

Agenda Item	6.8
Report No	PLN/045/21

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 8 June 2021

Report Title: 19/05624/FUL: Slickly Wind Farm Ltd
Land 1650M East of Slickly Croft, Lyth, Wick

Report By: Acting Head of Development Management

Purpose/Executive Summary

Description: Slickly Wind Farm - 11 wind turbines up to 149.9m blade tip height and associated infrastructure

Ward: 03 – Wick and East Caithness

Development category: Major

Reason referred to Committee: Delegated refusal of major development which has been referred to committee by Local Members and five or more objections

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **REFUSE** the application as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The application is for the erection and operation of a wind farm for a period of 30 years, comprising of 11 wind turbines with a maximum blade tip height of 149.9m, access tracks, borrow pits, substation, battery storage, control building, permanent metrological mast and ancillary infrastructure. The proposal has the capacity to generate up to 46.2MW, with the capacity to store up to 3.7MW of electricity through the proposed battery storage facility.
- 1.2 The proposal has been submitted under the Town and Country Planning (Scotland) Act 1997 on the basis that the applicant has sought to operate the wind farm as a standalone consent which would have an electricity output of less than 50MW.
- 1.3 Key elements of the development as assessed within the application's Environmental Impact Assessment Report (EIAR) and Environmental Impact Assessment Report Supplementary Information (EIAR-SI) include:
- Nine wind turbines of 149.9m to blade tip (capable of generating up to 4.2MW each with a hub height of 85m and a rotor diameter of up to 130m) with a rotation speed of between 9.8 and 11 revolutions per minute;
 - Two wind turbines (Turbine 5 and Turbine 10) of 135m to blade tip with a maximum rotor diameter of 126m;
 - turbine transformers (internal or external adjacent to the base of each tower depending upon the final turbine supplier's specification);
 - turbine foundations with associated hard standing areas for cranes of 1,575m² each;
 - new access tracks of a floated construction and upgrades to existing tracks;
 - 16 watercourse crossings, where the new access track crosses a water course;
 - energy storage compound comprising four battery containers, two inverter containers and a high voltage switchgear (with the capacity of this in combination with the turbines not exceeding 49.9MW);
 - underground cabling routed alongside access tracks linking the turbines with the onsite substation;
 - substation compound including control building;
 - a permanent metrological mast of up to 92m in height; and
 - a temporary construction compound measuring 100m x 50m.

No borrow pits are proposed within the application site.

- 1.4 The applicant held a series of ten public exhibitions to seek the views of the local community. These were held in a range of locations around the site between November 2018 and November 2019. The applicant raised awareness of these events by notifying Community Councils, contacting elected members, placing statutory newspaper adverts and distributed posters. In addition, all properties within a 10km radius of the site were sent notifications about the consultation events. The applicant set up a Community Liaison Group in October 2018 to discuss the proposal with local Community Councils.

- 1.5 The site access will be via the C1037 (Upper Gills to Lyth road), with an upgraded site entrance from the public road network to be formed. This route currently provides access to a small number of properties.
- 1.6 The applicant has requested a micro-siting allowance of 50m for site infrastructure, tracks and turbine locations to accommodate unknown ground conditions, whilst also maintaining environmental buffers (e.g. set back from areas of high bat activity and watercourses). 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.
- 1.7 The application is supported by an EIAR and EIAR Supplementary Information which contains chapters on: Alternatives and Design Evolution, Energy and Planning Policy; Landscape and Visual Impacts; Ecology; Ornithology; Geology, Hydrology, Hydrogeology and Peat; Archaeology and Cultural Heritage; Noise; Traffic and Transport; Socio-Economics, Recreation and Tourism and Land Use; Climate Change; Aviation; Forestry; and Other Issues. The application is also accompanied by a Pre-Application Consultation Report, Planning Statement and Design and Access Statement.
- 1.8 The wind farm has an expected operational life of 30 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 15 months with a Construction Environment Management Document to be utilised throughout the construction period. In advance of this a 18 month forestry felling programme would be undertaken. As a result of the felling programme required the applicant has requested a timescale direction under Section 58 of the Act for initiation of development within 5 years.
- 1.10 The applicant did not use the Council's Pre-Application Advice Service prior to submission of the application.
- 1.11 Following validation of the application, the below variations have been made during the course of the application in response to the consultation responses:
- reduction in blade tip height of Turbines 5 and 10 to reduce impact on the Kirkstones Schedule Monument;
 - re-siting of Turbine 11 685m north west to reduce impact on the Kirkstones Schedule Monument;

- introduction of 32 candela low intensity aviation lighting to Turbines 1,4, 5, 8, and 10;
- relocation of the substation to the west of the site to allow more efficient transmission of electricity from the development;
- re-siting of Turbines 1, 2, 4, 5, 7, 9, and 11 to position the turbines in areas of shallower peat;
- re-siting of Turbine 2 away from the watercourse;
- re-siting of the permanent meteorological mast to reduce impact on peat;
- re-alignment of tracks
 - addition of turning head east of Turbine 10;
 - reduced size of bell mouth at site entrance;
 - removal of track between Turbines 5 and 11 due to potential impact on peat;
 - track re-routing for access to Turbine 10 now via Turbines 8 and 9 following recommendation from SEPA; and
 - re-routing of track to access Turbine 8 to avoid areas of deepest peat.

2. SITE DESCRIPTION

- 2.1 The site lies approximately 14km north west of Wick and approximately 18.2km east of Thurso. The site extends to approximately 316 hectares, although the built development will occupy a much smaller area. The turbines will be set on a site which is predominantly coniferous forestry but also comprises sweeping moorland. The highest point on the site is approximately 60m AOD with some parts of the site dropping down to approximately 35m AOD.
- 2.2 The site will likely be accessed from C1037 Lyth to Gills Road. The delivery of abnormal loads is likely to be via Wick Harbour.
- 2.3 The site is not within any areas designated as important for natural heritage. There are however a number of designations within a 20km radius study area. Those with likely connectivity to the site are listed below and notably includes the Caithness and Sutherland Special Protection Area, Special Area of Conservation and Ramsar site which bounds the site to the north and south:

Special Areas of Conservation

- Caithness and Sutherland Peatlands
- Loch of Wester

Special Protection Areas

- Caithness and Sutherland Peatlands
- Caithness Lochs
- North Caithness Cliffs
- East Caithness Cliffs
- Pentland Firth Islands

Ramsar Site

- Caithness and Sutherland Peatlands
- Caithness Lochs

Sites of Special Scientific Interest

- Stroupster Peatlands
- Phillips Main Mire
- Loch Heilen
- Loch of Wester

- 2.4 There are a number of scheduled monuments in the wider area, including the Kirkstones Schedule Monument which overlaps with the south eastern boundary of the site. Further there are a number of listed buildings and archaeological records, identified within the Highland Historic Environment Record, which exist within and in proximity to the site.
- 2.5 The site contains a large number of watercourses, many of which feed into the Back Burn of Slickly. The south eastern area of the site however sits within the catchment area for the Kirk Burn which is located to the south east of the site.
- 2.6 Within the site there are potential Ground Water Dependant Terrestrial Ecosystems (GWDTEs) which are protected under the Water Framework Directive. The Phase 1 Habitat Survey and associated National Vegetation Classification (NVC) survey which accompanies the application identifies that while much of the site is covered in forestry, those areas adjacent to watercourses are groundwater dependant. This includes areas of we modified bog and acid flushes. There are also small areas of swamp and rush pasture within the site.
- 2.7 The bedrock geology underlying the site is classified as Spittal Flagstone Foundation with superficial soils being peat. The site has been identified as Class 5 (Peat Soil with no peatland vegetation) on the NatureScot Carbon and Peatland Map of 2016. Peat probing has been undertaken which has identified typical peat depths of between 0m-4.5m across the site.
- 2.8 A variety of valued habitats are present across the application site. Following completion of a Protect Species Survey, Winter Wildcat Walkover Survey and Bat Survey. In terms of ornithology, the applicant has undertaken a range of surveys and collision risk modelling for the development considering both individual and cumulative effects.
- 2.9 The site area is characterised as Sweeping Moorland and Flows in the Scottish Landscape Character Types Map produced by NatureScot.
- 2.10 The site is not located within any international or regional landscape designations. The site lies in proximity (within 25km) to the following landscape designations:

Garden and Designed Landscape

- Castle of Mey

Special Landscape Areas

- Dunnet Head
- Duncansby Head

- 2.11 The site is not located within, or adjacent to any Wild Land Areas (WLAs), WLA 36 Causeymire – Knockin Flows lies approximately 24km to the south west of the site.
- 2.13 The key recreational interests in this area are mountaineering, walking, cycling, golfing and birding. There are a number of tourist and cycle routes in the area, including the North Coast 500 (A9), the Moray Firth Tourist Route (B9176), and the Sustrans Cycle Route (NCR No.1), as well as other low level walking routes which form part of the Core Path Network.
- 2.13 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:
- Stroupster (adjacent) – 13 turbines, 110m to tip
 - Lochend (4.6km) – 4 turbines, 99.5m to tip
 - Tigh na Muir (8km) – 1 turbine, 34.2m to tip
 - Wathegar 2 (14.2km) – 9 turbines, 100m to tip
 - Bilbster (14.3km) – 3 turbines, 93m to tip
 - Wathegar (14.3km) – 5 turbines, 100m to tip
 - Achairn (14.6km) – 3 turbines, 100m to tip
 - Weydale (17.3km) – 1 turbine, 66m to tip
 - Camster (17.8km) – 6 turbines, 100m to tip
 - Causeymire (21.2km) – 21 turbines, 101m to tip
 - Achlachan (21.3km) – 8 turbines, 115m to tip
 - Bad a Cheo (21.6km) – 13 turbines, 112m to blade tip
 - Burn of Whilk (23.2km) – 9 turbines, 116m to tip

No application stage or scoping stage wind farms were included in the assessment. However, in addition to the above but not included within the applicant's assessment is the recently refused (but subject to appeal) Camster II Wind Farm (17km). Just beyond the study area is the consented Golticlay Wind Farm, Rumster Forest Wind Farm and the recently refused Cairnmore Hill Wind Farm.

3. PLANNING HISTORY

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|-----|---|-------------------------------------|-----------------|
| 3.1 | 17/05585/SCOP - Construct and operate Slickly Wind Farm - the development will consist of up to 11 turbines with a maximum height to blade tip of 135 metres, and a total generating capacity of up to approximately 37.4 MW, Ancillary infrastructure will also be required as part of the development and may include a substation, external transformers, new access tracks and site entrance, temporary construction compound, crane hard standings and a permanent meteorological mast | SCOPING APPLICATION DECISION ISSUED | 2 February 2018 |
|-----|---|-------------------------------------|-----------------|

3.2	19/02691/SCOP - Slickly Wind Farm - 11 turbines with a maximum height to blade tip 149.9 m generating up to 50 mw including a substation, external transformers, new access tracks, site entrance, temporary construction compound, crane hard standings and permanent meteorological mast	SCOPING APPLICATION DECISION ISSUED	31 July 2019
3.3	19/03185/PAN - Wind Farm consisting of up to 11 turbines up to 149.9m to tip height and up to 49.9mw generation capacity	CASE CLOSED	13 September 2019

4. PUBLIC PARTICIPATION

4.1 Advertised: EIA development, Schedule 3 development and Unknown Neighbour
Date Advertised: 17.01.2020 and 24.03.2021 (Edinburgh Gazette and John o' Groats Journal)

Representation deadline: 25.04.2021

Timeous representations: 7 representations (2 Support, 5 Objections, 1 Neutral)

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- Impact on cultural heritage and historic environment;
- Opportunity to deliver traffic free access for walkers and cyclists between Slickly and Stroupster;
- Visual impact (including individual impact, cumulative impact and impact during hours of darkness); Impact on residential amenity;
- Landscape Impact;
- Impact on wildlife;
- Impact on forestry;
- Impact on ornithology;
- Impact on tourism;
- Environmental impact of decommissioning proposal;
- Positive economic benefit;
- Positive contribution toward climate change.

4.3 Non-material considerations raised are summarised as follows:

- Requirement for constraint payments;
- Impact on electricity prices;
- Community benefit.

