renewable energy targets for a period of 50 years. This is a significant contribution which can be realised with limited additional impact. It is considered appropriate to support a scheme where additional value in terms of contribution to renewable energy targets, climate change, socio-economic benefits can be gained with limited additional impact.

9.2 The principle of a wind farm has been established in this location. The key consideration therefore is whether the proposed increase in the size of the turbines is deemed acceptable. The effect of the increase in blade tip height is most obvious when considering matters of landscape and visual impact. For the most part the increase in blade tip height is acceptable, including the introduction of aviation lighting which extends the impact of the proposed development into hours are darkness. However, there are some concerns with the way in which the increased blade tip height emphasises design issues with the consented turbines through the horizontal extent of the scheme being more noticeable and stacking and overlapping of turbines in some views being exacerbated. While accepting it is not possible to design a wind farm from all angles, it is considered that the composition of the scheme in those views from the north in particular are important to the acceptability of the development in the landscape. As a result it is proposed that the scheme should be reduced in scale through the removal of turbines 35, 36, 39 and 41. If accepted by Ministers, this will reduce the energy yield of the proposed development by 21.2MW. However, even with this reduction, the increased yield from the development as a result of the proposed variation would be significant.

9.3 The application is supported by the community council's in the area and there is large proportion of support for the development. There are however outstanding matters related to ornithology as highlighted in objections from NatureScot and RSPB. The ornithological impacts of the consented scheme was found to be acceptable by the Scottish Government subject to mitigation being secured by condition. It is however recognised that the impacts of this scheme will be slightly different due to the different

scale of the turbines. This is however a matter for Scottish Ministers to consider in the planning balance. With the exception of ornithology, on all other matters the varied scheme is considered acceptable and the benefit of the increased output is considered to outweigh the adverse effects.

9.4 The Council has determined its response to this application against the policies set out in the Development Plan, principally Policy 67 of the Highland-wide Local Development Plan with its eleven tests which are expanded upon with the Onshore Wind Energy Supplementary Guidance. This policy also reflects policy tests of other policies in the plan, for example Policy 28 and those contained within Scottish Planning Policy. Given the above analysis, the application to increase the blade tip heights of the turbines from 135m to 200m is considered acceptable in terms of the Development Plan, national policy and is acceptable in terms of all other applicable material considerations subject to the removal of turbines 35, 36, 39 and 41.

10. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: If the committee determine that an objection should be raised to the application, the application will be subject to a Public Local Inquiry prior to determination by Scottish Ministers.

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

10.4 Climate Change/Carbon Clever: The proposed development will generate a total of 208MW of renewable energy, reduced to 186.2MW if the proposed mitigation is accepted. Further the application will deliver a comprehensive peatland restoration plan.

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued N

Subject to the above actions, it is recommended to

RAISE NO OBJECTION to the application subject to:

A. The removal of Turbines 35, 36, 39 and 41 and associated infrastructure; and

B. the following conditions and reasons

Conditions to be Attached to Section 36 Consent

1. **Duration of the Consent**

   The consent is for a period from the date of this consent decision letter until the date occurring 50 years after the date of First Commissioning.

   Written confirmation of the Date of First Commissioning shall be provided to the planning authority and Scottish Ministers no later than one calendar month after that date.

   Reason: To define the duration of the consent.

2. **Commencement of Development**

   The Commencement of the Development shall be no later than five years from the date of this consent, or in substitution such other period as the Scottish Ministers may hereafter direct in writing. Written confirmation of the intended date of Commencement of Development shall be provided to the planning authority and Scottish Ministers no later than one calendar month before that date.

   Reason: To ensure that the consent is implemented within a reasonable period.

3. **Non-assignation**

   The Developer shall not be permitted to assign this consent without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignation of the consent or refuse consent to assignation as they may, in their own discretion, see fit. The consent shall not be capable of being assigned, alienated or transferred otherwise than in accordance with the foregoing procedure. The Developer shall notify the planning authority in writing of the name of the assignee, principal named contact and contact details within 14 days of written confirmation from the Scottish Ministers of an assignation having been granted.

   Reason: To safeguard the obligations of the consent if transferred to another company.

4. **Serious Incident Reporting**

   In the event of any breach of health and safety or environmental obligations relating to the Development during the period of this consent, the Developer will provide written notification of the nature and timing of the incident to the Scottish Ministers, including confirmation of remedial measures taken and/ or to be taken to rectify the breach, within 24 hours of the Developer becoming aware of the incident.

   Reason: To keep the Scottish Ministers informed of any such incidents which may be in the public interest.

Conditions Attached to Deemed Planning Permission

1. **Duration of the Consent**

Upon the expiration of a period of 25 years from the Date of First Commissioning, the wind turbines shall be decommissioned and removed from the site, with decommissioning and restoration works undertaken in accordance with the terms of condition 3 of this permission. Written confirmation of the Date of First Commissioning shall be submitted in writing to the planning authority no later than one calendar month after the Date of First Commissioning.

Reason: To define the duration of the consent. The 30 year cessation date allows for a 5 year period to complete decommissioning and site restoration work.

2. **Planning Monitoring Officer**

No development shall commence until the planning authority has approved in writing the terms of appointment of an independent and suitably qualified consultant to assist in the monitoring of compliance with conditions attached to this deemed planning permission during the period from Commencement of Development to the Date of Final Commissioning.

Reason: to enable the Development to be suitably monitored during the construction phase to ensure compliance with the permission issued.

3. **Decommissioning and Restoration Plan**

No development (excluding keyhole felling and 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 NATURESCOT and SEPA.

Thereafter:

i. Not later than 3 years prior to the decommissioning of the Development or the expiration of the section 36 consent (whichever is the earlier), the IDRP shall be reviewed by the Developer to ensure that the IDRP 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 their written approval, in consultation with NATURESCOT and SEPA.

ii. Not later than 12 months prior to the decommissioning of the Development, a detailed Decommissioning and Restoration Plan (DRP), based upon the principles of the approved IDRP, shall be submitted to and approved in writing by the planning authority in consultation with NATURESCOT and SEPA.

Unless otherwise agreed in advance in writing with the planning authority, the IDRP and subsequent DRP shall outline measures for the decommissioning of the Development, restoration and aftercare of the site in accordance with commitments contained in the information lodged in support of the application for this consent and deemed planning permission, prevailing legislative requirements and published best practice prevailing at the time. The IDRP and DRP shall include details about the removal of all elements of the Development, relevant access tracks and all cabling, including where necessary details of (a) justification for retention of any relevant elements of the Development; (b) the treatment of disturbed ground surfaces; (c) management and timing of the works; (d) environmental management provisions; and (e) a traffic management plan to address any traffic impact issues during the decommissioning period. Where infrastructure is removed, provision shall be made for drainage reinstatement to achieve in perpetuity natural drainage patterns consistent with the delivery of the Habitat Management Plan.

