Agenda Item	**6.1**
Report No	**PLN/080/21**

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 19 October 2021

Report Title: 21/00849/FUL : Energiekontor

Land 2400M SE Of Cracrail, Toroboll, Lairg

Report By: Area Planning Manager North

Purpose/Executive Summary

Description: Lairg II Wind Farm Re-Design - Erection and Operation of a Wind Farm for a period of 35 years, comprising of 5 No. Wind Turbines with a maximum blade tip height of 200m, 2 No. Wind Turbines with a maximum blade tip height of 190m, 3 No. Wind Turbines with a maximum blade tip height of 150m, access tracks, borrow pits, 132kV substation, control building, energy storage compound and ancillary infrastructure.

Ward: 01 – North, West and Central Sutherland

Development category: Electricity Generation Major

Reason referred to Committee: Major Application and 5 or more objections

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Recommendation

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

1. PROPOSED DEVELOPMENT

1.1 The application is for the erection and operation of a wind farm for a period of 35 years, comprising of 10 wind turbines: 5 turbines with a maximum tip height of 200m, 2 turbines with a maximum blade tip heigh of 190m and 3 with a maximum blade tip of 150m. The maximum generating capacity will be 48.3MW.

1.2 The Lairg II Wind Farm was originally reported to the North Planning Applications Committee in June 2020 where Members agreed to grant planning permission subject to conditions. The original permission comprised 10 turbines; seven of which have a blade tip height of 180m, 112m hub height and 136m rotor diameter; three turbines (T1, T6 and T14) have a blade tip height of 150m, with a hub height of 82m and rotor diameter of 136m (capable of generating up to 34.5MW in total) and ancillary infrastructure including approximately 6.4km of on-site access tracks. A copy of the original planning permission is attached to this report as Appendix 2.

1.3 The proposal has been amended to take account of the new advances in wind energy which includes the increase in height of the turbines and an increase to the blade lengths to capture more wind and deliver an increased energy, making the scheme more economically viable for the developer. This amended design has been submitted under the Town and Country Planning (Scotland) Act 1997 on the basis that the applicant has sought to operate the wind farm as a standalone consent which would have an electricity output of less than 50MW.

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

- 5 wind turbines (T3, T4, T7, T8 and T9) of 200m to blade tip, 125.5m hub height and 149m rotor diameter;
- 2 wind turbines (T2 and T5) of 190m to blade tip, 115m hub height and 133m rotor diameter;
- 3 wind turbines (T1, T6 and T14) 150m to blade tip, 83.5m hub height and 133m rotor diameter;
- turbine transformers;
- turbine foundations with associated hard standing areas for cranes of approximately 215m x 65m;
- 132kV substation and associated infrastructure;
- 6.6km of new on-site access tracks of 5m width with localised widening and passing places, 1.2km of existing tracks will be utilised;
- energy storage compound with 2 standard ISO shipping containers (12.2m long x 2.4m wide) with a combined storage of 4MW;
- underground cabling linking the turbines with the substations;
- up to 2 borrow pits with predicted extraction volume of 123,000^3;
- temporary construction and storage compound of approximately 100m x 50m; and
- off-site access works.

1.5 The applicant held public exhibitions to seek the views of the local community. These were held in the form of an online exhibition from 1st February 2021 to 15th February 2021. The applicant raised awareness of these events by notifying all Community Council's within the Zone of Theoretical Visibility (ZTV) area who may have visibility of the development, by placing statutory newspaper adverts, a letter drop (which covered a 3.5km radius from the site) and distributed posters for local notice boards and shops.

1.6 There are no changes to the proposed site access, which will be via the C1107, utilising the existing access to Lairg I Wind Farm located to the north-west corner of the site. The potential routes for the delivery of turbine components has been revised to include Nigg as well as Invergodon as ports of entry, with detailed route assessments provided for both routes. The route from Invergordon Port would be from the port to B817, to the A9 turning west onto A839. This is followed to the A836 heading south to the minor road to Torroble (C1107), followed by the existing Lairg I Wind Farm access. The route from Nigg would be via the port to B9175 to the A9 turning west onto A839. This is followed to the A836 heading south to the minor road to Torroble (C1107), followed by the existing Lairg I Wind Farm access. The route from Nigg would be the shortest.

1.7 The applicant has requested a micro-siting allowance of 100m for site infrastructure, tracks and turbine locations to accommodate unknown ground conditions, whilst also maintaining environmental buffers (e.g. set back from areas of deep peat and watercourses). This micro-siting allowance is considered to be excessive, and a 50m allowance is to be conditioned to maintain a well-balanced layout with regular turbine spacing and perceived heights of the wind turbines. The final design of the turbines (colours and finish), aviation infrared lighting, substation and control buildings/compounds/ancillary electrical equipment, landscaping and fencing etc. are expected to be agreed with the Planning Authority, by condition, at the time of project procurement. Whilst typical drawings for these elements are set out in the application, turbine manufacturers regularly update designs that are available, thereby necessitating the need for some flexibility on the approved design details.

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

1.9 The wind farm has an expected operational life of 35 years. Following this the applicant has advised that a decision will be made as to whether to re-power the site. If the decision is made to decommission the wind farm, the applicant advises that all above-ground infrastructure would be removed. Where viable, existing access tracks would be retained for crofting and estate management operations. Reinstatement of the site would be carried out in accordance with an approved Method Statement. It would be expected that the exposed plinth of the foundation pads would be removed to a depth of 0.5m below the surface and cables would be cut away below ground

level and sealed. These matters will be confirmed through the submission of the decommissioning and restoration plan. The applicant anticipates a decommissioning period of approximately 6 months.

1.10 The applicant anticipates that the wind farm construction period will last approximately 12 months with a Construction Environment Management Document to be utilised throughout the construction period. This would require to be approved by the Planning Authority, in consultation with relevant statutory bodies before the start of development.

1.11 Owing to submission timescale constraints, the applicant has not utilised the Council's Pre-Application Advice Service for major developments.

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

EIAR FEI

- Turbine 5 has been reduced in tip height from 200m to 190m;
- A reduction in the max hub height of Turbines 2, 3, 5, 7, 8 and 9 to 125.5m (turbine 5 would have a hub height of 115.5m); and
- Relocation of the substation and increase its footprint to accommodate a 132kV substation;

2. SITE DESCRIPTION

2.1 The site is on land at Leathad Creagach and Ruigh na Cup, located approximately 4km south-east of Lairg. There are a number of crofting communities between Lairg and the site, namely Torroble, Rhian Breck and Tomich. The application site is located in an upland landscape and comprises course unimproved grassland used for grazing. The area is extensive, covering approximately 720 hectares, although the developed area would have a much smaller footprint. The site varies in altitude between approximately 170m Above Ordnance Datum (AOD) and 280m AOD. The site is part of an area of undulating plateau and hills located between Strath Fleet, Achany Glen and the Kyles of Sutherland.

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

2.3 Lairg II Wind Farm proposes that the turbines are clustered in small groups around a central loop road with a series of spurs to provide access to the turbines. The smaller turbines (1, 6 and 14) are located along the northern side of the site (closest to Lairg I turbines). The development, as viewed from the surrounding area will appear as a fairly coherent array of turbines, within relatively evenly spaced groups of turbines located away from Lairg I Wind Farm. The turbines have been laid out taking account of key on site interests, such as water courses, hydrology, deep peat etc. The development, as viewed from the surrounding area, appears as clusters of turbines rather than having a geometric form.

2.4 There are a number of residential properties located in proximity to the development, with the nearest properties located to the north west of the development site. Although the properties lie relatively close to the main access to the site the closest turbine is approximately 1.6km away from the closest property (Cracail). There are no properties located within the boundary of the applications site. There is an overhead line that runs north-south and passes to the west of the site entrance.

2.5 The proposal has been amended since Lairg II Wind Farm was approved to include a 132kV substation. The new 132kV substation (and wind farm support building) will house the switchgear and control equipment needed for the grid connection and would also provide some secure storage. The location of the substation (and wind farm support building) is on a relatively flat bit of ground, adjacent to a proposed access track to Lairg II Wind Farm. The location has been chosen to allow for the buildings to be constructed and serviced without the need for further infrastructure within the wider site.

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

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

Special Area of Conservation

- River Oykel
- Caithness and Sutherland Peatlands

Special Protection Area

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

Site of Specific Scientific Interest

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

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

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

National Scenic Areas

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

Special Landscape Areas

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

Gardens and Designated Landscape

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

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

Wild Land Area (WLA)

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

2.11 The closest Wild Land Area within the study area is Reay – Cassley WLA, located approximately 8km to the north-west. Both Achany and Rosehall Wind Farms are located closer to this WLA. The other WLAs are more distant, with limited views of the proposed development, with existing wind farms visible. The applicant has therefore not considered it necessary to undertake a wild land assessment.

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

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

Listed Buildings

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

Scheduled Ancient Monuments

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

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

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

2.14 Within the site boundary there is one designated asset (located to the western boundary), Achany Glen, settlement 900m to 1850m southeast of Lairg Station, Scheduled Monument (SM2208). Within the Scheduled area of Achany Glen there are nine individual assets dating from the prehistoric to modern era that has been identified. There are further 38 individual non-designated heritage assets within the site boundary. These non-designated assets are indicative of rural, agricultural landscape inhabited from the prehistoric to modern period.

2.15 Outwith the site boundaries there are 49 Scheduled Monuments within 5km of the application site, including pre-historic settlement remains, cairns, chambered cairns, stone circles, and hut circles. There are 4 Listed Buildings, three Category B and one Category C also within 5km, as well the Battle of Carbisdale Inventory Historic Battlefield. Between 5km and 10km of the application site there are a further 29 Scheduled Monuments, 1 Category A Listed Buildings and 2 Category B Listed Buildings.

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

Operational

- Lairg I - 3 turbines at 100m to blade tip height (adjacent)
- Achany - 19 turbines at 100m to blade tip height (approximately 6km to the west)
- Rosehall – 19 turbines at 90m to blade tip height (approximately 9km to the west)
- Kilbraur (and extension) – 27 turbines: 19 at to 115m to blade tip height and 8 at 125m to blade tip height (approximately 16k to the north-east)
- Gordonbush – 35 turbines at 121m to blade tip height (approximately 25.5km to the north-east)
- Beinn Tharsuinn – 17 turbines at 80m to blade tip height (approximately 20km to south)
- Beinn Tharsuinn Extension (Beinn nan Oighrean) – 2 turbines at 82.5m to blade tip height (20km to south)
- Coire na Cloiche – 13 turbines at 99.5m to blade tip height (approximately 20km to south)

Consented

- Braemore - 18 turbines at 126m to blade tip height (approximately 4.6km to the west)
- Creag Riabhach – 22 turbines at 125m to blade tip height (approximately 25.2km to north/north-west)
- Gordonbush extension – 11 turbines at 149.9m to blade tip height (approximately 25.5km to the north-east)
- Lairg II (existing consent for this site) – 10 turbines; 7 with a blade tip height of 180m and 3 with a blade tip height of 150m

Under consideration

- Garvary Wind Farm – 37 turbines at 180m to blade tip height (adjacent)
- Strath Tirry – 4 turbines at 135m to blade tip height (approximately 10.5km to north/north-east)
- Achany Extension – 20 turbines at 149.9m to blade tip height (approximately 6km to east)
- Meall Buidhe – 8 turbines at 149.9 m to blade tip height (approximately 15k to west/south-west)

At Scoping

- Braelangwell – 20 turbines at 180m to blade tip height
- Chleansaid – 20 turbines at 200m to blade tip height
- Strath Oykel – 16 turbines at 250m to blade tip height

2.17 It should be noted that the Planning Authority recently refused South Kilbraur Wind Farm and Strathrory Wind Farm, which are pending appeal. Strathroy has been included within the applicant's cumulative assessment. Furthermore, the applicant included Garvary Wind Farm in the assessment as it is adjacent to the proposed development site (which was at scoping stage at the time of submission). No other scoping stage wind farms were included in the full assessment.

3. PLANNING HISTORY

3.1	16.01.2004	03/00407/FULSU Installation of 2 No. 40m anemometer masts. During a 4 year period, any mast would be installed for a maximum of 24 months	Permission Granted
3.2	08.04.2008	06/00376/FULSU Construction of wind farm consisting of 3 No. turbines and ancillary construction of access tracks, hard standings and control building (Lairg I Wind Farm)	Permission Granted
3.3	20.07.2018	18/02401/PREAPP Proposed Lairg Wind Farm extension with approximately 13no x 4.2 MW turbines with associated tracks, crane pads, substation, borrow pit and temporary construction compound	Pre-Application Advice Pack Issued
3.4	20.07.2018	18/03267/SCOP Request for Scoping Opinion - Section 36 application - Extension to Lairg Wind Farm	Scoping Opinion Issued
3.5	17.09.2018	18/04000/PAN Formation of wind farm comprising approximately 12 turbines, associated tracks, substation and compound, crane pads, borrow pit, meteorological mast and temporary construction compound	Case Closed
3.6	25.02.2019	19/00567/FUL Construction of wind farm comprising 14 x 180m tip height turbines, associated crane pads, tracks, substation, battery storage compound, temporary construction compound, 2 x borrow pits and public road upgrades	Application Withdrawn (EIA was not ready to be submitted)
3.7	24.07.2020	19/01096/FUL Lairg II Wind Farm - Construction of wind farm comprising 10 turbines (7 turbines to a maximum tip height of 180m and 3 turbines to a maximum tip height of 150m), associated crane pads, tracks, substation, battery storage compound, 2 borrow pits and upgrade of access track	Permission Granted

3.8	11.08.2020	20/02607/PAN Construction of a wind farm (Lairg 2) comprising up to 10 turbines (7 turbines to a maximum tip height of 190 metres and 3 to a maximum tip height of 150 metres), including associated infrastructure	Case Closed
3.9	26.01.2021	20/04706/PAN Lairg 2 Wind Farm - Construction of a wind farm comprising up to 10 turbines (7 with a maximum tip height of 210m and 3 with a maximum tip height of 150m) including associated infrastructure	Case Closed
3.10	27.08.2021	21/03703/FUL Installation of a 132kV substation and support building with associated infrastructure	Application Withdrawn

4. PUBLIC PARTICIPATION

4.1 Advertised: Environmental Impact Assessment, Unknown Neighbour and Schedule 3 Adverts undertaken

Date Advertised: 12.03.2021 and 27.08.2021

Representation deadline: 26.09.2021

Timeous representations: 14 (14 households) comprising of 5 objections and 9 support comments

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- Adverse landscape and visual impacts for local residents and tourists;
- Concerns over the size of the turbines;
- Adverse impact on residential amenity such as noise;
- Adverse impact on wildlife (including ornithology);
- Lack of public consultation; and
- Impact on road network, including construction traffic.
- Socio-economic benefit;
- Positive contributions to renewable energy targets;

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

- Community benefit; and
- Constraints payments.

