



Decision by Keith Bray, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2242
- Site address: Camster II Wind Farm, land 2000 metres north west of Tannach Hill, Tannach, Wick, KW1
- Appeal by RWE Renewables UK Onshore Wind Limited against the decision by The Highland Council
- Application for planning permission 19/03015/FUL dated 7 August 2019 refused by notice dated 12 January 2021
- The development proposed: erection of up to 11 wind turbines maximum tip height of 126.5 metres with associated infrastructure
- Date of site visit by Reporter: 20 and 21 May 2021

Date of appeal decision: 28 July 2021

Decision

I allow the appeal and grant planning permission subject to the 30 conditions listed at the end of the decision notice. Attention is drawn to the 5 advisory notes at the end of the notice.

Preliminary matter

During this appeal process the appellant has indicated that they have had a minor change of name since the planning application was made although the company address has not changed. This, in my view, does not change who the appeal was made by and I have reflected the minor change of name within the details above.

Environmental impact assessment

The proposed development is described as above, and at Chapter 4, section 4.4, of the Environmental Impact Assessment Report. It is 'EIA' development. The determination of this appeal is therefore subject to the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the 2017 EIA regulations").

I am required to examine the environmental information, reach a reasoned conclusion on the significant environmental effects of the proposed development and integrate that conclusion into this decision notice. In that respect I have taken the following into account:

- the Environmental Impact Assessment Report dated June 2019 and submitted on 7 August 2019;



- consultation responses from the environmental health, transport, forestry, archaeology, development plans, landscape and access functions of the council, NatureScot, Scottish Environment Protection Agency, Highlands and Islands Airport Limited, Ministry of Defence, National Air Traffic Systems and Scottish Water; and,
- four representations from members of the public.

I am required by the 2017 EIA regulations to include information in this decision notice in regard to opportunities for the public to participate in the decision-making procedure. I set that information out in Schedule 4 below. My conclusions on the significant environmental effects of the proposal are set out throughout the paragraphs below.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. Having regard to the provisions of the development plan the main issues in this appeal are landscape and visual impact, impacts on peat, removal of woodland, ornithology and aviation.

Development plan

2. The relevant development plan consists of the Highland Wide Local Development Plan (2012) and the Caithness and Sutherland Local Development Plan (2018), together with adopted Supplementary Guidance.

3. The most relevant policy of the Highland Wide Local Development Plan is policy 67 which relates to the assessment of renewable energy proposals. It is essentially a list of policy considerations to use in taking an overall view on the acceptability of any proposal. In the council's report of handling, policy 67 is acknowledged to be the primary policy for this case. In addition, the council references policies 28, 51, 52 and 55 in its reasons for refusal and I consider these in my assessment below. Nevertheless, I agree with the appellant that, given the wide ranging nature of policy 67, compliance with that policy is of central importance.

4. The Caithness and Sutherland Local Development Plan has no site-specific policies for the appeal site and is therefore less relevant. However, the plan does indicate general support for renewable energy.

5. The most relevant adopted Supplementary Guidance is the Onshore Wind Energy Supplementary Guidance (first adopted in November 2016). There is no disagreement that the appeal site is identified in the guidance as a 'Group 3 Area'; with potential for wind farm development. The Supplementary Guidance sets out a range of criteria to aid the assessment against policy 67.

6. Although the Highland Wide Local Development Plan is more than five years old, I do not find the relevant provisions of the plan to be particularly out-of-date with specific reference to this case. Policy 67 gives the council's position on the considerations for a renewable energy development, which is supplemented by the more recent Supplementary Guidance updated in 2017.

Landscape and visual impact

7. As acknowledged by the council, at the heart of this appeal is a difference of opinion on the acceptability of visual impact. There is no significant disagreement on the methodology of the landscape and visual impact assessment or with the visualisations which are produced to NatureScot and The Highland Council visualisation standards.

8. The local development plans provide no site specific guidance for the appeal site. The Onshore Wind Energy Supplementary Guidance confirms no landscape designations in and around the site. The Supplementary Guidance (part 2b) identifies the site to be on the periphery of a vast landscape character area identified as CT4, Sweeping Moorland and Flows, Central Caithness. The Supplementary Guidance landscape sensitivity appraisal gives CT4 a score of 3 for large scale wind farms. This is on a scale of 1 to 4, where 4 is most able to accommodate large scale wind farms. The highest sensitivity of receptors are considered by the guidance to be nearby residents, those at key viewpoints, visitors, wider residents and user of key routes. I consider these matters below. The guidance also says that in this landscape type any further larger turbines should consolidate with existing development and clusters, maintain open views from the A9 and have a logical scale with the landscape. Large scale turbines are to avoid the coastal edge.

9. The Cumulative Landscape and Visual Assessment of Wind Energy in Caithness, produced for The Highland Council in 2014 (and material to this case), says that although there is no large scale strategic capacity in Caithness for wind farms, the appeal site and its surroundings are in an area where cumulative effects could be limited by siting additional development in association with the existing pattern of turbines. In such areas, the study says that it may be desirable to accept localised cumulative effects, to reduce cumulative effect elsewhere. The study also says that development in association with Achairn, Bilbster, Wathegar and Camster wind farms, is likely to be clearly read as part of this group. It goes on to say that any new proposals should reflect existing turbine arrangements, form and height. Analysis of key views is to demonstrate compatibility with existing patterns of development. The study also notes that in the vicinity of the appeal site existing turbines are within the range of 100 to 120 metres high. Turbines of this size are said to be preferred as much larger turbines would appear out of scale.

10. The Environmental Impact Assessment Report predicts very limited residual significant landscape and visual effects arising during construction, operation or decommissioning of the wind farm. The only significant effect predicted is a significant visual effect experienced by users of the Blingery Forest Trail when passing through the site with turbines in close proximity. There is no disagreement on that particular point and I confirmed that to be the case while on my site inspections.

11. That said, I consider that it is cumulative impact with other nearby turbines that is of importance in assessing this case. It is not appropriate, given the siting of the proposal between two existing clusters, to focus on visual effects of the proposed turbines alone. NatureScot guidance, Assessing the Cumulative Impact of Onshore Wind Energy Developments, defines cumulative effects as “additional changes caused by a proposed development in conjunction with other similar developments” or the “combined effect of a set of developments, taken together.” I find that the guidance also says that I should identify the magnitude of additional cumulative change caused by a proposed development in conjunction with any other wind farms.

12. In addition, I am aware that the operation of any commercial scale wind farm would inevitably result in landscape and visual impacts effects. Establishing significant effects for the purposes of Environmental Impact Assessment also does not determine judgments on the acceptability of the impact.

Landscape impacts

13. The Environmental Impact Assessment Report confirms that there are no landscape related designations within 10 kilometres of the site. I agree with the appellant and council that the somewhat distant designated landscapes or wild land areas, of regional or national importance, are not affected to any significant extent by the proposal.

14. Although the main reason for the council's objection is visual impact, within the reasons for refusal the council says that the proposal would change the nature of the existing rural landscape to one which is characterised (cumulatively) by wind farm development. I, like the Environmental Impact Assessment Report, consider that the area surrounding the site is already characterised by wind turbines within in the western extremity of landscape character type CT4. The proposal would intensify the number of turbines in the general area but would not increase the horizontal spread of turbines in the existing adjacent clusters when looking from almost every direction. In my view, the proposal confirms that wind turbines are an influence on landscape character in the area. I also find that there would be a change to the landscape fabric immediately in and around the proposed site. That is inevitable with a commercial wind farm. Having visited the site and surrounding area, together with assessing the cumulative zone of theoretical visibility diagrams, I agree with the appellant that there would be relatively few locations within 10 kilometres of the proposed turbines where other existing nearby turbines would not be visible.

15. When considering viewpoints such as 6, 9 and 13, I observed that the proposals would not overwhelm the vast open character of the moorland landscape or increase the spread of turbines either looking from within the central areas of the moorland landscape or across the farmland surrounding Wick.

16. The landscape area of CT4 is a very expansive landscape character type of a simple low lying composition. Taking into account the cumulative wind farm baseline, I did not identify any views during my sites visits or in the visualisations, where the landscape character would be changed by the proposal to the extent that CT4 would be characterised by wind turbines to create a wind farm landscape. I do not consider that the proposal, in a relatively small space between wind turbine clusters, would increase in any meaningful way the influence of turbines over the large scale, open, simplistic landscape of CT4. I do not consider the cumulative landscape impacts to be significant effects for the purpose of Environmental Impact Assessment. No party claims that other landscape character types are significantly affected by the proposal and based on my observations in the field I am content with the conclusions of the Environmental Impact Assessment Report (Appendix 7.4) in that respect.

17. The proposal would therefore not come into conflict with Criterion 8, 9 and 10 of the council's Onshore Wind Energy Supplementary Guidance with regard to landscape. In addition, the identification of the general area of the appeal site as an area where cumulative effects may be justified (in the study above) provides additional evidence which supports that conclusion.

Visual impacts

18. The council's refusal is based (in part) on an assessment of significant detrimental visual amenity impacts. In relation to the council's reasons for refusal, whether a larger array of turbines is formed or whether impacts would change amenity levels are not key considerations. My assessment must focus on the nature and scale of impacts.

19. During my site inspection I visited most of the viewpoints set out in the Environmental Impact Assessment Report and all those within 15 kilometres of the proposal. I also noted that there is extensive theoretical visibility as depicted in the Environmental Impact Assessment Report.

20. At longer distances (between 5 and 10 kilometres), for example at viewpoints 8, 9, 11 and 20, I was able to visualise the turbines as similar in character to the existing nearby schemes, siting relatively low in the open moorland landscape. When seen further away, visual effects are reduced and appear to have a smaller scale in the context of wide views in the large-scale landscape. However, it is not the long distance views that are of particular concern to the council. I therefore turn to the criteria set out in the council's Onshore Wind Energy Supplementary Guidance to assess visual impacts at closer ranges.

21. Criterion 1 seeks to guard against settlements becoming encircled; a concern which was raised in representations on this proposal. On my site visits, I found that the horizontal extent of the Achairn/Wathegar and Camster turbines would not be increased in any significant way in views from most directions. While a more intense array of turbines would be seen by developing in the space between the two existing clusters, I do not consider that the potential for encirclement of any settlement would increase. The offshore turbines to the east are viewed within a different landscape surrounding and for the bulk of residents within 10 kilometres of the proposal this would be in a different direction. I do understand the concerns based on the existing cumulative baseline (with the Golticlay scheme consented). Nevertheless, in my view the combined cumulative baseline around Wick and its hinterland would change very little with the addition of Camster 2 Wind Farm.

22. Criterion 2 deals with key views, routes and gateways. I consider that none of the gateways identified (on page 94) in the Supplementary Guidance (part 2b) would be directly affected. There would also be no key views (listed on page 89) significantly impacted. The east coast – south key view from around Keiss is represented by Viewpoint 11. As noted above, the proposed turbines would add to the intensity of existing clusters but would not increase the cumulative horizontal spread of turbines and would not appear significantly out of scale with the other turbines. A degree of additional 'stacking' of turbines would however be evident. Viewpoint 13 on the river Thurso shows an area close to the key route of 'Minor Road Westerdale to Loch More'. The visualisations for that viewpoint show that the proposal would not add in any significant way to the overall cumulative visual impact at some 15 kilometres in distance. In addition, when driving on the A9 from Latheron to Causeymire I noted that visibility of the proposal would be limited and distant. Based on the Zone of Theoretical Visibility only blades tips would be visible for a significant period on this journey. Finally, although the council has considered the A882 and the minor road to the Camster Cairns as a key route, they are not identified as key routes in the Supplementary Guidance and its associated Caithness Key Routes Map.