The DRP shall be implemented as approved, unless otherwise agreed in writing with the planning authority in consultation with NATURESCOT and SEPA. In the event that the DRP is not approved by the planning authority in advance of the decommissioning of the Development, then unless otherwise agreed in writing by the planning authority, the Interim IDRP shall be implemented in full.

Reason: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

4. **Financial Guarantee**

No development shall commence until a legal agreement is in place securing delivery by the Developer of a financial guarantee in favour of the planning authority to secure the proper decommissioning of the wind farm and site reinstatement as set out within the approved Interim Decommissioning and Restoration Plan (IDRP) required under Condition 3 above.

The agreement shall include:

i. The maximum sum determined by a suitably qualified independent professional as being required to decommission the Development in line with the IDRP. The value of the financial guarantee shall be reviewed by a suitably qualified independent professional at intervals of not less than five years. The financial guarantee shall be increased or decreased to take account of any variation in costs of compliance with restoration and aftercare obligations and best practice prevailing at the time of each review.
ii. Details of the financial guarantee in terms acceptable to the planning authority, which can either be by way of a (i) restoration bond; (ii) letter of credit (or such other suitable financial instrument with a reputable financial institution); (iii) restoration fund, or (iv) any combination of (i) (ii) and (iii) reflecting the maximum sum required to decommission the site in line with the IDRP.

iii. Details of provisions related to continuing liability on assignation of the section 36 consent to another person in accordance with condition 3 attached to the section 36 consent.
iv. Details of procedure in relation to resolution of disputes.

The financial guarantee shall thereafter be maintained in favour of the planning authority until the date of completion of all restoration and aftercare obligations.

Reason: to ensure the necessary finances are secured to guarantee site restoration.

5. **Electricity Supply**

5.1The Developer shall, at all times after the Date of First Commissioning, record information regarding the monthly supply of electricity to the national grid from each turbine within the Development and retain the information for a period of at least 24 months. The information shall be made available to the planning authority within one month of any request by them. In the event that:

i. Any wind turbine installed and commissioned fails to supply electricity on a commercial basis to the grid for a continuous period of 6 months, the wind turbine in question shall be deemed to have ceased to be required. Thereafter, if the planning authority so direct in writing the wind turbine, along with any ancillary equipment, fixtures and fittings not required in connection with retained turbines, shall, within 3 months of the end of the said continuous 6 month period, be dismantled and removed from the site and the surrounding land fully reinstated in accordance with this condition.

ii. The wind farm fails to supply electricity on a commercial basis to the grid from 50% or more of the wind turbines installed and commissioned and for a continuous period of 12 months from the date on which it stopped supplying energy, then the Developer must notify the planning authority in writing immediately. Thereafter, if the planning authority so direct in writing the wind farm shall be decommissioned and the application site reinstated in accordance with this condition.

5.2 Paragraph 5.1(i) and 5.1(ii) shall not apply if such outages are out with the Developer'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 shut downs, reasons for the turbine shut downs and timescales for the outages within 5 working days of the turbines being switched off.

5.3 All decommissioning and reinstatement work required by this condition shall be carried out in accordance with the approved Decommissioning and Restoration Plan (DRP) or, should the DRP not have been approved at that stage, other decommissioning and reinstatement measures, based upon the principles of the Interim Decommissioning and Restoration Plan (IDRP), as may be approved in writing by the planning authority.

Reason: to ensure that any redundant or non-functional wind turbines removed from site, in the interests of safety, amenity and environmental protection.

6. **Wind Turbine Details**

6.1 No development shall commence until full details of the proposed wind turbines have been submitted to and approved in writing by the planning authority. These details shall include:

i. The make, model, design, size, power rating and sound power levels of the turbines to be used. The turbines shall be consistent with the candidate turbine or range assessed in the environmental statement.
ii. The external colour and finish of the turbines to be used (including towers, nacelles and blades) which should be non-reflective pale grey semi-matt.

6.2 Thereafter, development shall progress in accordance with these approved details and, with reference to paragraph ii of condition 6.1 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. All wind turbine blades shall rotate in the same direction.

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

7. **Wind Turbine Transformers**

All of the wind turbine transformers shall be located within the tower of the wind turbine to which they relate.

Reason: to ensure ancillary elements of the Development are only permissible if, following additional design and LVIA work, they are demonstrated to be acceptable in terms of visual, landscape and other environmental impact considerations.

8. **Buildings and Other Facilities**

No development shall commence until full details of the location, layout, external appearance, dimensions and surface materials of all control, sub-station and other buildings, welfare facilities, compounds and parking areas, as well as any fencing, walls, paths and any other ancillary elements of the Development, including any proposed screening, have been submitted to and approved in writing by the planning authority, in consultation with SEPA and NATURESCOT. Thereafter, development shall progress in accordance with the approved details.

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

9. **No Advertisements**

Unless there is a demonstrable regulatory, statutory, health and safety or operational reason, 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 without express consent having been granted by the planning authority.

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

10. **Aviation Lighting and Information**

No development shall commence until a scheme of aviation lighting is submitted to, and approved in writing by the planning authority after consultation with the Ministry of Defence. Thereafter the approved scheme of aviation lighting shall be fully implemented on site, unless otherwise approved in writing by the planning authority in consultation with the Ministry of Defence, the Civil Aviation Authority, Highlands and Islands Airports Limited and NatureScot.

10.2 The Developer shall provide both the Ministry of Defence and the Defence Geographic Centre (AIS Information Centre) with a statement, copied to the planning authority and Highland and Islands Airports Limited, containing the following information:

i. The date of commencement of the Development.
ii. The exact position of the wind turbine towers in latitude and longitude.
iii. A description of all structures over 300 feet high.
iv. The maximum extension height of all construction equipment.
v. The height above ground level of the tallest structure.
vi. Detail of an infra-red aviation lighting scheme as agreed with aviation interests and the planning authority to include:

(a) turbines at the cardinal points should be fitted with 25 candela omni-directional red lighting and infra-red lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point; and

(b) remaining perimeter turbines should be fitted with infra-red lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.

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

11. **Community Liaison Group**

No development shall commence until a community liaison group is established by the Developer, in collaboration with the planning authority and local Community Councils to act as a vehicle for the community to be kept informed of project progress and, in particular, should allow advanced dialogue on the provision of all transport-

related mitigation measures and to keep under review the timing of the delivery of turbine components. This should also ensure that local events and tourist seasons are considered and appropriate measures to co-ordinate deliveries and work with these and any other major projects in the area to ensure no conflict between construction traffic and the increased traffic generated by such events / seasons / developments. The liaison group, or element of any combined liaison group relating to the Development, shall be maintained until the wind farm has been completed and is fully operational.