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

5. CONSULTATIONS

- 5.1 **Castletown Community Council** support the application. It considers that the proposed development will be an economic benefit to local groups and help improve infrastructure.
- 5.2 **Dunnet and Cannisbay Community Council** did not respond to the consultation.
- 5.3 **Sinclair's Bay Community Council** do not object to the application.
- 5.4 **Access Officer** does not object to the application. It notes that the application is adjacent to Stroupster Wind Farm which contains a core path used at a moderate level for recreation and it considers the proposed development will also attract use by recreational users of the outdoors. It requests re-location of turbines 1 and 3 due to the potential over-sail of the track which may deter use of the tracks. It requests a condition to secure a Recreational Access Management Plan.
- 5.4 **Environmental Health** do not object to the application following submission of a revised operational noise assessment. It notes that the development can still meet the recommended limits set out in the EIA report or 2dB above predicted levels whichever is the lower. It does however highlight that in order to do so some turbines may need to operate in reduced power mode in certain infrequent circumstances.
- 5.5 **Flood Risk Management Team** do not object following submission of revisions to the proposal to move turbines outwith a 50m buffer zone of the watercourse. It advises that if the unnamed tributary of the Back Burn is diverted, that the applicant should discuss this with SEPA.
- 5.6 **Landscape Architect** raises a number of concerns related to the effect of the proposal on the sweeping moorland and flows landscape character type, visual impact of the development, particularly in relation to views from Dunnet Head Special Landscape Area, and the impact of the proposal in terms of perception of scale and distance, landscape setting of nearby wind energy developments and distinctiveness of landscape character.
- 5.7 **Transport Planning** do not object to the application. It considers that the local road network has capacity to accommodate the development, but the effect could be significant and mitigation measures will be required following a detailed review of construction routes. In addition, it seeks a condition to secure a Construction Traffic Management Plan (including abnormal loads assessment) and conclusion of a Section 96 agreement under the Roads Scotland Act.
- 5.8 **Highlands and Islands Airports Limited** do not object to the application subject to the provision of 32 candela red aviation warning lights being attached to turbines 1, 4, 5, 8, and 10 given the proposals location within the safeguarding area of Wick Airport.
- 5.9 **Historic Environment Scotland** do not object to the application following the submission of a revised layout for the development which relocated turbines away from the Kirkstones (settlement) Scheduled Monument and reduced turbines in height. It considers that while the developments impact on Kirkstones has been

reduced, it still considers the effect to be significant. Further it considers that the impacts of the revised development have reduced to not significant at Green Hill of Clayton (settlement) Schedule Monument. It considers that the removal of the forestry currently on the site, it would enhance the monuments setting as it would increase the visibility of the uplands exploited by the past inhabitants of the settlement.

- 5.10 **Ministry of Defence (Defence Infrastructure Organisation)** do not object to the application. It explains that the application is located within a low flying area and as such aviation lighting of 25 candela or infra-red lighting will be required. It also requests that the applicant notifies the Ministry of Defence of the final construction details prior to commencement of development.
- 5.11 **National Air Traffic Services (Safeguarding)** do not object to the application. It notes that the proposal does not conflict with its safeguarding criteria.
- 5.12 **NatureScot** do not object subject to the application being carried out in accordance with its recommended mitigation. It considers that without mitigation the proposal would have a likely significant effect on the Caithness and Sutherland SPA. It also considers that while there will be significant effects on the qualifying features of the Caithness and Sutherland Peatlands SAC and Caithness Lochs SPA, it does not consider that the proposal will adversely affect the integrity of the sites. It was not able to provide comment on the landscape and visual impacts of the proposal. It notes that the proposal does not raise landscape issues of national interest in terms of impacts on National Scenic Areas, National Parks, Wild Land Areas or landscape in the wider countryside. It supports SEPA's position on avoidance of areas of deepest peat. It recommends that the need for a Deer Management Plan is considered. It recommends that further consultation is undertaken with NatureScot prior to decommissioning of the site.
- 5.13 **Scottish Environment Protection Agency (SEPA)** do not object to the application following the submission of revisions to the application which located turbines outwith the areas of deepest peat on the site and application of conditions. It seeks conditions to secure: a finalised peat management plan; finalised habitat management plan; finalised details of water course engineering works; provision of a single span bridge on watercourse crossing 13; provision of oversized bottomless culverts on all other watercourse crossings; micrositing restrictions related to 50m watercourse buffers; appropriate micrositing conditions; provision of no onsite borrow pits; schedule of mitigation; decommissioning and restoration;
- 5.14 **Scottish Forestry** do not object to the application. It agrees that the deforested area of the site should be restored to peatland and this would meet with the provisions of the Control of Woodland Removal Policy given it would allow for the enhancement of priority habitats and their connectivity.
- 5.15 **Transport Scotland** does not advise against the application. It requests conditions to secure details of any mitigation measures for any abnormal loads using the trunk road network and provision of any signage or traffic management by quality assured traffic management consultants.

6. DEVELOPMENT PLAN POLICY

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

Highland Wide Local Development Plan 2012 (HwLDP)

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

- 28 - Sustainable Design
- 29 - Design Quality & 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

Caithness and Sutherland Local Development Plan 2018 (CASPLAN)

6.4 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)

- 6.5 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.
- 6.6 The document includes a Spatial Framework, which is in line with Table 1 of SPP. The site sits mainly within an area comprising Group 2 – Areas of significant protection. The Group 2 feature present is Carbon Rich Soil, Deep Peat and Priority Peatland Habitat (CPP). CPP is a nationally important mapped environmental asset that indicates where the resource is likely to be found with a detailed peat assessment being required to guide development away from the most sensitive areas and help inform potential mitigation. The remainder of the site falls within Group 3 - Areas with potential for wind farm development.
- 6.7 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 the CT3 – Sweeping Moorland and Flows of the Caithness study area.

Other Supplementary Guidance

- 6.8 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).

Other Relevant National Guidance and Policy

- 7.5
- National Planning Framework for Scotland 3, NPF3
 - Scottish Energy Strategy (Dec 2017)
 - Historic Environment Policy for Scotland (HEPS, 2019)
 - PAN 1/2011 - Planning and Noise (Mar 2011)
 - Circular 1/2017: Environmental Impact Assessment Regulations (May 2017)
 - PAN 60 – Planning for Natural Heritage (Jan 2008)
 - 2020 Routemap for Renewable Energy (Jun 2011)
 - Onshore Wind Energy (Statement), Scottish Government (Dec 2017)
 - Siting and Designing Wind Farms in the Landscape, SNH (Aug 2017)
 - Wind Farm Developments on Peat Lands, Scottish Government (Jun 2011)
 - Energy Efficient Scotland Route Map, Scottish Government (May 2018)
 - Assessing Impacts on Wild Land Areas, Technical Guidance, NatureScot (Sep 2020)

Highland Wide Local Development Plan 2012 (HwLDP)

8. PLANNING APPRAISAL

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

Determining Issues

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

Planning Considerations

- 8.3 The key considerations in this case are:

- a) Development Plan
- b) Onshore Wind Energy Supplementary Guidance
- c) National Policy
- d) Energy and Economic Benefits
- e) Construction
- f) Roads, Transport and Access
- g) Water, Flood Risk, Drainage and Peat
- h) Natural Heritage (including Ornithology)
- i) Built and Cultural Heritage
- j) Design, Landscape and Visual Impact (including Wild Land Areas)
- k) Noise and Shadow Flicker
- l) Telecommunications
- m) Aviation
- n) Forestry
- o) Other Material Considerations

Development Plan

- 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.

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 site sits within an area comprising Group 2 – Areas of significant protection. The Group 2 feature present is Carbon Rich Soil, Deep Peat and Priority Peatland Habitat (CPP). CPP is a nationally important mapped environmental asset that indicates where the resource is likely to be found with a detailed peat assessment being required to guide development away from the most sensitive areas and help inform potential mitigation. The remainder of the site falls within Group 3 - Areas with potential for wind farm development.
- 8.10 The OSWESG provides strategic considerations that identify sensitivities and potential capacity for wind farm development. These are called Landscape Sensitivity Appraisals (SLAs). The Black Isle, Surrounding Hills and Moray Firth Coast Caithness Sensitivity Study covers the southern area of the site and was published in 2017, forming part of the statutorily adopted OWESG.
- 8.11 The proposal is located within area CT3 North East Caithness, which is a Landscape Character Type of Sweeping Moorland and Flows. The guidance highlights key views as being from Warth Hill and notes that the horizontal form of the landscape allows 360 degree panoramas from any number of locations within the area. It identifies the A99 and A836 as key routes. It advises there is limited scope for larger scale development and no scope for smaller scale development. It sets out that turbines should consolidate or improve the existing layout of Stroupster and avoid cumulative effects by ensuring turbine height and proportions are similar to existing turbines.

- 8.12 Further, the OWESG approach and methodology to the assessment of proposals is applicable and is set out in the OWESG Para 4.16 - 4.17. It provides a methodology for a judgement to be made on the likely impact of a development on assessed “thresholds” in order to assist the application of HwLDP Policy 67. The 10 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 Policy

- 8.13 SPP sets out continued support for onshore wind. It requires planning authorities to progress, as part of the Development Plan process, a spatial framework identifying areas that are most likely to be most appropriate for onshore wind farms as a guide for developers and communities. It also lists likely considerations to be taken into account relative to the scale of the proposal and area characteristics (Para. 169 of SPP).
- 8.14 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.
- 8.15 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.
- 8.16 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.

- 8.17 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.
- 8.18 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.
- 8.19 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.
- 8.20 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.
- 8.21 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.
- 8.22 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.

8.23 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.

8.24 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.

8.25 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.

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 and store up to 49.9MW of electricity, which is the equivalent power for 31,062 homes.
- 8.29 The proposed development anticipates a construction period of 15 months, 30 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 18 month felling scheme which will be required to undertaken prior to construction commencing.
- 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 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. The EIAR explains that based upon their experience of constructing wind farms that there would be an average of 40 staff on site per day during construction equating to a salary of £1.4 million per annum in wages. 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 £61 million based upon assumptions made in the RenewableUK report produced by BiGGAR Economics. It is estimated that £28.7 million of this would be spent in the UK. Of the UK expenditure approximately £18.7 million would be spent in Scotland and £7.3 million of the Scottish total would be spent in Highland. 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 £2.8 million per annum, 42% of which would be spent in the local area. This figure does however include community benefit which is not a material planning consideration. It sets out that there would be regular maintenance of the development which would involve a part-time maintenance engineer and a small number of staff to service the turbines. Exact staff numbers have not been identified in the supporting information. It is however noted that the applicant does not consider the operational effects to be significant but it would contribute toward employment in Scotland.
- 8.34 The scheme will produce renewable energy. The applicant has identified that based upon a 30% capacity factor the proposed development would produce approximately 121,414MW hours of electricity annually. Based upon a fossil fuel mix in the electricity grid, the applicant anticipates that 1,624,514 tonnes of carbon could be displaced by the development. 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 160,913 tonnes of carbon. With that said, it is anticipated that the estimated carbon payback period for the development would be 5.9 years.
- 8.35 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

- 8.36 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, 08.00 – 13.00 on Saturday with no Sunday or Bank Holiday working. The applicant has however requested longer working hours on a Saturday, with the EIA being undertaken on the basis of 07.00-18.00. 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.
- 8.37 The project anticipates the deployment of a Construction Environmental Management Document (CEMD) in association with the successful contractor engaged. This should include a site specific environmental management procedures which can be finalised and agreed through appropriate planning conditions with the Planning Authority and relevant statutory consultees. Such submissions are expected to be “plan based” highlighting the measures being deployed to safeguard specific local environmental resources and not simply re-state best practice manuals. Due to the scale of the development SEPA will control pollution prevention measures relating to surface water run-off via a Controlled Activities Regulations Construction Site Licence.

- 8.38 In addition to the requirement for submission and agreement on a CEMD, the Council will require the applicant to enter into legal agreements and provide financial bonds with regard to its use of the local road network (Wear and Tear Agreement) and final site restoration (Restoration Bond). In this manner the site can be best protected from the impacts of construction and for disturbed ground to be effectively restored post construction and operational phases.
- 8.39 Developers have to comply with reasonable operational practices with regard to construction noise so as not to cause nuisance. Section 60 of the Control of Pollution Act 1974 sets restrictions in terms of hours of operation, plant and equipment used and noise levels etc. and is enforceable via Environmental Health.
- 8.40 The applicant has sought a micro-siting allowance of 100m. Micro-siting is acceptable within reason to address unforeseen onsite constraints, anything in excess of 50m may have a significant effect on the composition of a development. Further if matters are identified during the application stage which require movement of infrastructure, it is considered that this is best addressed during the application stage rather than relying on micro-siting. A micro-siting limit of no more than 50m, should be secured by condition.
- 8.41 Should the development be granted consent, a Community Liaison Group should be set up to ensure that the community council and other stakeholders are kept up to date and consulted before and during the construction period.

Roads, Transport and Access

- 8.42 The applicant has highlighted the expected impact of this development, particularly through the construction phase, with the port of entry likely to be Wick Harbour. The turbines would then travel from the port via either of the following routes:
- Abnormal loads route: A99-Latheron; A9 to A882; A836 to Gills Bay; travel along private access onto the C1037 to the site access; or
 - General Construction Traffic (anticipated to come from the south): A9 to Latheron; A99 to Wick; A99 from Wick to Reiss; B876 to Lyth; C1037 to site access.
- 8.43 An upgraded junction at the site entrance is proposed. It has also been assumed in the applicant's Transport Assessment that the bulk construction materials (stone aggregate and the materials required for the mixing of concrete) will be sourced from offsite quarries. No borrow pits are proposed within the site boundary.
- 8.44 It is anticipated that the maximum monthly vehicle movements (including HGVs) would be 1,361. The applicant's Transport Assessment has found that there would not be potential significant effects as a result of increased HGV movements and but there is the potential for significant effects in relation to pedestrian amenity. Transport Planning consider the effects to be significant but and mitigation measures will be required following a detailed review of construction routes. The applicant proposes a range of mitigation such as restricted movement times when passing particular areas and through towns and 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.