23. Viewpoints 5, 7 and 11 depict typical views along the North Coast 500 route in the area. It is identified as a key route on the Key Routes Map. From viewpoint 5 on the A99,

the council's report of handling indicates that turbines would diminish the prominence and perceived scale of the hills in the landscape. Having visited that viewpoint I cannot agree with that. I consider the turbines would largely be hidden by the land form, with the existing landscape remaining in the foreground. What landscape scale is perceived in an area of a relatively open low lying countryside would still be legible with the turbines seen behind the landscape. In my view that would not be a significant visual effect for those using the North Coast 500 route when seen in addition to the existing turbines in the vicinity despite an increase in horizontal spread. Turbines would remain subordinate to the open scale of the landscape. In and around viewpoint 7 and 11, the turbines would simply intensify the number of turbines in view; although the existence of additional stacking of turbines would be present. Stacking or spacing effects are inevitable from some viewpoints for many windfarms, particularly with the number of turbines in this instance. Nevertheless, given the visibility of existing turbines and the relative scale of the proposals, together with a set-back of over 5 kilometres from the North Coast 500 route at its nearest point, I do not consider that Camster 2 Wind Farm would be a significant additional visual impact on the North Coast 500 route.

24. Criterion 3 deals with local landmarks and cultural heritage. In relation to landmarks the council's assessment in their report of handling indicated a concern about impacts on the prominence of Hill of Olliclett. On my site visits I did not consider the very low lying hill to form such a local landmark. At viewpoint 6, around the Yarrows Archaeological Trail, the proposal would not extend the horizontal extent of turbines but would intensify the scale and number of turbines, presenting a more complex image together with Camster windfarm. Wide views are also seen across Caithness from this area and out to sea towards the south east. I do not consider that the addition of Camster 2 wind farm would create a sense of turbines dominating views from the area. The combined cumulative visual effect would, in my view, be moderate.

25. Criterion 4 relates to impacts on key recreation routes and ways. The appellant accepts that the Core Path through the site of Blingery Forest would be subject to significant visual effects near the site. This is a route already almost wholly within sight of wind turbines and those walking the route would be aware of that (at both the western and eastern end of the route). Having walked on the route, I do not consider that the introduction of the 11 new turbines would significantly detract from its use as a Core Path.

26. In relation to criterion 5, the amenity of transport routes is to be considered. I have already discussed a number of the routes above and in particular the North Coast 500. I do not consider that other transport routes would be significantly affected by the proposal. This is a matter that the council agrees with.

27. Criterion 6 and 7 are key criterion for assessing this proposal as they consider a proposal's fit with the existing pattern of development and the extent to which the project affects spaces between developments.

28. The existing turbines of Achairn/Wathegar and Camster are 100 metres and 120 metres to blade tip. As I have noted above, from distances of around 6 kilometres or more, I consider that the proposal, with blade tips at 126 metres, would not be seen as out of scale or appearing distinctly different from the pattern of the existing turbines. Taking the example of viewpoint 7, at Wick's Tesco car park, I noted that there would be an increase in height compared to the Achairn/Wathegar turbines but that it would not be readily evident. This is because the Camster 2 turbines would be recessed further into the landscape and

partially screened by a gentle rise in the land form in that view. I accept the view would not be the regularly spaced pattern seen at the Camster wind farm. However, the overlapping of turbines, in my view, would be no more than what may be expected in a windfarm with a significant number of turbines. The proposal would also not appear to be so disjointed as to be visually disruptive in the context of a very low lying and open landform and the relatively smaller scale commercial turbines chosen. Given these matters, I do not consider the magnitude of cumulative visual effect would be significant from around viewpoint 7.

29. In relation to viewpoint 8 (Watten Railway Crossing) the difference in height of the turbines would not be clearly evident according to the visualisations. The overall horizontal spread of turbines would not increase and proposed turbines would appear to unify the schemes of Achairn/Wathegar and Camster. In my view, changes in cumulative visual impacts in this view would be small. The array of turbines would appear as one wind farm.

30. In some limited views, for example Viewpoint 9, the proposed turbines would appear to be at a reduced density in comparison with adjacent clusters and not fully enclosing the space between Achairn/Wathegar and Camster. However, I do not consider, given the expansive nature of the landscape, that the visual impacts of such a view are so significant that they should be considered unacceptable.

31. The space between Achairn/Wathegar and Camster wind farms (of around 3 kilometres) is relatively small in the context of the surrounding open landscape. It is significantly less than the space between other turbine clusters consented or built to the north, south and west. Development in the gap serves to join the Achairn/Wathegar and Camster arrays together. It does not affect the separation of other turbine groupings at Causeymire, the consented Golticlay Wind Farm to the south or Cogle Moss to the north. Because of this, my view is that the proposal consolidates the existing cluster pattern in Caithness and would not lead to sequential cumulative visual effects becoming unacceptable as you move around the wider area.

32. I do disagree with the Environmental Impact Assessment Report in relation to the visual effects for road users that would be generated around and to the north of viewpoint 2, Badlipster, for a short duration of the minor road. At such close proximity, where a perception of clear separation between the existing clusters is pronounced (unlike Viewpoint 1) the turbines would introduce a sizeable visual change in the space between the clusters for about a kilometre or so when travelling south to Viewpoint 2. Based on my journey, I did not regard the route as a particularly scenic route in the sense that those travelling on the route maybe especially sensitive to visual effects of wind turbines. However, because of the visual change in reasonable proximity a short section of road would be subject to a significant visual effect. It would not be of a small magnitude as assessed in the Environmental Impact Assessment Report.

33. As part of considering visual impact I must also take into account the private residential component of visual amenity. This is a concern to residents and the council in this case. However, it is well documented in the planning system that there is no right to maintain an individual's view from their private residence. Being able to view turbines on a permanent basis does not, on its own, demonstrate unacceptable harm to residents. For an impact on private property to over-ride public interests in wind farms, the impact would need to be severe. That said, there will be cases where there is public interest in not consenting development where it is judged that significant detrimental impacts on the visual amenity of residences would exist.

34. The Guidelines for Landscape and Visual Impact Assessment, 3rd Edition, advise that residents are receptors with the highest susceptibility to change (at page 113). It also advises that consideration must be given to the extent to which receptors' attention is likely to be focused on views/visual amenity and the number of residences affected. The value of any view is also advised to be taken into account in determining overall sensitivity.

35. With regard to the properties nearest the proposed wind turbines, I agree with the Environmental Impact Assessment Report (Appendix 7.7) that for the 10 single properties within or around 2 kilometres, other existing turbines are often located closer and would be more visible than the proposal. At two properties the proposed turbines would be nearer, but land form provides a significant amount of screening from turbines and/or main views out from the properties appear to be away from the direction of the turbines. Having visited the area, and reviewed Appendix 7.7, I consider that none of the individual properties assessed would be so affected by the addition of the turbines that the effects would be so overbearing or that views of turbines would be unavoidable around the properties.

36. I should also have regard to the specific residential amenity of other properties in the area. I have considered carefully the views out from the Newton Row (Newton Hill) area. Indeed, I noted that some of the properties on Newton Row have their principal elevation looking directly towards the proposal. I accept that for a number of properties, views of the proposed turbines from could detract from a residents' enjoyment of their properties. Despite a number of properties in the area, I am not persuaded that the visual amenity impact for individual properties in the area would be so negative that it should be considered unacceptable in terms of residential amenity. I do not consider that properties in the area would be unattractive places to stay. My reasons for saying that are:

- a reasonable distance from the turbines (5 to 6 kilometres) would reduce and mitigate the scale of effects to levels that would not appear dominating or overbearing;
- the properties are not close enough for turbines to have an overbearing presence;
- the proposal would not significantly increase the horizontal spread of turbine components already in view;
- new turbines would be partially masked by the intervening land form;
- new turbines would sit relatively low in the landscape and would therefore not appear to be overly dominant features;
- the partially hidden turbines add complexity to the visual effect but not to a significant or unacceptable extent;
- landscape views in which the proposal is set do not appear to be of particular scenic interest; and,
- properties have views away from the turbines in other directions where no turbines would be seen in the same relative proximity.

Nigh-time impacts

37. Although not considered to be of specific significance by the council, the visual impacts during the night-time from the use of aviation lighting is of concern to those making representations. An assessment of night-time effects is however included in Appendix 7.6 the Environmental Impact Assessment Report. No other evidence is put forward to counter the conclusions and data of that Report. It concludes that there would be limited additional

impact from seven new lights because of the established aviation warning lighting in the area (on telecommunications masts at Rumster/Thrumster and on at least three nearby wind farms Achairn, Burn of Whilk and Wathegar 2).

38. NatureScot guidance on siting and designing wind farms acknowledges that the assessment of aviation lighting at night is necessary. Based on the appellant's Environmental Impact Assessment Report, I consider that there would be a discernible localised change in the number of lights visible, with the horizontal spread of lighting being increased. Nevertheless, the lighting would be seen relatively low over the landscape from most viewpoints and in my view the number of new lights would not be significantly out scale with the aviation lighting currently experienced in the locality. The wind farm would also only be a distance of around 6 kilometres or so from the very well lit settlement of Wick. As such, I do not consider that the landscape and visual effects of additional lighting, including cumulatively, would be significant or should be considered unacceptable to residential properties, including those in the Newton Row area. No wild land areas would be affected and no areas designated for their dark skies would be harmed. With specific regard to the Newton Row area, the proposed turbine hubs would sit very low on or near the skyline, with one of the lit hubs (turbine 9) out of sight. I consider that the additional lighting would not conflict significantly with any particular night-time landscape features or the scale of the vast open night sky observed from the Newton Row area.

39. Although there is not a specific and separate development plan policy test for night-time lighting, my assessment is that the landscape and visual effects of aviation lighting should not be regarded as significant for the Environmental Impact Assessment and should not be considered unacceptably detrimental overall for the Highland Wide Local Development Plan policy 67. I understand that lighting would have a combined effect with other schemes but I consider that such additional cumulative effects would be relatively limited.

Landscape and visual impacts conclusions

40. My conclusions on landscape and visual impacts are that some significant visual effects would occur in close proximity to the turbines; as would be expected from any commercial scale proposal. In that regard I have identified one additional significant effect over and above that assessed in the Environmental Impact Assessment Report. In relation to the advice for the CT4 Landscape Character Type contained in Supplementary Guidance (page 101), based on my reasoning above, I do not consider that the proposed development would have an unacceptable impact on the existing baseline pattern of windfarms. The proposal would consolidate two clusters (which are in close proximity) into one larger array. Open views from the A9 to the coast would be maintained as the coastal edge is not directly impacted. The proposal would also have a logical scale in relation to the landscape and would not be out of scale with the existing turbines albeit with taller turbines. In my view, the level of impact arising would not amount to a development which should be considered unacceptable in terms of policy 67 of the Highland Wide Local Development Plan or the landscape and visual criteria of the Supplementary Guidance.