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

12. **Abnormal Loads**

Prior to commencement of deliveries to site, the proposed route for any abnormal loads on the trunk road / local network must be approved by the relevant roads authority. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved. Abnormal load movements shall thereafter be undertaken in accordance with the approved details.

Reason: to minimise interference and maintain the safety and free flow of traffic on the trunk / local road network as a result of the traffic moving to and from the Development.

13. **Turbine Delivery**

During the delivery period of the wind turbine construction materials any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised traffic management consultant, to be approved by Transport Scotland / the planning authority before delivery commences.

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

14. **Traffic Impact Plan**

No development shall commence until a traffic management plan has been submitted to and approved in writing by the planning authority. The traffic management plan shall include:

a. The routeing of all traffic associated with the Development on the local road network;
b. Measures to ensure that the specified routes are adhered to, including monitoring procedures;
c. Details of all signage and lining arrangements to be put in place;
d. Provisions for emergency vehicle access;
e. Identification of a nominated person to whom any road safety issues can be referred; and

f. A plan for access by vehicles carrying abnormal loads, including the number and timing of deliveries, the length, width and axle configuration of all extraordinary traffic accessing the site.

Where departures are proposed from the approved traffic impact assessment, these must be supported with an agreed pre-construction survey assessment and appropriate mitigation to safeguard the integrity of the local road network including an agreement under Section 96 of the Roads (Scotland) Act 1984.

The approved traffic management plan shall thereafter be implemented in full, unless otherwise agreed in advance in writing with the planning authority.

Reason: to ensure that all construction traffic will have no detrimental effect on the road and structures to be used within the construction of the Development.

15. **Access Management Plan**

15.1 No development shall commence until a detailed Outdoor Access Plan of public access across the site (as existing, during construction and following completion) has been submitted to, and approved in writing by, the planning authority.

15.2 The Outdoor Access Plan shall include details showing:

i. All existing access points, paths, core paths, tracks, rights of way and other routes (whether on land or inland water), and any areas currently outwith or excluded from statutory access rights under Part One of the Land Reform (Scotland) Act 2003, within and adjacent to the application site.
ii. Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or effect on curtilage related to buildings or structures.
iii. All proposed paths, tracks and other alternative routes for use by walkers, riders, cyclists, canoeists, all-abilities users, etc. and any other relevant outdoor access enhancement (including construction specifications, signage, information leaflets, proposals for on-going maintenance etc.).
iv. Any diversion of paths, tracks or other routes (whether on land or inland water), temporary or permanent, proposed as part of the Development (including details of mitigation measures, diversion works, duration and signage).

15.3 The approved Outdoor Access Plan, and any associated works, shall be implemented in full prior to the commencement of development or as otherwise may be agreed within the approved plan.

Reason: In order to safeguard public access during the construction, operation and restoration phases of the Development.

16. **Main Access Route**

No development shall commence unless information on the location, design and construction methodology of passing places on the section of the main access route which is located within the boundary of the Caithness and Sutherland Peatlands Special Area of Conservation has been submitted to and approved in writing by the planning authority in consultation with NATURESCOT. The approved details shall thereafter be implemented in full.

Reason: to ensure the required road related mitigation does not have a significantly adverse impact on the Caithness and Sutherland Peatlands SAC.

17. **Micro-siting**

17.1 Where ground conditions require it, wind turbines, masts, trenches, areas of hard standing and tracks ("Site Infrastructure") within the application site boundary of the Development may, subject to the following restrictions, be 'microsited' by the Developer within the application site boundary of the Development to locations other than the precise locations shown on Figure 1.2 of the approved plans.

17.2 Subject to condition 17.4 any proposed micro-siting of Site Infrastructure is subject to the following restrictions:

i. No wind turbine foundation shall be positioned higher, when measured in metres Above Ordinance Datum (Newlyn), than the height shown on the approved plans.
ii. No Site Infrastructure may be relocated:
(a) More than 50 metres from the position of each relevant item of Site Infrastructure delineated on the approved plans, with the exception of turbines T1, T4, T9, T18, T19, T33, T42, T29, T52, T69 and T72 which may be micro-sited up to 100m to avoid impacts on deep peat;
(b) So as to be located within 250 metres (for turbine/mast foundations) or 150 metres (for hardstanding, tracks or trenches) of ground water dependent terrestrial ecosystems.
(c) To a position within 50 metres of any watercourse or, where it outlines a lesser distance, to a position within a watercourse buffer zone identified within the Environmental Statement and/or the approved plans.
(d) To a position within an area identified within the Environmental Statement and/or the approved plans as having greater adverse effect in relation to the following: gradient constraint; deep peat (that is peat with a depth of 0.5 metres or greater); peat landslide hazard risk or the qualifying features of the Caithness and Sutherland Peatlands SPA/SAC.
iii. No boundaries of roads, access paths and tracks within the boundary of the Caithness and Sutherland Peatlands Special Area of Conservation, may be moved from positions shown on the approved plans.

17.3 All micro-siting permissible under this condition without requiring the approval of the planning authority must be approved in writing and in advance by the Environmental Clerk of Works ("ECoW"). A written record must be kept by the Developer of any such ECoW approval and shall be maintained for a period extending to no less than four years following the Date of First Commissioning.

17.4 Any relocation of Site Infrastructure beyond 50 metres of the position shown on the approved plans shall be submitted to and approved in writing by the planning authority in consultation with NATURESCOT and SEPA. In making such a request for relocation beyond the 50 metres of the position shown on the approved plans under this condition, the Developer must submit the following supporting information:

i. A plan showing the proposed location of the micro-sited item/installation(s) relative to the original location(s) in the approved plans.
ii. Detailed reasoning for the proposed micro-siting of the proposed micro-sited item/installation(s).
iii. An assessment of the landscape and visual impact and any adverse impact on any Wild Land Area of the proposed micro-sited item/installation(s).
iv. Such other information as may be required by the planning authority.

17.5 Prior to the Date of First Commissioning, the Developer must submit updated site plans to the planning authority showing the final position of all Site Infrastructure, buildings, transmission lines, anemometer masts and other constructed items within the application site boundary. These updated plans must identify all instances where micro-siting has taken place from the positions identified in the approved plans and, for each such instance, be accompanied by copies of the written ECoW or planning authority's approval to such micro-siting, as applicable.

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

18. **Construction and Environmental Management Document**

18.1 No development shall commence until a Construction and Environmental Management Document (CEMD) is submitted to and agreed in writing by the planning authority in consultation with NATURESCOT and SEPA. The CEMD shall include but not be limited to:

(a) An updated Schedule of Mitigation (SM) including mitigation proposed in support of the application and supported by statutory agencies and other agreed mitigation as set out within conditions. These may include matters which extend well beyond the construction phase of the project and the application site.
(b) Processes to control/action changes from the SM.
(c) Full details of the approved location, layout, dimensions, surface materials, type and construction methodologies of all internal access tracks within the application site boundary.