8.45 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.

8.46 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. A representation has requested that the developer provides a path connecting to the core path which runs through Stroupster Wind Farm. It is understood this would need to be delivered over third party land over which the developer does not have control. While the path is aspirational and would have benefit it is not required to mitigate the impacts of the development therefore can not be secured by condition.

Water, Flood Risk, Drainage and Peat

8.47 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.

- 8.48 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.
- 8.49 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.
- 8.50 SEPA support this approach and conditions are sought to secure further details, particularly no excavations closer than 50m from river escarpments, unless a detailed assessment is provided to demonstrate the additional measures and monitoring that will be put in place to reduce the risk of pollution of the river, including as a result of instability, and a micro-siting allowance which avoids deep peat, Ground Water Dependent Terrestrial Ecosystems, watercourses and other sensitivities.
- 8.51 The site infrastructure is not considered to be at risk of flooding. There are 16 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. SEPA have also specified that crossings are 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), Following the redesign, the positioning of the tracks and turbines have generally avoided the most sensitive GWDTEs. 1.9% or approximately 1ha of M25a and M6c mosaics will be lost as a result of the proposed development. However, the applicant has set out that the loss will not have a discernible effect on the integrity of these features or their functionality. The implementation of good construction practices will require to be implemented on site and a GWDTE protection plan brought forward in the Construction Environment Management Document.
- 8.53 The whole site contains peat, the majority of which is to a dept of more than 1m. The scheme as originally submitted attracted an objection from SEPA due to the level of peat that would have been disturbed as a result of the location of the following turbines and their associated infrastructure (tracks and crane hard standings): T1, T2, T4, T5, T7, T9, and T11 as well as the met mast. The originally submitted design required extraction of an estimated 113,118m³ of peat. The revised scheme that relocated the aforementioned turbines and associated

infrastructure requires a significantly reduced amount of peat to be estimated, at an estimated 79,415m³. While reduced this is still a moderate effect and therefore significant adverse effect in EIA terms.

- 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. A condition has been sought by SEPA to ensure that this matter is adequately secured.
- 8.56 There are no known private water supplies in proximity of the proposed development.
- 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, Caithness Lochs SPA and Ramsar, and the Caithness and Sutherland Peatlands Special Area of Conservation (SAC) – this includes the Stroupster Peatlands SSSI. 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. The Caithness Lochs SPA and Ramsar site is designated for non-breeding populations of greenland white-fronted goose; greylag goose; and whooper swans. As there is potential connectivity with these designated sites, the requirements of the Conservation (Natural Habitats, and c.) Regulations 1994 as amended (the "Habitats Regulations") apply. Consequently, the Planning Authority is required to consider the effect of the proposal on these SPAs before it approves any (commonly known as Habitats Regulations Appraisal). If the application is approved the following advice and recommendations would need to be encompassed in a Habitat Regulations Appraisal (including Appropriate Assessment) and concludes

that the proposal would not adversely affect the integrity of these European designated sites, which is consistent with the advice received from NatureScot. This includes that for:

- Caithness and Sutherland Peatlands SPA that there would be a likely significant effect for hen harrier and merlin through collision risk. This however can be mitigated with an effective Habitat Management Plan so the site does not become attractive to nesting birds. There is also a likely significant effect for red-throated diver and golden plover through collision risk, however the risk is low and not expected to be significantly increase post construction. There is likely significant effects through disturbance to breeding hen harrier but this could be mitigated through pre-commencement surveys and appropriate mitigation. If a raptor roost is present NatureScot advise that pre-work surveys should be undertaken for roosting hen harriers and short eared owls are carried out and mitigation in line with current guidance is put in place. Finally if a guyed met mast is utilised on site, bird flight deflectors should be used to reduce the risk of collision. NatureScot conclude that for the above reasons the proposal will not adversely affect the SPAC breeding bird populations either alone or in combination with other proposals;
- Caithness and Sutherland Peatlands SAC that there would be a likely significant effect on otters through disturbance and impacts to water quality, however this could be addressed through pre-construction surveys and appropriate mitigation. It is considered that run-off could also affect peatland habitats but could be mitigation through use of best practice construction techniques, the details of which could be secured through a Construction Environment Management Plan. NatureScot conclude that the proposal is not likely to have a significant affect on the SAC either alone or in combination with other proposals but recommends species protection plans for otters; a buffer zone between the SAC and all construction activity; a 50m buffer to watercourses; and no micro-siting of turbines to within 100m of the SAC boundary.
- Caithness Lochs SPA that there would be likely significant effect for whooper swans and greylag geese through collision risk but the risk is relatively low and as a result would not adversely affect the SPA populations alone or in combination with other proposals.

8.59 RSPB have identified further impacts beyond that of NatureScot through their consultation response. This includes the limitations of the baseline survey data and modelling work which it considers to be render the assessment unreliable; lack of cumulative assessment on qualifying features of the SPA; lack of consideration of cumulative impacts of the development along with tree felling; and the cumulative impacts on hen harrier being to a level it considers would cause an effect on site integrity. In addition it raises concerns with regard impact on peat; carbon impact and lack of collision risk modelling for pink-footed geese. It is considered that a number of these issues are outstanding.

8.60 The EIAR includes an assessment of impact on protected species. This identified limited activity within the site due to the dominance of coniferous plantation across the site. There was evidence of one otter spraint but no evidence of pine marten, badger, red squirrel or wildcats. Limited bats were present during transect surveys

and a range of fish fauna including brown trout, brook lamprey and European Eel were found during survey work. The applicants EIA does not identify any significant adverse effects on ecology species from the construction, operation and decommissioning subject to mitigation which should include protection plans for habitats and species as well as the appointment of an Ecological Clerk of Works. In addition the proposed Habitat Management Plan can maximise the benefits of any mitigation proposed, including the peatland restoration proposals.

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

Built and Cultural Heritage

- 8.62 Scottish Planning Policy (paragraph 145) states, that ‘where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances.’ Further to this Historic Environment Scotland (HES) published the Historic Environment Policy for Scotland (HEPS) in 2019. This includes a series of policies which are supported by the Managing Change guidance series. Of particular relevance for this application is Policy HEP2 which states: “decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations.” And HEP4 that states “changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate. If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.”
- 8.63 In relation to scheduled monuments HES objected to the development as originally submitted due to conflict with the aforementioned policies in HEPS in relation to the Kirkstones, settlement 1650m SSW of Stroupster (Scheduled Monument, Index no. 4636) which is located at the south eastern corner of the application site. This was due to a lack of sufficient mitigation and the overwhelming and dominant nature of three of the turbines (T5, T10 and T11) when viewed from the scheduled monument. As a result it was considered that the turbines would have an adverse impact on the setting of the monument to a point that the integrity would be affected. This impact was considered to raise issues of national interest. It did not consider that the removal of forestry would reduce or avoid the identified impacts on the setting of the monument caused by the turbines. It further disagreed with the finding in the EIA that these measures would lessen the overall level of effect.
- 8.64 Following the HES objection, the applicant entered dialogue with the applicant in relation to the design of the development to reduce the impact on the setting of the monument which was caused by the proposed development. It is considered that this, combined with the response from SEPA were the main drivers for the design changes presented through the SEI. The SEI included the relocation of T11 and the reduction in height of T5 and T10 to 135m to blade tip. T5 was also relocated

slightly but this was to address matters related to peat impact rather than those related to cultural heritage. In responding to the SEI, HES have set out that the relocated T11 would no longer overwhelm and dominate the Kirkstones settlement scheduled monument. It further considers that reduction in height of T5 and T10 helps to reduce the potential adverse impacts on the monuments setting. It now considers that the removal of forestry would increase the visibility of the uplands exploited by the settlements past inhabitants and on balance this is likely to enhance rather than detract from the monument's setting. It therefore concludes that the impact has been reduced to a degree where the integrity of the monument's setting would no longer be diminished to a level where issues of national interest would be raised.

- 8.65 In relation to the Green Hill of Clayton, settlement WSW of Hill of Clayton (Scheduled Monument, Index no.4593), HES considered the originally submitted scheme had significant effects on the setting of the monument but not to a level which raised issues of national interest. It considers that the revised scheme has reduced the effects on this scheduled monument as well. While there will still be effects on both scheduled monuments in proximity to the development, it is considered that, on balance, the affects are acceptable and the position of HES is acknowledged. The other scheduled monuments in the area are more remote from the proposed development and it is not considered that there would be an adverse affect on their setting.
- 8.66 Within the 10km study area there are 33 listed buildings and structures, with many of these situated within Freswick, Barrock and Keiss. Not all of these will be within the zone of theoretical visibility of the development. The applicant's assessment does not identify significant effects on the settings of any of the listed buildings within the study area. Given the location of the development in relation to these buildings, the applicant's assessment is accepted.
- 8.67 The Castle of Mey Garden and Designed Landscape (GDL) sits to the north of the application site. The applicant has set out that the moorland upon which the proposed development sits does not contribute to the setting of the GDL given the sence of enclosure provided by the woodland. While the development will introduce visibility of turbines where it is not currently experienced, it is not considered that the proposed development would have an effect on the integrity of the setting of the GDL by virtue of the limited visibility of the scheme and the intervening distance.
- 8.68 The applicant considers that the site is of negligible archaeological potential and is highly unlikely to contain undiscovered heritage assets due to the presence of forestry on the site. A suitable programme of archaeological works is considered appropriate mitigation to reduce the likelihood of any adverse effects occurring in the vicinity. A condition will however secure an Archaeological Management Plan with mitigation measures required as appropriate.

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

- 8.69 A total of 16 viewpoints across a 35km study area have been assessed with regard to landscape and visual impact. These viewpoints are representative of a range of receptors including recreational users of the outdoors and road routes. The expected bare earth visibility of the development can be appreciated from the ZTV

to Blade Tip with Viewpoint Locations (SEI Figure 3.2 dated 21/01/2021) in the EIA Report. While sufficient information has been provided to enable an assessment, it should be noted that there are some inaccuracies in the wirelines for VP9 (Watten) and some photography has been taken in inappropriate light conditions, this is particularly noticeable in relation to VP13 (Dunnet Head). In number of the photographs the turbines of existing schemes and the proposed turbines appear washed out and are not likely to reflect the light conditions at the time of the photograph.

- 8.70 The methodology for the Landscape and Visual Impact Assessment (LVIA) is sufficiently clear, being generally in accordance with the Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3), with the assessment's methodology being provided at EIAR Appendix 6.1. This methodology has been used to enable the Planning Authority 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. However, clarity was sought from the applicant on how the author has reached conclusions on sensitivity of receptor or magnitude of change. It is good practice in LVIA to see a clear definition of sensitivity of receptor and magnitude of change. Instead the applicant required the reader of the assessment to rely on the high level consideration of magnitude and sensitivity in Technical Appendix 6.1. As a result it was more challenging to determine how the conclusions in the LVIA chapter were reached. With that said, sufficient information was provided to be able to come to a view.
- 8.71 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.
- 8.72 In the assessment of each viewpoint, the applicant has come to a judgement as to whether the effect is significant or not. In assessing visual impacts in particular, it is important to consider that the viewpoint is representative of particular receptors i.e. people who would be at that point and experiencing that view of the landscape not just in that single view but in taking in their entire surroundings.
- 8.73 A key consideration in the effects on receptors of wind energy development is the sequential effect when travelling through and area on the local road network both by individuals who live and work in the area and tourists. Those travelling scenic routes, whether designated as such or not, have a higher sensitivity to views. While a driver of a vehicle is likely to be concentrated on the view immediately in front, passengers have a greater scope for looking at their surroundings. As such it is considered that road users are usually medium or high sensitivity receptors. There is a small inconsistency in approach by the applicant when considering sensitivity of road based receptors but it has not altered the overall conclusion of significance.

Siting and Design

- 8.74 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 scattered around the site entrance. The site is also located relatively close to the existing road network, and would be visible

from a range of angles from this network. The applicant has also identified a potential local grid connection which is anticipated to be an overhead line, albeit that this connection does not form part of the planning application.