41. In response to a representation made, I did not find that the lack of visualisations and assessment from The Old Castle of Wick and Noss Lighthouse undermined my ability to assess the scheme. Viewpoint 5 provides an impression of the increased visibility of the turbines rather than the view set back at the coast at the Old Castle of Wick. In addition,

the Noss Lighthouse is over 10 kilometres away and would be looking towards the turbines over the settled area of Wick and over a relatively flat landscape.

Impacts on peat

42. The Environmental Impact Assessment Report (in Chapter 9) predicts that there would be minor adverse effects on the peat resource due to the potential for excessive peat loss during excavation. In Appendix 9.3 (Environmental Impact Assessment Report Volume 3) a carbon balance assessment indicates that carbon losses from excavated peat would be offset by renewable energy generation within 2.2 years (with a worst case scenario of 6.8 years); thus creating a beneficial effect of moderate significance. The proposal is estimated to provide carbon savings of over 1,386,000 tonnes in its lifetime, equivalent to emissions from supplying fossil-fuel energy to 26,253 homes. The risk of peat slide is assessed as negligible/unlikely and no party has a concern over the risk of peat slide.

43. In Chapter 10, the Environmental Impact Assessment Report says that the proposed peatland restoration of 62 hectares may be beneficial to blanket bog habitat located beyond the site and may assist recovery of Caithness and Sutherland Peatlands Special Area of Conservation boundary habitats degraded by coniferous plantation. Peatland restoration on the site is said to indirectly contribute towards the conservation objectives of the Special Area of Conservation for the maintenance of blanket bog habitats and compensate for the 0.1 hectare blanket bog habitat lost during construction. Through embedded mitigation the impacts on the designated peatlands are not considered significant.

44. The Royal Society for the Protection of Birds support plans to restore blanket bog as mitigation to compensate for any loss during construction.

45. Scottish Environment Protection Agency objected unless turbines 1, 2, 11 and related infrastructure were removed or further peat probing informed an amended layout to demonstrate that suitable steps have been taken to avoid disturbance of deep peat. Scottish Environment Protection Agency considered that if layout matters are addressed the development could be consented subject to a range of conditions which would include peat and habitat management.

46. The council refused the application (in part) because elements of the proposed layout (specifically turbines 1, 2 and 11) would appear to be in areas of deep peat and it had not been demonstrated that adverse effects of disturbance were clearly outweighed by social, environmental or economic benefits. The Royal Society for the Protection of Birds recommend that turbines 1, 2 and 11 should be removed from the scheme due to their location on deep peat and others micro-sited to avoid deep peat.

47. As far as I understand, the appeal site avoids areas indicatively identified as hosting nationally important peatland carbon rich soils (Classes 1 and 2 as defined by NatureScot). No party argues against that position. As the site is located in an area of Class 5 soils, for the purposes of the Onshore Wind Energy Supplementary Guidance, the site is a 'Group 3' area. Therefore, the requirement of Scottish Planning Policy (for Group 2 areas) to demonstrate that "any significant effects have been substantially overcome" does not strictly apply in this case.

48. I agree with the appellant that peat cannot be realistically be avoided on the site. I also note that tracks for turbines 1, 2 and 11 in the north of the site would be floating rather than excavated. The appellant's carbon peat balance also shows that there would be a relatively small net amount of waste peat taking into account peat restoration measures (708 cubic metres). The amount of blanket bog area to be lost to the development is also relatively small at 0.1 hectares.

49. I agree with the appellant that in terms of the carbon balance, 2.2 years 'payback' appears to be within normal thresholds and a positive factor in favour of the development. The Royal Society of the Protection of Birds do not put forward evidence why they regard 2.2 years as unacceptably high.

50. Further correspondence with Scottish Environment Protection Agency (submitted by the appellant) has shown an ongoing discussion on peat depth. The issue was a matter before the council and I therefore do not consider that the correspondence is a new matter in terms of Section 47A (1) of the Town and Country Planning (Scotland) Act 1997. In their response to this appeal, the council also acknowledges that Scottish Environment Protection Agency should be considered the lead advisor on deep peat issues.

51. The appellant also submitted additional peat probing information alongside the correspondence with Scottish Environment Protection Agency. The correspondence shows that Scottish Environment Protection Agency's concern over development in deep peat is alleviated for turbine 11 and could be addressed by micro siting for turbines 1 and 2. I consider that the information submitted, which has allowed Scottish Environment Protection Agency to indicate that their objection could be withdrawn, does not amount to Additional Information for the purposes of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The information is not, in my view, substantive information about a matter included in the Environmental Impact Assessment Report. The peat probing information simply verifies the position of the Environmental Impact Assessment Report that there were areas of deep peat to the north of the site (as show in Figures 9.5.1 and 9.6) but that no infrastructure would be located in peat depths greater than 5 metres. The information has however allowed Scottish Environment Protection Agency to be assured that it is possible to locate infrastructure in peat depths of no greater than 4 metres. It has shown me that further efforts to reduce peat excavation can be secured by using planning conditions regarding micro-siting.

52. I have also noted that some parties have indicated a desire for additional peatland restoration or a reduction in future coniferous planting in preference for riparian planting or riparian planting instead of peatland restoration. However, my findings require to be based on the acceptability of the proposal before me and not on other preferences. I have therefore considered the impact on peat resources as it is proposed.

53. The relatively small scale estimated net loss of peat (after restoration works), the scale of blanket bog lost in comparison to that to be restored, a siting outwith peatland carbon rich soils Classes 1 and 2, the lack of negative impacts on the nearby Caithness and Sutherland Peatlands Special Area of Conservation and the ability to use planning conditions to ensure that deep peat would be avoided where possible through micro-siting, all lead me to the conclusion that the proposal would not result in significant effects on peat resources. I am satisfied that efforts have been made to minimise peat disturbance and that planning conditions can ensure peat disturbance is keep to a minimum.

54. Based on the above, the Highland Wide Local Development Plan policy 55 (peat and soils) is satisfied for the following reasons:

- unnecessary disturbance of peat can be avoided (by planning conditions);
- climate change benefits from the proposal are positive;
- a peatland management plan can minimise impact (by planning condition); and,
- no adverse impact on integrity of the nearby peatlands Special Area of Conservation.

55. Supplementary Guidance does not provide any further substantive policy tests in relation to peat matters.

Removal of woodland

56. The Environmental Impact Assessment Report, in Chapters 10 and 18, predicts that there would be no significant effects as a consequence of forestry related development. Based on the figures presented in the Environmental Impact Assessment Report changes to previously agreed felling plans and restocking plans for the existing forestry in and around the site will be required to accommodate turbines 3, 5, 6, 7, 8, 9, and 10. There would be an overall reduction of 119.65 hectares of woodland compared to a restocked position within the current Baseline Forest Plan for the area. This includes an area of 62.51 hectares to be restored as peatland within the site.

57. The Scottish Government's policy on control of woodland removal: implementation guidance has a specific focus on wind farm proposals. The acceptability of woodland removal for wind farm proposals in helping Scotland to mitigate and adapt to climate change is accepted by the council and should apply in this case given the proposals contribution to climate change targets. In normal circumstances, this would require full compensatory planning amounting to 119.65 hectares and no party argues against that in relation to the public benefits from tackling climate change through renewables.

58. The Scottish Government's policy on control of woodland removal implementation guidance is clear that it is a woodland's impact on a priority habitat and the benefit that would be gained by woodland removal that will inform judgements on accepting woodland removal. Chapter 10 of the Environmental Impact Assessment Report (Ecology), says that habitats within the site are of lower ecological value and any blanket bog on the site is of regional importance. The overall objective of the peatland restoration works is said to be assisting recovery of damaged and degraded peatlands from long-term effects of afforestation through creation and restoration of blanket bog habitats from the clear-felling of coniferous plantation. The Environmental Impact Assessment Report concludes this will contribute to conservation objectives of the nearby Caithness and Sutherland Special Area of Conservation, 300 metres to the south of the site.

59. The Royal Society of the Protection of Birds, while commenting on peat restoration, do not challenge the basis on which areas are calculated and appear to me to support the application of compensatory planting not being required in relation to the area subject to peatland restoration. NatureScot do not comment on forestry or compensatory planting measures.

60. The council's view, and that of their forestry advisor, is that proposals for restoration to peatland habitats are in part to discourage the use of the site by raptors. As a

consequence they see that to be outwith the Control of Woodland Removal Policy acceptability criterion relating to enhancing populations of priority species. A preference for riparian planting rather than peatland restoration is also stated. However, I find that the draft Habitat Management Plan does not have the only aim of discouraging raptors in relation to peatland restoration. Areas where peatland restoration has been carried out would not be generally subject to the same management measures for raptors. The management measures in relation to raptors would be in areas of 500 metres from turbines where peatland restoration has not taken place. I do not find that the peatland restoration is being carried out only for the purpose of discouraging raptors. It is clearly stated in the draft Habitat Management Plan that the restoration is also to assist the recovery of damaged and degraded peatlands and to contribute positively to nearby designated sites.

61. The acceptability criteria of the Scottish Government's Policy on Control of Woodland Removal does not require all five criterion to be met. Although I agree with the council that the draft habitat management plan is not targeted towards enhancing populations of priority species it does focus on enhancing priority habitats and their connectivity.

62. I therefore agree with the appellant's position that the area of peatland restoration meets the acceptability criterion "enhancing priority habitats and their connectivity" under the Scottish Government's Policy on Control of Woodland Removal (and associated implementation guidance) for no compensatory planting. This is because the restoration of peatland is aimed at enhancing priority habitat and additional connectivity with the Caithness and Sutherland Peatlands Special Area of Conservation to the south. The benefits related to habitat restoration are set out in the Environmental Impact Assessment Report and are not challenged by parties. Benefits of this nature would amount to significant and clearly defined additional public benefits, as envisaged in the Policy on Control of Woodland Removal. In my view, compensatory planting required for the scheme would therefore be the net area of 57.14 hectares.

63. The appellant has argued that it is not necessary to determine whether the appellant's or the council's interpretation of the woodland removal policy is correct. However, I agree with the council that the extent of compensatory planting is key a matter which requires my attention in policy terms. It would not be appropriate to leave such uncertainty to the implementation of a planning condition as argued by the appellant. I have concluded that compensatory planting for 57.14 hectares would be required. Scottish Planning Policy, a material consideration in this case, highlights that the Control of Woodland Removal Policy should be taken into account when determining planning applications and I have done so above.

64. There are a number of comments made regarding the compatibility of restocking plans with sustainable forest management practices and whether plans are compliant with the UK Forest Standard. The appellant's consultants have advised that the revised forestry proposals are in line with the UK Forest Standard. The council's development plan (including Supplementary Guidance) does not require a policy assessment against the UK Forest Standard. I consider that the structure of woodland restocking and felling plans, including compliance with the UK Forestry Standard would be a matter enforced by Scottish Forestry.

65. It is the principle of woodland removal and the amount of compensatory woodland to be replanted that are the key matters for me to determine in terms of the development plan

and Scottish Planning Policy. The council's adopted Supplementary Guidance on 'Trees, Woodlands and Development' reiterates the Scottish Government Policy on the Control of Woodland Removal. The council has not highlighted any additional relevant parts of the guidance to me and I find that it provides no further policy tests. It provides a range of considerations to take into account. However, the guidance does look for wind farms to co-exist with woodland areas; which is what is proposed in this case.