(d) The following specific Construction and Environmental Management Plans (CEMPs):

i. Peat Management Plan – to include details of all proposed peat stripping, excavation, storage, reinstatement or restoration of material in accordance with best practice advice published by SEPA and NATURESCOT. This should for example highlight how sensitive peat areas are to be marked out on-site to prevent any vehicle or work practices causing inadvertent damage and should detail measures to minimise peat wastage and maximise peat restoration on site to preserve, maintain and re-establish peatland habitat.
ii. Wetland Ecosystems Survey and Mitigation Plan.
iii. Water Management Plan – highlighting proposed drainage provisions including monitoring/ maintenance regimes, deployment of water-crossings using bottomless culverts, surface water drainage management (SUDs), sizing of watercourse crossings not to result in increased flood risk to people or property and development buffers from watercourses (50 metres), water features (20 metres) and identified groundwater dependent terrestrial ecosystems.
iv. Pollution Prevention Plan.
v. Private Water Supply Protection Plan – including, but not limited to, details of mitigation measures to protect the private water supplies identified in the Environmental Statement entitled 'Strathy South Wind Farm Environmental Statement' volumes 1 to 4 dated June 2007 published by Scottish and Southern Energy plc; drawings or plans showing the location of the private water supplies in relation to the Development and what mitigation is proposed.
vi. Site Waste Management Plan – including, but not limited to, quantification, nature, proposed uses, location of proposed uses and management of all material extracted from forest or other tracks or other infrastructure to be restored during or following the construction phase.
vii. Soil Storage and Management and Spoil Heap Plan – to include plans for the removal, storage, re use and removal of soil and spoil prior to, during and on conclusion of construction.
viii. Working methods for cable laying.
ix. Construction Noise Mitigation Plan.
x. Restored Ground Preservation Plan - to include measures to minimise damage by grazing animals, including deer, to restored and reinstated ground.
xi. Woodland Plan highlighting the extent and type of felling works to be undertaken. This plan should seek to maximise extraction of timber. Management shall be in accordance with best practice as set out in "Management of Forestry Waste" (SEPA Guidance WST-G-027) and joint-agency "Use of trees to facilitate development on afforested land" (SEPA Guidance LUPS-GU27)".
xii. Details of any other methods of monitoring, auditing, reporting and communication of environmental management on site and with the Developer, planning authority and other relevant parties.
xiii. Statement of any additional persons responsible for 'stopping the job /activity' if in actual or potential breach of a mitigation or legislation occurs.

xiv. Details of proposed post-construction restoration/reinstatement of the working areas not required during the operation of the Development, including, construction access tracks, borrow pits, construction compound and other temporary construction areas and, where infrastructure is removed, provision for drainage reinstatement to achieve in perpetuity natural drainage patterns consistent with the delivery of the Habitat Management Plan. Wherever possible reinstatement is to be achieved by the careful use of turfs removed prior to construction works. Details should include all seed mixes to be used for the reinstatement of vegetation.

18.2 In implementing the Peat Management Plan the Developer shall comply in full with "Developments on Peatland: Guidance on the assessment of peat volumes, reuse of excavated peat and the minimisation of waste" published by SEPA and Scottish Renewables (version 1, January 2012) or any amending, substitute or replacement guidance.

18.3 All elements of the CEMD shall be devised and drawn up to co-ordinate and be consistent with the approved Habitat Management Plan.

18.4 Unless otherwise agreed in writing in advance by the planning authority, following consultation with NATURESCOT and SEPA, the Development shall proceed in accordance with the CEMD, CEMPs and SM.

Reason: to ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment; to ensure that all extracted peat is extracted, stored, reinstated or restored in a manner which minimises waste and maximises peat restoration on site and that the mitigation measures contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented.

19. **Ecological Clerk of Works**

19.1 No development shall commence until the planning authority has approved the terms of appointment and the identity of the proposed appointee by and at the cost of the Developer of an independent and suitably qualified ECoW with roles and responsibilities which shall include but not necessarily be limited to:

- Providing training to the Developer and contractors on their responsibilities to ensure that work is carried out in strict accordance with environmental protection requirements required by this deemed consent and by law.
- Monitoring compliance with all environmental and nature conservation mitigation works and working practices approved under this deemed planning permission, the CEMD, all CEMPs, the Pre-Construction Species Survey and Protection Plan and Habitat Management Plan.
- Advising the Developer on adequate protection for environmental and nature conservation interests within, and adjacent to, the application site.
- Liaising with and providing information to the Habitat Management Plan Steering Group (established in accordance with condition 23).

- Consideration of proposals made by the Developer for review of the Habitat Management Plan and reporting to the planning authority and NATURESCOT on such proposals.
- Consideration of all reporting by the Developer required in terms of this deemed consent during construction, including ornithological and vegetation reporting and tree felling and reporting to the planning authority and NATURESCOT on such reporting.
- Directing the placement of Site Infrastructure (including written approval of any micro-siting, as permitted by the terms of this deemed consent) and the avoidance of sensitive features.
- Regularly reporting to the planning authority, NATURESCOT and SEPA on all of the matters falling within his or her roles and responsibilities and making urgent reports to the planning authority, NATURESCOT and SEPA as may from time to time be appropriate.

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

19.3 In the event that for whatever reason a replacement ECoW shall require to be appointed the Developer shall immediately advise the planning authority in writing that such is the case and shall as soon as reasonably practicable advise the planning authority in writing of the identity of the proposed replacement appointee by and at the cost of the Developer of an independent and suitably qualified ECoW and the terms of his or her proposed appointment for the approval of the planning authority.

19.4 Under the terms of his or her appointment, the ECoW shall be given powers to order a stop to any activity on site which in his or her reasonable opinion could lead to an incidence of non-compliance with the environmental and ecological conditions in this deemed planning permission or a breach of environmental law and such activity shall forthwith stop.

19.5 Under the terms of his or her appointment the ECoW is to report all such stoppages to the Developer's nominated construction project manager and the planning authority without delay and the activity shall not re-commence unless and until the ECoW has confirmed in writing that he or she is satisfied that such measures as are required have been taken to ensure that the relevant incidence of non-compliance with the environmental and ecological conditions in this deemed planning permission or a breach of environmental law shall nor re-occur. Any such stoppages which result in a cessation of any construction activity in excess of five working days shall be reported, with full particulars of the works and reasons for stoppage, in writing to the planning authority, NATURESCOT and SEPA within ten working days of the cessation of the relevant works.