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

5. CONSULTATIONS

5.1 **Lairg Community Council** support the application. It considers that the proposed development has the potential to provide investment to the wider Lairg area. It sets out that is a community that welcomes investment, and is committed to working towards net zero targets.

5.2 **Creich Community Council** objects to the application. It raises concerns in relation to the size of the turbines in the proposed location. It considers that if the turbines were reduced to 150m then the impact would be reduced and may be acceptable to the Community Council. It considered that the cumulative effect of the proposed scheme will negatively impact the environment, the lives of residents and the tourism industry.

5.3 **Golspie Community Council** objects to the application. It raised concerns in relation to the size of the turbines, the impact on the environment, local residents and the tourist industry.

5.4 **Environmental Health** do not object to this application subject to a standard wind farm condition being attached to any consent restricting noise levels to the simplified ETSU standard of 35dB LAeq at any noise sensitive property. It sets out that. The submitted noise assessment demonstrates that predicted noise levels from the proposed development can met the currently consented limit 35dB LAeq albeit with no margin for an increase in noise emitted from the turbines.

5.5 **Development Plans** do not object to this application.

5.6 **Forestry Officer** does not object to this application. It notes that the proposed development does not appear to affect any significant trees or woodland.

5.7 **Flood Risk Management Team** do not object to this application.

5.8 **Historic Environment Team (Archaeology)** do not object to this application. The mitigation measures set out within the EIAR are considered to be appropriate and justified. A condition should be attached to any permission recommending that a palaeoenvironmental survey is carried out to complete the baseline recording of this area.

5.9 **Landscape Officer** did not object but raised concerns in relation to the visual and landscape effects, particularly on the Dornoch Firth National Scenic Area (NSA) and views from the NSA. Overall, it considers that the effects on the Visual Resource are understated for receptors at several of the viewpoint locations, this also leads to an understatement of the effects on the Dornoch NSA.

5.10 **Transport Planning** do not object to this application subject to appropriate conditions being attached to any new permission granted. It requests that the conditions are similar to those attached to the extant permission (Appendix 2, ref. 19/01096/FUL) and should address the following topics:

- Abnormal Loads; and
- Construction Traffic Management Plan.

It explains that since submission of the application, the Council has commenced development of a road improvement strategy for the Lairg and Central Sutherland area, similar to the Council's established South Loch Ness – Road Improvement Strategy. The emerging Lairg and Central Sutherland – Road Improvement Strategy will guide the scale, scope and extent of road works needed to mitigate the impacts of development traffic in that area. It sets out that the strategy will outline proposed methods of improving the network to address impact on structural integrity and safety standards which may be secured via the Construction Traffic Management Plan.

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

5.12 **Historic Environment Scotland (HES)** do not object to this application. HES's view is that the proposals do not raise historic environment issues of national significant. However, HES do consider the impacts of the development are significant and adverse, and therefore recommend that mitigation options to reduce these effects should be explored in any redesign, particularly as the current design has increased rather than mitigated the existing effects.

As a result of the proposed development there would be significant effects on the setting of nearby scheduled monuments:

- Achinduich, stone circle 950m NNE of (SM 1761); and
- The Ord, chambered cairns, cairns, settlements and field systems (SM 1812).

The increase in the scale of the turbines will increase the impacts on these monuments. HES agree with the conclusions set out at paragraphs 7.126 and 7.127 of the EIAR for the impacts on Achinduich stone circle. However, it does not agree with the conclusions presented for the impacts on the Ord cairns set out in paragraphs 7.137 – 7.142. The EIAR concludes that the proposal, though visible, 'would be beyond the ridgeline and therefore beyond and designed visual area of influence of The Ord'. However, in notes that all the proposed turbines would be visible to almost their entire height when viewed from the Ord and it considers this represents a significant impact on the setting of this monument.

5.13 **Ministry of Defence (MOD)** do not object to the application. In notes that the proposed development falls within Low Flying Area 14 (LFA 14), an area within which fixed wing aircraft may operate as low as 250 feet or 76.2 metres above ground level to conduct low level flight training. It outlines that turbines in this location has the potential to introduce a physical obstruction to low flying aircraft operating in the area and requests conditions to ensure the development is fitted with aviation safety lighting and provision of sufficient data is submitted to ensure that structures can be accurately charted to allow deconfliction. It also requests details of the date construction starts and ends, the maximum height of construction equipment and the latitude and longitude of every turbine.

5.14 **NatureScot** do not object to the application. NatureScot's previous assessment and advice on ornithology remains largely unchanged. It highlights that the proposal lies in proximity to Strath Carnaig & Strath Fleet Moors Special Protection Area (SPA)

protected for its hen harrier. In addition, Lairg & Strath Brora Lochs SPA, protected for its black-throated diver lies approximately 4km to the north of the development and is within flight connectivity distance (i.e. 10km).

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

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

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

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

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

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

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

IThree turbines on the south side of the site are close to the Allt Romascaig Mor watercourse. A 50m buffer zone from turbine tip to nearest features that may be attractive to bats, such as water courses and woodland is required.

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

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

It notes that the revised Collision Risk Assessment (CRA), shows that the collision risk for hen harrier has slightly decreased due to changes in turbine height. It requests that conditions are used to secure appropriate mitigation that should be implemented to safeguard breeding birds, and other environmental advice.

Whilst there is no detailed assessment of effects on the Dornoch Firth National Scenic Area (NSA)or Reay – Cassley Wild Land Area (WLA) , NatureScot recognises that the Landscape and Visual Impact Assessment includes an assessment of effects of aviation lighting on a number of viewpoints from within both the NSA and WLA. It agrees with the applicant, that it is unlikely that the visible aviation lighting would give rise to significant adverse effects on the special qualities of the Dornoch Firth NSA nor the qualities of the Reay-Cassley WLA.

5.15 **Scottish Environment Protection Agency (SEPA)** do not object to the application, subject to the recommended conditions being attached. SEPA did raise concerns in relation to Turbine 7 being located in deep peat and the location could be improved. SEPA are content that measures to reduce peat disturbance can be addressed by micrositing.

It requests confirmation that of the pollution prevention measures associated with the proposed battery storage facility is adequate. In explains that the cut-off drains for the borrow pits should not connect to trackside drainage. It also provides advice in relation to the management of peat across the site, particularly around the borrow pits and construction compound to ensure appropriate post-construction restoration.

It notes that the section of track between Turbine 5 and Turbine 4 will be a floated track and the plan should be updated to reflect this detail. Further it sets out that should Turbine 14, or its associated infrastructure be microsited then this must not result in development on areas where peat depths are greater than 1m.

It has requested that an appropriate condition is applied to ensure that micrositing of built elements of the scheme is limited to 50m, or other reasonable distance. It requests that this condition also requires the provision of a finalised post-consent layout, once detailed ground investigations have been undertaken and before works comments. It considers that this will allow any newly collected information to be used to inform the proposed layout and minimise impacts on features such as deep peat, Groundwater Dependent Terrestrial Ecosystems (GWDTE), watercoursesand in relation to turbine 7 demonstrate how impacts on peat disturbance at T7 has been minimised.

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

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

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

- Natural, Built and Cultural Heritage
- Other Species and Habitat Interests
- Landscape and Visual Impact
- Amenity at Sensitive Locations
- Safety and Amenity of Individuals and Individual Properties
- The Water Environment
- Safety of Airport, Defence and Emergency Service Operations
- The Operational Efficiency of Other Communications
- The Quantity and Quality of Public Access
- Other Tourism and Recreation Interests
- Traffic and Transport Interests

68 - “Community” Renewable Energy Developments
69 - Electricity Transmission Infrastructure
72 - Pollution
73 - Air Quality
77 - Public Access

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

There are no site-specific policies covering the application site therefore the application requires to be assessed against the general policies of the Highland-wide Local Development Plan referred to above. It is noted, however, that the CaSPlan does identify Special Landscape Areas (SLA) within the plan area. In this instance, the development has potential to impact Fannichs, Beinn Dearg and Glencalvie SLA, and, Loch Fleet, Loch Brora and Glen Loth SLA, neither of which had any boundary refinements made to them through the preparation of CaSPlan.

The Highland Council Supplementary Guidance

Onshore Wind Energy Supplementary Guidance, Nov 2016 (OWESG)

6.3 The Onshore Wind Energy Supplementary Guidance provides additional guidance on the principles set out in Policy 67 of the Highland-wide Local Development Plan for Renewable Energy Developments. The Guidance sets out the Council's agreed position on onshore wind energy matters, and reflects current SPP. This document is a material consideration in the determination of onshore wind energy planning applications following its adoption as part of the Local Development Plan in November 2016.

6.4 The document includes the Council's Spatial Framework, which is in line with Table 1 of SPP, identifying the areas that are likely to be most appropriate for onshore wind energy development. The current application site lies mainly within a Group 2 Area of Significant Protection. The Group 2 feature present is Carbon Rich Soils, Deep Peat and Priority Peatland Habitat (CPP). CPP is a nationally important mapped environmental asset that indicates where the resource is likely to be found and that detailed peat assessment will be required to guide development away from the most sensitive areas and help inform potential mitigation. The site also has small pockets of Group 3 feature which are considered to be areas with the potential for wind farm development.

6.5 The document also contains the Loch Ness Landscape Sensitivity Study, the Black Isle, Surrounding Hills and Moray Firth Coast Sensitivity Study, and, the Caithness Sensitivity Study. The site does not fall within an area covered by a Landscape Sensitivity Study at this time, however it is within the Rounded Hills – Caithness and Sutherland Landscape Character Type (LCT) as defined by NatureScot, and adjacent to Farmer and Forested Slopes with Crofting (to the west boundary).

6.6 The following Supplementary Guidance also forms an integral and statutory part of the Local Development Plan and is considered pertinent to the determination of this application:

- Developer Contributions (November 2018)
- Flood Risk & Drainage Impact Assessment (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Highland Renewable Energy Strategy & Planning Guidelines (May 2006)
- Managing Waste in New Developments (March 2013)
- Physical Constraints (March 2013)

- Special Landscape Area Citations (June 2011)
- Standards for Archaeological Work (March 2012)
- Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 The Highland-wide Local Development Plan is currently under review and is at Main Issues Report Stage. It is anticipated the Proposed Plan will be published following publication of secondary legislation and National Planning Framework 4.

7.2 In addition to the above, The Highland Council has further advice on the delivery of major developments in a number of documents, which include the Construction Environmental Management Process for Large Scale Projects (August 2010); and, The Highland Council Visualisation Standards for Wind Energy Developments (July 2016).

Scottish Government Planning Policy (SPP) and Guidance

7.3 Scottish Planning Policy (SPP) advances principal policies on Sustainability and Placemaking, and subject policies on A Successful, Sustainable Place; A Low Carbon Place; A Natural, Resilient Place; and A Connected Place, which relate national planning policy to the Scottish Government's National Outcomes. It also highlights that the Development Plan continues to be the starting point of decision making on planning applications. The content of the SPP is a material consideration that carries significant weight, but not more than the Development Plan, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case.

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

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

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

Other Relevant National Guidance and Policy

7.7
- National Planning Framework for Scotland 3, NPF3
- Scottish Energy Strategy (Dec 2017)

- Historic Environment Policy for Scotland (HEPS, 2019)
- PAN 1/2011 - Planning and Noise (Mar 2011)
- Circular 1/2017: Environmental Impact Assessment Regulations (May 2017)
- PAN 56 – Planning and Noise
- PAN 58 – Environmental Impact Assessment
- PAN 60 – Planning for Natural Heritage (Jan 2008)
- 2020 Routemap for Renewable Energy (Jun 2011)
- Onshore Wind Energy (Statement), Scottish Government (Dec 2017)
- Siting and Designing Wind Farms in the Landscape, SNH (Aug 2017)
- Wind Farm Developments on Peat Lands, Scottish Government (Jun 2011)
- Energy Efficient Scotland Route Map, Scottish Government (May 2018)
- Assessing Impacts on Wild Land Areas, Technical Guidance, NatureScot (Sep 2020)

8. PLANNING APPRAISAL

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

Determining Issues

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

Planning Considerations

8.3 The key considerations in this case are:

a) Compliance with the development plan and other planning policy

b) Onshore Wind Energy Supplementary Guidance

c) National Policy

d) Energy and Economic Benefits

e) Modifications

f) Construction

g) Roads, Transport and Access

h) Water, Flood Risk, Drainage and Peat

i) Natural Heritage including ornithology

j) Built and Cultural Heritage

k) Design, Landscape and Visual Impacts (including on Wild Land Areas)

l) Noise and Shadow Flicker

m) Telecommunications

n) Aviation and Aviation Lighting

o) Decommissioning and Site Restoration

p) any other material considerations

Development plan/other planning policy

8.4 The Development Plan comprises the adopted Highland-wide Local Development Plan (HwLDP), Caithness and Sutherland Local Development Plan and all statutorily adopted supplementary guidance.