66. Subject to conditions requiring the appropriate level of compensatory planting, I consider that the forestry related proposals would not lead to significant effects. In my view the appellant's proposals would also fulfil policies 51 and 52 of the Highland Wide Local Development Plan and supporting Supplementary Guidance in relation to the public benefits of addressing climate change by the deployment of onshore wind renewable energy and through compliance with the Control of Woodland Removal Policy. The detail of woodland prescriptions to be recommended in a Habitat Management Plan would also be finalised through the approval process for discharging planning conditions. This can allow for consistency with the UK Forest Standard.

Ornithology

67. Ornithology matters are addressed in Chapter 11 of the Environmental Impact Assessment Report. The potential in combination effects on the integrity of nearby Special Protection Areas is provided in Appendix 11.3 of the Environmental Impact Assessment Report. Any impact would be associated with either habitat loss, disturbance, displacement, or collision with turbines (including cumulatively). However, no significant effects are predicted on any of the species assessed or associated designations. Embedded mitigation is said to reduce the likelihood of significant effects further. Beneficial effects are predicted from habitat management proposals associated with the wind farm.

68. The council has not refused the application on the basis of ornithological impact and appear to have adopted the advice of NatureScot. NatureScot predict a likely significant effect on the Caithness and Sutherland Peatlands Special Protection Area unless a habitat management plan is finalised and ask that construction work is appropriately managed; along with pre-construction surveys where necessary. With such mitigation NatureScot say that the development could proceed.

69. The Royal Society for the Protection of Birds object because of concerns over limitations of the survey and assessment work, including the cumulative assessments; rendering the Environmental Impact Assessment Report conclusions unreliable. The appellant says that baseline data was collected over a longer timeframe than stipulated in NatureScot guidance and that uncertainties will always exist over data but that likely impacts have been robustly forecast. The Royal Society for the Protection of Birds also have a different view on the level of collision risk that is acceptable in comparison to that of the appellant and NatureScot. However, no alternative analysis is provided; including where The Royal Society for the Protection of Birds say there has been underestimates. The appellant says that all assessments are in line with the relevant NatureScot Guidance and I find NatureScot has not disputed that.

70. Any limitations of survey work that may exist has not disabled NatureScot from reaching a view on the development. NatureScot did not highlight concern over cumulative impacts from wind farms for the Caithness and Sutherland Peatlands Special Protection Area, the Caithness Lochs Special Protection Area and the East Caithness Cliffs Special

Protection Area. A revised cumulative assessment has not been sought by NatureScot nor do NatureScot have misgivings over data accuracy or missing data within the appellant's assessments.

71. The Royal Society of the Protection for Birds say that barrier effects have not been adequately assessed for gulls, skuas and geese. However, NatureScot recognise the barrier that would be created between nesting and inland feeding areas, and the large population size of Greylag Geese but do not consider the collision risk to have any significant effect on bird populations. In addition, NatureScot do not have concerns over the methodology or calculations of cumulative impacts in respect of collision risk for Osprey, Peregrine, Herring Gull or Great Black Backed Gull.

72. Based on the advice of NatureScot, the council's adoption of that advice and the rebuttal to comments of The Royal Society of Protection of Birds provided by the appellant as part of the appeal statement, I am satisfied that, subject to mitigation being secured by planning condition as required by NatureScot (including ornithological monitoring), the proposal would not have significant effects on ornithological interests or related designations. I address the matter of appropriate assessment in relation to designated sites separately below.

73. I therefore conclude, in relation to ornithology, that the Highland Wide Local Development Plan policy 67 (in relation to species and habitats) would not be compromised.

Aviation

74. In Chapter 16, the Environmental Impact Assessment Report predicts that there would be no significant effects on Air Safety, subject to a radar blanking solution for the National Air Traffic Systems En-Route radar at Allanshill. Mitigation is also required for turbines 4 and 11 (by lowering blade tip heights) for Highlands and Island Airports Limited regarding Wick John O'Groats Airport, together with a previous request for visible lighting.

75. National Air Traffic Systems confirmed withdrawal of an objection on 10 January 2020 subject to specific conditions highlighted in their correspondence. In further written submissions, the appellant has informed me that an agreement has now been entered into with National Air Traffic Systems to secure mitigation for the Allanshill radar.

76. The Ministry of Defence has not objected but requires aviation lighting (visible or infrared) to be installed and notification of project information if granted. This can be the subject of a planning condition.

77. In their planning application consultation response of 26 September 2019, Highlands and Islands Airports Limited objected unless two turbines (4 and 11) were reduced in height but did not request aviation lighting. However, lighting had previously been requested. I therefore agree with the appellant and the council that a lighting scheme should be agreed in advance of implementation to define what is required. I have already discussed the visual and landscape impacts of proposed lighting in the sections above.

78. Having considered all the evidence on aviation, my conclusions are that, subject to specific conditions, the development would not lead to significant effects and it would be

acceptable to the authorities responsible for aviation safety. There is no conflict with development plan policy or Supplementary Guidance in respect of aviation matters.

Other matters

79. The Environmental Impact Assessment Report assesses a wide range of other impacts: geology, hydrology and hydrogeology; ecology, ornithology; archaeology and cultural heritage, traffic transport and access, infrastructure and telecommunications, shadow flicker, socio-economic and tourism. The council has not founded its refusal on any of these impacts (excluding peat impacts) and I note that there are no outstanding concerns on the part of key agencies (excluding peat impacts), subject to the imposition of appropriate conditions. The Environmental Impact Assessment Report found no negative residual significant environmental effects in connection with these other matters.

Noise

80. Noise (from construction, decommissioning and operation of the wind farm), including cumulatively, is addressed within Chapter 8 of the Environmental Impact Assessment Report. Residual effects are not considered significant if best practice measures are implemented, a construction traffic management plan prepared, careful micro-siting and turbine power generation constraints are applied. Two properties are said to be at risk of being significantly affected before mitigation is implemented. They are Scorriecliett and Achairn Cottage. There is no evidence in this case to suggest that any other properties would be significantly affected.

81. The appellant's predicted cumulative turbine noise levels at Scorriecliett (to the north west of the site) are shown to sit within the higher fixed daytime amenity noise limit. The council agrees with that assessment and that the higher daytime rate is applicable.

82. At certain wind speeds cumulative turbine noise would be above the upper fixed daytime amenity limit for Achairn Cottage (to the north east of the site) but it is the council's understanding that the property is financially involved with the existing and nearby Achairn Wind Farm and has a higher noise threshold set as a consequence.

83. A relatively small number of properties have the potential to be affected by the proposal. Based on the council's environmental health consultation response and subject to the application of conditions to secure noise mitigation, including for construction working hours, my conclusion is that significant effects would not occur. With the use of conditions, noise levels, including cumulatively, would be within acceptable levels given the nature of the properties affected.

Geology, hydrology and hydrogeology

84. Geology, hydrology and hydrogeology are addressed in Chapter 9 of the Environmental Impact Assessment Report. I have already addressed peat and blanket bog resources above. However, the adoption of good working practices, appropriately designed drainage systems and reinstatement, is said to mitigate the potential effects on other elements of the geological, hydrological and hydrogeological environment. Effects on surface and groundwater resources and the underlying geology of the development site are predicted to be not significant. Scottish Environment Protection Agency is content that Ground Water Dependant Terrestrial Environment habitats that are present are either not

significantly groundwater dependant or are not of significant ecological value due to tree planting. I have seen no evidence to suggest negative impacts, although Scottish Environment Protection Agency request conditions relating to water crossings and flooding, buffers around water courses, an allowance for micro-siting and the preparation of a construction environmental management plan.

Ecology

85. Ecology is addressed in Chapter 10 of the Environmental Impact Assessment Report. No significant impacts were predicted, including cumulatively, across a wide range of important habitats and species during construction operation or decommissioning of the wind farm. I have addressed forestry, ornithology and peat related matters above. Beyond these issues, NatureScot advise that the development is likely to have a significant effect on Otters linked to the Caithness and Sutherland Peatlands Special Area of Conservation. This is through the potential for disturbance. However, NatureScot say that this will not adversely affect the integrity of the site; in part due to planned pre-construction surveys informing a proposed Species Protection Plan together with embedded mitigation. Those matters should in my view be adequately covered by planning conditions. NatureScot also advise early consideration of species and habitats in advance of any decommissioning which again could be dealt with by planning condition. NatureScot and Scottish Environment Protection Agency also support the preparation of a habitat management plan.

86. The Royal Society for the Protection of Birds say that the proposal may undermine a potential designation of the Flow Country as a UNESCO World Heritage Site. However, no negative implications for such a project are addressed by NatureScot or the council.

87. With regard to ecology overall, subject to a range of conditions (some of which are suggested by interested parties including NatureScot and The Royal Society for the Protection of Birds), I consider that impacts should not be regarded as significant for the purposes of Environmental Impact Assessment.

Archaeology and cultural heritage

88. Archaeology and cultural heritage matters are addressed in Chapter 12 of the Environmental Impact Assessment Report. No significant effects are predicted on known heritage arising from the construction, operation or decommissioning of the development.

89. Despite identifying shortcomings in the assessment work of the Environmental Impact Assessment Report, Historic Environment Scotland say that impacts on their interests are not significant. While the assessment work does appear to be limited in scope with regard to the setting of monuments, I have no evidence to suggest that the integrity of scheduled monuments in the study area would be adversely affected. I visited sites during my inspections including the Grey Cairns of Camster and elements of the Loch of Yarrows monuments. Based on those visits, I agree with Historic Environment Scotland's overall conclusions.

90. A programme of work for the evaluation, preservation and recording of any archaeological and historic features is suggested by the council; to be secured by planning condition. The council's Historic Environment Team indicate that the general area is known for its archaeological potential. Based on the spread of known sites there appears to me to be potential for remains to exist within the site. I therefore agree with the council that a

planning condition would be necessary. However, I do not agree with the council's report on handing where the impact from the Camster Cairns and the Yarrows Archaeological Trail is said not meet a threshold of acceptability for cultural heritage. This is related to visual impact and I have considered visual impacts earlier in this decision.

Traffic, transport and access

91. Traffic, transport and access are addressed in Chapter 13 of the Environmental Impact Assessment Report. The expected increase in traffic volume as a result of construction traffic is considered to be within normal parameters for the road types and as such traffic impacts are not considered to be significant. This is subject to the preparation, agreement and implementation of a Construction Traffic Management Plan. The council do not raise a concern over traffic related matters subject to the implementation of such a plan. The council is also of the view that an agreement under Section 96 of the Roads (Scotland) Act 1984 should include the provision for a road bond or similar, to ensure that roadways are repaired or reinstated after construction.

92. My overall conclusion is that traffic related matters would not generate significant impacts and that any impact can be a managed by using planning conditions, in particular to address matters raised by the council's roads advisors in their planning application consultation response. Where matters are subject to separate controls a planning authority should not impose conditions to achieve the purposes of a separate system of control. Therefore, the council should pursue a 'Section 96' agreement separately. That conclusion also reflects Planning Circular 4/1998: the use of conditions in planning permissions.