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

20. **Pre-Construction Species Survey and Protection Plan and Protected Bird Species, Vegetation and Tree Felling Monitoring, Surveys and Reporting**

20.1 No development shall commence until a Pre-Construction Species Survey and Protection Plan (PCP) is submitted to and approved in writing by the planning authority (in consultation with NATURESCOT) outlining details of pre-construction surveys for legally protected species to be carried out at an appropriate time of year for the species, in the 8 months preceding commencement of construction, and a watching brief to be implemented by the ECoW during construction. The species that should be surveyed for include, but are not limited to, otter, water vole, pine marten and breeding birds. 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.

20.2 The ECoW should be involved in drafting and should approve any species protection plans that are required, using the information from the Environmental Statement and Supporting Environmental Information and such pre-construction surveys.

20.3 The Developer shall ensure that the ECoW shall oversee implementation by the Developer of the species protection plans and any licensing requirements.

20.4 Ornithological monitoring and surveys of all protected bird species identified in the Environmental Statement and Supporting Environmental Information as being present on and around the application site shall be carried out and reported by the Developer to the ECoW and planning authority by the end of each calendar year during the construction phase of the Development.

20.5 During the operational phase of the Development, bird surveys of all protected bird species identified in the Environmental Statement and Supporting Environmental Information as being present on and around the application site or found subsequently shall be carried out by the Developer in accordance with the NATURESCOT post construction ornithological monitoring guidance (SNH, 2009, or any amending, supplementary and/or successor guidance) and will be carried out in Development operational years 1, 3, 5, 10, 15 and 25. The results of all such ornithological monitoring and surveys such shall be reported as soon as practicable in writing by the Developer to the ECoW and the planning authority.

20.6 All mortalities of all protected bird species known or suspected as having been occasioned by collision with any part of the Development infrastructure which are identified by the Developer shall be reported as soon as practicable in writing by the Developer to NATURESCOT and the planning authority.

20.7 Monitoring of sward height shall be carried out by the Developer in the months of July, August or September in operational years 1-5 (inclusive),7 10, 15 and 25 and shall be reported by the Developer to the planning authority and the HMP Steering Group.

20.8 A report detailing the results of the year's sward height monitoring and any recommendations for the sward management of areas of cleared forestry shall be produced by the Developer at the end of each monitoring year, and shall be reported in writing by the Developer to the planning authority and the HMP Steering Group by the 31st December of Development construction years 1 and 2 and operational years 1, 2, 3, 4, 5, 7, 10, 15 and 25.

20.9 All monitoring, surveying and reporting required by this deemed planning permission condition 20 shall be implemented in full by the Developer.

Reason: to ensure that impacts on protected species, vegetation and of tree felling are identified, reported on and in the case of protected species mitigated appropriately.

21. **Archaeology**

21.1 No development shall commence until an Archaeological Programme of Work (APoW) for the evaluation, preservation and recording of any archaeological and historic features affected by the Development, including a timetable for investigation, has been submitted to and agreed in writing by the planning authority.

21.2 The APoW shall provide details of the archaeological evaluation to determine the archaeological baseline of the application site to be undertaken in advance of development; measures to be taken if significant deposits are encountered; and, shall include:

(a) A scheme of investigation containing details of areas where there is potential for archaeological remains, features or deposits to be present; and, methodologies for archaeological monitoring during all site groundworks and site clearance work, including construction of access roads and service arrangements, and in those areas identified where there is potential for archaeological remains, features or deposits to be present. The methodology shall specify how and where topsoil stripping (using a smooth-bladed bucket) shall be monitored and guided by an archaeologist so that any buried archaeological features can be identified, recorded and/or appropriate mitigation put in place to ensure their preservation.
(b) Specification of a programme of post-excavation analysis for all recovered artefacts and ecofacts detailing how the results will be incorporated into a final report to be published.
(c) A project design with details of how the Company will adhere to the minimum standards set out in the Highland Council Standards for Archaeological Work published at http://www.highland.gov.uk/downloads/file/1022/standards_for_archaeological_wok.
(d) Arrangements for providing advance notice of archaeological fieldwork to the planning authority, along with contact names, telephone numbers and arrangements for access.
(e) Arrangements for communications including a schedule for reports to the planning authority by telephone in every week where archaeological fieldwork is undertaken, and details of how the Company will advise the planning

authority immediately after any unexpectedly significant or complex discoveries, or other unexpected occurrences which might significantly affect the archaeological work, with details of how such finds or features will be left in situ until arrangements have been agreed for safeguarding or recording them.

(f) Specification of an archive and report including arrangements for dissemination and publication, all according to the standards set out in the Highland Council Standards for Archaeological Work.

(g) Details of how all work will be undertaken according to the Code of Conduct, Standards and Guidance of the Chartered Institute for Archaeologists.

21.3 The approved APoW required by this deemed planning permission condition 21 shall be implemented in full.

Reason: in order to ensure the protection or recording of archaeological features on the site.

22. **Peat Stability Plan**

22.1 No development shall commence until a Peat Stability Management Plan, developed in consultation with NATURESCOT, has been submitted to and approved in writing by the planning authority. The Peat Stability Management Plan shall draw upon the findings of the Environmental Statement, peat landslide risk assessment, and the findings of any additional ground investigations carried out prior to development commencing.

22.2 The Peat Stability Management Plan shall take due consideration of the mineral and slope stability of the site identified in the peat landslide risk assessment and shall have regard to the drainage implications of soil movement and storage. The Peat Stability Management Plan shall be implemented as approved.

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

23. **Habitat Management Plan**

23.1 No development shall commence until a Habitat Management Plan has been submitted to and approved in writing by the planning authority in consultation with NATURESCOT and SEPA. The Habitat Management Plan shall set out proposed long term management for the wind farm site and shall provide for the management, monitoring and reporting of terrestrial habitats on site. The Habitat Management Plan shall include as an aim targeted sward management to reduce attractiveness of the wind farm site for breeding hen harriers.

23.2 The approved Habitat Management Plan will be reviewed and updated by the Developer to reflect ground condition surveys undertaken during construction and prior to the Date of First Commissioning and shall be submitted to and approved in writing by the planning authority in consultation with NATURESCOT and SEPA prior to the Date of First Commissioning.

23.3 In furtherance of the aim and for the better implementation and review of the Habitat Management Plan a Steering Group (HMP SG) shall be formed prior to the commencement of development. The membership of this HMP SG will include representatives of the Developer, the planning authority and NATURESCOT.

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

23.5 HMP monitoring (excluding sward height monitoring) shall be carried out by the Developer in operational years 1, 5, 10, 15 and 25 and shall be reported to the planning authority and the HMP Steering Group in writing by the Developer.