Highland-wide Local Development Plan (HwLDP)

8.5 With no site-specific allocations or policies within the CaSPlan at the application location, the proposal is principally assessed against HwLDP Policy 67 for Renewable Energy developments Policy 67 sets out that renewable energy development should be well related to the source of the primary renewable resource needed for its operation. Proposals are required to be judged according to their contribution in meeting renewable energy targets and positive/negative effects on the local and national economy as well as against all other relevant policies of the Development Plan and other relevant guidance. In that context the Council will support proposals where it is satisfied they are located, sited, and designed such as they will not be significantly detrimental overall, either individually or cumulatively with other developments, having regard to the 11 specified criteria (as listed in HwLDP Policy 67). Such an approach is consistent with the concept of Sustainable Design (HwLDP Policy 28) and aim of SPP to achieve the right development in the right place; it is not to allow development at any cost.

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

Caithness and Sutherland Local Development Plan

8.7 The Caithness and Sutherland Local Development Plan does not contain any specific land allocations related to the proposed development. Paragraph 74 of the CaSPlan sets out that the Special Landscape Area boundaries have been revised for the CaSPlan to ensure 'key designated landscape features are not severed and that distinct landscapes are preserved.' The boundaries set out in the CaSPlan are supported by a background paper that includes citations for each of the Special Landscape Areas. Policies 28, 57, 61 and 67 of the HwLDP seek to safeguard these regionally important landscapes. The impact of this development on landscape is primarily assessed in the Design, Landscape and Visual Impact (including Wild Land) section of this report (Paragraphs 8.60-8.).

Onshore Wind Energy Supplementary Guidance (OWESG)

8.8 The Council's OWESG is a material consideration in the determination of planning applications. The supplementary guidance does not provide additional tests in respect of the consideration of development proposals against Development Plan policy. Rather, the guidance compliments the policy by ensuring a consistent and robust methodology is adopted in the assessment of all applicable applications, in

particular (although not exclusively) for consideration of landscape and visual impacts. In that way, the guidance provides a clear indication of the approach the Council takes towards the assessment of proposals.

8.9 The OWESG contains a Spatial Framework for wind energy as required by SPP, to assist with the assessment. The framework applies to individual turbines of ground to tip height of 50m and above, as well as developments of two or more turbines of ground to tip height of 30m and above. The framework sets out the requirement for safeguarding areas in three groupings, 1, 2, and 3. In this instance the site falls within an area designated as Group 2 – 'Area with significant protection'. The Group 2 feature present is Carbon Rich Soil, Deep Peat and Priority Peatland Habitat (CPP). CPP is a nationally important mapped environmental asset that indicates where the resource is likely to be found with a detailed peat assessment being required to guide development away from the most sensitive areas and help inform potential mitigation. The site also contains pockets designated as Group 3 – 'Area with potential for windfarm development', but no Group 1 – 'Areas where windfarms will not be acceptable'. Group 3 areas are areas that require further consideration to demonstrate that any significant effects can be substantially overcome by design, siting, or other mitigation. Nevertheless, the Group 2 area is the majority designation, and therefore forms the basis of the assessment. The nearest Group 1 area is the Dornoch Firth NSA, approximately 10km to the south. Given the size and prominence of the development proposed, the proximity to both Assynt – Coigach NSA and the Dornoch Firth NSA interests are relevant.

8.10 The OSWESG also provides strategic considerations that identify sensitivities and potential capacity for windfarm development called the Landscape Sensitivity Appraisals (LSA). The Black Isle, Surrounding Hills and Moray Firth Coast Sensitivity Study, along with the Caithness Sensitivity Study were published in 2017, and now form an integral part of the statutorily adopted OWESG. East and Central Sutherland Study Area, which would cover the area of the site, is one of the six areas still to be examined. The Study has been prepared in draft following the methodology and format of those studies already adopted, however has not yet been published for consultation. Nevertheless, the OWESG approach and methodology to the assessment of windfarm proposals is still applicable to the current application. Specifically, paragraphs 4.16 and 4.17 of the OWESG describe the 10 key design criterion that set the 'thresholds' developments should seek to achieve in order to ensure the development is appropriately sited and designed to avoid significant landscape and visual impacts, and comply with the applicable criteria of HwLDP Policy 67. An appraisal of how the proposal meets with the thresholds set out in the criteria is included in Appendix 3 of this report.

National Planning Policy

8.11 National planning policy remains supportive of onshore wind energy development with the framework for assessing wind farm proposals set out in Scottish Planning Policy (SPP). SPP sets out that areas identified for wind farms should be suitable for use in perpetuity. In determining the original application, the Planning Authority considered that impacts of the proposed development were, on balance, acceptable subject to the application of mitgation.

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

8.13 Criteria outlined within SPP for the assessment of applications for renewable energy developments include landscape and visual impact; effects on heritage and historic environment; contribution to renewable energy targets; effect on the local and national economy and tourism and recreation interests; benefits and dis-benefits to communities; aviation and telecommunications; development with the peat environment, noise and shadow flicker; and cumulative impact. A number of criteria are set out in SPP against which proposals for on-shore wind energy development should be assessed (paragraph 169). These criteria are primarily reflected in Policy 67 (Renewable Energy) of the Highland-wide Local Development Plan. A failure against one of these criteria does not necessarily mean that a development fails, all these criteria must be given consideration.

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

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

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

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

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

- Scottish Energy Strategy: The future of energy in Scotland (Dec 2017);
- On-shore Wind Policy Statement (Dec 2017);
- Scottish Government, Securing a Green Recovery on a Path to Net Zero: Climate Change Plan 2018–2032 – update, December 2020;
- Committee on Climate Change, The Sixth Carbon Budget, The UK's Path to Net Zero. (including Policy and Methodology) December 2020;
- National Audit Office, Net Zero Report, December 2020;
- HM Government, Energy White Paper, Powering our Net Zero Future, December 2020; and,
- Department for Business, Energy and Industrial Strategy 'Enabling a High Renewable, Net Zero Electricity System: Call for Evidence'.

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

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

8.21 However, it is also recognised that such support should only be given where justified. The Onshore Wind Policy Statement sets out the need for a more strategic approach to new development that acknowledges the capacity that landscapes have to absorb development before landscape and visual impacts become unacceptable. With regard to planning policy, these statements largely reflect the existing position outlined within NPF3 and SPP, a policy framework that supports development in the justified locations. In addition, it must be recognised that the greenhouse gas reduction targets and the targets in the Energy Strategy are related not just to production of green energy but also related to de-carbonisation of heat and transportation.

8.22 The Highland Council recognise the Scottish Government's declaration of the climate emergency and related biodiversity crisis and have indeed also declared a climate and ecological emergency, but the response to this and manner in which any changes will feed through is yet to be established. The updated Climate Change Plan and the NPF4 position statement gives an indication of the direction of policy in the preparation of the NPF4, and provides general support for delivery of renewable development. Through the introductory statements and key opportunities it sets out that, "*We will have to rebalance the planning system so that climate change is a guiding principle for all plans and decisions. We will need to focus our efforts on actively encouraging all developments that help to reduce emissions*" (page 2). Through the NPF4, the Scottish Government expects that the Global Climate Emergency should be a material consideration and includes a proposal for a "Plan for Net-Zero Emissions".

8.23 While the statement may have implications for applications for renewable energy developments, it needs to be considered in the context of that it "*is not, in itself, a document setting out policy. Statements in this Position Statement as to what the content of a revised National Planning Framework will contain should be read in that context.*" (page 4). As such, the Position Statement can be afforded limited weight, particularly because the status of NPF3 and SPP has not changed. The relevant sections of the statement for the purpose of this assessment then, are limited to "Prioritise emissions reduction" and "Deliver infrastructure to reduce emissions". Moreover, it is noted that while there is an expectation that the Climate Emergency will be a material consideration, the expectation that renewable energy developments are ***appropriately*** (emphasis added) located is unlikely to change (page 9).

Consideration of changes to the originally permitted development

8.24 The principle of the development of a wind farm in this location has been established. This is an application to modify the scheme through an increase in blade tip heights, some minor micrositing of turbines and associated infrastructure. Other significant changes to the scheme are the installation of a 132kV substation to accommodate the increase in output from the amended scheme that has risen from 34.5MW to 48.9MW. Additionally the application has investigated the possibility of utilising Nigg Energy Park as a port of entry for wind turbine components rather than Invergordon Port.

8.25 In order to address the determining issues therefore, the Council must consider the extent to which the proposal, as amended, continues to comply with policy and take into consideration any other material considerations. Consideration is required of the proposals changed construction and operational impacts as a result of the modifications now proposed to the development. The applicant has submitted an Environmental Impact Assessment Report (EIAR) and subsequent Further Environmental Information (FEI) which focuses on the matters as they relate to: Landscape and Visual Impact; Ornithology; Noise; Cultural Heritage; Roads and Traffic; Ecology; Soil and Water; Socio Economic, Recreation and Tourism; and Other Issues. These matters are addressed in turn below.

Energy and Socio-Economic Benefits, Impact on Tourism

8.26 The Highland Council continues to respond positively to the Government's renewable energy agenda. Nationally onshore wind energy in the 1st quarter of 2020 had an installed capacity of 8.357GW, with a further 4.266GW under construction or consented. Highland onshore wind energy projects as of 1 January 2021 had an installed capacity of 1.852GW; with a further 0.189GW under construction and 0.485GW consented. Onshore wind in Highland therefore account for around 22% of the national installed onshore wind energy capacity, falling to around 20% when considering all installed, under construction and consented schemes combined. However, there is also a further 1.326GW of onshore wind farm proposals currently in planning pending consideration in Highland, and 1.7GW of off-shore wind when accounting for all installed, under-construction or consented schemes around the coast of Highland.

8.27 While Highland Council has effectively met its own target, as previously set out in the Highland Renewable Energy Strategy, it remains the case that there are areas of Highland capable of absorbing renewable developments without significant effects. However, equally the Council could take a more selective approach to determining which wind farm developments should be supported, consistent with national and local policy. This is not treating targets as a cap or suggesting that targets cannot be exceeded, it is simply a recognition of the balance that is called for in both national and local policy.

8.28 Notwithstanding any significant impacts that this proposal may have upon the landscape resource, amenity and heritage of the area, the development could be seen to be compatible with Scottish Government policy and guidance and increase its overall contribution to the Government, UK and European energy targets as it has the potential to generate 48,9MW of electricity, whereas the consented development has the capacity to generate up to 34.5MW. This increase in generation is largely as result of the increased rotor diameter from

8.29 The proposed development anticipates a construction period of 12 months, 35 years of operation prior to decommissioning or repowering. Such a project can offer significant investment/opportunities to the local, Highland, and Scottish economy including businesses ranging across construction, haulage, electrical and service sectors.

8.30 The assessment of socio-economic impact by the applicant identifies that the development is unlikely to have a significant adverse impact on tourism. The applicant notes that there will be economic benefits to the local community and economy arising from the community benefit fund and additional expenditure in the local economy. The EIAR explains that based upon their research constructing the wind farm would directly support 35 years of employment in Caithness, Sutherland and Highland.

8.31 The applicant highlights that the project represents a significant capital expenditure of approximately £1.32 million per MW for the construction of the proposed development. This would equate to the total construction cost value in the region of £64.55 million for a 48.9MW development. The applicant also sets out the

operational and maintenance expenditure approximately £59,867 per MW installed per annum. This would suggest that based on a generating capacity of 48.9MW, the operation and maintenance costs would be around £2.93 million. The economic benefits have been highlighted in the letters of support for the proposed development.

8.32 In terms of wider economic benefits, it should be noted that Nigg Energy Park, is the UKs only supplier of offshore wind components and one of only three in the world capable of producing these components. Whilst the EIAR or FEI does not provide an updated assessment of the economic benefit if they utilise Nigg as the port of entry, it is anticipated that there may be opportunities to produce onshore wind components more locally which would have significant economic benefits for Highland.

8.33 There is also likely to be some adverse effects caused by construction traffic and disruption. Representations have raised the economic impact that turbines, and in particular the construction phase may have on tourism. These adverse impacts are most likely to be within the service sector particularly during the construction phase when abnormal loads are being delivered to site. However, these is no clear evidence to set out that onshore wind energy development affects tourism in Highland. Within the EIAR the applicant notes a number of research studies where the findings demonstrated that an average of around 91.3% of tourists surveyed were not discouraged from visiting an area containing a wind farm.

8.34 The EIAR estimates that the proposed development could power over 23,300 homes per year, saving up to 39,506 tonnes of CO_2 each year for the operation of the wind farm. There will however also be carbon losses as a result of the development, including related to turbine manufacture and impact on peat. These losses would equate to approximately 86,378 tonnes of carbon. With that said, it is anticipated that the estimated carbon payback period for the development would be 1.4 years, based on a fossil fuel mix.

8.35 Further elements of the carbon offsetting will come in the form of peatland restoration which will occur after the erection of the wind farm as part of the habitat management plan.

Construction

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

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

Due to the scale of the development SEPA will control pollution prevention measures relating to surface water run-off via a Controlled Activities Regulations Construction Site Licence.

8.38 Developers have to comply with reasonable operational practices with regard to construction noise so as not to cause nuisance. Section 60 of the Control of Pollution Act 1974 sets restrictions in terms of hours of operation, plant and equipment used and noise levels etc. and is enforceable via Environmental Health. The applicant has submitted a construction noise assessment that indicates predicted noise levels would generally meet the suggested 65dB(A) noise limit for construction noise at all properties except Tressady. The Noise Assessment estimates that the predicted noise level would be 1dB over the suggested acceptable noise level at Tressady, during downwind propagation conditions at wind speeds of 7 to 12 m/s. These levels are worst case scenarios and actual levels are likely to be lower.

8.39 The applicant has sought a micrositing allowance of 100m. This is a significant distance and is not supported. While micrositing is acceptable within reason to address unforeseen onsite constraints, anything in excess of 50m may have a significant effect on the composition of a development. Therefore, the micrositing condition attached to any permission which may be granted should limit micrositing to no more than 50m. In the event the application is granted permission, micrositing of more 50m will be secured by condition, any requirements to move infrastructure beyond that limit during the construction phase of development would likely require a separate application.