Infrastructure and telecommunications

93. Infrastructure and telecommunications are addressed in Chapter 14 of the Environmental Impact Assessment Report. No effects on existing infrastructure are anticipated. There is no evidence to suggest to me that the proposal would interfere with existing telecommunications infrastructure. The council do not have concerns but consider that it would be prudent that a condition be attached to ensure that any TV reception interference can be addressed.

Shadow flicker

94. Shadow flicker is addressed in Chapter 15 of the Environmental Impact Assessment Report. One property (Achairn Cottage) has the potential to be affected. However, the property has no windows facing the wind farm and therefore would not be affected. The council agrees with that and I do not have no concerns based on those assessments.

Socio-economics

95. Socio-economic and tourism related matters are addressed in Chapter 17 of the Environmental Impact Assessment Report which identifies no significant effects overall, with a mix of minor adverse and minor beneficial impacts across a range of factors as summarised in Table 17.10 of the assessment. The council suggests that there is some uncertainty around tourism impact but based on its own experience it is not considered that such impacts are likely to be significantly adverse. Positive job benefits are also referred to by the council. I agree with the council's general conclusions that a modest level of job creation would be established by the proposal.

96. A Core Path passes through the site and would remain open for public use during the construction period as well as during the operation of the development. A section of the Core Path is noted for upgrading, where access during the upgrade works will require consideration. Some additional access provision, primarily for recreational access, is shown in the final layout and could be considered further as part of a Recreational Access Management Plan. The overall access impacts would appear to me to be negligible or slightly positive.

97. Subject to the imposition of a condition requiring an access plan, I have no evidence or reason to say that significant negative socio-economic effects would occur. Despite a level of uncertainty over the impacts on tourism, given the existence of surrounding turbines and my assessment of visual effects, my conclusion is that the overall socio-economic impact would be positive; both during construction and during the operation of the wind farm.

Compliance with the development plan

98. I have not identified any significant conflict with the policy intentions of documents which comprise the development plan. Specifically, when taking into account the relevant balancing considerations of Highland Wide Local Development Plan policy 67, I have not found any impact which is significantly detrimental, including cumulatively. The proposal would also make a valuable contribution to meeting renewable energy generation targets. I therefore consider that the proposal is consistent with policy 67 and as a consequence is also compatible with policy 28 (sustainable design), subject to the implementation of a range of planning conditions.

Material considerations

Energy policy

99. Together, the Scottish Government's Energy Strategy and Onshore Wind Policy Statement (both 2017) support the ongoing deployment of onshore wind in Scotland. The appellant also rehearses the Scottish Government's and The Highland Council's acknowledgement of the global climate emergency. The capacity of the proposal is expected to be 38 Megawatts over 30 years and that would provide a contribution to national renewable energy targets and the ambitious Scottish Government 'Net Zero' targets for 2045 and the 2030 interim targets (which are all set out to help tackle climate change). No party argues against the appellant's points in relation to the need in policy terms for additional deployment of renewable energy generation to address climate change. These are factors which are important material considerations in favour of the development.

National Planning Policy

100. I agree with the appellant that National Planning Framework 3, albeit produced in light of energy related targets around in 2014, supports a renewable and low carbon economy whilst minimising adverse impacts on environmental assets. Further support is signalled in the National Planning 4 Position Statement issued in December 2020, although National Planning Framework 4 is yet to be published by the Scottish Government.

101. Scottish Planning Policy gives general support to the development of renewables in relation to emissions targets but specifically in paragraphs 152, 153, 154 and 156; and in relation to energy storage through paragraph 168. The scheme proposes to incorporate battery storage units, with a potential to store a further 30 megawatt hours of energy storage for balancing the grid.

102. Table 1 of Scottish Planning Policy sets out a strategic spatial framework for onshore wind. As I have noted above, in spatial terms the appeal site is within Group 3; 'Areas with Potential' for siting of wind farms. Scottish Planning Policy advises that wind farms in such areas are likely to be acceptable in principle subject to detailed consideration. Such a detailed consideration has been undertaken above in relation to policy 67 of the Highland Wide Local Development Plan and below in relation to paragraph 169 of Scottish Planning Policy.

103. Paragraph 169 identifies a list of development management considerations, which have a degree of overlap with policy 67 of the Highland Wide Local Development Plan. I have addressed most of the considerations in my assessment above and I have not found any matters which would lead to significant detrimental effects. With regard to the remaining considerations, the decommissioning and need for a planning obligation is addressed below. I have also noted that the proposal for energy storage; a matter supported by paragraph 169 of Scottish Planning Policy.

104. Scottish Planning Policy also contains sustainable development principles set out in its paragraph 29. Based on my assessments above, taking into account the mitigation offered through a range of planning conditions, I have not identified specific constraints in relation to the principles or outcomes sought in Scottish Planning Policy. I am aware of a successful legal challenge to the 2020 revision to Scottish Planning Policy but this has made no substantive difference to my assessment that the proposal is acceptable when considered against the principles set out at paragraph 29 (which did not change in the 2020 revision from the 2014 version).

Other material considerations

105. While rental payments are highlighted by the appellant, I do not consider that the payments themselves are of material interest in a planning case. The appellant also acknowledges that any proposed community fund is not a material consideration. This is also reflected in the council's assessment and I agree with that.

106. There are two letters of support. One from a member of the public and another from the British Horse Society. There were two objections, submitted by residents of Newton Row around 5 to 6 kilometres from the proposed turbines.

107. I have noted the relatively low numbers of representations. However, the scale of representation is not necessarily an indication of the acceptability of a proposal or the lack of concern locally. I have also considered and addressed the relevant points of objection made in representations elsewhere within my decision. However, in summary, the objections raised were regarding:

- visual effects for residents and recreational users (North Coast 500 and tourists);

- specific concerns regarding views from Newton Hill, Viewpoints 1 (Bilbster), 5 (Hempriggs), and 7 (Tesco car park), and lack of assessment from The Old Castle of Wick and Noss Lighthouse;
- cumulative visual impact of existing wind farms and sense of encirclement, particularly from Newton Hill area;
- impact on residential amenity on local residents on its own and cumulatively; and,
- impacts of aviation lighting, specifically on Newton Hill.

108. Matters raised in favour of the proposals were:

- a well sited development between other wind turbines;
- improved access facilities;
- would bring more employment to the area;
- turbines would not interfere with existing businesses or private homes; and,
- land is unfit for other purposes.

109. The council list the potential role of a Planning Monitoring Officer as a material consideration in relation to the complexity of the site. I deal with that matter in my discussion on planning conditions below.

Conclusion on material considerations

110. My overall conclusion on the material considerations in this case is that the balance is clearly in support of the proposal. There are none of any scale or importance to indicate that the development plan should be set aside or that the proposal should not be consented.

Appropriate assessment

111. The construction of the wind farm has been identified as giving rise to likely significant effects on the Caithness and Sutherland Peatlands Special Protection Area, Caithness and Sutherland Peatlands Special Area of Conservation, Caithness Lochs Special Protection Area and East Caithness Cliffs Special Protection Area either alone or in combination with other wind farms. As a consequence, under the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") and Conservation of Habitats and Species Regulations 2017 these likely significant effects require to be subject to an appropriate assessment (below) in view of the conservation objectives for their qualifying interests.

112. The view of NatureScot is that this proposal is likely to have a significant effect on breeding raptors and Greenshank in connection with the Caithness and Sutherland Peatlands Special Protection Area through collision risk and disturbance. However, NatureScot advise that if the proposal is undertaken with specific mitigation, then it will not adversely affect the integrity of the site. The mitigation is an agreed habitat management plan which follows NatureScot guidance on preventing habitats becoming attractive to certain species and construction works avoiding the bird breeding season of 15 March to 31 August inclusive. If this period is not possible, likely significant effects would be mitigated by pre-construction surveys for Greenshank, Hen Harrier, Merlin and Short-eared Owl. The survey methods and proposed mitigation arising from surveys would require to be agreed with NatureScot in advance.

113. In relation to possible displacement of roosting Hen Harrier, NatureScot advise that the proposal will not adversely affect the integrity of the site due to the infrequent use of the site for roosting. If construction works take place during the roosting period their advice is that pre-construction surveys and regular monitoring for roosting birds are carried out. If roosting Hen Harriers could be affected by the proposal, mitigation in accordance with current NatureScot guidance should be followed.

114. Likely significant effects on Otters linked with the Caithness and Sutherland Peatlands Special Area of Conservation are through the potential for disturbance. However, NatureScot advise that the Otter population is unlikely to be adversely affected by disturbance if the proposed surveys of all suitable habitats within 200 metres of proposed works and species protection plans are put in place as a result; together with the embedded mitigation within the project.

115. Significant effects are likely on the Greylag Geese population of the Caithness Lochs Special Protection Area and on the Herring Gull and Great Black-backed Gull populations of the East Caithness Cliffs Special Protection Area through collision risk.

116. The proposal is south of the main roosting and feeding areas used by Greylag Geese. NatureScot say that survey and assessment show the proposal represents a relatively low collision risk. Given the relatively large size of the greylag population, NatureScot say the proposal will not, either on its own or in combination with other wind farm proposals, adversely affect the greylag population.

117. The proposal also lies between the cliff nesting areas of Herring Gulls and Great Black-backed Gulls and their inland feeding areas. The advice of NatureScot is that both species are at risk of collision while flying through the site. Survey and assessment shows that collision risk for both species is unlikely to adversely affect the breeding population according to NatureScot. NatureScot also say that proposal is unlikely to significantly add to the cumulative collision risk posed by other wind farm proposals.

118. Based on the advice of NatureScot, I conclude that the proposed Camster 2 Wind Farm, subject to mitigation using planning conditions, would have no adverse effect on the integrity of the Caithness and Sutherland Peatlands Special Protection Area, Caithness and Sutherland Peatlands Special Area of Conservation, Caithness Lochs Special Protection Area and East Caithness Cliffs Special Protection Area either alone or in combination with other projects/plans in the area and that their conservation objectives would be met.

Overall conclusions

119. The Environmental Impact Assessment Report predicts that there would be residual negative significant effects arising from visual impacts upon users of Blingery Forest Trial, with positive significant effects resulting from the carbon balance assessment and habitat restoration. Following my consideration and assessment of the environmental information, I have identified one additional significant visual effect in close proximity to the wind farm. However, I conclude, subject to mitigation controlled by means of planning conditions, that there would be no unacceptable residual impacts.

120. In addition, I am satisfied that my reasoned conclusions on the significant effects of the proposed development are up-to-date.

121. I therefore conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would still justify refusing to grant planning permission. Material considerations, including national energy policy considerations, are in support of granting planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

Planning conditions

122. A written submissions process was followed to allow the council and the appellant to agree a set of finalised planning conditions. Agreement was reached between the appellant and the council on most of the proposed planning conditions. Subject to minor amendments to improve their clarity, I have adopted most of these agreed conditions with the exception of the matters below.

123. Neither the appellant nor the council suggest that a planning obligation is necessary to make the development acceptable. It is my view that planning conditions would be sufficient to ensure the implementation of an acceptable development and to secure decommissioning and restoration where appropriate.