- 8.75 The site is on a slight rise in the landscape and is currently forested. The forestry will be removed 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. The site itself is relatively small for a scheme of this scale and constrained by land availability / ownership. It is considered that the proposal has been designed to fit a wind farm onto the site rather than the wind farm being designed to fit the site's location.
- 8.76 There is a lack of clarity over the design rationale for the scheme. It appears that in early consideration of the design for the site, there was a drive toward presenting the application as an extension to Stroupster Wind Farm, which is a scheme comprising 13 wind turbines at a blade tip height of 110m. Following a test of alternative blade tip heights (and associated hub height and rotor diameter changes) the applicant appears to have settled on the largest size tested for reasons of responding to the climate change emergency. This appears to run contrary to the matters highlighted in Table 3.3 of the EIA where smaller turbines were seen to be more in line with the scale of Stroupster despite the turbines being a notable 26m taller. It appears that at this point the applicant considered to bring forward a "step change" in the scale of turbines which it goes on to advise in the Design and Access Statement and the EIA (page 3.9) that the relative dimensions of the chosen scale of turbines would affect the relationship with Stroupster and should not be seen as an extension to Stroupster. However, many references in the visual impact sections of the EIA refer to the proposal in the context of an extension to Stroupster. The number of turbines within the proposed development has remained consistent throughout the design evolution of the scheme. The design evolution has continued throughout the application process to respond to matters raised by SEPA and HES.
- 8.77 The Council published and adopted the Caithness Landscape Sensitivity Appraisal (C-LSA) as part of the Onshore Wind Energy Supplementary Guidance in 2017. This identified the potential for wind energy development in each Landscape Character Area (LCA). This proposal sits within LCA CT3: North East Caithness. This identifies that there are significant constraints to new development as a result of the current extent of operational development in the area. It did however recognise that there is limited scope for larger scale development but it should consolidate or improve the existing layout of Stroupster Wind Farm and avoid cumulative effects by ensuring that turbine heights and proportions are similar to existing schemes.
- 8.78 The C-LSA sets out that the existing Stroupster Wind Farm is wholly within the LCA within a not very extensive area of Sweeping Moorland Flows. In doing so it is considered that Stroupster projects a greater landscape dominance and visual presence. The C-LSA goes on to explain that Stroupster skylines and had an uneven composition in wider views from areas to the south, west and north which heightens the prominence of the development. As a result, it was considered

appropriate for the document to seek that the design of any further development in the area consolidates or improved the existing layout of Stroupster through appropriate siting and design.

- 8.79 This approach is consistent with NatureScot's (then SNH) guidance, Siting and Designing Wind Farms in the Landscape which sets out (paragraph 4.2) that relating further development to a complex pattern of development will be challenging but the focus should be on improving the overall pattern and character of development rather than exacerbating existing conflicts between design. This guidance recognises that similar issues will also be apparent in relation to extensions. In doing so it goes on to set out that extensions should use turbines which are compatible with existing development in terms of scale, form, colour and rotation speed.
- 8.80 In relation to the design guidance set out in the C-LSA, the case officer and the Council's Landscape Architect provided advice to the applicant through the application process. It was highlighted that the key concern with the proposed development is its relationship with the existing wind farms in the area, in particular Stroupster Wind Farm. It was set out that when viewed from a number of locations the proposal does not consolidate or improve the layout of Stroupster Wind Farm as per the guidance in the C-LSA, particularly when viewed from the north which officers consider highly sensitive to development given the current development in the area. Rather it would make the existing developments appear more prominent. At that time it was highlighted that from Viewpoints 11 (Barrock) and 13 (Dunnet Head), the visual impact of the proposed development in combination with the existing schemes in the area would not be acceptable. Advice was also given on how design changes to the scheme through the repositioning and reduction in scale of the development could lead to a more acceptable scheme. The design submitted through the SEI has however focussed predominantly on resolving the concerns with regard to matters raised by SEPA and HES, not those areas of concern related to landscape and visual impact. This is disappointing.
- 8.81 The applicant has highlighted that they designed the scheme based on the four closest viewpoints to the site which provided a range of viewing directions. Therefore, it is assumed that the applicant considers that the design of the scheme would be best demonstrated from VP3 (Nybster Water Tower); VP4 (Warth Hill); VP6 (Brabster); and VP8 (Lyth).
- 8.82 It is accepted that the design of the wind farm has had to balance landscape character and visual amenity; environmental constraints; topography and ground conditions; and technological and operational requirements. The applicant has explained for each viewpoint how the design has sought to address the receptor(s) at the viewpoint. However, it is not considered that the development has been appropriately designed to address the constraints of the area as a result of existing development. As set out in the C-LSA, it is considered that there is scope for some limited development in this area but the scale and design of the wind farm would need to more appropriately reflect the matters highlighted in the C-LSA.

Landscape Impact

- 8.83 As highlighted above the development sits wholly within the CT3 Landscape Character Area. The site area is characterised as Sweeping Moorland and Flows in the Scottish Landscape Character Types Map produced by NatureScot. The area is characterised by gently undulating landforms with moorland and conifer forests. The applicant has set out that it considers that within 3km of the site there would be a major (significant) effect on landscape character, reducing to moderate (significant) effects when reaching distances of 5km. It considers that careful siting and design has led to the scheme being perceived as a compact, seamless layout perpendicular to Stroupster Wind Farm meaning that the combined schemes would be seen as a co-ordinated whole from the surrounding area. It considers that this would limit effects on landscape character.
- 8.84 Contrary to this view, the Council's Landscape Architect considers that while being a sweeping moorland and flows LCT, it is distinct from most landscapes of this type in Caithness and Sutherland by being very limited in extent. It notes that the LCA is centred on the rising ground and has a perimeter which demonstrates how improvement of the ground for agriculture has eaten away at the wilder moorlands in this part of Caithness. It considers that the distinctive character for this area is not only the moorland, but its relationship to the improved agricultural ground which surrounds it. As a result, it is considered that the proposed development may isolate the sweeping moorland and flows it further from the more expansive sweeps of this landscape type to the south. This is likely to contribute to a change in landscape character in this area and has the potential to weaken the sense of a wilder landscape at the edges of the LCT by the development eroding the landscape character at the centre of the LCT. This is directly related to Criterion 10 of the Onshore Wind Energy Supplementary Guidance which seeks that developments achieve a threshold where distinctiveness of landscape character is respected. In addition concerns are raised in relation to the impact of landscape setting of nearby wind energy developments by virtue of the increased level of development in this constrained LCA disrupting the balance between wind energy development and the landscape. The remaining impacts identified on other LCTs are not disputed.
- 8.85 The applicant has assessed the impact of the proposal on the special qualities of the Special Landscape Areas (SLA) in proximity of the site. In relation to the effect on Duncansby Head SLA the assessment of the applicant is broadly agreed. With respect to the assessment of the Dunnet Head SLA it is considered that the applicant has underplayed the effects.
- 8.86 The applicant has recognised that there will be significant visual effects from Dunnet Head itself, which is a popular viewpoint with tourists. It considers the proposed developments position between Stroupster and Lochend wind farms creates a positive feature through the proposed development linking the existing developments and would reflect the existing pattern of development. However, while recognising the SLA is primarily focused on the headland itself and Dunnet Bay, the special qualities also include "Panoramic Views from Prominent Headland and Striking Cliffs" which includes the expansive views obtained, from the cliff tops and from elevated positions, extending across the sea to Duncansby Head and inland to the peaks of Caithness including Morvern, Maiden Pap and Scaraben. It

continues on that “These views looking across flat terrain or a low seaward horizon, are so expansive that they can prompt strong emotional responses, including evoking an ‘edge of the world’ feeling.” It is considered that the special quality is undermined by further development, of turbines of increasing height, in the sweep of view between Duncansby Head and the peaks of Caithness. There is the potential for the perception of scale and distance in the views of and to the cliffs to the south to be diminished. It is noted that these these cliffs are outwith the designated area, however the visual receptor’s perception of their scale will be inextricably linked to their perception of scale of the cliffs of Dunnet Head itself.

- 8.87 There are no other designated landscapes at a local or national level which would be adversely affected as a result of the proposed development.

Wild Land

- 8.88 No element of the proposed development is within a wild land area. The development will however be theoretically visible from two wild land areas: WLA 36 – Causeymire – Knockin Flows (24km south-west); and WLA39 – East Halladale Flows (30km west-south-west). As it is not within a Wild Land Area it is considered that SPP Para 215 does not apply, but the general test considering the effects on wild land as set out in SPP Para 169 and reflected in HwLDP Policy 67 and the OWESG. While NatureScot sought a Wild Land Assessment at the EIA Scoping stage, the applicant has set out that it deemed it unnecessary as a result of intervening distance. NatureScot have not commented on this matter in their response to the application. Having considered the qualities of WLA36 and WLA39, it is considered that the proposed development is sufficiently remote as to not have an adverse impact on qualities of either wild land area.

Visual Impact

- 8.89 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 theoretically be visible from the majority of Caithness given the limited topographic screening in the area. When comparing the theoretical visibility of the proposed scheme with the existing schemes in the area, there a limited areas, around Mey for example, where the proposed development would introduce visibility of large scale wind energy development where it could not be seen at present.
- 8.90 The ZTV does not however demonstrate how the increase in number of turbines visible when compared with the consented schemes nor does it demonstrate the proportion of the turbines visible. This extension of theoretical visibility is limited, albeit it is recognised that this area is well occupied, is readily accessible due to a comprehensive local road network and is frequented by tourists utilising the North Coast 500.
- 8.91 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. The information in Appendix 2 and 3, combined with matters set out earlier in this report, explain the difference between the outcomes of the assessments.

- 8.92 The visual receptors for the development have been assessed in the EIAR. The applicant has undertaken a detailed visual impact assessment at each of the 16 viewpoints, focussing on the effect on the receptors at the viewpoint. The EIAR states that receptors at 10 of the 16 viewpoints would have the potential to be significantly affected by the proposed development. These viewpoints range in their proximity to the site and in most cases a new element is 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.
- 8.93 It is considered that overall, the visual impact assessment is a fair representation of the impacts of the proposal. However, it is unusual for so many visual receptors to be assessed as being significantly adversely affected. Further, it is somewhat surprising and disappointing that rather than taking into consideration and responding to the concerns related to visual impact raised by Council Officers when these were raised, the applicant focussed on the matters raised by other consultees. As a result, the applicant's landscape architect has identified that the changes to the scheme presented through the SEI have had a negative impact on the visual impact of the scheme from a number of locations. That said there have also been some improvements. The Council's appraisal of the proposal in relation to visual impact broadly accords with that of the applicant, with some limited areas of disagreement due to the way in which the applicant has attributed weight to the sensitivity of the receptor or in some instances the magnitude of change. A summary of the applicant's assessment and the Council Officer's appraisal of the assessment which highlights the differences and any concerns with regard to visual impact can be found in Appendix 2 of this report.
- 8.94 The principal visual impacts are as a result of the scale and design of the proposed development as it relates to the existing wind energy development in the area, in particular Stroupster Wind Farm and to a lesser extent Lochend Wind Farm.
- 8.95 Views toward the development from the north of the scheme are of particular concern. At VP13 (Dunnet Head) the proposed development appears to fill the gap between the existing developments of Stroupster and Lochend. In doing so the development brings a greater prominence to the existing developments due to the scale (both vertical and horizontal) of Slickly likely to drawing the eye to the cluster of development. The design differences between the proposed and existing schemes, which includes a level of stacking of wind turbines, would be considered to exacerbate this issue. Further the filling of that gap in existing development would have an adverse impact on the sweeping inland panoramic as experienced from Dunnet Head and highlighted in paragraph 8.86 above.
- 8.96 Similarly, at VP11 (Barrock) residential receptors would see the proposal as one which links Stroupster and Lochend, with the difference in scale of the developments being discernible. However, from this area, turbines will not present in a way which allows a clear association with either Lochend or Stroupster wind farms with each wind farm appearing in slightly different folds and elevations within

the landscape. The potentially more compact horizontal nature of the development is undermined by the way in which the scheme falls into two distinct groups. It is however recognised that the revised scheme presented through the SEI is an improvement to the originally presented scheme from this viewpoint, however the development would still fail to consolidate or improve perception of the Stroupster layout. A similar view is experience from the south at VP1 (Castle Sinclair).