8.40 In addition to the requirement for submission and agreement on a CEMD, the Council will require the applicant to enter into legal agreements and provide financial bonds with regard to its use of the local road network (Wear and Tear Agreement) and final site restoration (Restoration Bond). In this manner the site can be best protected from the impacts of construction and for disturbed ground to be effectively restored post construction and operational phases.

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

Roads, Transport and Access

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

8.43 The EIAR provides an assessment of the development's impact on the surrounding road network during the construction, operation, and decommissioning phases, as well as an Abnormal Indivisible Load (AIL) Route Assessment from the Port of Entry to the site. The Study Area for the Traffic Assessment includes the routes between Invergordon Harbour/Nigg Fabrication Yard and the A9(T), the A9(T) from Tomich to The Mound, as well as the A839 from The Mound through Lairg, and the A836 from

Lairg to the stie access. Transport Planning in their response have noted that the direct impacts from construction traffic on the local road is likely to be significant and similar road related conditions to those attached to the extant permission should be attached to any planning permission granted.

8.44 The EIAR has sought to reduce the impacts during the construction of the proposed development, as it is anticipated that 75% of all aggregate will be obtained from the proposed borrow pits on-site and the concrete will be batched on site. This will not mitigate all the impacts and it is anticipated that there would be an average daily increase in vehicle movement of 24 vehicles (15 will be HGV). The majority of the construction related traffic is anticipated to originate from the south, impacting the A9 and A836. Transport Scotland are satisfied that no further detailed assessment of environmental effects associated with increased traffic on the trunk road network is required. The peak number of vehicle movements during the construction period is expected to be between month 4 to 7 with up to 30 average daily vehicle trips (outlined in Table 12.9 – Average Daily Vehicle Movements (Assuming 20 day working month) of the EIAR Chapter 12).

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

- A Construction Traffic Management Plan for approval and implementation as agreed highlighting all mitigation / improvement works required for general construction traffic and abnormal load movements, including the timing of such works and appropriate reinstatement / restoration works.
- Measures to ensure that all affected public roads are kept free of mud and debris arising from the development.
- An un-laden trial run between the Port of Entry and the site access will be required in liaison with the police and both roads authorities.
- Structural assessment of bridges, culverts and any other affected structures along the route in consultation with the Council’s Structures Team.
- Community liaison to ensure the project construction minimises impact on the local community, that construction traffic takes place outwith peak times on the network, including school travel times, and avoids identified community events.
- All traffic management being undertaken by a quality assured contractor.

8.46 The site would be accessed from an upgraded junction onto the A836 where a temporary paving area will be required, then via an access from Torroble Road onto the site. The access at Torroble Road will require upgrading before connecting to the upgraded and new tracks within the site. The access junction would be installed to serve all construction traffic including turbine components and would therefore have to comply with the turbine manufacturer’s requirements as well as THC’s Roads and Transport Guidance. Details of appropriate upgrading works at the junction and the public road will be required. Such works may include suitable drainage measures, improved geometry and construction, measures to protect the public road, and the provision and maintenance of appropriate visibility splays. These details can be secured by condition. Further, depending on the status of the emerging Lairg and

Central Sutherland – Road Improvement Strategy at the time of satisfaction of conditions related to site access and road mitigation, this may guide the scale, scope and extent of road works needed to mitigate the impacts of construction traffic in the area

8.47 Within the site, 1.2km existing access track would be used, which will require upgrading and widening works, in addition to 6.6km of new track to turbines, compounds, borrow pits, substation etc. The running width of the track would be 5m on straight sections although wider on bends, passing places, and junctions. Sections of 'floating roads' would be required where tracks cross appreciable areas of deep peat, otherwise tracks will be laid over the subsoil. The track's layout is designed to take account of the site's topography and other identified constraints in order to minimise environmental disturbance and the need for water crossings.

8.48 The applicant undertook a review of recreational routes and paths and whilst there are no core paths or cycle paths within or adjacent to the site, there is one approximately 100m to the north west of the proposed development. However, like most land in Scotland, the site is subject to the provisions of the Land Reform (Scotland) Act 2003.There will be a need to restrict access to the site during construction works at key times, including the track upgrade works. However, the existing track should remain accessible for public use during the construction phase as much as practicable possible.

8.49 With regard to public access during the operation of the site, access tracks to the proposed development should be accessible to a wide variety of users. Large pedestrian gates and by-pass gates adjacent to cattle grids should all be "easy open" accesses. All other gates within the application boundary should similarly be unlocked to responsible access takers. To ensure access is provided throughout the construction period and that enhanced recreational access opportunities are provided during the operational phase, a Recreational Access Management Plan will be required. This will also be required to include details of signage to be included on the site to warn users of the paths within the wind farm of any hazards such as maintenance or potential ice throw during winter.

Water, Flood Risk, Drainage and Peat

8.50 The EIAR is clear that a Construction Environmental Management Document / Plan (CEMD) will be in place to ensure that potential sources of pollution on site can be effectively managed throughout construction and in turn during operation; albeit there will be fewer sources of pollution during operation.

8.51 The CEMD can be secured by planning condition. This will ensure the agreement of construction methodologies with statutory agencies following appointment of the wind farm balance of plant contractor and prior to the start of development or works.

8.52 There are several watercourses within and surrounding the site. The main watercourses within the site are; Allt Ramascaig Mor (forms part of the southern boundary) and Torroboll Burn, both run east to west. These watercourses are part of the river system that flows into the River Oykel SAC. The Allt na Fearna Mor (forms

part of the southern boundary) which flows westwards to its confluence with the River Shin. Loch Cracial Mor is located at the south eastern corner of the site, with a number of other smaller lochans located close to the site such as Lochan nam Peathraihean and Loch an Fheoir.

8.53 As the application site has identified flood risks from fluvial and pluvial sources. The EIAR identifies that there is a high likelihood of flooding adjacent to Loch Cracail Mor, Loch Dailidh n'Airbh, and Allt na Ferna Mor. As the extent of the flooding is localised around the main watercourses and waterbodies within and adjacent to the site, flooding from rivers and fluvial flooding is not considered a development constraint and was therefore scoped out of the EIA. This is considered acceptable due to the extent of the flood risk being localised and does not form large linked flooded areas or flow paths. Additionally, site infrastructure, is not considered at risk of flooding and the THC Flood Risk Management Team has no specific concerns.

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

8.55 The layout and the track have been designed to ensure that no water crossings are required in relation to the proposed scheme. As there are existing water crossings within the site there will be no development within 50m buffer of watercourses within the site, this can be secured through planning conditions. If this was to change then they would be required to be designed to cope with a 1 in 200 year flood event, the detailed design of which can be secured by condition. Further, the development proposes the use of Sustainable Drainage Systems (SuDS) to attenuate run off and filter out any potential pollutants. Details of the SuDS can be provided through a Drainage Impact Assessment (DIA) which can be secured by condition to allow final assessment by SEPA and the THC Flood Risk Management Team.

8.56 The wider site has the potential to home Ground Water Dependent Terrestrial Ecosystems (GWDTEs). GWDTE are sustained by surface water rather than groundwater, surface water drainage paths therefore these habitats will be maintained as set out within the EIAR. However, the EIAR confirms that areas of potential GWDTE are not considered to be sustained by groundwater. Little groundwater will be present in the low permeability drift and solid geology and it has been shown that the habitats which might be GWDTE at site are sustained by surface water ponding on low permeability peat and on shallow surface gradients. Further, through the FEI the borrow pit area has been relocated and is now remote from potential GWDTE. The FEI sets out that there will be appropriate mitigation in place to include a buffer from any potential GWDTE habitats, to minimise the risks of construction activity contamination. The proposed SuDS will ensure that the rate of runoff post-development is no greater than the levels prior to development and ensure that flood risk is not increased elsewhere, this will be secured through the

CEMP. Overall SEPA are satisfied that the positioning of the tracks and turbines have generally avoided the most sensitive GWDTEs and that the proposed development has been designed to avoid impacts on GWDTEs.

8.57 SEPA are generally satisfied with the proposals in relation to the water environment included with the CEMP and Schedule of Mitigation and advise that works in or in the vicinity of inland surface waters and wetlands, as well management of surface water runoff (including access tracks) will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR).

8.58 The principal soil type within the site is peaty gleys which are soils that are described as poorly draining, acidic and derived from schist, gneiss, granulites and quartzites. The western extremity of the site is underlain by mineral podsols (Humus-iron podzols). As the majority of the site contains pet the EIAR provides details in relation to peat depth, peat probing points, quality of peat to be excavated and where the peat will be stored. The resultant information was used to inform the site layout taking into account other environmental constraints such as sensitive habitats, ornithology, and the water environment amongst others. Despite several design modifications, Turbine 7 is showing in an area of deep peat, and will be required to be microsited, as areas of deep peat should be avoided. SEPA are satisfied that micrositing Turbine 7 will reduce peat disturbance and therefore did not raise an objection. A condition should be attached to any consent to ensure the areas of deep peat are avoided and no micrositing of development to areas of peat with a depth greater than 1m. With that said, it is disappointing that the matter was not dealt with by the applicant prior to submission as the purpose of micrositing is to address unknown issues identified through the construction process not known issues.

8.59 A draft Peat Management Plan (PMP) and a Peat Landslide Hazard and Risk Assessment have also been submitted as part of the EIAR, which have also helped to inform the design of the proposal. The applicant's risk assessment identifies negligible to low risk of peat instability over the majority of the site. However, there were areas at medium risk identified. These included T7, the access track between T1 and T2 and to the west of T9. Therefore, more detailed ground investigations will be required and SEPA have requested that a finalised Peat Management Plan, forming a part of the CEMD, is secured by condition prior to works commencing on site. The Peat Management Plan should specify how micrositing and other mitigation measures are deployed to minimise peat disturbance (taking account of other environmental sensitivities), including prioritising the use of pre-disturbed land for cable trenches.

8.60 The draft PMP estimates that the proposed development will require to excavate a total of 39,507m^3 of peat. However, the submitted draft PMP, identifies that this can all be reused on site. Through careful management and construction techniques, it is considered the impact on peat can be reduced and a net gain of approximately 17% will be achieved.

8.61 The submission also includes a draft Habitat Management Plan (HMP) intended to ensure the appropriate and timeous restoration of peatland habitats temporarily removed during construction, at construction compounds and borrow pits for example. NatureScot previously welcomed the general principles to restore upland habitats. Habitat loss as a result of the proposed development was assessed as not

significant. Mitigation measures for peat disruption and mitigation are proposed to minimise disruption to any blanket bog habitats and other associated areas, with early restoration following the construction phase proposed. The final HMP should be secured through planning conditions prior to works commencing on site.

8.62 Due to the climate and biodiversity emergency and the provisions of the Planning (Scotland) Act 2019, THC are seeking to ensure that developments will deliver a positive effect for biodiversity. As a result, this project is expected to make a contribution toward the delivery of biodiversity net gain projects in vicinity of the site. A scheme to ensure delivery can be secured by condition and either delivered via direct provision or a financial contribution.

8.63 The data presented within the EIAR confirms that there are no properties within 1km of the proposed development that are served by a private water supply. However, given the number of watercourses across the site, water quality will require to be managed through the construction, operation and decommissioning phases of the development. This can be secured by condition, with the final scheme being developed in consultation with THC, SEPA, the relevant fishery boards.

Natural Heritage (including Ornithology)

8.64 The EIAR has identified and assessed impacts on protected species, ornithology, ecology including an assessment of designated and non-designated sites within 5km of the proposed development.

8.65 The proposed development is not situated within any sites designated for ecological interests but close to (within 12km), and has potential connectivity with, a number of sites that are designated at national and international level. As there is potential for the proposal to impact connected sites (River Oykel and River Evelix SACs; Strath Carnaig and Strath Fleet Moors SPA, and, Dornoch Firth and Loch Fleet SPA, and, Lairg and Strath Brora Lochs, and, Caithness and Sutherland SPAs), the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the “Habitats Regulations”) apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017. Consequently, the Scottish Government, as the competent Authority, will be required to consider the impact of the proposal on Natura2000 site through a Habitats Regulations Appraisal (Appropriate Assessment). NatureScot has provided advice in relation to each of the Natura2000 sites including the likelihood of significant effects and subsequent mitigations that may be required, which is summarised below.

8.66 The proposal is considered to likely result in significant effects on the qualifying interests of both River Oykel and River Evelix SACs, namely Atlantic Salmon interest of the former and freshwater pearl mussel interests of both. This is because works would be carried out within the vicinity of tributaries of both rivers with potential to result in pollution and/or release of sediments into the SACs. To mitigate these effects, a Pollution Prevention Plan should be produced, and adhered to, as part of the CEMD, which should be approved THC in consultation with the appropriate agencies prior to works commencing on site.

8.67 The qualifying interests of Strath Carnaig and Strath Fleet Moors SPA, and, Dornoch Firth and Loch Fleet SPAs expected to be significantly effected are Hen Harrier, and, Greylag Goose respectively however NatureScot do not consider the integrity of either site to be adversely affected by the proposal. With regards to the former site, the proposal could result in disturbance and/or displacement of Hen Harrier, singularly and in combination with other development unless the mitigation proposed in the EIAR is implemented. The mitigation includes a Species Protection Plan to be overseen by a suitably qualified Environmental Clerk of Works (ECoW), who should undertake any other surveying, construction oversight and programming tasks as necessary to protect breeding birds likely to be impacted by construction activities. NatureScot are content that the redesign of the proposed development has demonstrated a slight decrease in collision risk for SPA hen harrier due to changes in turbine height. As such NatureScot's previous assessment remains valid, and appropriate mitigation should be secured through planning conditions to ensure the development implements measures to safeguard birds, and other environmental advice. This should include a Breeding Bird Protection Plan (BBPP) to be included as part of the CEMP.

8.68 The EIAR presents very little SPA diver flight activity through the development site and the golden eagles recorded over the site are considered to be from the wider Natural Heritage Zone (NHZ) population, as there are no known SPA eagles within core foraging range of this proposal. NatureScot do not consider the proposal to significantly impact the Black-throat Diver qualifying interest of the Lairg and Strath Brora Lochs SPA, or the upland breeding birds qualifying interests of the Caithness and Sutherland Peatlands SPA and as such advise that an Appropriate Assessment will not be required for these protected areas.