23.6 The Developer shall submit a monitoring report to the planning authority, NATURESCOT and SEPA on the ongoing implementation of the Habitat Management Plan which will be provided no later than 6 months after the end of each HMP monitoring year. The monitoring report shall present an assessment of the implementation of the Habitat Management Plan, including:

- An assessment of the implementation of the Habitat Management Plan, and any reviewed such plan, in relation to the aims and objectives of the plan.
- The levels, if any, of habitat restoration delivered on site.
- The results of any monitoring and surveys required in compliance with the conditions of this deemed planning permission.

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

23.8 The approved Habitat Management Plan, each approved reviewed Habitat Management Plan and updated mitigation and works to achieve same shall be implemented in full by the Developer.

23.9 In implementing the Habitat Management Plan the Developer shall comply in full with the joint agency guidance "Use of Trees Cleared to Facilitate Development on Afforested Land - Joint Guidance from SEPA, NATURESCOT and Forestry Commission Scotland" LUPS-GU27 version 1 (April 2014) and SEPA waste management regulatory guidance “Management of forestry waste" WST-G-027 version 2 (July 2013) and in both cases any amending, substitute or replacement guidance.

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

24. **Deer Management Plan**

24.1 No development shall commence until a Deer Management Plan has been submitted to and approved in writing by the planning authority in consultation with NATURESCOT. The deer management plan shall set out proposed long term management of deer using the wind farm site to safeguard adjacent areas of the Caithness and Sutherland Peatlands Special Area of Conservation (SAC) and shall provide for the monitoring of deer numbers on the wind farm site and of impacts from deer grazing and trampling on SAC habitat within and adjacent to the wind farm site from the period from commencement of development until the date of completion of restoration.

24.2 The approved deer management plan shall thereafter be implemented in full.

Reason: in the interests of good land management, and the management of deer and to avoid any increase in deer impacts on SAC habitats that might arise from displacement of deer from the wind farm site.

25. **Borrow Pit Working**

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

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

The approved scheme shall thereafter be implemented in full.

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

26. **Noise**

The rating level of noise emissions from the combined effects of the wind turbines comprising the Strathy South wind farm (including the application of any tonal penalty) hereby permitted together with the noise emissions of the wind turbines comprising the Strathy North Wind Farm (including the application of any tonal penalty) and if consented the Strathy Wood Wind Farm (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to these conditions at any dwelling which is lawfully existing or has planning permission at the date of this permission and:

The rating level of noise emissions from the combined effects of the wind turbines (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed 35dB LA90 at any noise sensitive property.

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

(b) No electricity shall be exported until the wind farm operator has submitted to the planning authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the planning authority.

(c) Within 21 days from receipt of a written request from the planning authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the planning authority to assess the level of noise emissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the planning authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the planning authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

(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 the planning authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limits set out in the Tables attached to these conditions or

approved by the planning authority pursuant to paragraph (f) of this condition shall be undertaken at the measurement location approved in writing by the planning authority.

e. Prior to the submission of the independent consultant's assessment of the rating level of noise emissions pursuant to paragraph (g) of this condition, the wind farm operator shall submit to the planning authority 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 emissions.

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 from the planning authority under paragraph (c), 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 emissions shall be undertaken in accordance with the assessment protocol approved in writing by the planning authority and the attached Guidance Notes.

f. Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the planning authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The rating level of noise emissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the planning authority for the complainant's dwelling.

g. The wind farm operator shall provide to the planning authority the independent consultant's assessment of the rating level of noise emissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the planning authority made under paragraph (c) of this condition unless the time limit is extended in writing by the planning authority. All data collected for the purposes of undertaking the compliance measurements shall be made available to the planning authority on the request of the planning authority. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the planning authority with the independent consultant's assessment of the rating level of noise emissions.

h. Where a further assessment of the rating level of noise emissions from the wind farm is required pursuant to Guidance Note 4(c), 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 (d) above unless the time limit has been extended in writing by the planning authority.

Guidance Note 1

(a) Values of the LA90,10 minute noise statistic should be measured at the complainant's property, 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 in accordance with the procedure specified in BS4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

(b) The microphone should 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 Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should 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 Company shall submit for the written approval of the Planning 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 LA90,10 minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.

(d) To enable compliance with the conditions to be evaluated, the Company shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, such as direct measurement at a height of 10 metres, this wind speed, averaged across all operating wind turbines, and corrected to be representative of wind speeds measured at a height of 10m, shall be used as the basis for the analysis. It is this 10 metre height wind speed data, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter.

(e) Data provided to the Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.

(f) A data logging rain gauge shall be installed in the course of the assessment of the levels 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).

Guidance Note 2

(a) The noise measurements shall be made so as to provide not less than 20 valid

data points as defined in Guidance Note 2 (b)

(b) Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (d) of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each **10** minute period concurrent with the measurement periods set out in Guidance Note 1. In specifying such conditions the Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.

(c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90,10 minute noise measurements and corresponding values of the 10- minute 10- metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note **1(d),** shall be plotted on an XY chart with noise level on the Y-axis and the 10- metre height mean wind speed on the Xaxis. 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) should be fitted to the data points and define the wind farm noise level at each integer speed.

Guidance Note 3

(a) Where, in accordance with the approved assessment protocol under paragraph (d) of the noise condition, 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 is to be calculated and applied using the following rating procedure.

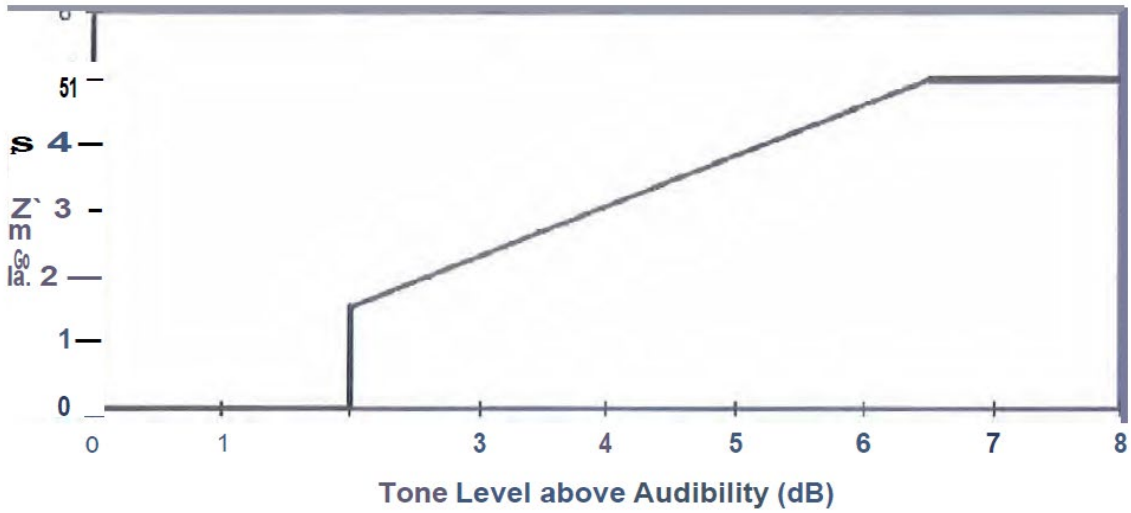
(b) For each 10 minute interval for which LA90,10 minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that 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, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.