- 8.97 With regard to views from the east and west toward the scheme, the horizontal extend of the scheme as it presents as an extension to Stroupster Wind Farm is of concern. This is demonstrated by a number of viewpoints including VP4 (Warth Hill), VP6 (Brabster), and VP8 (Lyth). In views such as these, while the development presents as an extension to Stroupster, it is an extension that is out of scale by virtue of its height and horizontal spread. In doing so it neither consolidates nor improves the layout of Stroupster which is a started aim of the C-LSA. Instead, the proposed turbines tend to increase the visual complexity of wind energy development in the area through overlapping blades and stacking of turbines. In these views from the east and west a reduction in horizontal spread by removal or relocation of a number of turbines would be considered to make a more compact scheme which has the potential to meet the aims of the C-LSA. It is however understood that this may have effects on other site constraints, and the economic viability of a scheme.
- 8.98 The development is surrounded by a number of dispersed settlements. The applicant has assessed the impact on views from each of these settlements. The applicant considers that the impact on the settlements of Keiss and Lyth to be moderate and significant. This is considered reasonable given the extent of likely visibility from properties as a result of the orientation of said properties. However, people do not just look out from their properties, they also use the garden ground and travel around the settlements as part of their daily lives and as a result may experience a range of visual effects from the proposed development. Through the modifications made to address concerns with regard to impacts on peat and cultural heritage, the most noticeable deterioration of visual impact through the design changes would be in Keiss as the turbines would now overlap and stack significantly providing a complex visual image for receptors in the settlement.
- 8.99 For the settlements of Nybster, Freswick, Skirza, Bower and Halcro the applicant has considered the effect on visual amenity to be minor (not significant). This is as a result of the current visibility and proximity of Stroupster. It is considered that given the likely increase in number and scale of turbines visible, that this would be more appropriately considered as a moderate effect, albeit still not significant.
- 8.100 In relation to sequential views along the road network, it is considered that the applicant's assessment of the route is a fair representation of the likely effects. It recognises that on the A99 between Warth Hill and Nybster would be a moderate effect and signficiant due to the proximity of the development to the road users. This is considered appropriate, as to are the minor to negligible effects on the remainder of the A99. In relation to the A836, the applicant identifies minor effects while recognising that the development will be seen more intermittently due to the changing levels of the road. This is accepted. It is however noted that both of these routes are heavily used by tourists given their inclusion on the NC500 route.

- 8.101 In terms of the more local routes, the applicant appears to have down played the effects on receptors as they are more likely to be local people. These people are likely to be more sensitive to change in the landscape in which they call home than those who would be frequenting the area for work. While these routes are less busy, those that live in the area may have chosen to do so because of the type of landscape and appreciation of the big skies and panoramic views in the area.
- 8.102 The applicant has assessed impacts on recreational routes. National Cycle Network (NCN) 1 runs through the area along the A836 and utilising the minor local roads. The assessment recognises the intervening topography and screening of the development by forestry. The forestry however is not in the applicant's control and may be removed which would open up views toward the development. Where the turbines can be seen, they will appear as a more dominant feature than existing operational wind energy developments. However, it is not considered that the development would overwhelm or significantly detract from the visual appeal of the route.
- 8.103 In relation to impact on users of the core path at Stroupster Wind Farm, the applicant has assessed the visual effect as not significant. While the turbines will become more prominent when walking toward the scheme, they will be seen in the context of the existing Stroupster Wind Farm and as a result it is not considered that the magnitude of change is at a level which would lead to a significant adverse effect.
- 8.104 The applicant has not identified any significant adverse cumulative effects with wind farms other than Lochend and Stroupster. This is not disputed.
- 8.105 Highlands and Islands Airports Limited and the Ministry of Defence have requested that 32 candela aviation lighting is fixed to a number of the turbines within the development. As a result, the applicant undertook an assessment of impact of the aviation lighting. Generally, the assessment found no adverse effects. It should however be noted that the aviation lighting would extend the effects of the development into hours of darkness. In some instances the aviation lighting would be seen in the context of lighting from settlements but in others, it would appear against dark skies. Depending on the orientation of blades related to wind direction and the position of the viewer, the lights may appear to flash as the blades pass in front of the lights. This can lead to a confusing image. The lighting is however likely to be limited and any adverse effects are most likely to be noticed in relatively close proximity to the development. The effect on aviation lighting has been considered at each viewpoint and is set out in Appendix 2 to this report taking into consideration the assessment by the applicant.
- 8.106 The proposed development is considered to have an adverse landscape effect in terms of effects on the sweeping moorland and flows LCT and on the special qualities of the Dunnet Head SLA. Further it is considered that the scale, siting and design of the scheme will have a significant adverse visual impact on road users, residents and recreational users of the outdoors. These effects are as a result of the poor relationship with the existing development within the area. While some limited improvements have been made to the layout when responding to

other constraints on the development, it is considered that these are insufficient and the aim of large scale turbine development for this area, to consolidate or improve the layout of Stroupster, has not been met.

Noise and Shadow Flicker

8.107 The applicant has carried out a noise assessment which has identified significant effects from operational noise at one property, Slickly Croft, which is located close to the site entrance. The applicant's assessment also takes into consideration the cumulative noise impacts of Stroupster Wind Farm. At the remaining three properties assessed, it is not anticipated that the noise from the wind farm would breach what would be a recommended noise level. To mitigate the impact to allow the proposal to comply with recommended noise levels the turbines will be required to operate at a reduced power mode at wind speeds of 6ms^{-1} and 7ms^{-1} . When turbines are operated in this mode, it is anticipated that the development will be able to operate within the confines of a simplified ETSU limit of 35dB LA90 or 2dB above baseline at all receptors. Given the existence of other wind farm development in the surrounding area, it is considered appropriate to seek a cumulative noise mitigation and management scheme if an issue arises. By taking this approach, the Planning Authority will retain effective control over the potential noise impacts and have a suitable avenue for investigation should any noise complaints arise from the development.

8.108 In terms of shadow flicker, the applicant has identified that one property, Slickly Croft, is within 11 rotor diameters of the turbines and will therefore experience shadow flicker. It is recommended that shadow flicker should not exceed 30 minutes per day or 30 hours in a year. The originally submitted scheme would have led to theoretical shadow flicker for a maximum of 22 hours at Slickly Croft. Taking into account likely weather conditions based on historic trends, this would equate to a maximum of 7.04 hours of shadow flicker at the property. However as a result of the changed to the proposed development, T4 has moved closer to the property. This has increased theoretical shadow flicker to a maximum of 27 hours at Slickly Croft, which taking into consideration likely weather conditions equates to 8.64 hours. This is below the recommended level. However, as committed to by the applicant in the EIAR, a scheme for the monitoring and mitigation of effects of shadow flicker will be required to address the potential effects of the scheme. This can be secured by condition if planning permission is granted.

Telecommunications

8.109 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

8.110 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

- 8.111 The site is currently forested, and the entire forest will require to be felled to accommodate the wind farm. The forestry was planted in 1986 with additions in 1990 as a mix of Sitka Spruce and Lodgepole Pine. The total site area is 332ha and 183ha of the site is currently forested. 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

- 8.112 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 The applicant has shown the potential for a battery storage facility within the development. This is welcomed as it facilitates the management of the grid in times of high land low demand. The details of any battery storage facility, likely to comprise of battery storage containers, cooling systems and switchgear, can be secured by condition.
- 8.119 There are no other relevant material factors highlighted within representations for consideration of this application.

Matters to be Secured by Legal Agreement

- 8.119 An assessment of the condition of the roads, pre and post construction will be required. This will inform the production of a roads wear and tear agreement under Section 96 of the Roads (Scotland) Act. This type of agreement can be secured by condition.

Non-material considerations

- 8.120 The issues of constraint payments, impact on electricity prices of renewable energy development and community benefit are not material planning considerations.

9. CONCLUSION

- 9.1 The Scottish Government gives considerable commitment to renewable energy and encourages planning authorities to support the development of wind farms where they can operate successfully and situated in appropriate locations. The project has the potential to contribute to combating the climate emergency through an additional 49.9MW of renewable energy capacity towards Scottish Government

targets and through peatland restoration. However, as with all applications, the benefits of the proposal must be weighed against potential drawbacks and then considered in the round, taking account of the relevant policies of the Development Plan.

- 9.2 It is considered that there is capacity in the general area for further wind energy development. However as noted in the report, the location and scale of the proposed development has a number of significant adverse effects, as recognised by the applicant themselves in their assessment of the scheme, as a result of the design of the wind farm which sits in an area with complex composition as a result of the existing wind energy developments. These significant effects, while framed in a range of matters, are focused on visual impact and impact on the distinctiveness of landscape character in the area where the proposal has the potential to overwhelm the landscape character area and have an adverse impact on a special quality of the Dunnet Head Special Landscape Area. As discussed in this report, this leads to significantly detrimental visual effects when viewed by residents, road users and recreational users of the outdoors. The Caithness Landscape Sensitivity Appraisal is clear that large scale turbine proposals in this area should consolidate or improve the layout of Stroupster Wind Farm. The scale, layout and design of this development does not meet this aim.
- 9.3 The Highland Council has determined this application against the policies set out in the Development Plan, principally Policy 67 (Renewable Energy), Policy 61 (Landscape) and Policy 57 (Natural, Built and Cultural Heritage) of the Highland-wide Local Development Plan and the associated Onshore Wind Energy Supplementary Guidance which includes the Caithness Landscape Sensitivity Appraisal. Policy 67 also reflects policy tests of other policies in the plan, for example Policy 28 (Sustainable Design). This policy also draws in the range of subject specific policies as also contained within the HwLDP as listed in section 6.2 above. Given the above analysis the application would not accord with the Development Plan.
- 9.4 Scottish Planning Policy aims to achieve the right development in the right place. It is considered that the site is suitable for an appropriately designed and scale windfarm, but not any large scale windfarm. the adverse visual impacts significantly outweigh the benefits as they relate to production of renewable energy, economic benefits and climate change.
- 9.5 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable.
- 10.2 Legal: Not applicable.
- 10.3 Community (Equality, Poverty and Rural): Not applicable.

10.4 Climate Change/Carbon Clever: If approved the proposed development has the potential to produce renewable energy and make a meaningful contribution to a net zero electricity network.

10.5 Risk: Not applicable.

10.6 Gaelic: Not applicable.

11. RECOMMENDATION

Action required before decision N issued

Subject to the above, it is recommended that planning permission be **REFUSED**, for the following reason:

1. The application is contrary to Policy 67 (Renewable Energy) of the Highland wide Local Development Plan, the associated Onshore Wind Energy Supplementary Guidance and Scottish Planning Policy as the development would have a significantly detrimental visual impact, both individually and cumulatively with existing onshore wind energy development, particularly as viewed by travellers, including tourists, residents, and recreational users of the outdoors in the wider vicinity of the site but particularly to the north, north east, north west, east and south west of the proposed development due to the design, scale and location of the proposed development.
2. The application is contrary to Policy 67 (Renewable Energy), Policy 61 (Landscape) and Policy 57 (Natural, Built and Cultural Heritage of the Highland wide Local Development Plan, as the development would have a significantly detrimental landscape impact cumulatively with existing onshore wind energy development, on the Sweeping Moorland Flows Landscape Character Type and on the special qualities for which Dunnet Head Special Landscape Area is designated. This is due to the manner in which the proposal impacts on distinctiveness of landscape character in the area, particularly when viewed from the north as a result of the design, scale and location of the proposed development.

Designation: Acting Head of Development Management – Highland

Author: Simon Hindson, Team Leader – Strategic Projects

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 - Location Plan (Figure 1.1, drawing number 2831-REP-084)
Plan 2 - SEI Site Layout (Figure 1.1, drawing number 2831-REP-115)
Plan 3 - Zone of Theoretical Visibility

Appendix 2 – Viewpoint Assessment Appraisal – Visual Impact

Viewpoint	App / THC	Sensitivity	Magnitude of Change	Significance	THC Notes
VP1 – Castle Sinclair, Girnigoe (11.6km)	APP	High	Medium	Moderate	The VP is located on the path network which runs toward Castle Sinclair and will likely be visited by tourists and recreational users of the outdoors. The viewpoint is representative and the proposed development will be visible when walking down from the car park, toward the ruin and along the coastline.
	THC	High	Medium	Moderate	<p>The turbines would be seen across Sinclair’s Bay, above the settlement of Keiss and between the existing Lochend and Stroupster wind farms. The turbines appear larger than both of the current schemes by virtue of the location of the turbines and the larger scale of tip heights and rotor diameters. While more closely associated with Stropster Wind Farm it does not sit comfortably as an extension due to the lack of design cohesion with the existing scheme, exacerbated by the inconsistent spacing between the turbines and overlapping / stacking of turbines.</p> <p>From this viewpoint, the effects of the turbines would be extended into hours of darkness as a result of the require aviation lighting. While this would appear in the context of skyglow from Keiss, it is considered that the flashing effect of the blades passing in front of the light when viewed from receptors in this location in particular wind conditions, may lead to a confusing image.</p> <p>While the broad assessment of the applicant is agreed, the design and scale of the wind farm from this location is considered to lead to the adverse significant effect.</p>
VP2 – Keiss (4.2km)	APP	High	Medium	Moderate	<p>The viewpoint is located at the edge of Keiss and is representative of a local residents and road users (including tourists). It is considered that the chosen viewpoint is worst case scenario as other areas within the village will be subject to a greater level of topographic screening. Stroupster Wind Farm would also be partially in view from this area.</p>
	THC	High	Medium	Moderate	<p>The originally submitted scheme showed turbines in a simple composition which sat in a way which had a comfortable relationship with the underlying landform, albeit the trees provided a significant level of screening but can not be relied upon as that area of woodland is outwith the applicant’s control. Unfortunately, in addressing other site constraints, significant stacking has resulted from the changes. This would</p>