8.69 Non-avian Protected Species Surveys were carried out with evidence of several important ecological features found, including bats, habitats, otter, reptiles, water voles, freshwater pearl mussels and fish. The EIAR concludes that no significant effects are predicted on these species as a result of the proposed development. Special Protection Plans in relation to these species will be required, that take account of standing advice and kept in review to reflect the results of pre-construction surveys.

8.70 The bat surveys recorded three species of bats, common pipistrelle (Pipistrellus pipistrellus), soprano pipistrelle (P. pygmaeus) and Daubenton's bat (Myotis daubentoniid). The EIAR considers that the proposed development is likely to be of low risk to bats due to the small number recorded and the behaviour of those species. Higher levels of bat activity was recorded in the lower lying areas towards the south of the study area, often being associated with linear feature such as watercourse foraging habitats. As watercourses have a minimal stand-off distance of 50m and bats are able to fly unimpeded over bridges and culverts it is not anticipated that there will be any significant effects.

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

Built and Cultural Heritage

8.72 The EIAR presents an assessment on built and cultural heritage within a 10km study area of the development. This includes an assessment of all designated sites within a 5km study area, and all nationally important designated assets out to 10km study area. The EIAR also includes an assessment on all monuments within a 20km study area and non-designated heritage assets within a 2km study area. The assessment identified a number of listed buildings and scheduled monuments within close proximity of (and within) the site as noted in paragraph 2.13 – 2.15.

8.73 In undertaking the assessment, the applicant produced visualisations showing the view from a number of assets, these include Achinduich, stone circle 950m NNE of (SM1761), The Ord, chambered cairns, cairns, settlement and field system (SM1812). Furthermore, the revised layout that is presented through the FEI has been designed to avoid direct impacts on known heritage assets with the principal change to the location of the substation compound. It is not considered that the amended location of the substation compound would impact on any known heritage assets.

8.74 Historic Environment Scotland (HES) have not raised an objection, it agrees with the EIAR conclusion that the proposal is unlikely to have any significant adverse impacts on the nationally important heritage assets, such as Listed Buildings. However, it notes that there is potential for impact on the setting of the Achinduich, stone circle 950m NNE of (SM1761) and The Ord, chambered cairns, cairns, settlement and field system (SM1812). The level of impact on these scheduled monuments are not considered to be of national interest, therefore HES do not object to the proposal.

8.75 It is considered that the proposed development through the proposed mitigation measures as set out within the EIAR and FEI will ensure avoid, as well as reduce the impacts on the setting of these heritage assets in the landscape. The turbines and infrastructure are located as such that the proposed development would not detract from the setting of the identified nationally important archaeological sites. THC's Historic Environment Team do not consider the impacts significant and have not objected to this development. Mitigation works should include the marking-out of recorded sites with an appropriate buffer; watching briefs on initial stripping/earth-moving in proximity to recorded sites; final reporting and archiving; and interpretation at the remans of Ruigh na Cup (site 22 within the EIA) if it is to remain accessible to the public. Monitoring will be required as a precaution as buried features, possibly associated with the extensive prehistoric settlement remains, may still be present. A palaeoenvironmental survey should be carried out to complete the baseline recording of this area.

8.76 The visual impact from cultural features is considered against Landscape and Visual Assessment Criteria contained within Section 4 of the Onshore Wind Energy Supplementary Guidance (OWESG), Criterion 3. In relation to Criterion 3, it is considered that whilst the EIAR concludes that it is unlikely the development would have any significant adverse impacts on nationally important heritage assets, such as Listed Buildings or Designated Landscapes there is the potential for significant indirect impacts, particularly in relation to the setting of the Achinduich, stone circle 950m NNE of (SM1761) and The Ord, chambered cairns, cairns, settlement and field system (SM1812). VP4 – The Ord and VP2 – A836 East Achany Glen demonstrates

that there will be a significant visual impact. However these views would already be impacted by the consented development. It is not considered that the change to the scale of the turbines would be so adverse that it would not meet the threshold in the criterion outlined in the supplementary guidance.

8.77 The EIAR identified potential for unknown buried archaeological remains to survive within the proposed development site. This potential is unchanged through the modified application and buried features, most likely from the prehistoric and post medieval periods, have the potential to survive within the proposed development site. As such the magnitude of impact on unknown heritage assets has the potential to be Substantial. Any resulting level of effect would be dependent upon the importance of the assets encountered.

8.78 Given the potential for presently unknown archaeological remains to survive within the proposed development site, further evaluation is required. This will be secured through planning condition as recommended by THC Historic Environment Team The purpose of these works would be to identify hitherto unknown buried archaeological remains and to assess their significance and to mitigate any impact upon them either through avoidance or, if preservation in situ is not warranted, through preservation by record.

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

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

8.80 The 17 viewpoints which were considered for the original scheme have been re-assessed by the applicant in relation to the varied scheme. These viewpoints are across a 45km study area have been assessed with regard to landscape and visual impact and are representative of a range of receptors including residents, recreational users of the outdoors and road users. The theoretical visibility of the development (based on a bare earth model) can be appreciated from the ZTV to Blade Tip with Viewpoint Locations Figure (Figure 6.4 – Viewpoints with ZTV) in the FEI Report. Sufficient information has been provided to undertake an assessment of landscape and visual impact although the quality of the visualisations do not meet THC visualisation standards.

8.81 The methodology for the Landscape and Visual Impact Assessment generally follows that set out in Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3). However, it does not set a threshold for significant; instead relying solely on professional judgement and past experience to identify when the threshold of an effect is significant. As set out in para 3.32 of GLVIA 3 the “LVIA should always distinguish clearly between what is considered to be significant and non-significant effects”. Chapter 2: Approach to the Environmental Impact Assessment Table 2:1: Significance Matrix of the EIAR sets out the indicative level of effect diagrams which

the applicant has used to attribute significant effects. Generally, it appears the applicant has applied a threshold of anything being of moderate impact or below as being not significant. It has therefore considered anything of Moderate/Major and above to be a significant effect if classed to be within an area of high or medium sensitivity. The Highland Council is of the view that Moderate effects can be significant but this needs to be considered on a viewpoint by viewpoint basis using professional judgement.

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

8.83 A key consideration in the effects on receptors of wind energy development is the sequential effect when travelling through and area on the local road network both by individuals who live and work in the area and tourists. Those travelling scenic routes, whether designated as such or not, have a higher sensitivity to views. While a driver of a vehicle is likely to be concentrated on the view immediately in front, passengers have a greater scope for looking at their surroundings. In addition, the area is regularly frequented by cyclists. As such it is considered that road users are high susceptibility receptors.

8.84 The landscape and visual impacts of the proposed development will be reversible as the scheme will be capable of being decommissioned. However, as set out in Scottish Planning Policy (Paragraph 170), wind farm sites should be suitable in perpetuity. Therefore, it is considered reasonable to assess all landscape and visual effects as non-reversible in that context.

Siting and Design

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

8.86 Key considerations for the design process would be to mitigate the development's impacts on Natural, Built, and Cultural Heritage resources, peat, the water environment, residential and visual amenity; in addition to ensuring landscape and visual impacts are within acceptable limits, while respecting the emergent pattern of wind energy in East Sutherland

8.87 The site is located within an area partially defined as having potential for such development within SPP Group 3, however the majority of the site lies within Group 2 that is offered significant protection. Across the immediate landscape of the study area there are several distinctive groups of wind turbines/wind farms with heights ranging from Achancy and Lairg I with 100m to tip and Braemore with 126m to tip. The height of the largest turbines proposed for this scheme are 200m to tip and would be the first in the area should planning permission is granted. This would be an increase of 20m to blade tip height from the consented development.

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

8.89 It is noted through the NatureScot Siting and Designing Wind Farms in the Landscape Guidance, that it can be particularly challenging to accommodate multiple wind farms in an area, but design objectives centred around limiting visual confusion and reinforcing the appropriateness of each development for its location. It is noted that the key design driver for the consented and proposed varied development appears to be the separation from Lairg I when viewed from a number of viewpoints. This is not necessarily problematic given the level of topographic screening and containment provided by the intervening landscape. However, in particular viewpoints this is not achieved and the contrast between the turbine scales is stark.

8.90 In terms of design of the other infrastructure on the site (control building, substation and tracks), these appear to have been well sited with those elements of greatest visual impact set back from the road and screened by the topography of the site from the public realm. However, the design of these requires to be progressed from the standard uninspiring designs as shown indicatively in the EIAR. This can be secured by condition. The applicant has not specified if the transformers will be external or internal therefore a condition can be imposed to any consent to ensure that the turbines have internal transformers. While this limits the choice of turbines available to the developer through their procurement process, it is considered necessary due to the visual clutter of additional infrastructure on the site as a result of external transformers.

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

8.92 The views from the north, around settlements, are where the turbines will have the most significant impact, however it is considered that the design changes will not significantly alter the impact of the predicted affects associated with the extant permission and is therefore considered to be acceptable.

8.93 The relationship between settlements/key locations and the wider landscape is considered against Landscape and Visual Assessment Criteria contained within Section 4 of the OWESG, Criterion 1. The nearest settlement identified within the Local Development Plan is Lairg, located 2.5km to the north. Due to the site location and topography, the proposed turbines are screened from most of the settlement/key locations within the 5km study area. The proposed development would not be seen in the majority of views within the settlements/key locations or from the majority of settlement approach routes. Views from the dispersed communities which are common in this area, will be limited as the topography plays a significant role in reducing the visibility of the scheme with only a small number of properties having views from the rear of their properties. The proposed development is considered to meets the threshold of Criterion 1.

8.94 Generally, it is considered that the redesign scheme and location has taken into consideration the position of surrounding developments in the landscape and, represents a scheme that fits with the pattern of development in the area. The proposed development will however reduce the visual separation between wind energy developments as seen from a number of viewpoints. There is no clear visual separation from Lairg I, as seen from VP2 (A836), VP6 (Lairg Grave Yard) and VP8 (A838 Near West Shinness) as well as the more distant views. The layout has not changed significantly since the previous consent was granted (19/01096/FUL), although significant mitigation was sought between the scheme submitted as part of this re-design application and the application that is now in front of Members for determination. This includes the reduction in hub heights of turbines 2, 3, 5, 7, 8 and 9 as well as the reduction in blade tip height of turbine 5, which was reduced further from 200m blade tip height to 190m blade tip height). As a result of this mitigation the visual impact has not significantly increased and is considered to be acceptable. The revised scheme is considered, on balance, to meet the threshold of Criterion 6 in relation to pattern of development.

8.95 As the turbines are over 150m in height they will be required to be lit during the hours of darkness in relation aviation safety concerns. The impacts of the proposed aviation lighting are discussed later in the report (para 8.152 - 8.153).

Landscape Impacts

8.96 The development site sits between an undulating plateau and hills between Strath Fleet, Achany Glen and the Kyle of Sutherland. The hills in the area are not high, 250-350 AOD, but form an upland area. This distinct, recognisable and consistent pattern of elements in the landscape defines the landscape character. The Landscape Character Type (LCT) that the proposed development largely falls within is LCT 135 Rounded Hills – Caithness and Sutherland as identified in the NatureScot National Mapping. The western edge of

the proposed site boundary falls within LCT 145 Farmed and Forested Slopes with Crofting. However, given the location and scale of the proposal it will be viewed from a number of Landscape Character Types (LCTs). Each of these LCTs cover much wider areas than would be subject to the effects of this application.

8.97 The assessment undertaken by the applicant has identified the addition following LCTs within a 25km study area:

- 134 Sweeping Moorland and Flows; and
- 142 Strath – Caithness and Sutherland

All other LCTs were not assessed due to the limited visibility the limited visibility.

8.98 Although, the majority of the site lies within Rounded Hills – Caithness and Sutherland LCT, the turbines would be located within an area of open moorland. The EIAR argues that as there are exiting modern influences on the site, and the perception is of open moorland with the exiting three Lairg turbines on the higher ground to the north. The applicant therefore indicates that the LCT has lower sensitivity to wind farm development.

8.99 The guidance for wind energy development in this LCT is that turbines will tend to appear most appropriate where they are located within the wide open areas so that the turbines appear inferior to the scale of the surrounding space. Generally, it is considered that the location of the wind farm has led to the turbines likely appearing smaller than they are in reality. This is due to the development sitting in an open area of moorland, with the turbines set on lower ground than the surrounding landscape features. The turbines and infrastructure are sufficiently set away from roads and other wind energy developments. Taking this into consideration as well as the site not lying within a designated landscape, has resulted in the applicant assessing the site to be of medium sensitivity. This is not disputed, the LCT is large, and has characteristics which indicate that it may have a greater ability to accommodate large scale wind farms.

8.100 That being said, the wider Rounded Hills – Caithness and Sutherland LCT consists of undulating hills which covers much of the study area. In this case the extensive areas of moorland hills and slopes are divided by the major valleys in the area, with some flatter areas within the plateau and broader valleys in the area defined as Sweeping Moorland and Flows LCT. This LCT if further fragmented by coniferous plantations. Sweeping Moorland and Flows LCT is dominated by its wide open space, resulting in a high degree of exposure, affording extensive visibility and covers several areas in the wider study area. In this case the wider LCT is mainly associated with moorland hills and slopes. There are areas of Farmed and Forested Slopes with Crofting LCT located within the wider area. These are principally around lower lying areas within straths such as Achany/Shin valley around Lairg with limited visibility.

8.101 The ZTV shows theoretical visibility of the proposed development from the wider LCT area, however visibility will occur over the immediate vicinity (2km) of the site, particularly on the higher ground to the north, east and south. The ZTV extends to the west down the edge of the LCT within Achany Glen and further afield to south-

eastwards (5km away). Visibility from further away will be sparse within the LCT, depending on topography, and includes areas with coniferous forest, from which there will be no actual visibility.