124. A direction, granting five years to commence development, is sought by the appellant. Section 58(2) of the Town and Country Planning (Scotland) Act 1997 grants powers direct a period longer than three years can apply. The council has made no comment on the appellant's request. Given the scale and complexity of developing a commercial scale wind farm (as explained by the appellant), I consider that a five year period is appropriate. However, as the consent is a temporary consent, the matter should be covered by a planning condition as explained in Section 58 (4)c of the Town and Country Planning (Scotland) Act 1997. I have addressed this in a revised condition 2.

125. I consider that the proposed condition 5 is a design related matter for the council to discharge without an explicit need to reference consultation with Scottish Environment and Protection Agency or NatureScot. I have therefore amended that condition.

126. With regard to condition 17 and aviation lighting, the agreement of the Ministry of Defence should also be sought in addition to Highlands and Islands Airports Limited. The Ministry of Defence requires lighting (either visible or infrared) and I consider that it is important to ensure that there is only one single approved lighting scheme for the wind farm which the responsible authorities are all satisfied with.

127. Condition 22 provides for further landscape and visual assessment to be carried out in respect of transformers potentially being located outwith the turbine towers. I do not consider that such an assessment, concerning impacts on the amenity or designations in the area, is a matter for a planning condition to address. Such assessment is for the planning application. However, I have noted that in a response to further written submissions, the appellant has said that the application had assumed transformers within the turbine towers. The Environmental Impact Assessment Report has also assessed the proposal on that basis. In view of that, the appellant has accepted the council's proposal to require transformers be located inside towers. Taking this into account, I have amended condition 22 accordingly.

128. The appellant and the council do not fully agree on a small number of planning conditions. I now deal with each of these disputed conditions in turn.

129. In relation to condition 10, the reference to the Roads (Scotland) Act 1984 is made. I consider that the reference and related requirements should be deleted. This is because where matters are subject to separate controls a decision maker should not impose conditions to achieve the purposes of a separate system of control. My conclusion is also reflected in Circular 4/1998 (the use of conditions in planning permissions).

130. I have amended condition 11 to remove the need to carry out a baseline TV and radio reception mitigation plan. The condition I have included simply deals with any mitigation that may be required if complaints are raised rather than the submission of baseline surveys and a mitigation plan. I consider this to be a more proportionate approach in light of the Environmental Impact Assessment Report conclusions. However, given that there are domestic premises in the area, TV reception interference is a matter that should be addressed by a planning condition.

131. Condition 24 deals with redundant turbines. I do not consider that the council's request for decommissioning of the scheme, if (the arbitrary figure of) 50% of turbines do not generate, to be a reasonable one. It is unreasonable due to the relatively small scale of the scheme and because of my findings on landscape and visual impacts above. The planning condition is also not precise as it introduces the concept of the council exercising discretion by the use of the word 'may'. This is too vague and in my view does not provide the precision required by Circular 4/1998 (the use of conditions in planning permissions). I have therefore reworded the condition to remove this specific requirement.

132. Condition 26 considers micro-siting. The appellant had indicated through written submissions that both turbines 1 and 2 should be located on peat with a depth of less than four metres. I had based my earlier conclusions on deep peat around that assumption. I have therefore amended the condition accordingly to ensure turbine foundations at turbines 1 and 2 are located in peat depths of less than 4 metres.

133. Both the council and the appellant agree that compensatory woodland planting can be properly secured through the use of a suspensive planning condition. The Scottish Government Control of Woodland Removal Policy and its 'Implementation Guidance' also expects planning conditions to be used, including the use of suspensive conditions. I have already concluded on the size of replanting necessary and I have therefore inserted that in the planning condition. I also consider that my amended condition is compliant with the Scottish Forestry 'Implementation Guidance' as it references location, size and timing of off-site compensatory planting. In addition, my revised condition specifies that the replanting scheme should be agreed before the commencement of development which is in line with the Implementation Guidance.

134. Although the council had earlier required that a planting scheme be specified in the Highlands, the council has now agreed to a condition which is not location specific at this moment in time. Given that the Control of Woodland Removal Policy 'Implementation Guidance' allows compensatory replanting anywhere in Scotland and allows for non-locational specific suspensive planning conditions, I am content that my amended planning condition is appropriate to the circumstances of this case.

135. A condition was proposed by the council concerning the employment of a Planning Monitoring Officer. I am aware that such a condition has been accepted on previous consents (as highlighted by the council). That said, the appellant in this instance is opposed to the condition and paying for a consultant to undertake the planning functions of the council. The appellant considers that the proposed condition is unreasonable and that it duplicates a number of responsibilities already covered by the Ecological Clerk of Works, which the appellant considers to be disproportionate. I agree with the appellant that it is the council's responsibility to enforce the planning conditions. I also consider that monitoring reports could be submitted by the developer as part of the Construction Environmental Management Plan (proposed in condition 8) rather than a separate condition requiring the employment of Planning Monitoring Officer. I have therefore amended the wording of condition 8 to reflect that.

136. The planning conditions I attach to this decision also provide for monitoring measures where appropriate. In condition 8, I require that quarterly monitoring reports are provided to the council. In condition 10, monitoring of road conditions is required. Condition 18 requires habitat monitoring through a habitat management plan. Finally, through condition 29, I require the appointment of an Ecological Clerk of Works who would have responsibility for monitoring ecological mitigation measures relating to the proposed development. There is no evidence to suggest that any other monitoring measures are required.

Keith Bray

Reporter

Schedule 1: Conditions

Compliance with application

1. The development shall be undertaken in accordance with the application dated 12 July 2019 and planning drawings listed below except insofar as amended by the terms of and conditions attached to this permission. The approved planning drawings are:

- (a) Drawing C_190408_ES4.1_V1 – Final Layout
- (b) Drawing C_190403_ES1.2_V1 – Site Boundary Plan
- (c) Drawing C_190416_ES1.9_V3 – Proposed Access Route
- (d) Drawing C_190403_EX1.1_V1 – Development Location Plan

Reason: To ensure the development is carried out in accordance with the approved drawings.

Timing and operation

2. This planning permission shall lapse on the expiration of a period of five years from the date of this decision notice, unless development has commenced within that period. This planning permission shall expire and cease to have effect after a period of 35 years from the earlier of:

- (a) following the completion of the commissioning process, the date when electricity is exported on a commercial basis from the last of the approved turbines to the electricity grid network; and,
- (b) the date occurring 36 months after the commencement of development, (the "final export date").

Upon the expiration of a period of 30 years from the final export date, the wind turbines shall be decommissioned and removed from the site, with decommissioning and restoration works undertaken in accordance with the terms of condition 6 of this permission. Written confirmation of the final export date shall be submitted in writing to the planning authority within one month of the final export date.

Reason: To apply a reasonable time limit on implementation and in recognition of the expected lifespan of the wind farm.

Appearance of turbines

3. No turbines shall be erected until details of the proposed wind turbines have been submitted to, and approved in writing by, the planning authority. These details shall include:

- (a) the make, model and design of the turbines to be used; and,
- (b) the external colour and/or finish of the turbines to be used (including towers, nacelles and blades) which should be non-reflective pale grey semi-matt.

Thereafter, development shall be implemented in accordance with these approved details and, with reference to part (b) above, the turbines shall be maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned.

Reason: To ensure that the environmental impacts of the turbines forming part of the development conform to the impacts of the candidate turbines assessed in the Environmental Impact Assessment Report and in the interests of the visual amenity of the area.

4. All turbine rotors shall rotate in the same direction.

Reason: In the interests of visual amenity.

Appearance of ancillary structures

5. Prior to the commencement of development, full details of the location, layout, external appearance, dimensions and surface materials of all control and/or substation buildings, welfare facilities, compounds and parking areas, as well as any fencing, walls, paths and any other ancillary elements of the development, have been submitted to, and approved in writing by, the planning authority. Thereafter, the development shall progress in accordance with these approved details.

Reason: In order to secure an appropriate appearance in the interests of amenity and to assimilate the building into the landscape setting.

Decommissioning

6. (a) The development will be decommissioned and the site restored in accordance with the Decommissioning and Restoration Plan (as described in sub-paragraph (c) below) no later than the date falling 35 years from the final export date.

(b) Prior to the commencement of development an outline Interim Decommissioning and Restoration Plan shall be submitted to and approved in writing by the Planning Authority in consultation with NatureScot and Scottish Environment Protection Agency. The Interim Decommissioning and Restoration Plan shall outline measures for the decommissioning of the development, restoration and aftercare of the site and will include proposals for the removal of the development (save for access tracks, cabling and foundations), the treatment of ground surfaces, the management and timing of the works, and environmental management provisions.

(c) No later than 3 years prior to decommissioning of the development or the expiration of this permission (whichever is the earlier) a Decommissioning and Restoration Plan, based upon the principles of the approved Interim Decommissioning and Restoration Plan, shall be submitted to the Planning Authority for written approval in consultation with NatureScot and Scottish Environment Protection Agency.

(d) The development shall be decommissioned and the site restored in accordance with the approved Decommissioning and Restoration Plan, unless otherwise agreed in writing in advance with the planning authority in consultation with NatureScot and Scottish Environment Protection Agency.

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

Financial provision

7. Prior to the commencement of works to install the wind turbine foundations:

i. full details of a bond or other financial provision to be put in place to cover all of the decommissioning and site restoration measures outlined in the Interim Decommissioning and Restoration Plan approved under condition 6 of this permission shall be submitted to, and approved in writing by, the planning authority; and,

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

iii. documentary evidence that the bond or other financial provision approved under parts (i) and (ii) above is in place shall be submitted to, and confirmation in writing that the bond or other financial provision is satisfactory shall be issued by, the Planning Authority.

Thereafter:

1. the bond or other financial provision shall be maintained throughout the duration of this permission; and,
2. the bond or other financial provision shall be subject to a review five years after the commencement of development and every five years thereafter until such time as the wind farm is decommissioned and the site restored.

Each review shall be:

- a. conducted by a suitably qualified independent professional; and,
- b. published within three months of each five year period ending, with a copy submitted upon its publication to both the landowner(s) and the planning authority; and,
- c. approved in writing by the planning authority without amendment or, as the case may be, approved in writing by the planning authority following amendment to their reasonable satisfaction.

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

Reason: To ensure sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this planning permission.

Construction Environmental Management Plan

8. Prior to the commencement of development, a Construction and Environmental Management Plan shall be submitted to and approved in writing by the planning authority. The required documents shall include the following:

- a. Species Protection Plans;
- b. Groundwater Dependent Terrestrial Ecosystems Management Plan;
- c. Pollution Prevention Plan;
- d. Dust Management Plan;
- e. Drainage Management Plan;
- f. Watercourse Crossing Register;
- g. Scheme of works for temporary quarries;
- h. Forestry Waste Management Plan;
- i. Site Waste Management Plan; and,
- j. Details for the submission of a quarterly report summarising work under taken at the site and compliance with the planning conditions during the period of construction and post construction re-instatement.

The Construction and Environmental Management Plan shall be implemented as approved.

Reason: To ensure that all construction operations are carried out in a manner that minimises their environmental impact and that the mitigation measures contained in the Environmental Impact Assessment Report accompanying the application, or as otherwise agreed, are fully implemented.