Viewpoint	App / THC	Sensitivity	Magnitude of Change	Significance	THC Notes
					<p>make the turbines more visually prominent and, given the framing of turbines by landform, buildings and forestry, would lead to a significantly adverse visual effect. The overall visual effect is agreed but it is considered that the modifications between the originally submitted scheme and that proposed through the SEI are more adverse, as recognised by the applicant.</p> <p>Two of the five required aviation lights would be visible while forestry is in place but if the forestry is removed further lighting would be visible. Given the proximity of the development the lighting would be clearly noticeable and as one travels along the road, more turbines with lighting would be visible and extend the impacts of the development into hours of darkness.</p>
VP3 – Nybster Water Tower (3.2km)	APP	Low	Medium	Moderate	<p>This viewpoint is located close to the entrance to Stroupster Wind Farm and the core path to Stroupster Hill (CA08.07).</p> <p>While recognising that the path is somewhat remote, it is frequented by recreational users of the outdoors, as a result it is considered that the sensitivity of receptors has been underplayed based upon the applicant's methodology.</p>
	THC	Medium	Medium	Moderate-Major	<p>In relation to the magnitude of change, the presence of the Stroupster Turbines would be readily felt at this location, with Lochend being a much less noticeable feature largely behind the horizon. The proposed turbines would fall into two separate groups with turbines 1-7 forming a group more closely related, but of a different scale to Stroupster and turbines 8-11 forming a distinctly separate grouping. The scale of turbines would be noticeably different from the operational Stroupster turbines.</p> <p>Looking toward the development from this area, there would be very few other lights visible during hours of darkness. However taking into consideration the limited visitors to this location during hours of darkness, the applicant's assessment can be seen to be appropriate.</p> <p>Overall, it is considered that the applicant has slightly underplayed the effects of the development from this location but it is agreed that there will be a significant effect on receptors.</p>

Viewpoint	App / THC	Sensitivity	Magnitude of Change	Significance	THC Notes
VP4 – Warth Hill (5.9km)	APP	Medium	Medium	Moderate	<p>This viewpoint is located at a low hill adjacent to the A99 and affords panoramic views across the Caithness, toward Orkney to the north and across the North Sea toward off-shore wind energy developments. The viewpoint will be frequented by recreational users of the outdoors, which are generally considered to have a high sensitivity, as well as users of the local road network. The applicant has identified the viewpoint as representative of scattered properties and users of the A99 which it has assessed as medium sensitivity, which is considered to have underplayed the sensitivity of the receptors.</p> <p>From this viewpoint a significant level of wind energy development would be visible across Caithness with Stroupster being the most prominent. The proposed development would be seen partially to the rear of and to the right of the existing Stroupster turbines and be a significant extension to the existing development. It is considered that the modifications proposed through the SEI are an improvement to the composition of the original scheme as it has reduced stacking. The scheme does not however respond positively to the requirement in the Caithness Landscape Sensitivity Study to consolidate or improve the existing layout of Stroupster given the positioning of turbines which stack with the existing turbines and interfere with views toward the lone mountains.</p> <p>All of the proposed aviation lights would be visible from this location but would be seen in the context of the limited lighting of the Subsea7 structures in the area. When looking out to sea, away from the development, the aviation and navigational lighting on the off-shore turbines would also be visible. While, the lighting would increase the presence of development in these views during hours of darkness, the applicants' assessment of the effects of aviation lighting would be noticeable but not significant is considered appropriate.</p> <p>Given it is considered that the applicant has underplayed the sensitivity of receptor, it is considered that the effect is moderate / major, and therefore significant.</p>
	THC	High	Medium	Moderate / Major	
VP5 – Duncansby Head (10.7km)	APP	High	Low	Minor	This is a popular viewpoint with tourists given the panoramic views across north eastern Caithness, Orkney and the North Sea.
	THC	High	Low	Minor	

Viewpoint	App / THC	Sensitivity	Magnitude of Change	Significance	THC Notes
					the majority of the proposed turbines would sit behind the horizon and screened by topography, with the turbines at Stroupster being more prominent. Given the limited visibility and the lack of visible hubs there would be no aviation lighting visible from this area, there is broad agreement with the applicant's assessment of minor visual effects from this viewpoint.
VP6 – Brabster (3.2km)	APP	Low	High	Major	<p>The viewpoint is representative of local road users where the views become more open as one travels out of the forestry plantations in the area.</p> <p>The applicant has considered that the users of the road would be of low sensitivity but given those likely to be using this route are local residents it is considered that they would have at least a medium sensitivity to change.</p> <p>Stroupster is already a large scale feature on this route and the development would present as a significant extension to Stroupster wind farm from this road. The turbines would fall into three main groupings with turbine 4 sitting as an outlier to the right of one's view. The design of the development, as viewed from this location, would not reflect, consolidate or improve the layout of Stroupster wind farm and the revised layout would extend the horizontal array beyond that of the originally submitted scheme. When comparing the originally submitted scheme with that now proposed, the scheme appears more disjointed, which in turn appears to emphasise the difference in scale between the proposed and consented developments in the view.</p> <p>Aviation lighting would be noticeable in this view for local road users. While it is not a bust route, it is considered that those receptors who will notice the lighting are more sensitive to change than those using the road for work purposes. As this is the case it is considered that the applicant has underplayed the effects of the development in hours of darkness.</p> <p>Given it is considered that the applicant has underplayed the sensitivity of receptor, it is appropriate to consider that the effect is moderate / major, and therefore significant. It should however be noted that for other similar receptors the applicant has found the sensitivity to be medium.</p>
	THC	Medium	High	Major	
	APP	Low	High	Major	

Viewpoint	App / THC	Sensitivity	Magnitude of Change	Significance	THC Notes
VP7 – Slickly (1.7km)	THC	Medium	High	Major	<p>The viewpoint is representative of local road users in an area at the site entrance when travelling through an area with largely open views.</p> <p>The applicant has considered that the users of the road would be of low sensitivity but given those likely to be using this route are local residents it is considered that they would have at least a medium sensitivity to change.</p> <p>Stroupster Wind Farm is in currently in this view but provided with limited screening by the existing forestry which would be removed and not replanted to accommodate the development. Just over half of the development would sit to the front of the existing turbines when travelling along this route. Limited change is noted in this view between the original and the revised scheme.</p> <p>Aviation lighting would clearly be visible in this location during hours of darkness, extending the effects of the development into hours of darkness.</p> <p>Given proximity of the receptor to the development and the scale of the turbines, it is agreed that the effect would be major and significant.</p>
VP8 – Lyth (4.1km)	APP	Medium	High	Major	<p>The viewpoint represents residential receptors and users of the local road network from a slightly elevated position with panoramic views across north east Caithness.</p> <p>The applicant has considered that the users of the road and local residents to be of medium sensitivity but given those likely to be using this route are local residents and are those who will experience the view in their day to day lives it is considered that they would have a high sensitivity to change.</p> <p>The applicant recognises that the magnitude of change would be significant given the proposed turbines would be larger and in front of the operation Stroupster Wind Farm. The revised scheme would have a greater horizontal spread to the originally proposed development but in doing so there is some more regular spacing of the proposed turbines, albeit turbines 1 and 4 would remain as outliers. The effects of the revised scheme are considered to be more adverse that that of the originally proposed development by the applicant and this is not disputed.</p>
	THC	High	High	Major	

Viewpoint	App / THC	Sensitivity	Magnitude of Change	Significance	THC Notes
					<p>The applicant considers that the visibility of the aviation lighting in hours of darkness to be mitigated by those seeing the scheme being in lit houses or in cars with headlights. It is not considered that these are mitigating factors and the visibility of turbine lighting would be adverse from this area.</p> <p>Given proximity of the receptor to the development and the scale of the turbines, it is agreed that the effect would be major and significant.</p>
VP9 – Watten (13.4km)	APP	High	Low	Minor	<p>The viewpoint is on a local road and representative of residential receptors around Watten.</p> <p>While the alignment of the visuals between the original scheme and that of the revised scheme do not align, there is broad agreement with the findings of the visual impact assessment given the screening provided by the land form and intervening distance . It should however be noted that in this view the scale difference of the development is discernible as the rotors appear to be of a similar scale to the height of turbines at Stroupster.</p> <p>In terms of aviation lighting it is considered that the intervening distance and the visibility of the lights with those of properties around North Watten would lessen any effect.</p>
	THC	High	Low	Minor	
VP10 – Halcro (9.3km)	APP	Medium	Medium	Moderate	<p>This viewpoint is located on the road network and likely to be frequented by local road users and is also representative of residential receptors around Halcro.</p> <p>The proposed turbines would sit to the front of the Stroupster Wind Farm and would appear somewhat larger, albeit perspective will play a role in their apparent scale in comparison with the Stroupster scheme. The modifications to the development brought forward through the Supplementary Information are considered to extend the horizontal spread of turbines in this view. In doing so the proposed development now screens the higher ground in the distance from view. There is however improvements to the layout in the form of less stacking of turbines as a result of this change. These do not however mitigate the adverse impacts and the resultant effect remains moderate and significant.</p>
	THC	Medium	Medium	Moderate	

Viewpoint	App / THC	Sensitivity	Magnitude of Change	Significance	THC Notes
					Aviation lighting will be seen on all lit turbines in hours of darkness but it will be in the context of lights from residential lights and any lighting of the Lochend turbines. It is therefore considered that while there will be adverse effects it will not significantly change the baseline of lighting in this view.
VP11 – Barrock (7.7km)	APP	Medium	Medium	Moderate	<p>This viewpoint within Barrock is representative of residential receptors. In this view the turbines would be seen bridging the gap between Stroupster and Lochend wind farms with the turbines in two more closely knit groupings. The revised layout is somewhat improved from the original layout due to less stacking and overlapping of turbines. Recognising that the scheme appears more compact than Stroupster, in terms of horizontal array, the scale difference is discernible, again with perspective playing a limited role in this. The development would not however improve the perception or consolidate the layout of Stroupster Wind Farm despite the more harmonious composition of the proposed development.</p> <p>Aviation lighting will be seen on all lit turbines in hours of darkness but it will be in the context of any lighting of the Lochend turbines. It is therefore considered that while there will be adverse effects it will not significantly change the baseline of lighting in this view.</p> <p>Overall, there is broad agreement with the significant visual effects experienced in this location.</p>
	THC	Medium	Medium	Moderate	
VP12 – East Mey (7.5km)	APP	High	Low	Minor	<p>This view is representative of views from the A836 (part of the NC500) to the north of the scheme and a number of limited receptors. Given topography and vegetation forming screening the proposed development would not be seen from the Castle of Mey itself.</p> <p>It is considered that the scale difference between the proposed development and the Stroupster development is noticeable, with the intervening forestry and powerlines providing a scale indicator. While the composition of the development has been improved in this view, the horizontal spread of the turbines along the horizon has been extended in a manner which neither consolidates or improves the perception of Stroupster. The turbines of Lochend would also be visible and the low rising landform provides a level of separation from the proposed development and those of Lochend which would appear of a similar scale in this view.</p>
	THC	High	Medium	Moderate (not significant)	

Viewpoint	App / THC	Sensitivity	Magnitude of Change	Significance	THC Notes
					<p>Aviation lighting would be noticeable in this view with the lit turbines of Slickly providing a more northerly bookend to the low rise in the land form with any lighting on the Lochend turbines. It is agreed that the magnitude of change would be low and likely not significant.</p> <p>As a result of the greater magnitude of change by virtue of the scale and location of the proposed turbines it is considered that the visual impact would be moderate but not significant.</p>
VP13 – Dunnet Head	APP THC	High High	Medium Medium	Moderate Moderate	<p>The viewpoint is one visited by tourists, where panoramic views across the sea to Orkney, out toward the North Sea, along the north coast and inland beyond the sea cliffs across to the peaks of Caithness including Morven, Scaraben and Maiden Pap. The viewpoint is within the Dunnet Head Special Landscape Area.</p> <p>The wind farm would effectively fill the gap between Stroupster and Lochend wind farms and have an adverse effect on the perception of scale and distance in the sweep of the view between Duncansby Head and the peaks of Caithness when the developments are considered in combination. The scale difference between the different schemes would be discernible and have an adverse effect on the scale of the cliffs of Dunnet Head itself.</p> <p>The revised layout has reduced some stacking in the turbine array when viewed from this location without a corresponding increase in horizontal spread. Overall the assessment of the applicant in terms of significance of effect is considered appropriate.</p> <p>In terms of aviation lighting, any affects in the hours of darkness would be seen in the context of lighting of the Lochend turbines and therefore the magnitude of change would not be significant. If the entire scheme required to be lit it would however be considered to be a greater effect.</p> <p>It should be noted that the visualisations from this viewpoint are poor and were taken in inappropriate light conditions.</p>