8.102 As the perception of the character of the area will be one of increased turbine presence, the magnitude of change is assessed as high within 5km of the outer turbines. From other areas of the LCT, such as on the west side of Achany Glen, south of the Kyle of Sutherland, and north of Strath Fleet, the proposed development will appear as a more distant element. There will be some visibility from higher slopes facing the site, these views are reduced due to notable areas of forest cover within the LCT. As such the magnitude of change will be medium reducing to low with distance.

8.103 The EIAR identifies that the effect on some localised parts of the LCT (within 3 - 5km) where the development takes place would be significant (major). However, for other areas of the LCT will be negligible therefore the cumulative impact would not be significant (minor). Areas further a field have been judged to not be significant (minor reducing to negligible) due to distance and the influence of intervening valleys.

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

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

8.106 The EIAR contends that the introduction of the development into the landscape would not affect the special qualities of the nationally and regionally designated sites. These include those set out in paragraph 2.9 and 2.10 of this report. Whilst it is not disputed that the site does not sit within any landscape designations, the wider study area for the Landscape and Visual Impact Assessment includes:

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

8.107 It was anticipated that the scheme would have significant impacts on the character and special qualities of Dornoch Firth NSA. It is clear from the visualisations presented within the EIAR, that the tips of all turbines and the top of the hubs of turbines 1, 4 and 5 would have theoretical visibility as shown from VP12 (B9176, Struie Road Viewpoint). Whilst the EIAR argues that there will be no significant effects on the NSA, this viewpoint is located at Struie Viewpoint, this is one of the most visited viewpoints on the Highland road network and is regularly to be found full or cars and coaches. Part of the significance lies in its being one of the best vantage points to appreciate the Dornoch Firth NSA. While the development itself lies well beyond the NSA, from this location it appears firmly within the layered landscape which contains the NSA and as such forms part of the National Scenic Area's setting.

8.108 Whilst the previous application (ref. 19/01096/FUL) had limited visibility from VP12, it was considered that the new proposal would increase the effects on the NSA and improvements were sought through negotiations with the applicant. The FEI (the scheme in front of Members for determination) presents an amended scheme, which reduces the hub heights of 6 turbines and the height to blade tip of turbine 5 has been reduced from 200m to 190m. This has resulted in a reduction in the prominence of the development. The main concern was the increase in aviation lighting due to the increase in height of 7 turbines. The applicant presented an amended scheme that is deemed acceptable through the reduction in hub heights from 132m to 125.5m. Given that visibility will be limited and whilst there may be some adverse effects, it is not considered that they are at a nature and scale which would make the proposed development unacceptable in terms of the special qualities of the NSA.

8.109 In terms of aviation lighting, as the hub heights have been reduced, it is unlikely that the lighting would give rise to significant adverse effects on the special qualities of the Dornoch Firth NSA. NatureScot agree that it is unlikely that the visible lights would give rise to significant adverse effects on the special qualities of the NSA. No significant effects were identified significant on any other NSA within the study area, for the most part, not be experienced with the wind farm in view, the applicant's assessment is accepted.

Wild Land

8.110 There are a number of wild land areas within the study area as noted in para 2.10. The closest of these is WLA 34 Reay – Cassley WLA (VP16), 8km to the north-west. Achany and Rosehall Wind Farms are located closer to this WLA than the proposed development. The other WLAs are more distant, and will generally have limited views of the proposed development, with existing wind farms visible. The applicant has therefore did not undertake a wild land assessment. NatureScot have not objected to the applicants conclusions, however an assessment of effects of aviation lighting should have been considered within the EIAR and FEI. Nevertheless, NatureScot are in agreement, that the proposed development is unlikely that the visible lights would give rise to significant adverse effects on the special qualities of the Reay-Cassley WLA.

8.111 Whilst it is agreed that no element of the proposed development is within a WLA, it is in relative proximity to Wild Land Area 29 – Rhiddoroch – Beinn Dearg – Ben Wyvis (VP17), 34 – Reay – Cassley (VP16), 35 – Ben Klibreck – Armine Forest and 37 – Foinaven – Ben Hee. Further, as the development site is not within a Wild Land Area it is considered that Paragraph 215 of Scottish Planning Policy does not apply, but the general test considering the effects on wild land as set out in Paragraph 169 of SPP and reflected in Policy 67 of the Highland-wide Local Development Plan and the OWESG does apply. This policy requires consideration of the impacts on the wild land area. In considering this matter, the impacts on the wild land area need to be considered. These are as follows:

- Introduction of turbines and other infrastructure into views from the wild land area; and
- Introduction of a dominant contemporary land use visible from the wild land area affecting the perceptual qualities of wildness.

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

8.113 Although NatureScot have not requested the applicant undertakes a WLA assessment, the application site is surrounded by a number of WLAs as demonstrated from VP16 (Ben More Assynt) and VP17 (Ben Wyvis) which are located within WLAs.

8.114 **Rhiddoroch – Beinn Dearg – Ben Wyvis (WLA 29)** is located approximately 14km to the west and south west of the development site (VP17 Ben Wyvis). The WLA has a range of awe-inspiring massive, high rounded hills and plateaux, as well as steep rocky peaks and ridges, offering elevated panoramas. Here one is drawn from one top to the other with the focal points being the elevated aspects of a series of retreating rolling horizons. Lairg II redesign would not create a new focus in the landscape, it would introduce further modern elements into the landscape but these would not be immediately in one's view when looking toward the more elevated features of the wild land area but in lower far distant views behind other wind development. It is not considered that Lairg II redesign would affect this given its position outwith the wild land area and the distance.

8.115 **Reay - Cassley (WLA 34)** is located approximately 8km to the north west of the development site (VP16 Ben More Assynt). The area comprises of moorland to the north, high and irregular mountain range within the central section and simpler peatland slopes in the south. Similarly, to WLA 29, Lairg II, given the position and distance of the proposed development it is not considered that it will affect the integrity of this key characteristic of the WLA.

8.116 **Ben Klibreck – Armine Forest (WLA 35)** is located approximately 11km to the north east of the development site. It comprises of a series of round-topped hills and plateaux and an extensive area of undulating peatland and lochans that reflect the effects of glaciation. The Ben Klibreck and Loch Choire SPA is located within the WLA recognising its scenic value. It is not anticipated that Lairg II redesign would not have an adverse impact on the key characteristic or attributes of the WLA as it is unlikely that there will be visibility from anywhere within the WLA.

8.117 **Foinaven – Bee Hee (WLA 37)** is located approximately 20m to the north west of the development site. The WLA consists of an area of land that extends across north west Sutherland, extending from the peatlands of Crask in the south east to the mountain of Foinaven in the north west. The WLA scenic qualities are recognised by its inclusion in part within the North-West Sutherland NSA. It is considered that Lairg II redesign would not have an adverse impact on this key characteristic or attributes of the WLA as there will be limited visibility within the WLA.

8.118 The aviation lighting may have some limited effects, the applicant work with the Civil Aviation Authority to achieve both the minimum number of turbine lights in the vicinity of the wind farm and minimum duration of effect to further minimise effects through implementation of a secondary radar aircraft detection lighting system. It is our understanding that such systems are under consideration by CAA and NatureScot's recommendation is supported.

8.119 NatureScot do not objected to the proposed development, it is considered that the increase it turbine height and rotor diameter would not increase the impacts from the consented scheme.

Visual Impact

8.120 The ZTV demonstrates that the scheme will be theoretically visible at a distance of up to 40km however principally within 25km study area, largely to the north, north-west with all 10 turbines in theoretical view. Visibility extends along sections of the A836 and the A838 to the north. The original development extended the theoretical visibility of turbines beyond that already experienced as a result of the operational wind farms in the area. The varied scheme would not significantly extend theoretical visibility of the consented scheme (19/01096/FUL). As with the previous application, it is considered that this site has the scope to absorb a large scale wind farm, even at this scale without significantly increasing the visual impact to a point of unacceptability.

8.121 It was considered that the initial redesign of the wind farm presented within the EIA would have significant visual impacts that would have an unacceptable effect. However, through negotiations with the applicant, further modifications were presented through the FEI (as outlined in para 1.112 above). The changes are considered to reduce the visual impact of the proposed development to an acceptable level.

8.122 The visual receptors for the development have been assessed in the EIAR against the baseline of the consented scheme. The applicant has undertaken a detailed visual impact assessment at each of the 17 viewpoints, focussing on the effect on the receptors at the viewpoint. The EIAR states that receptors at viewpoints 1 – 6 have the potential to be significantly affected by the proposed development. These

viewpoints range in from a distance of 1.5km – 4.6km from the nearest visible turbine. Although the redesigned scheme will not result in new elements to the area they will appear, in some views as larger features, particularly when viewed from close proximity to the receptor. The views from the remaining 11 viewpoints have not been assessed as significant by the applicant. The intervening distance between the viewpoints and the scheme, the extent to which the proposed development will be viewed has limited magnitude of change due to the baseline containing a range of wind energy developments are the most common reason for these viewpoints not being assessed as significant.

8.123 THC considers visual impact using the criterion set out in Section 4 of the OWESG to come to a view as to whether the threshold set out in the guidance is met or not.

8.124 Unsurprisingly, as visual impact assessment is largely subjective and dependant on the application of professional judgement, there is a difference between the applicant's assessment and the appraisal of the Planning Authority. It is not however considered that the development will have an affect on Residential Visual Amenity based on the assessment provided by the applicant.

8.125 In coming to a judgement on the acceptability of the proposed development, the design changes secured have played an important factor and should be given some considerable weight. The changes have resulted in the development appearing more balanced from several viewpoints, with the turbines now appearing inferior to the landscape particularly in the scenic views or more distant views. It is considered that these changes are most noticeable in VP4 (Ord Hill – The Ord, Chambered Cairn), VP8 (A838 Near West Shinness) and VP12 (B9176, Struie Road Viewpoint).

8.126 The location and scale of Turbines 1, 6 and 14 has not changed from the consented scheme. These turbines have a height to blade tip of 150m, as presented within the proposed development. The reduction to 150m (from 180m) was secured through negotiations with the consented scheme as these were the turbines that gave rise to significant concerns. Furthermore, Turbines 10, 11, 12 and 13 were removed, this improved the compositions of turbines and reduced the horizontal spread. These changes led to the originally consented development appearing less prominent in the landscape, with all the turbines appearing to sit around the same height as the exiting turbines. With the consented Lairg II turbines located on lower ground, this gave a more balanced appearance between the Lairg I and Lairg II developments. Overall, the visual impact was considered to be reduced to a level that was acceptable in terms of visual impact. Consequently, in terms of the visual impact of the redesigned scheme presented within the EIAR and FEI only the increase in height of Turbines T2 and 5 (180m to 190m); Turbines 3, 4, 7, 8 and 9; increase in rotor diameter from 136m to 149m for Turbines 2, 3, 4, 5, 7, 8 and 9; and the relocated substation are assessed. Nevertheless, this redesigned scheme may have new effects in relation to scale and proportion when viewed with Turbines 1, 6, 14 and the existing Lairg I turbines.

8.127 In terms of visual effects, the EIAR and FEI notes that although there is an increase in turbine height it will not alter the level of effect beyond that identified for the consented scheme. The only exception would be Viewpoint 10: Strath Fleet where one blade would now be visible, where the consented development had no visibility. It is not considered that this alteration in visibility would give rise to any significant

concerns in relation to visual effects. What follows is a summary of the Planning Authority's consideration of what are considered the key viewpoints for the proposals:

8.128 **VP4 Ord Hill (The Ord, Chambered Cairn) – Receptors are road users (tourists and general), walkers and recreational receptors**

This viewpoint is located at a chambered cairn on the top of a small hill. It is accessed via a track and paths up from the settlement of Lairg, or from the A839. It also represents views from the A839 as one approaches Lairg, and views from some properties of Lairg and Gruids. The view is an open 360º panorama from this low hill which lies within the broad valley basin at the foot of Loch Shin. There are four wind farms visible in the panorama, Lairg I, Achany Wind Farm (two blades visible), Beinn Tharsuinn and Coire Na Cloiche Wind Farms.

8.129 Whilst it is acknowledged that the development will have a significant visual impact from this viewpoint, the redesign, and the mitigation secured by the case officer, has resulted in a modest reduction of impacts. The redesign has not increased the horizontal spread of the turbines, with the turbines contained between landforms. The change in blade length, with the reduction of hub heights has contributed to the development presenting a more even appearance. These changes have led to the development appearing less prominent in the landscape despite the turbine blades appearing larger than the existing Lairg I turbines, all the turbines will sit around the same height as the exiting turbines, with the new turbines located on lower ground, given the development a more even appearance from this viewpoint. The visual impact at this viewpoint, while significant, is considered acceptable.

8.139 The aviation lights will be visible on the turbines in hours of darkness. However this will be I the context of lights from properties on the upper slopes around Lairg and lights from Lairg itself.

8.140 **VP8 (A838, near Shinnes Broch) – Receptors are Road users (local and toursits)**

This is a scenic view, located to the north side of Loch Shin. The view is a panoramic one of up and down the linear valley of Loch Shin, with the loch stretching away to the south-east. The proposed development will be seen in the distant skyline to the south-east, forming an array of turbines with the existing Lairg I turbines. This viewpoint has scenic qualities when viewed with the Loch and the horizon. The redesign has reduced the impact in the sense that there is clear definition between the scale of Lairg I and the proposed development. The redesign has resulted in similar effects to those experience at VP4.

8.141 Due to the geographical extent of effect, even with the increase in turbine height, it is not considered that the effect would be significant. In terms of sequential views along this route (A838) when travelling from west to east, the view experienced at this point on the road would be fleeting, as the road drops in height, the roadside trees would screen the proposal development from view. Overall, it is not considered that the route overall would be adversely affected by the presence of the turbines.

8.142 In hours of darkness, the aviation lights on the turbines will be visible, in the context of scattered lights emanating from properties on the northern side of Loch Shin.