(c) For each of the 2 minute samples the tone level above or below 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 used.

(e) A least squares "best fit" linear regression line 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 at 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 Guidance Note 2.

(f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



Guidance Note 4

(a) If a tonal penalty is to be applied in accordance with Guidance 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 Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Planning Authority in its written protocol under paragraph (d) of the noise condition.

(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 Guidance Note 2.

(c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (e) of the noise condition, 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 Company 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:

(e) Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range requested by the Planning Authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise condition.

(f) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

$$= 10 \log[10^{I\text{-}Xg)} - 1\,0^{L}$$

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

(h) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note 3 above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then the development fails to comply with the conditions.

Signature:	Dafydd Jones
Designation:	Acting Head of Development Management
Author:	Simon Hindson
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 - Location Plan (Figure 1.1)
	Plan 2 - Site Layout Plan (Figure 2.1)
	Plan 3 - Typical Turbine Elevations (Figure 2.3)
	Plan 4 - Viewpoints with ZTV(Figure 4.5b)

sse Renewables

Key

Site Boundary

ORKNEY ISLANDS

SCOTLAND

Scale 1:100,000@ A3

0 5 Km

N

Figure 1.1

Site Location

Strathy South Wind Farm
EIAR 2020

sse Renewables

Legend

- Site Boundary
- Turbine

Water Crossing Points
- Water Crossing
- Water Crossing - New
- Water Abstraction Location

LiDAR Optioins
- LiDAR A
- LiDAR B
- LiDAR Track

Access Track
- Cut
- Floating
- Upgrade

Potential Access Details
- Preferred Access Route
- Alternative Access Route
- Common Access Route

Indicative Cable Route Details
- Preferred Indicative Cable Route through Strathy North
- Alternative Indicative Cable Route through Strathy North
- Common Indicative Cable Route through Strathy North
- Existing Yellow Bog Track, Surfacing to be Upgraded and Minor Localised Widening
- Substation Temporary Laydown Area
- Construction Compound
- Site Boundary
- Substation
- Hardstand
- Batching Plant
- Amended Laydown Area
- Borrow Pit