Viewpoint	App / THC	Sensitivity	Magnitude of Change	Significance	THC Notes
VP14 – Scabster Hill (19.6km)	APP	High	Low	Negligible	This viewpoint is located on the A836 (part of the NC500) to the west of Thurso with panoramic views across eastern Caithness for road users and recreational users of the outdoors.
	THC	High	Low/Medium	Minor	<p>This is the one of the first views across Thurso to the east when travelling eastbound on the A836 and the turbines would appear on the horizon above Thurso some 19.6km distant. Stroupster Wind Farm would also be present in the view along with Lochend. The proposed development would appear as a notable extension to the right of the existing turbine grouping. The scheme would appear as two distinct groupings with turbine 6 appearing to bridge the gaps between the groups within the development. The revised scheme as reduced stacking with the Stroupster turbines however in doing so the horizontal extent of the proposed development has increased somewhat.</p> <p>While it is not agreed that viewers being in vehicles and using headlights is a mitigating factor for the aviation lighting, it is considered that due to intervening distance it is not considered to have a significant effect.</p> <p>Although there is a level of disagreement with the applicant's assessment, it remains the case that the impacts of the proposed development are not considered significant.</p>
VP15 – A99 Thurmster (19.6km)	APP	High	Low	Negligible	This viewpoint is representative of road users on the A99 (part of the NC500) and the properties around Thurmster.
	THC	High	Medium	Moderate (not significant)	<p>At almost 20km from the site, the turbines would be noticeable and form a significant extension to the Stroupster Wind Farm in this view, albeit at some distance. The scale of the turbines would likely be discernible with the rotors of the proposed turbines appearing of a similar to the existing turbines. The revised grouping of the turbines slightly increases the degree of stacking within Slickly, although cumulative stacking with Stroubster is reduced.</p> <p>Given the intervening distance it is not considered that there would be any significant effects arising from the proposed aviation lighting in hours of darkness.</p>

Viewpoint	App / THC	Sensitivity	Magnitude of Change	Significance	THC Notes
					It is not considered that the effects are negligible given the underplayed magnitude of change but it is agreed that while moderate effects would be experienced, they are not considered to be significant.
VP16 – Scotscaider (23.9km)	APP	Low	Low	Negligible	This view, despite being on the alignment of the railway is only representative of local road users. Passengers on the train would not be able to see in front of them so would not be subject to visual effects of development in front.
	THC	Low	Low	Negligible	<p>The turbines would be almost 24km distant at this point but would likely be noticeable in clear conditions. The turbines would extend the grouping of the Stropster turbines but at this distance it would not appear to be a significant extension. There would be some overlapping and stacking with the existing turbines but the intervening distance largely reduced the magnitude of change.</p> <p>Given the intervening distance it is not considered that there would be any significant effects arising from the proposed aviation lighting in hours of darkness.</p> <p>There is broad agreement with the applicant’s assessment from this viewpoint.</p>

Note 1 – the text in bold indicates a significant effect has been identified.

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

Criterion 1 is related to relationships between settlements/key locations and the wider landscape. The area is characterised by dispersed settlements including Keiss, Lyth, Nybster, Freswick, Barrock, Bower, Halcro and Wattten. The development would be visible to a greater or lesser extent from most of these dispersed settlements. While the turbines would not necessarily be the only wind energy development visible from these settlements, it will increase the intensity of turbine development in the area beyond the current levels and be more prominent due to the scale, location and layout of the proposed development.

In terms of larger settlements, the development would be visible from areas around Thurso where it will appear as a feature on the horizon in an elevated position in the context of other wind energy developments.

It is not considered that the scheme would contribute to perception of settlements being encircled by wind energy development, but in relation to key locations such as Dunnet Head, it would have an adverse effect in combination with existing developments and lead to turbines being visually prominent within the inland views from Dunnet Head.

It is not considered that the proposal would contribute to the encirclement, either real or perceived of settlements. However, it would have an adverse effect in relation to the key location of Dunnet Head, therefore the proposed development meets the threshold of Criteria 1 in part.

Criterion 2 is related to the transitional nature of key gateway locations and routes which are listed within the OWESG Part 2b. Key routes affected include the A99 (north and south bound users) and A836 (along the north coast for eastbound users). It is noted that these routes also form part of the NC 500 tourist route. While there are adverse effects on receptors from views on these parts of the network, it is not considered that the proposed development has an adverse impact on the route as a whole.

The key gateway locations include Warth Hill, Dunnet Head and Scrabster Hill. While there are adverse effects experienced at Warth Hill it is not considered that they overwhelm the experience of the view at this point given the location of the turbines.

It is considered that the experience from Dunnet Head will be adversely affected by the proposed development in combination with the consented wind energy development in the area and detract from the landscape characteristics of Dunnet Head. It is not considered that the availability of views to Orkney or along the north coast mitigate this impact.

Finally, in relation to Scrabster Hill it is considered that the transition is subject to some adverse effects as a result of what will appear as a notable extension to the Stroupster Wind Farm. However, the intervening distance is a mitigating factor.

Overall, it is considered that the threshold is met in relation to routes but not in relation to the key location of Dunnet Head.

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

The site is not located within any international or regional landscape designations. The natural and cultural landmarks in the area are considered to be Dunnet Head, Duncansby Head, Warth Hill, Castle Sinclair and Kirkstones Scheduled Monument.

As set out in relation to criteria 1 and 2 there are concerns with regard to the impact on Dunnet Head given the impact on inland views in combination with other development which takes away from the sweeping panoramic views experienced from this area.

In relation to Warth Hill, from the cairn itself there are significant adverse visual impacts however when the development is seen in the context of Warth Hill it is not considered to adversely affect the relationship of the hill to its landscape.

The development is somewhat remote from Duncansby Head with limited, albeit noticeable, visibility of blade tips. It is not considered that the development would have an adverse impact on the prominence or setting of this landmark.

Castle Sinclair sits across the sea from the proposed development and while there would be significant adverse impacts of the proposal when viewed from Castle Sinclair, there are limited areas where Castle Sinclair would be seen in the same view as the turbines, therefore it is not considered that the proposal would have an impact on the prominence or setting of the landmark.

The Kirkstones Schedule Monument has been a design driver for the revised layout. In doing so the applicant has moved turbines away from the remains of the settlement. In terms of visual impact, there will still be a significant visual impact from this location but Historic Environment Scotland are satisfied that the impact on the setting of the monument is no longer so adverse that it warrants an objection in the national interest. It also notes that the removal of the forestry as a result of the wind farm development would have the potential to enhance the monuments relationship with its setting.

It is considered that in relation to Dunnet Head the proposal does not meet the threshold of Criterion 3.

Criterion 4 is related to the amenity and visual appeal of key recreational routes and ways. For this scheme this would include the A99, National Cycle Network 1, the path to and from Dunnet Head and the Core path at Stroupster Wind Farm.

While there are likely significant visual effects on receptors on all of these routes from the proposed development, it is not considered that the proposed development would overwhelm or significantly detract from the visual appeal of these recreational routes.

The threshold in the criterion is met.

Criterion 5 is related to the amenity and visual appeal of transport routes. This includes the A99 and A836 as well as a number of routes on the local road network. On these routes the development would be seen in the context of Stroupster and Lochend wind farms, as well as more distant wind energy developments. While the development in itself is not likely to significantly detract from or overwhelm the visual appeal of these routes, it is considered that the cumulative effect with other wind energy development would be intensified and extended as a result of the proposed development. This will be particularly noticeable on sections of the road between Freswick and John O' Groats and along the A836 in proximity

of Mey, and on more local routes around Lyth and toward the site given the proximity of the development.

While there will be localised effects on these routes, overall the threshold of the criterion has been met.

Criterion 6 is related to pattern of development. The scheme will present as an extension to Stroupster Wind Farm. However, in a number of views the difference in scale of the developments will be discernible with the scale of the rotors of the proposed development appearing as a similar scale to the turbines at Stroupster.

The turbine spacing has evolved through the determination of the application in response to matters raised by SEPA and HES rather than in relation to the comments provided to the applicant by the Council. While the spacing is more regular in some views, it has become more compact with overlapping turbines and irregular grouping in other views. The scheme is not considered to reflect the same design rationale as the existing development and fails to acknowledge the objectives in the landscape sensitivity appraisal which sets out that turbines should consolidate or improve the existing layout of Stroupster and avoid cumulative effects by ensuring turbine heights and proportions are similar to existing turbines.

It is not considered that the proposal meets with the threshold for this criteria as it does not contribute positively to existing pattern or objectives for development in the area.

Criterion 7 and 9 are related to the separation between development/and or clusters both in visual and landscape terms. The majority of the viewpoints provided show the development as an extension to Stroupster Wind Farm, and in some views an extension to Lochend Wind Farm.

Stroubster windfarm occupies a position close to the centre of CT3, where it appears to be a feature around which the sweeping moorland flows. The setting is precarious in terms of its landscape setting as the moorland extent is so limited, but the balance holds with Stroubster not overwhelming the landscape character area, while smaller developments on the fringe of the landscape unit relate more strongly to adjacent landscapes.

The inclusion of a further development which significantly increases the footprint of development at the heart of this constrained landscape character area, would disrupt the balance which currently allows a reasonable relationship between wind energy and the landscape, tipping the impacts over into a situation where neither existing or proposed developments are accommodated within the landscape setting without overwhelming it.

This fails to meet the threshold of the proposal relating well to the existing landscape setting and increases the prominence of surrounding windfarms,

Criterion 8 is related to perception of landscape scale and distance. While there are a number of locations from which the size of the proposed turbines may affect perception of distance in the landscape, this is primarily about the distance of the turbines from the receptor, with the landscape scale not affected specifically.

In views where significant landscape features are visible, adverse effects on the perception of scale and distance in the landscape is more pronounced. At Dunnet Head (VP13) and

Thrumster (VP15) where the turbines are seen in view with sea cliffs or Orkney, the proposal fails to meet the threshold of maintaining the apparent landscape scale and/or distance in the receptors' perception given the additional prominence the proposal would give to the existing development at Stroupster.

Criterion 10 is related to distinctiveness of landscape character. For the avoidance of doubt this does not relate to landscape designations. Consideration should be given to the variety of landscape character as one travels through the area and how that changes and transitions as one moves through the area.

The Landscape Character unit the development is proposed for CT3, while being a Sweeping Moorland and Flows Character, is distinct from most landscapes of this type in Caithness and Sutherland by being very limited in extent. The LCA is centred on the rising ground and has a perimeter which demonstrates how improvement of the ground for agriculture has eaten away at the wilder moorlands in this part of Caithness.

It is considered that the distinctive character for this area is not only the moorland, but its relationship to the improved agricultural ground which surrounds it and threatens to isolate it further from the more expansive sweeps of this landscape type to the south.

In contributing to a change of character at the heart of this contained landscape character area, the development weakens the sense of a wilder landscape being eroded at its fringes, and strengthens a sense of it being eroded from the interior as well.

As a result it is considered the development fails to meet the threshold of maintaining the integrity and variety of Landscape Character Areas.

Appendix 4 – Appropriate Assessment

19/05624/FUL

Slickly Wind Farm - 11 wind turbines up to 149.9m blade tip height and associated infrastructure

CONSIDERATION OF PROPOSALS AFFECTING EUROPEAN SITES

Caithness and Sutherland Peatlands Special Protections Area (SPA)

Caithness Lochs Special Protection Area (SPA)

Caithness and Sutherland Peatlands Special Area of Conservation (SAC)

The status of Caithness and Sutherland Peatlands SPA, Caithness Lochs SPA, Caithness and Sutherland Peatlands SAC means that the requirements of the Conservation (Natural Habitats, & c.) Regulations 1994 as amended (the 'Habitats Regulations') or, for reserved matters the Conservation of Habitats and Species Regulations 2017 as amended apply.

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

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

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

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

Screening of Likely Significant Effects

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

Caithness and Sutherland SPA

NatureScot have advised that the proposal is likely to have a significant effect on the following qualifying interests of the Caithness and Sutherland Peatlands SPA:

- Hen harrier
- Golden plover
- Merlin
- Red-throated diver

The proposal has the potential significant effect in relation to collision risk on the aforementioned species. In addition there could be a disturbance to roosting birds if they nested closer to the development site in future.

As a result of the likely significant effects, as competent authority, The Highland Council is **required** to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests.

Caithness and Sutherland SAC

NatureScot have advised that the proposal is likely to have a significant effect on the following qualifying interests of the Caithness and Sutherland Peatlands SAC:

- Qualifying peatland habitats
- Otter.

As a result of the likely significant effects, as competent authority, The Highland Council is **required** to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests.

Caithness Lochs SPA

NatureScot have advised that there is a likely significant effect for whooper swans and greylag geese through collision risk. The risk is relatively low, which is consistent with the location of the proposed wind farm. Survey work shows the proposal will not adversely affect the SPA populations on its own, or through cumulative impacts with other wind energy proposals. NatureScot advise that based on the information provided, the proposal will not adversely affect the integrity of the site.