Above ground structures

9. Prior to the erection of any structures above 90 metres in height, the developer shall provide the Ministry of Defence, the Defence Geographic Centre (AIS Information Centre), NATS, Highlands and Islands Airports Limited and to the planning authority with the following information in writing:

- i. The dates that the erection of such structures will commence on site and will be complete;
- ii. The maximum height of each wind turbine, mast and construction-related equipment (such as cranes);
- iii. A description of all structures exceeding 90 metres in height;
- iv. The height above ground level of the tallest structure within the site;
- v. The latitude and longitude of every proposed wind turbine and mast;
- vi. The number of rotor blades on each turbine; and,
- vii. The total number of turbines and the total generation capacity of the windfarm.

Thereafter, the windfarm shall not be commissioned until full details of any changes to information previously provided in relation to parts ii and vii above (including any micro-siting alterations, if allowed under the terms of this permission) have been submitted in writing to the Ministry of Defence, Defence Geographic Centre, NATS and Highlands and Islands Airports Limited.

Reason: To ensure that the listed stakeholders are aware of any tall above ground structure that may pose an obstacle or danger to navigation.

Construction traffic management

10. (a) Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to, and approved in writing by, the Planning Authority in consultation with Transport Scotland.
- (b) The Construction Traffic Management Plan shall include the following:
 - i. A risk assessment for transportation during daylight hours and hours of darkness;
 - ii. Proposed traffic management and mitigation measures on the access route;
 - iii. Proposed measures to mitigate the impact of general construction traffic on the local road network following detailed assessment of relevant roads;
 - iv. A contingency plan prepared by the abnormal load haulier, including measures to deal with any haulage incidents that may result in public roads becoming temporarily closed or restricted;
 - v. A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period;
 - vi. Details of appropriate upgrading works at the junction of the site access and the public road. Such works will include suitable drainage measures,

- improved geometry and construction, measures to protect the public road and the provision and maintenance of appropriate visibility splays; and,
- vii. Measures to ensure that all affected public roads are kept free of mud and debris arising from the development.

(c) The Construction Traffic Management Plan shall include arrangements for establishing a community liaison group to discuss the arrangements for the delivery of all road and construction traffic mitigation measures required for the development. This should include, but not be limited to, traffic management arrangements: to be in place during any roadworks associated with the development; for the operation of local roads during delivery of abnormal loads; and identification of contact arrangements during the construction of the development.

(d) Prior to commencement of deliveries of abnormal loads to the site the proposed route for abnormal loads on the local and trunk road networks and any accommodation measures required including the removal of street furniture, junction widening, traffic management must be approved in writing by the planning authority, in consultation with Transport Scotland. This shall include the following measures:

- i. An initial route assessment report for abnormal loads, including swept path analysis and details of the movement of any street furniture, any traffic management measures and any upgrades and mitigations measures as necessary;
- ii. A pre- and post- delivery road condition survey;
- iii. An assessment of the capacity of existing bridges and other structures along the construction access routes to cater for abnormal loads, with upgrades and mitigation measures proposed and implemented as necessary; and,
- iv. A videoed trial run to confirm the ability of the local road network to cater for turbine delivery. At least three weeks' notice of this trial run must be made to the local Roads Authority who must be given the opportunity to be in attendance.

(e) During the delivery period of the wind turbine components any additional signing or temporary traffic control measures necessary due to the size or length of any loads being delivered or removed must be undertaken by a traffic management consultant whose appointment shall be approved by the planning authority in consultation with Transport Scotland before delivery commences.

The works shall thereafter be carried out in accordance with the approved Construction Traffic Management Plan.

Reason: To ensure road safety and that transportation will not have any detrimental effect on the road and structures along the route and to minimise interference with the safety and free flow of the traffic on the local and trunk roads and to minimise adverse impacts on residents and local businesses in the area.

Television and radio reception

11. Within 12 months of the first export date, any claim by any individual person regarding TV picture loss or interference at their house, business premises or other building, shall be investigated by a qualified engineer appointed by the developer and the results shall be submitted to the planning authority. Should any impairment to the TV or

radio signal be attributable to the development, the developer shall remedy such impairment within 3 months.

Reason: To mitigate the potential effect of TV and radio interference on the development.

Temporary quarry replanting

12. Prior to the commencement of development, full details on a plan and in writing of the proposed replanting of temporary quarry expansion areas shall be submitted to and approved in writing by the planning authority. Such details shall include as a minimum:

1. proposed timescale for replanting;
2. a detailed ground preparation and planting specification; and,
3. a detailed maintenance schedule, including deer protection measures.

The approved replanting scheme shall be implemented thereafter in line with the approved timescales.

Reason: To ensure replanting of temporary quarry expansion areas following cessation of use.

Archaeology

13. Prior to the commencement of development, a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development, including a timetable for investigation, shall be submitted to, and approved in writing by, the planning authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

Reason: To enable the opportunity to identify and examine any items of archaeological interest which may be found on the site.

Aviation

14. No turbine blade tip may exceed a height of 212.23 metres above mean sea level.

Reason: To ensure that the development adheres to the maximum design parameters considered in the assessment of the proposal and to mitigate any infringement upon the flight landing procedures of Highlands and Islands Airports Ltd in respect of Wick Airport.

15. No part of any turbine shall be erected above ground level until a Primary Radar Mitigation Scheme has been submitted to and approved in writing by the planning authority in order to avoid the impact of the development on the Primary Radar of the Operator located at Allanshill and associated air traffic management operations.

Reason: In the interests of aviation safety.

16. No part of any turbine shall be erected above ground until the approved Primary Radar Mitigation Scheme has been implemented and the development shall thereafter be operated fully in accordance with such approved scheme.

For the purpose of conditions 15 and 16;

"Operator" means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act).

"Primary Radar Mitigation Scheme" or "Scheme" means a detailed scheme agreed with the Operator which sets out the measures to be taken to avoid at all times the impact of the development on the surveillance infrastructure and air traffic management operations of the Operator at Allanshill.

Reason: In the interests of aviation safety.

17. No turbine may be erected until a scheme for aviation lighting has been submitted to and approved in writing by the planning authority following consultation with the Ministry of Defence and Highlands and Islands Airports Ltd or any successor responsible for safeguarding Wick Airport. Unless otherwise agreed by the planning authority the visible lighting scheme shall relate to lighting of turbine numbers 1, 4, 5, 7, 9, 10 and 11. No aviation lighting other than that described in the approved scheme may be installed on the turbines at the site, unless otherwise agreed in advance and in writing by the Planning Authority. The development shall thereafter be operated in accordance with the approved scheme.

Reason: In the interests of aviation safety.

Habitat Management Plan

18. (a) Prior to the commencement of development, a Habitat Management Plan shall be submitted to and approved in writing by the planning authority. The Habitat Management Plan shall reflect the aims and objectives set out in the outline Habitat Management Plan submitted with the application and shall set out proposed habitat management of appropriate areas within the site, to be carried out during the period of construction, operation, decommissioning and restoration of the site.

(b) The objectives of the Habitat Management Plan shall be as follows:

- i. management of raptor habitat including sward management, breeding bird deterrents, restocking for rapid canopy closure and restocking alterations;
- ii. management of protected mammal habitats including bats, otter, water vole, wildcat and pine martin;
- iii. woodland management; and
- iv. peatland restoration.

(c) The approved Habitat Management Plan shall include provision for monitoring at an appropriate frequency having regard to the objectives of the Habitat Management Plan. Unless otherwise approved in advance in writing by the planning authority, the approved Habitat Management Plan shall be implemented in full.

Reason: In the interests of the protection and enhancement of those habitats and species.

Peat Management Plan

19. Prior to the commencement of development, a Peat Management Plan shall be submitted to and approved in writing by the planning authority in consultation with Scottish Environment Protection Agency. The Peat Management Plan shall thereafter be implemented as approved and shall provide:

- (a) peat probing information in areas of new infrastructure;
- (b) outline and show clearly on a plan how further layout and management measures have been made to reduce the volume of peat disturbed further to limit development on deep peat and so that all disturbed peat can be successfully be used in site reinstatement works;
- (c) show temporary peat storage areas; and,
- (d) update the disturbance and reuse calculations breaking the peat down into acrotelmic and catotelmic.

Reason: In the interests of the management of peatland habitat.

Temporary quarries

20. No temporary quarry shall be opened up until a site specific scheme for the working and restoration of each temporary quarry forming part of the development has been submitted to and approved in writing by the planning authority in consultation with Scottish Environment Protection Agency. The scheme shall include:

- (a) a detailed prioritisation plan for all temporary quarries on site which shall provide detail on which temporary quarries are required or likely to be worked and the sequence in which they will be opened up;
- (b) a detailed working method statement based on site survey information and ground investigations;
- (c) details of the handling of any overburden (including peat, soil and rock);
- (d) drainage, including measures to prevent surrounding areas of peatland, and Ground Water Dependant Terrestrial Ecosystems from drying out;
- (e) measures for the protection of ground and surface water from contamination and silting;
- (f) a programme of implementation of the works described in the scheme; and,
- (g) full details of the reinstatement, restoration and aftercare of the temporary quarries at the end of the construction period, to include topographic surveys of pre-construction profiles, and details of topographical surveys to be undertaken of the restored temporary quarry profiles.

The approved scheme shall thereafter be implemented in full as approved.

Reason: To ensure that excavation of materials from the temporary quarry(ies) is carried out in a manner that minimises the impact on the environment, and that the mitigation measures contained in the Environmental Impact Assessment Report accompanying the application, or as otherwise agreed, are fully implemented. To secure the restoration of temporary quarry(ies) at the end of the construction period.

Recreational Access Management Plan

21. Prior to the commencement of development, a Recreational Access Management Plan shall be submitted to and approved in writing by the planning authority. The Recreational Access Management Plan shall thereafter be implemented in full as approved.

Reason: In the interests of ensuring public access rights throughout the construction and operation of the wind farm.

Wind turbine transformers

22. Unless otherwise agreed in writing by the planning authority, all wind turbine transformers shall be located within the tower of the wind turbine to which they relate.

Reason: In the interests of visual amenity.

Noise

23. The rating level of noise immissions from the combined effects of the wind turbines forming part of the development (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed the values for the relevant integer wind speed set out in, or derived from, Table 1 and Table 2 attached to these conditions at any dwelling which is lawfully existing or has planning permission at the date of this permission and:

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

(b) The assessment of the rating level of noise immissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the planning authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the planning authority under paragraph c), and such others as the independent consultant considers likely to result in a breach of the noise limits.

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

Table 1 – Between 07:00 and 23:00 – Noise limits expressed in dB LA90,10 minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

Location	Standardised wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods								
	4	5	6	7	8	9	10	11	12
Achairn Cottage	40.0	40.0	40.0	40.0	40.0	40.0	42.2	44.6	46.9
Scorrieclott	40.0	40.0	40.0	40.0	40.0	40.0	40.8	44.6	48.8
Flex Cottage	40.0	40.0	40.0	41.8	46.0	50.5	55.1	59.6	63.9

Table 2 – Between 23:00 and 07:00 – Noise limits expressed in dB LA90,10-minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

Location	Standardised wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods								
	4	5	6	7	8	9	10	11	12
Achairn Cottage	38.0	38.0	38.0	39.8	42.4	45.0	47.5	49.7	51.5
Scorrieclott	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.9
Flex Cottage	38.0	38.0	38.0	40.0	45.0	50.4	56.2	62.1	68.0

Reason: In the interests of mitigating noise impacts arising from the development.