8.143 **VP12 (Struie Viewpoint) – Receptors are road users (local and tourists) and visitors (local and tourists)**

The viewpoint is located at Struie Viewpoint, this is one of the most visited viewpoints on the Highland road network where one can experience the Dornoch Firth NSA, as such it is assessed as having a moderate level of magnitude of change. This is in contrast to the applicants' assessment of a low level of magnitude of change. From this viewpoint Lairg I can be viewed with Achany and Rosehall to the west. The proposed development would be viewed with the existing Lairg I turbines. Only the blade lengths and tips would be visible. This has resulted in the proposed development appearing inferior to the landscape as it would be contained between landforms and viewed from approximately 17km. The changes to the design that have been secured has resulted in a reduction in visual effects. Furthermore, the reduction in the hub heights, has resulted in the anticipated requirement for aviation lighting to not be visible from this viewpoint. The visual impact from this location is considered acceptable as it the turbines would not foreshorten the view or detract from the special qualities which are currently experienced at this viewpoint.

8.144 In terms of the close range views, as represented from Viewpoint 1: Torroble and Viewpoint 2: A836 East Achany Glen there is very little difference between the consented and proposed developments. Overall, the redesign has not increased the level of visual effects to a point where they would be considered to be unacceptable. The EIAR did not report any new significant effects beyond those identified for the consented development. Following the mitigation secured by the case officer, this is agreed.

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

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

8.147 The applicant had previously put forward a scheme which it considered to be worst case scenario in terms of the impact of aviation lighting. A range of options may be available to mitigate the impact on receptors during hours of darkness and it may be

possible that this could be infra-red which would reduce the impact. The applicant had also suggested shielding lights that would also reduce the impact, by reducing the amount of light that will be visible from lower levels such as the residential properties. These may also be the possibility of cardinal point turbines being lit with aviation safety lighting which would have a maximum lighting intensity of 2000 candela but reducing to 200 candela when metrological visibility is more than 5km. These technical issues do however require approval from the relevant authorities, in particular the Civil Aviation Authority. Given the clear need for aviation safety lighting, the lightly intensity of the lighting and the lack of landscape designations or features in the surrounding area which would have their qualities adversely affected by the aviation lighting, it is considered that this matter can be adequately addressed by condition.

Noise and Shadow Flicker

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

8.149 Environmental Health has advised they have no objection to the application subject to a standard noise condition being attached to any planning permission granted. Furthermore, given the distances involved construction noise is unlikely to be a significant issue. Where necessary, Environmental Health has powers under the Control of Pollution Act 1974 to control and restrict construction activities to reduce the impact of noise if complaints were to arise.

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

Telecommunications

8.151 The potential for the development to adversely impact telecommunication signals has been considered by consultees. British Telecom have no concerns the development will interfere with their current and planned radio network while the Joint Radio Company are now satisfied the development has cleared with respect to their radio link infrastructure following their initial concerns. A condition should nonetheless be sought to secure a scheme of mitigation should an issue arise.

Aviation

8.152 The application has raised no concerns with regard to aviation interests in relation to the Civil Aviation Authority (CAA) and Ministry of Defence (MOD). Should the application be granted consent a condition can be applied to secure suitable mitigation in terms of aviation lighting and notification to the appropriate bodies of the final turbine positions. If granted consent, the MOD has requested notice of the following prior to commencement of construction:

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

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

Decommissioning

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

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

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

Other material considerations

8.157 Given the complexity of major developments, and to assist in the discharge of conditions, the Planning Authority seek that the developer employs a Planning Monitoring Officer (PMO). The role of the PMO, amongst other things, will include the monitoring of, and enforcement of compliance with, all conditions, agreements and obligations related to this permission (or any superseding or related permissions) and shall include the provision of a bi-monthly compliance report to the Planning Authority.

8.158 While third party concerns have been raised in relation to the public consultation, events were held by the applicant these were undertaking in line with the current legislation. During the Covid-19 Pandemic, The Town and Country Planning (Emergency Period and Extended Period)(Coronavirus)(Scotland) Regulation 2020 was introduced. This legislation provides exemptions in relation to the pre-application consultation with members of the public. The applicant undertook a public consultation in February 2021, as is required with any major development and in accordance with the legislation at that time.

8.159 The applicant also undertook a letter drop to the affected residential properties i.e. those that would have theoretical visibility as shown on the Zone of Theoretical Visibility (ZTV) constraints map submitted with the planning application. This is not however a requirement set out in legislation.

8.160 Additionally, Planning Authorities are required to undertake a formal period of public consultation prior to making a recommendation for a planning application, as prescribed in the Town and Country Planning Act (Scotland) 1997, as amended by the Planning (Scotland) Act 2019. This was undertaken via direct neighbour notification and advertisements in both the local newspaper and Edinburgh Gazette.

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

Non-material considerations

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

Matters to be secured by Legal Agreement / Upfront Payment

8.163 As the details of decommissioning and restoration, together with an appropriate financial guarantee will be secured by condition, there is no need for a legal agreement to be entered prior to planning permission being granted.

9. CONCLUSION

9.1 The Scottish Government gives considerable commitment to renewable energy and encourages planning authorities to support the development of wind farms where they can operate successfully and situated in appropriate locations. The originally consented scheme had a generating capacity of 34.5 MW, this revised scheme now has the potential to contribute 48.3MW of renewable energy capacity towards

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

9.2 The principle of a wind farm has been established in this location. The key consideration therefore is whether the proposed increase in the size of the turbines overall (as set out in para 8.126) is deemed acceptable. The effect of the increase in blade tip height is most obvious when considering matters of landscape and visual impact. It is considered that the increase in blade tip height is acceptable, with the reduced hub heights of Turbines 2, 3, 5, 7, 8 and 9.

9.3 The application has attracted a small number of representation both objecting and supporting this development from members of the public. The application has not raised fundamental objections from those statutory agencies involved with local infrastructural networks (road, telecommunications, etc.) and environmental resources (water, soils, peat, etc.). Parties have recognised the potential mitigation proposed by the applicant. Most have requested planning conditions to safeguard local assets such as local and trunk roads. The adoption of good construction practices through a CEMD can help minimise risk to local ecological, ornithological and habitat resource.

9.4 Although Creich and Golspie have objected to the amended scheme due to the size of turbines and the cumulative impact, the principle of the scheme has been accepted through the consented scheme. Furthermore, the Lairg Community Council that will host the proposed development is in favour of the scheme.

9.5 The development is likely to give an economic boost to the area through the construction period and make a contribution to meeting renewable energy targets. Policy 67 - Renewable Energy Developments highlights the balance that the Council has to strike between the delivery of proposals which make a contribution towards meeting the renewable energy generation targets and the protection of natural resources which contribute to the overall character of the Highland area.

9.6 As with any development of this type, it will have a visual impact. The scale of turbines presented in this application are larger, however it is considered that they can be accommodated due to the scale of the landscape and the separation from other wind energy developments in the area.

9.7 Furthermore, it is considered that having achieved design changes through negotiations with the applicant the visual impact of the revised scheme is now considered acceptable. The modifications secured were the reduction in hub heights of Turbines 2, 3, 7, 8 and 9 from 132m to 125.5m and Turbine 5 reduced from 132m to 115.5m. The rotor diameters of Turbines 2, 3, 7, 8 and 9 have been increased from 136m to 149m. Whilst the rotor diameters of Turbine 5 reduced from 136m to 133m. Turbine 5 was reduced from a blade tip height of 200m to 190m. It is considered that the changes to the turbines have resulted in a reduction in the impact, despite the increase in 5 rotor diameters. The turbines now appear as more balanced in terms of the size of rotors to the size of hubs. Further, from the more distant views it is unlikely that the changes in the size of turbines would be noticeable.

These changes have reduced the magnitude of the impact and addressed many concerns in relation to the proposed development. It is therefore considered that this scheme's benefits now outweigh any impacts.

9.8 The Council's response to this application is considered against the policies set out in the Development Plan, principally Policy 67 of the Highland-wide Local Development Plan with its eleven tests which are expanded upon with the Onshore Wind Energy Supplementary Guidance. This policy also reflects policy tests of other policies in the plan, for example Policy 28. This policy also draws in the range of subject specific policies as also contained within the HwLDP as listed in section 6.1 above. Given the above analysis the application would, on balance, accord with the Development Plan.

9.9 The Council is satisfied that environmental effects of this development can be addressed by way of mitigation. The Council has incorporated the requirement for a schedule of mitigation within the conditions of this permission. Monitoring of operational compliance has been secured through conditions 10 and 11 of this permission.

9.10 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: Not applicable

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

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

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued N

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons

1. The Planning Permission is granted for a period of 38 years from the date of Final Commissioning, comprising an operational period of up to 35 years from the date of Final Commissioning and a period of up to 3 years for decommissioning and site restoration to be completed in accordance with a

scheme to be approved under Condition 27 of this permission. Written confirmation of the Date of Final Commissioning must be provided to the planning authority no later than one calendar month after the event.

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

2. There shall be no Commencement of Development until a concluded agreement in accordance with Section 96 of the Roads (Scotland) Act 1984 under which the developer is responsible for the repair of any damage to the local road network that can reasonably be attributed to construction related traffic. As part of this agreement, pre-start and post-construction road condition surveys must be carried out by the Company, to the satisfaction of the Roads Authority(s). It will also require the submission of an appropriate financial guarantee, bond or alternative form of security acceptable to the planning authority in respect of the risk of any road reconstruction works.

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

3. There shall be no Commencement of Development until:

   i. Full details of a guarantee, bond or other financial provision to be put in place to cover all of the decommissioning and Site restoration measures outlined in the Decommissioning and Restoration Plan approved under Condition 27 of this permission have been submitted to, and approved in writing by, the planning authority. For the avoidance of doubt the bond must be able to be called upon by The Highland Council and be enforceable against the operator and landowner and/ or leaseholder; 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, has been submitted to, and approved in writing by, the planning authority; and

   iii. Documentary evidence that the guarantee, bond or other financial provision approved under parts (i) and (ii) above is in place has been submitted to, and confirmation in writing that the financial provision is satisfactory has been issued by, the planning authority.

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

   i. Ensure that the guarantee, bond or other financial provision is maintained throughout the duration of this permission; and

ii. Pay for the guarantee, bond or other financial provision to be subject to a review five years after the commencement of development and every five years thereafter until such time as the wind farm is decommissioned and the Site restored.

Each review shall be:

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 my be, approved in writing by the Planning Authority following amendment to their reasonable satisfaction.

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

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

4. Design and operation of turbines

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

i. The make, model, design, power rating and sound power levels of the turbines to be used;
ii. The external colour and/or finish of the turbines to be used (including towers, nacelles and blades) which should be non-reflective pale grey semi-matt; and
iii. The turbines must have internal transformers.

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

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

5. Advertisement on Infrastructure

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

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

6. Design of sub-station and ancillary development

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

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

7. Micro-siting

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

a. No wind turbine foundation shall be positioned higher, when measured in metres Above Ordinance Datum (AOD), than the position shown on Figure 3.1 (FEI);
b. No wind turbine, building, mast or hardstanding shall be moved more than 50m from the position shown on the original approved plans;
c. No access track shall be moved more than 50m from the position shown on the original approved plans;
d. No micro-siting shall take place within areas of peat of greater depth than the original location;

e. No micro-siting shall take place within areas hosting Ground Water Dependent Terrestrial Ecosystems;
f. No wind turbine or associated infrastructure will be located in peat depths greater than 1m;
g. No element of the proposed development should be located closer than 50m to the top of the bank of any watercourse; and
h. All micro-siting permissible under this condition must be approved in advance in writing by the Environmental Clerk of Works (ECoW).

No later than one month after the date of First Commissioning, an updated site plan must be submitted to the Planning Authority showing the final position of all wind turbines, masts, areas of hardstanding, tracks and associated infrastructure forming part of the Development. The plan should also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the ECoW or Planning Authority's approval, as applicable.

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

8. Borrow Pits – Scheme of Works

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

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

The approved scheme shall thereafter be implemented in full.

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

9. Borrow Pits – Blasting

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

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

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

10. Planning Monitoring Officer

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

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

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

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

11. Ecological Clerk of Works

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

a. Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the environmental statement and other information lodged in support of the application, the

Construction and Environmental Management Plan, the Habitat Management Plan approved in accordance with condition 13, [any species or habitat management plans identified in the Environmental Statement] and other plans approved ("the ECoW works");

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

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

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

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

12. No development shall commence until a finalised Construction Environmental Management Document is submitted to and agreed in writing by the Planning Authority in consultation with SEPA and other appropriate consultees as appropriate. The document shall include provision for:

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

I. Details of the construction works, construction methods and surface treatment for all hard surfaces and tracks;
II. Method of construction of the crane pads;
III. Method of construction of the turbine foundations;

IV. Method of working cable trenches;
V. Method of construction and erection of the wind turbines and meteorological masts;
VI. details of watercourse crossings designed to 1 in 200 year flood risk event plus 20% for climate change;
VII. Residual Forest Waste Management Plan;
VIII. Details of the temporary site compounds, for the storage of materials and machinery, including the areas designated for offices, welfare facilities; fuel storage and car parking;
IX. Peat Management Plan – to include details of all peat stripping, excavation, storage and reuse of material in accordance with best practice advice published by SEPA and NatureScot. This should also highlight how sensitive peat areas are to be marked out on-site to prevent any vehicle causing inadvertent damage;
X. Water Quality Management Plan - highlighting drainage provisions including monitoring / maintenance regimes, water crossings, surface water drainage management (SUDs) and development and storage of material buffers (50m minimum) from water features, unless otherwise agreed in writing by SEPA and The Highland Council's Flood Risk Management Team;
XI. Public and Private Water Supply Protection Measures Plan;
XII. Pollution Prevention Plan;
XIII. Site Waste Management Plan;
XIV. Construction Noise Mitigation Plan; and
XV. Species Protection Plan(s): - including otter, water vole and reptile.

The pre construction survey for legally protected species is carried out at an appropriate time of year for the species, at a maximum of 12 months preceding commencement of construction, and that a watching brief is then implemented by the Ecological Clerk of Works (ECOW) during construction. The species that should be surveyed for include, but are not limited to, breeding birds, wild cat, otter, reptiles and water vole for example.