The Highland Council is **not required** to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests and can be scoped out if the appropriate assessment

APPROPRIATE ASSESSMENT

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

Caithness and Sutherland Peatlands SAC

In its response to the Council of 19 February 2020 and, NatureScot advised that the proposal is likely to have a significant effect on the qualifying interests of the SAC during construction. Their advice is set out below:

- There is a likely significant effect on otters through disturbance and impacts to water quality. Disturbance could be addressed through pre-construction surveys, which the applicants have committed to, and appropriate mitigation in accordance with our guidance.
- Run-off could also affect peatland habitats, but could be mitigated through use of best practice construction techniques and appropriate silt and pollution prevention measures. The EIA Report notes these would be agreed with the Highland Council through a Construction Environmental Management Plan, and that a Construction Site Licence is also likely to be required.
- Given the separation distance and habitats on site, we therefore consider that the proposal will not adversely affect the SAC, either on its own or in combination with other proposals. We agree that any potential impacts would be mitigated through following best practice and recommend the following measures to further reduce the impacts on the natural heritage.

Further to the above advice NatureScot advised that the proposal could be conditioned so that the works are undertaken strictly in accordance with the below mitigation:

- A Species Protection Plan for otters, including measures to mitigate disturbance as set out in our guidance⁷.
- A clearly defined buffer zone to be maintained between the SAC and all construction activity associated with the proposed development, so that no works (including vehicle use/storage/silt control/discharge or drainage) occur within the SAC.
- Where possible, we recommend a 50m buffer is maintained between the works area and the SAC. With reference to the 100m micro-siting allowance requested we recommend that, where possible, turbines and infrastructure are not micro-sited to within 100m of the SAC boundary.

Caithness and Sutherland Peatlands SPA

In its response to the Council of 19 February 2020 and, NatureScot advised that the proposal is likely to have a significant effect on the qualifying interests of the SPA during construction and operation. Their advice is set out below:

- While collision risk modelling is based mainly on survey work from 2017/18, the additional background information provided in the EIAR supports these results. Following the change to turbine dimensions, we note the viewshed analysis has been re-run. Although the height modelled is not shown on the viewshed map, we assume that it is to 10m above ground, which shows adequate coverage of the site.
- There is a likely significant effect for hen harrier and merlin through collision risk. Although this risk is currently low it could increase post construction, if the site becomes more attractive for nesting. With an effective Habitat Management Plan in place, the site should not become more attractive to nesting birds and collision risk not significantly increase. There is also a likely significant effect for red-throated diver and golden plover through collision risk. This risk is however low and not expected to significantly increase post construction.
- There could be a likely significant effect through disturbance to breeding hen harrier, if they nested closer to the development site in future. This could be addressed through effective pre-construction surveys and appropriate mitigation.
- If a raptor roost site is present in the surrounding area the SPA populations are unlikely to be adversely affected, but there could be an offence if roosting birds are disturbed. We therefore recommend the following mitigation measures.

Further to the above advice NatureScot advised that the proposal could be conditioned so that the works are undertaken strictly in accordance with the below mitigation:

- If construction or felling takes place between 15 August and 30 April, pre-works surveys for roosting hen harriers and short-eared owls should be carried out. If roosting birds could be affected by the proposal, mitigation in accordance with current guidance⁶ should be followed.
- It also noted the applicant's commitment to use bird flight diverters to reduce the risk of collision, should a guyed met mast be proposed.

For these reasons NatureScot consider that the proposal will not adversely affect the SPA breeding bird populations, either on its own or in combination with other proposals.

HIGHLAND COUNCIL APPRAISAL OF THE PROPOSAL

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

The impacts on the Caithness and Sutherland SAC and the Caithness and Sutherland SPA are considered in terms of the different phases of the development where different impacts would likely arise. i.e. the construction phase; operational phase and the decommissioning phase. The mitigation proposed by NatureScot will be sufficient to address any significant risk and avoid an impact on the integrity of the designated sites and their qualifying features.

Overall, it can be therefore concluded that while likely significant effects have been identified during both the construction and operational phases of the development. there will not be an adverse effect on site integrity of either the Caithness and Sutherland SAC or the Caithness and Sutherland SPA if the mitigation set out within the appropriate assessment is applied.



Site Boundary

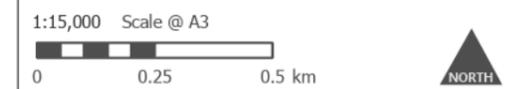
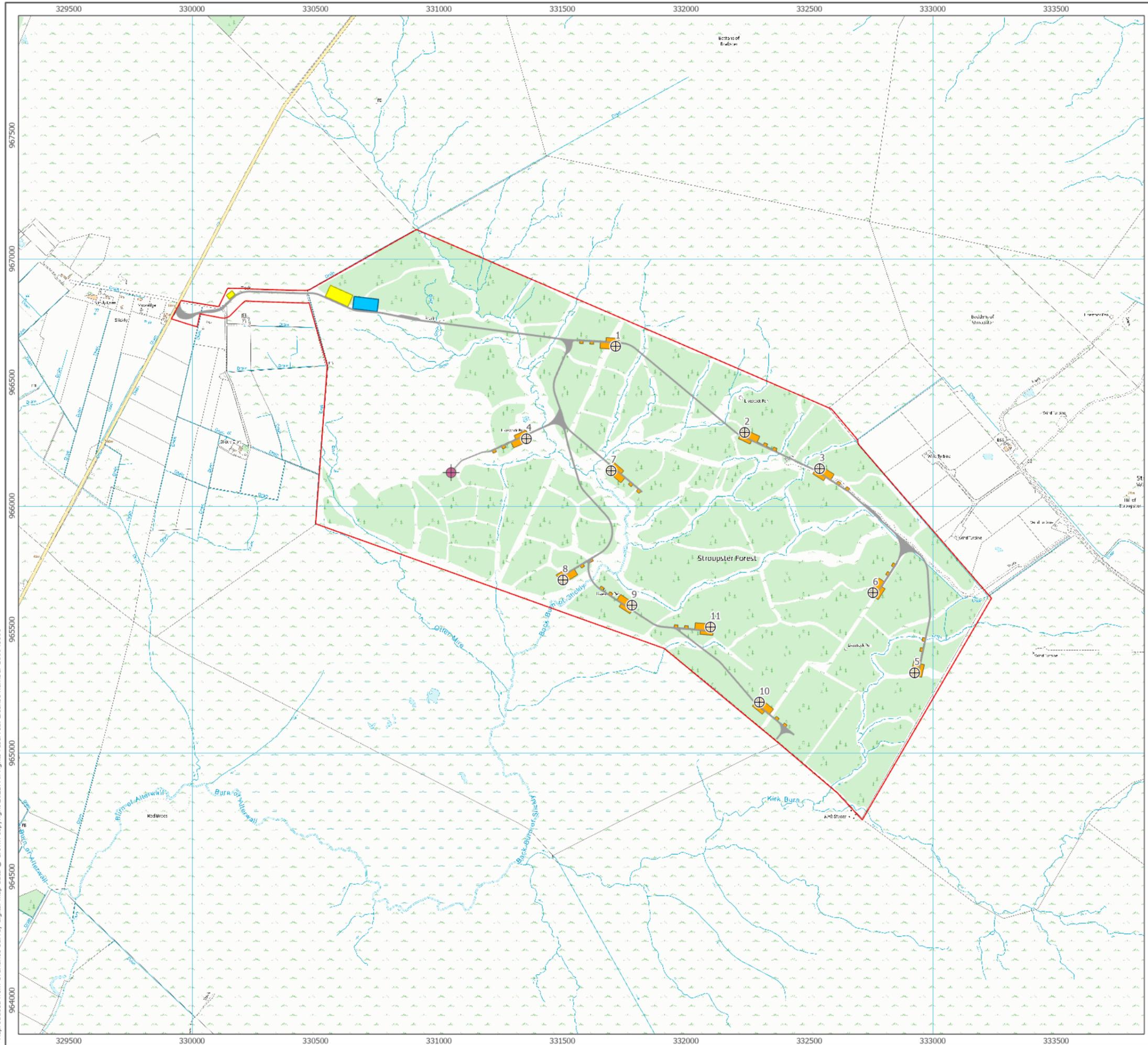
1:250,000 Scale @ A3

Produced By: FC	Ref: 2831-REP-084
Checked By: SC	Date: 18/12/2019

Site Location
Figure 1.1

Slickly Wind Farm
EIA Report

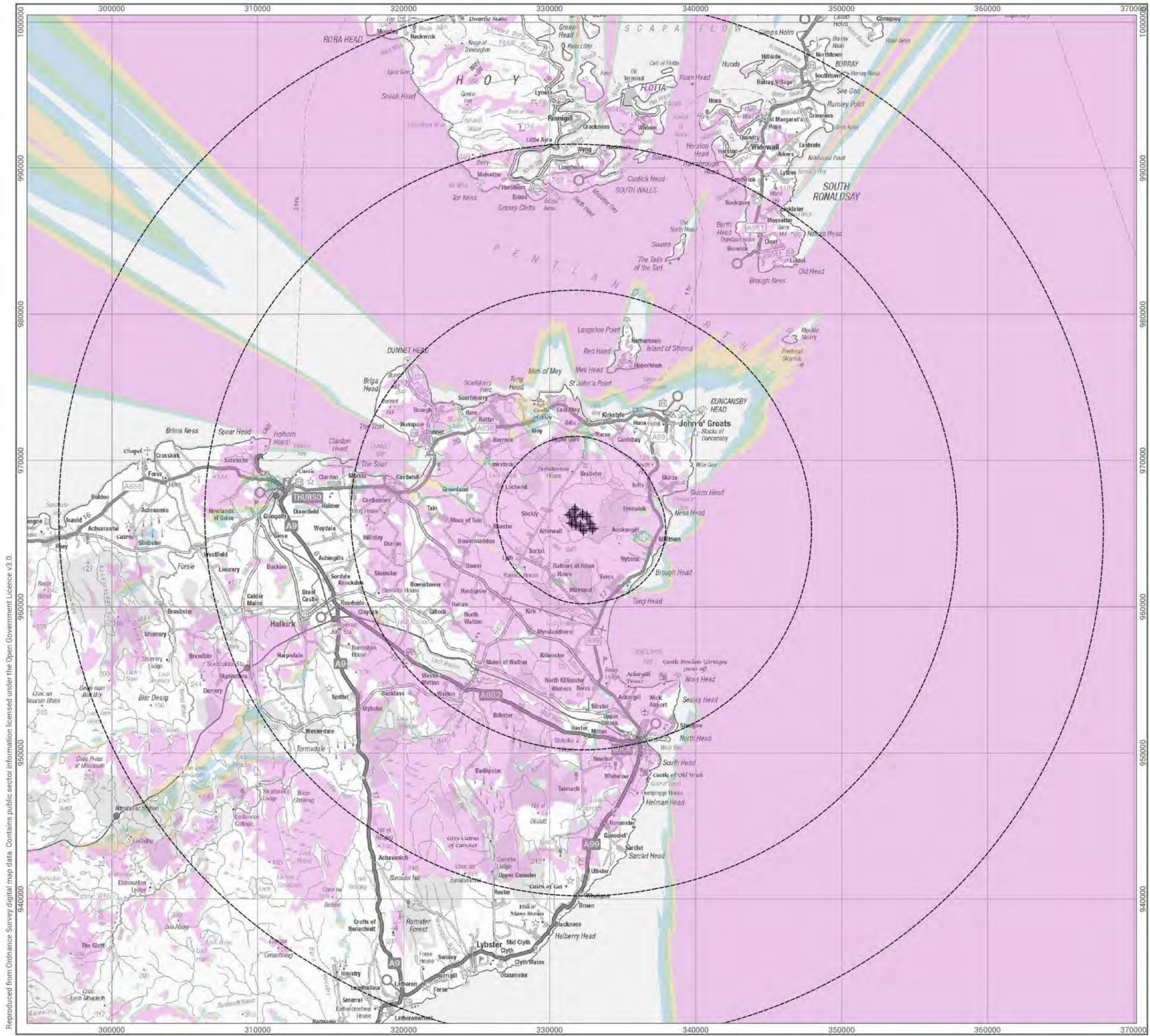
- Proposed Turbine Location
- Site Boundary
- Meteorological Mast
- Site Infrastructure**
- Access Tracks
- Substation Compound
- Hardstandings
- Construction Compound



Produced By: LS	Ref: 2831-REP-115
Checked By: SC	Date: 12/03/2021

Indicative SEI Site Layout
Figure 1.1

Slickly Wind Farm
SEI Report



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Legend

-  Turbine Locations
-  Buffers (5, 15, 25 & 35km)

Zone of Theoretical Visibility

-  1-3 tips visible
-  4-6 tips visible
-  7-9 tips visible
-  10-11 tips visible

Notes: The ZTV is calculated to turbine tip heights of 149.9m and 135m from a height of 2m above ground level. The terrain model is bare ground derived from OS Terrain 5 and 50 height data. Earth curvature and atmospheric refraction have been taken into account.

Scale @ A3: 1:250000




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Checked by: BD	Date: 21/01/2021

SEI Figure 3.1
Zone of Theoretical Visibility to Blade Tip to 35km (A3)
Slickly Wind Farm SEI