Redundant turbines

24. In the event that any wind turbines installed and commissioned fail to produce electricity on a commercial basis for a continuous period exceeding 12 months then, unless otherwise agreed in writing by the planning authority, such wind turbine(s) will be deemed to have ceased to be required. If deemed to have ceased to be required and if notified in writing by the planning authority, the wind turbine(s) and ancillary equipment will be dismantled and removed from the site within the following 9 month period from the date of receipt of such notification. The relevant parts of the site shall be reinstated in accordance with the Interim Decommissioning and Restoration Plan.

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

Control of advertisements

25. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), and unless there is a demonstrable health and safety or operational reason, none of the wind turbines, anemometers, power performance masts, switching stations or transformer buildings/enclosures, ancillary buildings or above ground fixed plant shall display any name, logo, sign or other advertisement without express advertisement consent having been granted by the planning authority.

Reason: In the interests of the visual amenity of the area.

Micro-siting

26. (a) Subject to condition 27, all wind turbines, the met mast, buildings, substation and control building compound, temporary construction compounds, laydown areas, temporary quarries, areas of hardstanding, tracks and watercourse crossings shall be constructed in the locations shown in Drawing C_190408_ES4.1_V1 – Final Layout (the 'Site Layout Plan'). Wind turbines, the met mast, buildings, compounds, laydown areas, temporary quarries, areas of hardstanding, tracks and watercourse crossings may be adjusted by micro-siting within the site. However, unless otherwise approved in advance in writing by the planning authority (in consultation with Scottish Environment Protection Agency and NatureScot), micro-siting is subject to the following restrictions:

- i. No wind turbine, the met mast or related hardstanding, access track or watercourse crossing shall be moved more than 50 metres from the position shown on the Site Layout Plan;
- ii. Where reasonably practicable and subject to paragraph (a)1. of this condition 26, the location of the foundations for turbines 1 and 2 shall be micro-sited to an area with an average peat depth which is shallower than the average peat depth of the existing location shown on the Site Layout Plan. The installation of all foundations turbines will not require the excavation of peat to a depth greater than 4 metres;
- iii. No buildings, substation and control building compound, temporary construction compound or temporary quarries shall be moved more than 100m from the position shown on the Site Layout Plan;
- iv. No micro-siting shall take place with the result that infrastructure (excluding floating tracks or hardstanding) is located within areas of peat of materially greater depth, areas of materially greater gradient or areas of materially greater peat landslide hazard risk than the original location unless agreed by the Planning Authority;
- v. No micro-siting of infrastructure (excluding floating tracks or hardstanding or watercourse crossings) shall take place into areas hosting Ground Water Dependent Terrestrial Ecosystems shown coloured red and yellow on Figure 9.8 of the Environmental Impact Assessment Report (Potentially Groundwater Dependent Terrestrial Ecosystems); and,

vi. All micro-siting permissible under this condition must be undertaken under the supervision of the Environmental Clerk of Works.

(b) No turbines will be micro-sited nearer to Achairn Cottage and Scorrieclett unless agreed with the planning authority following receipt of updated modelling of predicted noise arising from the development.

No later than one month after the final export date, an updated Site Layout Plan must be submitted to the planning authority showing the final position of all permanent infrastructure forming part of the development as built. The plan should also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the planning authority's approval where outside the restrictions noted at i. to vi. above.

Reason: To control environmental impacts while taking account of local ground conditions.

Watercourse buffer

27. All works, with the exception of the watercourse crossings and related sections of access track, shall be undertaken at least 50 metres from a watercourse.

Reason: To protect the water environment.

Forestry

28. (a) Prior to the commencement of development and felling works (but not felling works reasonably required for any site or ground investigation or other preparatory works or surveys which do not involve breaking ground), a woodland planting scheme for at least 57.14 hectares to compensate for existing woodland that will be removed and, in order to facilitate the development, not restocked within the site ("the Replanting Scheme") shall be submitted for the written approval of the planning authority in consultation with Scottish Forestry.

(b) The Replanting Scheme must comply with the requirements of the Scottish Government's policy on control of woodland removal: implementation guidance and requirements set out in the UK Forestry Standard (Forestry Commission, 2017. ISBN 978-0-85538-999-4) and the guidelines to which it refers, or such replacement standard as may be in place at the time of submission of the Replanting Scheme for approval. The Replanting Scheme must include:

- (i) details of the location of the area to be planted;
- (ii) the nature, design and specification of the proposed woodland to be planted;
- (iii) the phasing and associated timescales for implementing the Replanting Scheme; and
- (iv) proposals for reporting to the planning authority on compliance with timescales for obtaining the necessary consents and thereafter implementation of the Replanting Scheme.

(c) The approved Replanting Scheme (or, as the case may be, an approved amended Replanting Scheme) shall be implemented in full, unless otherwise agreed in writing by the planning authority in consultation with Scottish Forestry.

Reason: To secure replanting to mitigate against effects of deforestation arising from the development.

Ecological Clerk of Works

29. (a) An Ecological Clerk of Works shall be appointed to supervise all works of construction and decommissioning of the wind farm. The identity and terms of appointment of the Ecological Clerk of Works shall be submitted to and approved in writing by the planning authority prior to the commencement of development and they shall be employed for the period of:
- i. the pre-construction surveys required to inform the Construction and Environmental Management Plan;
 - ii. Wind farm construction, including micro-siting and post-construction restoration; and
 - iii. Wind farm decommissioning and site restoration.

In relation to (i) the terms of appointment shall be submitted prior to the commencement of pre-construction survey works, in relation to (ii), prior to the commencement of development and, in relation to (iii), prior to the commencement of any decommissioning works.

(b) The terms of appointment shall require the Ecological Clerk of Works to undertake the following:

- i. Supervise pre-construction surveys to inform the Construction and Environmental Management Plan required in terms of condition 8;
- ii. Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the Environmental Impact Assessment Report and other information lodged in support of the application, the Construction and Environmental Management Plan approved in accordance with condition 8 and the approved Habitat Management Plan in accordance with condition 18;
- iii. Report to the development's nominated construction project manager any incidences of non-compliance at the earliest practical opportunity;
- iv. Submit a monthly report to the planning authority summarising works undertaken on site and incidences of micro-siting in accordance with condition 26; and,
- v. Report to the planning authority any incidences of non-compliance with the ecological and hydrological aspects of the Construction and Environmental Management Plan required in terms of condition 8; the Habitat Management Plan required in terms of condition 18; and the Interim Decommissioning and Restoration Plan/Decommissioning and Restoration Plan required in terms of condition 6 at the earliest practical opportunity.

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

Watercourse crossings

30. Unless otherwise agreed with the planning authority in consultation with Scottish Environment Protection Agency: (1) crossings NWC01, NWC02, and EWC03 shall be oversized bottomless culverts; and (2) crossings EWC01 and EWC02 shall be single span bridges designed to convey the 1 in 200 year flood event plus an allowance for climate change.

Reason: For the protection of the water environment.

Guidance Notes for Noise Conditions

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

Guidance Note 1

(a) Values of the LA90,10 minute noise statistic should be measured at the complainant’s property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

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

(c) The LA90,10 minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.

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

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

(f) A data logging rain gauge shall be installed in the course of the assessment of the levels of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d).

Guidance Note 2

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

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

(c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90, 10 minute noise measurements and corresponding values of the 10- minute wind speed, as derived from the standardised ten metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the standardised mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Guidance Note 3

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

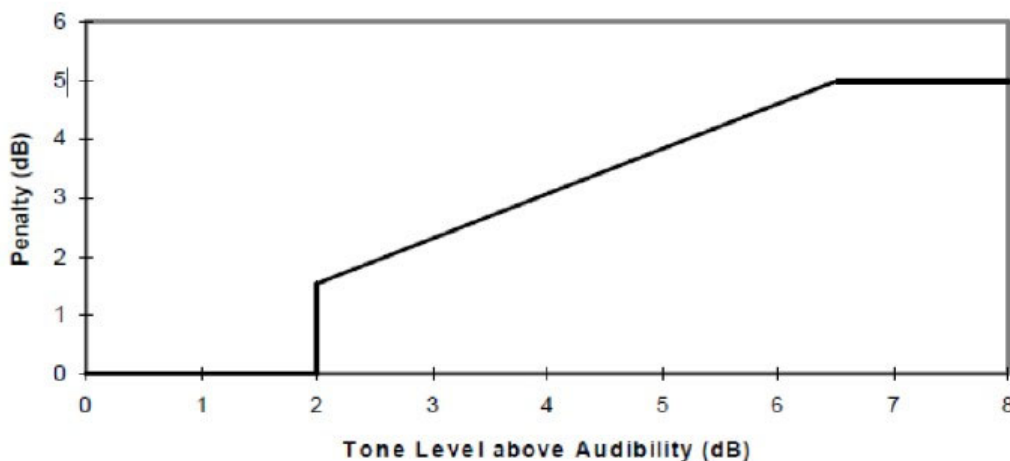
(b) For each 10-minute interval for which LA90,10 minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available (“the standard procedure”). Where uncorrupted data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.

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

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

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

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



Guidance Note 4

(a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the planning authority in its written protocol under paragraph (d) of the noise condition.

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

(c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (e) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.

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

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

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

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

(g) The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.

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

Schedule 2: Advisory notes

1. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

2. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).

3. **Display of notice:** A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013).

4. **Right to challenge this decision:** This decision is final, subject to the right of any person aggrieved by this decision to question its validity by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision. Your local Citizens' Advice Bureau or your solicitor will be able to advise you about the applicable procedures.

5. **Notification of this decision by the planning authority:** The planning authority is required (a) to inform the public and bodies consulted in respect of the EIA report of this decision by publishing a notice on the application website or newspaper circulating in the locality of the proposed development or by other reasonable means and (b) to make a copy of the decision available for public inspection in an office of the planning authority where its planning register may be inspected and on the application website.

Schedule 3: Application drawings

- (a) Drawing C_190408_ES4.1_V1 – Final Layout
- (b) Drawing C_190403_ES1.2_V1 – Site Boundary Plan
- (c) Drawing C_190416_ES1.9_V3 – Proposed Access Route
- (d) Drawing C_190403_EX1.1_V1 – Development Location Plan

Schedule 4: Opportunities for public participation in decision-making

There is the following evidence before me of opportunities the public had to take part in decision-making procedures on the application before I was appointed to this appeal:

- The appellant has provided a report on pre-application consultation dated 12 July 2019. This indicates that a public exhibition was held, between 1pm and 8pm on Thursday 22 November 2018, and the public had an opportunity to comment to the appellant on the proposed development. This event was advertised for a two week period in advance of the exhibitions in the Caithness Courier and the John O'Groats Journal.
- The appellant also created a dedicated project website and email address and provided a Freephone number and Freepost address.
- A community Liaison Group was also established in 2014.
- An advertisement of the application in the local press was made on 23 August 2019 and on 6 October 2021. It advertised the opportunity for the public to make representations upon the proposal for the development and the accompanying Environmental Impact Assessment Report.
- Tannach and District Community Council and Watten Community Council and did not raise concerns.
- The Planning Authority received four public representations in respect of the application. The main points raised in those representations are summarised in this decision notice at paragraphs 107 and 108.

Representations can be made to the DPEA, however, no representations were made to the DPEA from members of the public during the appeal process.