Scale 1:30,000 @ A3

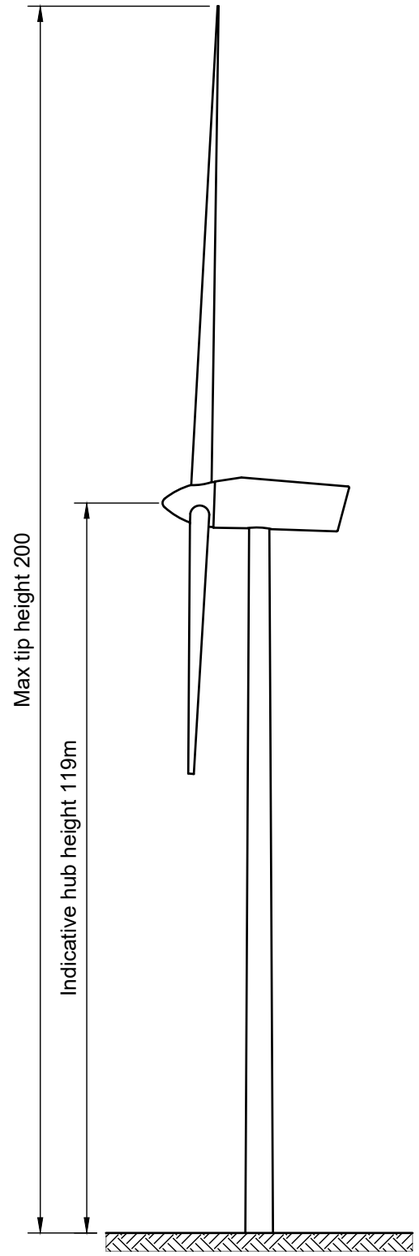
0 0.5 1 Km

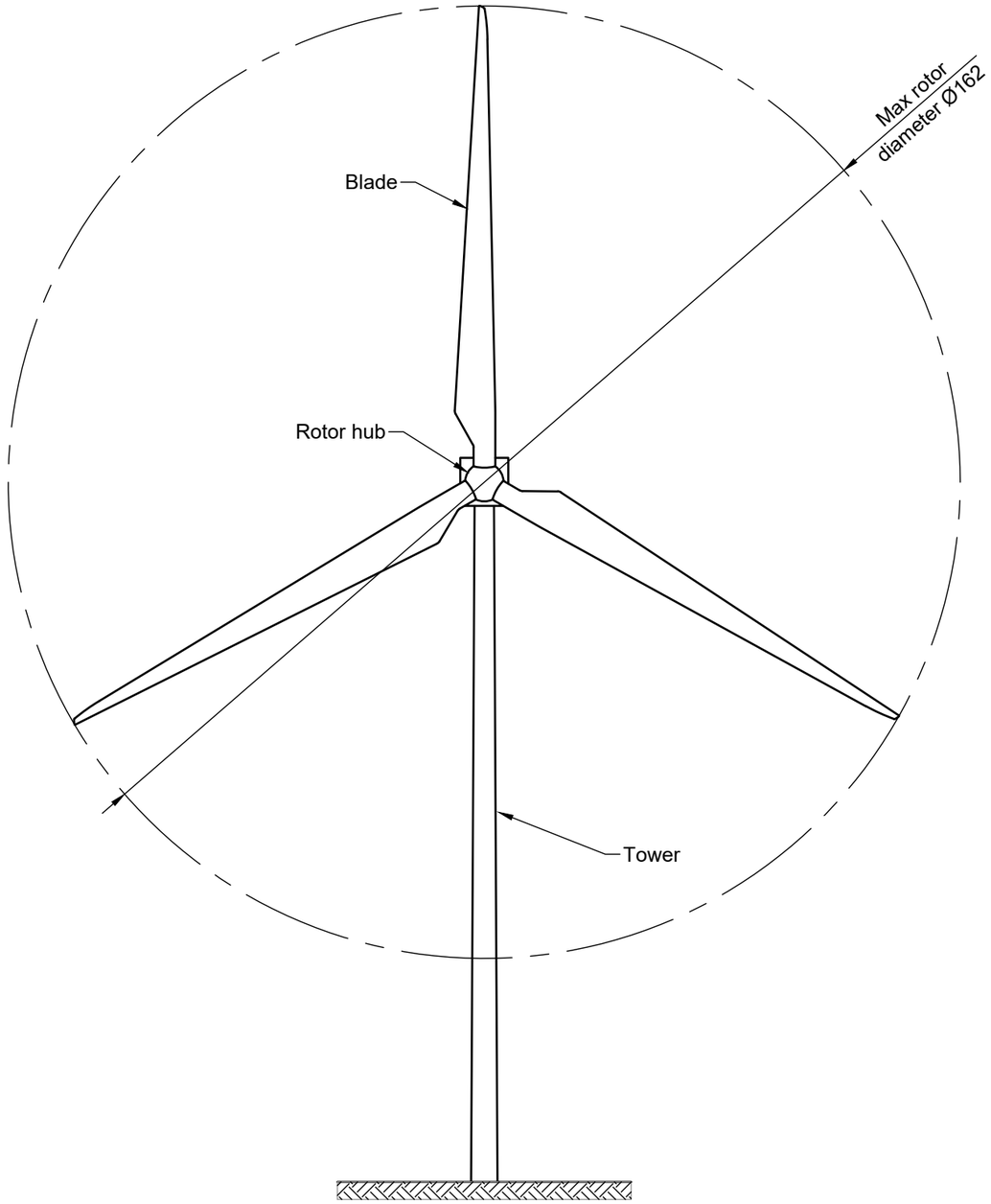
N

Figure 2.1

Proposed Varied Development

Strathy South Wind Farm
EIAR 2020





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Notes

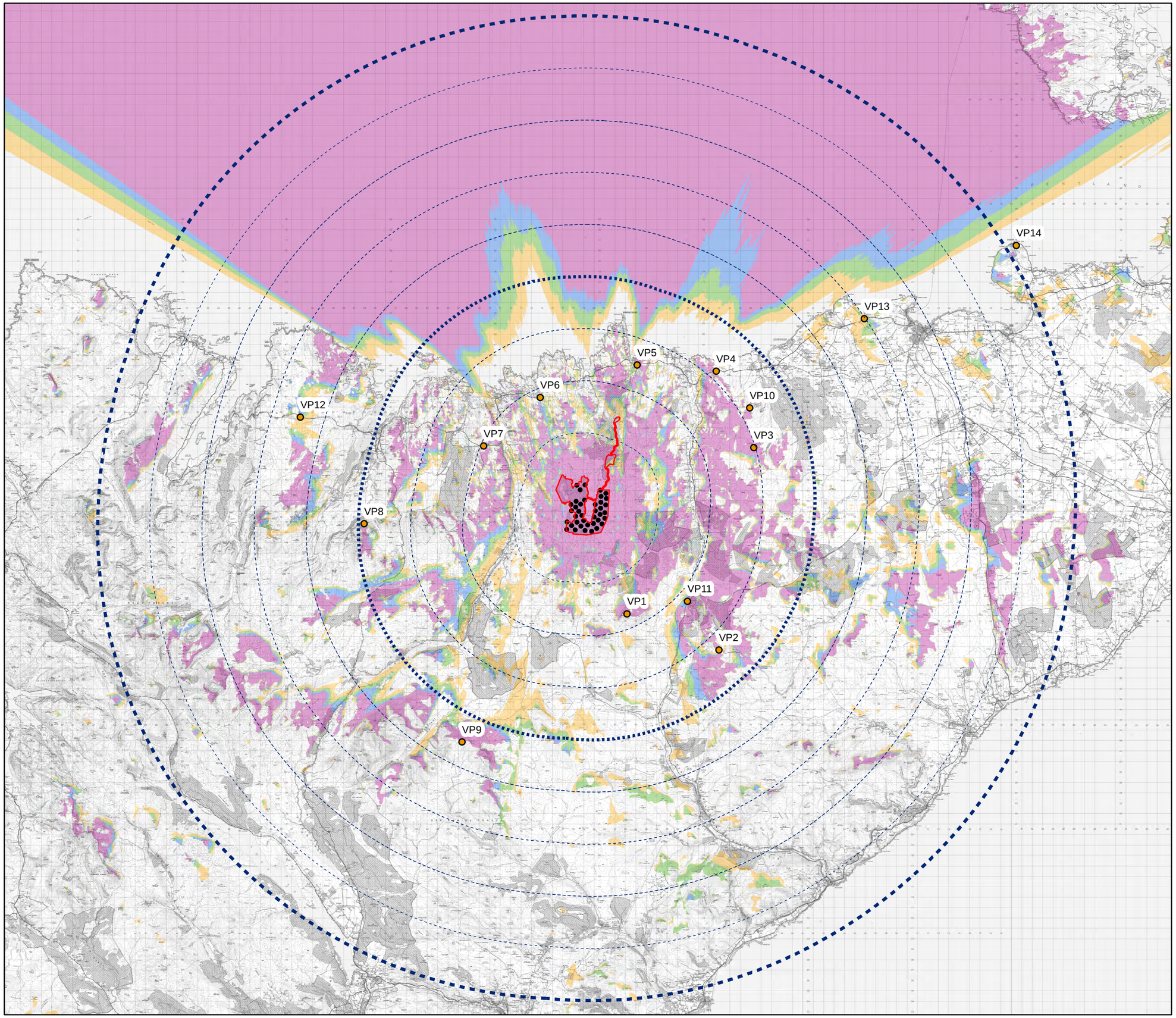
1. All dimensions are in metres

Scale 1:1000 @ A3

0 10 20 30 40 m

Figure 2.3
Typical Turbine Elevation

Strathy South Wind Farm
EIAR 2020



sse Renewables

Key

- Site Boundary
- Turbine
- Viewpoint (VP)
- 45 km Wider Study Area
- 20 km Detailed Study Area
- 5 km Distance Radii

Zone of Theoretical Visibility (ZTV):
Number of Turbines Theoretically Visible

- 1 - 10
- 11 - 20
- 21 - 30
- 31 - 39

Viewpoint Locations

VP1: Ben Griam Beg
VP2: Cnoc Riabhach
VP3: Loch nan Clach Geala
VP4: East of Melvich
VP5: Strathy
VP6: Bettyhill Viewpoint
VP7: A836 west of the B871
VP8: Sgor Chaonasaid
VP9: Creag na h-Iolaire
VP10: Beinn Ratha
VP11: Forsinard
VP12: Moine House
VP13: A836 near Midddleton
VP14: Dunnet Head

Scale 1:350,000@ A3

0 2 4 6 8 10 Km

N

Figure 4.5a

Viewpoints with ZTV

Strathy South Wind Farm
EIAR 2020

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