Provision of a communication plan to ensure all contractors are aware of the possible presence of protected species frequenting the site and the laws relating to their protection;

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

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

Should any water vole activity be found during construction, all works within 10m of the nearest burrow shall stop. Work may progress if it is in excess of 10m of the nearest burrow, otherwise work shall stop immediately and the NatureScot Golspie office be notified and asked for advice.

XVI. Site Construction Decommissioning Method Statement highlighting restoration/ reinstatement of the working areas not required during the operation of the Development, including construction access tracks, borrow pits, construction compound, storage areas, laydown areas, access tracks, passing places and other construction areas. Wherever possible, reinstatement is to be achieved by the careful use of turfs removed prior to construction works. Details should include all seed mixes to be used for the reinstatement of vegetation;

XVII. A Construction Method Statement for the approval of the Planning Authority in consultation with NatureScot and SEPA incorporating the mitigation measures set out in the Peat Landslide Hazard and Risk Assessment; and

XVIII. A Construction Environment Management Plan incorporating appropriate mitigation for the Ground Water Dependent Terrestrial Ecosystems as outlined in the EIAR Chapter 10 and Chapter 15.

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

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

13. Traffic Management Plan

No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Planning Authority in consultation with the relevant Roads Authority(s) and Transport Scotland. The CTMP, which shall be implemented as approved during all period of construction and decommissioning, must include:

i. A description of all measures to be implemented by the developer in order to manage traffic during the construction phase (incl. routing strategies), with any additional or temporary signage and traffic control undertaken by a recognised suitably qualified traffic management consultant;

ii. The identification and delivery of all upgrades to the public road network, including but not limited to upgrades to the local and trunk road network to make it suitable for construction traffic, to ensure that it is to a standard capable of accommodating construction related traffic (including the formation or improvement of any junctions leading from the site to the public road) to the satisfaction of the Roads Authorities, including;

    a. Access via the A836 and C1107 only;

    b. Detailed assessment of the delivery route;

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

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

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

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

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

h. A videoed trial run to confirm the ability of the local road network to cater for turbine delivery. Three weeks notice of this trial run must be made to the local Roads Authority who must be in attendance;

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

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

iv. A contingency plan prepared by the abnormal load haulier. The plan shall be adopted only after consultation and agreement with the Police and the respective roads authorities. It shall include measures to deal with any haulage incidents that may result in public roads becoming temporarily closed or restricted;

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

vi. A detailed protocol for the delivery of abnormal loads/vehicles, prepared in consultation and agreement with interested parties. The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of abnormal load movements in the local media. Temporary signage, in the form of demountable signs or similar approved, shall be established, when required, to alert road users and local residents of expected abnormal load movements. All such movements on Council maintained roads shall take place outwith peak times on the network, including school travel times, and shall avoid local community events;

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

viii. Details of any upgrading works required at the junction of the site access and the public road. Such works may include suitable drainage measures, improved geometry and construction, measures to protect the public road and the provision and maintenance of appropriate visibility splays;

ix. Details of appropriate traffic management which shall be established and maintained at the site access for the duration of the construction period. Full details shall be submitted for the prior approval of Highland Council, as roads authority;

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

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

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

xiii. A concluded agreement in accordance with Section 96 of the Roads (Scotland) Act 1984 under which the developer is responsible for the repair of any damage to the local road network that can reasonably be attributed to construction related traffic. As part of this agreement, pre-start and post-construction road condition surveys must be carried out by the developer, to the satisfaction of the Roads Authority(s). It will also require the submission of an appropriate financial bond acceptable to the Council in respect of the risk of any road reconstruction works.

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

14. Community Liaison Group

No development shall commence until a community liaison group is established by the developer, in collaboration with The Highland Council and affected local Community Councils. The group shall act as a vehicle for the community to be kept informed of project progress and, in particular, should allow advanced dialogue on the provision of all transport-related mitigation measures and to keep under review the timing of the delivery of turbine components. This should also ensure that local events and tourist seasons are considered and appropriate measures to co-ordinate deliveries and work with these and any other major projects in the area to ensure no conflict between construction traffic and the increased traffic generated by such events / seasons / developments. The liaison group, or element of any combined liaison group relating to this development, shall be maintained until the wind farm construction has been completed and is fully operational.

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

15. Outdoor Access Management Plan

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

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

16. Habitat Management Plan

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

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

undertaken following construction and prior to the date of Final Commissioning and submitted to the Planning Authority for written approval in consultation with NatureScot and SEPA.

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

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

17. Deer Management Statement

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

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

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

18. Programme of Archaeological Works

No development or work (including site clearance) shall commence until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

Reason: In order to protect the archaeological and historic interest of the site.

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

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

20. Peat Landslide Management

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

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

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

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

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

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

21. Shadow Flicker

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

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

22. Television Reception

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

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

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

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

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

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

23. Private Water Supplies

No development shall commence until a method statement has been submitted to and approved in writing by the Planning Authority, detailing all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties which are served by private water supplies at the date of this consent and which may be affected by the

Development. The method statement shall include water quality sampling methods and shall specify abstraction points. The approved method statement shall thereafter be implemented in full.

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

24. Redundant turbines

The Wind Farm Operator shall, at all times after the First Export Date, record information regarding the monthly supply of electricity to the national grid from the site as a whole and electricity generated by each individual turbine within the development and retain the information for a period of at least 12 months. The information shall be made available to the Planning Authority within one month of any request by them. In the event that:

i. any wind turbine installed and commissioned fails to supply electricity on a commercial basis to the grid for a continuous period of 6 months, then unless otherwise agreed, the wind turbine, along with any ancillary equipment, fixtures and fittings not required in connection with retained turbines, shall, within 3 months of the end of the said continuous 6 month period, be dismantled and removed from the site and the surrounding land fully reinstated in accordance with this condition; or

ii. the wind farm fails to supply electricity on a commercial basis to the grid from 50% or more of the wind turbines installed and commissioned and for a continuous period of 12 months, then the Wind Farm Operator must notify the Planning Authority in writing immediately. Thereafter, the Planning Authority may direct in writing that the wind farm shall be decommissioned and the application site reinstated in accordance with this condition. For the avoidance of doubt, in making a direction under this condition, the Planning Authority shall have due regard to the circumstances surrounding the failure to generate and shall only do so following discussion with the Wind Farm Operator and such other parties as they consider appropriate.

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

All decommissioning and reinstatement work required by this condition shall be carried out in accordance with the approved detailed Decommissioning and Reinstatement Plan (DRP), or, should the detailed DRP not have been approved at that stage, other decommissioning and reinstatement measures, based upon the principles of the approved draft DRP, as may be specified in writing by the Planning Authority.

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

25. Aviation Safety

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

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

Reason: In the interests of aviation safety.

26. Aviation Lighting

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

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

Reason: In the interests of aviation safety.

27. Site Decommissioning, Restoration and Aftercare

No development or works (excluding preliminary ground investigation which shall be permitted) shall commence until an Interim Decommissioning and Restoration Plan (IDRP) for the site has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. Thereafter:

i. not later than 3 years prior to the decommissioning of the Development, the IDRP shall be reviewed by the Developer, to ensure that the IRDP reflects best practice in decommissioning prevailing at the time and ensures that site specific conditions, identified during construction of the site, and subsequent operation and monitoring of the Development are given due consideration. A copy shall be submitted to the Planning Authority for its written approval, in consultation with NatureScot and SEPA; and

ii. not later than 12 months prior to the decommissioning of the Development, a detailed Decommissioning and Restoration Plan (DRP), based upon the principles of the approved interim plan, shall be submitted to, and approved in writing by, the Planning Authority, in consultation with NatureScot and SEPA. The IDRP and subsequent DRP shall include, unless otherwise agreed in writing with the Planning Authority and in accordance with legislative requirements and published best practice at time of decommissioning details about the removal of all elements of the Development, relevant access tracks and all cabling, including where necessary details of (a) justification for retention of any relevant elements of the Development, b) the treatment of disturbed ground surfaces, c) management and timing of the works, d) environmental management provisions and e) a traffic management plan to address any traffic impact issues during the decommissioning period. The DRP shall be implemented as approved. In the event that the Final DPR is not approved by The Highland Council in advance of the decommissioning, unless otherwise agreed by the Planning Authority the Interim IDRP shall be implemented.

Reason: To ensure that all wind turbines and associated Development are removed from site should the wind farm become largely redundant; in the interests of safety, amenity and environmental protection.

28. Water Quality and Fish Population Monitoring

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

This shall include, but not necessarily be limited to:

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

Thereafter, any mitigation identified shall be implemented.

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

29. Sustainable Drainage Systems

No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Third Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in

writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

30. Noise

The rating level of noise immissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed 35dB LA90 at any noise sensitive location existing at the time of consent and:

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

B) Within 21 days from receipt of a written request of the Local Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ an independent consultant approved by the Local Authority to assess the level of noise immissions from the wind farm at the complainant's property (or a suitable alternative location agreed in writing with the Local Authority) in accordance with the procedures described in the attached Guidance Notes.

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

C) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the Local Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken.

Where the proposed measurement location is close to the wind turbines, rather than at the complainants property (to improve the signal to noise ratio), then the operators submission shall include a method to calculate the noise level from the wind turbines at the complainants property based

on the noise levels measured at the agreed location (the alternative method). Details of the alternative method together with any associated guidance notes deemed necessary, shall be submitted to and agreed in writing by the Local Authority prior to the commencement of any measurements.

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

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

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

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

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

E) The wind farm operator shall provide to the Local Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Authority made under paragraph (B) of this condition unless the time limit is extended in writing by the Local Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Authority with the independent consultant's assessment of the rating level of noise immissions.

F) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the

independent consultant's assessment pursuant to paragraph (E) above unless the time limit for the submission of the further assessment has been extended in writing by the Local Authority.

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

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

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

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

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

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

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

J) The scheme referred to in paragraph I above should include a framework of immediate and long term mitigation measures. The immediate mitigation measures must ensure the rating level will comply with the conditioned limits and must be implemented within seven days of the further assessment described in paragraph F being received by the Local Authority. These measures must remain in place, except during field trials to optimise mitigation, until a long term mitigation strategy is ready to be implemented.

Guidance Notes for Noise Condition

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

Note 1

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

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

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

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

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

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

Note 2

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

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

(c) Values of the $L_{A90,10\text{-minute}}$ noise measurements and corresponding values of the 10-minute standardised ten metre height wind speed for those data points considered valid in accordance with Note 2(b) shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) shall be fitted to the data points to define the wind farm noise level at each integer speed.

Note 3

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

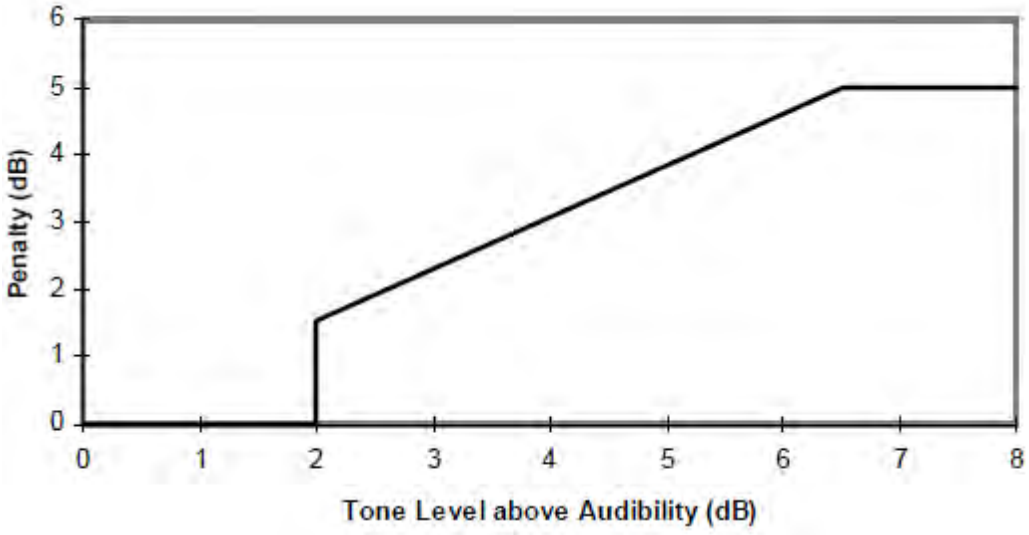
(b) For each 10-minute interval for which $L_{A90,10\text{-minute}}$ data have been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise immissions during 2-minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided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

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

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

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

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



Note 4

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

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

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

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

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

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

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

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

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

Reason: In the interest of amenity.

31. Ornithological Monitoring

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

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

32. Biodiversity

No development shall commence until a scheme for the delivery of biodiversity net gain has been submitted to and approved in writing by the Planning Authority. This shall include a suitable financial mechanism for the delivery of the scheme. Thereafter the scheme shall be implemented prior to first export of electricity from the site and maintained throughout the operation and decommissioning of the development.

Reason: To ensure that the development secures positive effects for biodiversity.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

REASONED CONCLUSION

The Council is in agreement with the findings of the Environmental Impact Assessment Report that Lairg II Wind Farm Re-Design is unlikely to give rise to any new or other significant adverse impact on the environment. The Council is satisfied that all environmental effects of this development can be addressed by way of mitigation. The Council has incorporated the requirement for a schedule of mitigation within the conditions of this permission. Monitoring of operational compliance has been secured through Conditions 10 and 11 that secure environmental mitigation and monitoring of this permission.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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

INFORMATIVES

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

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

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

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

Flood Risk

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

Scottish Water

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

Septic Tanks and Soakaways

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

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

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

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

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

Mud and Debris on Road

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

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

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

deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species

Designation:	Area Planning Manager - North
Author:	Claire Farmer
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 - Figure 1.1 Location Plan
	Plan 2 - 000001 REV 1 FEI Site Layout

Appendix 2

	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREMEENTS ONLY				
Type	**Contribution**	**Rate (per house)**	**Rate (per flat)**	**Total Amount*[1]**	**Index Linked[1]**	**Base Date*[2]**	**Payment Trigger*[3]**	**Accounting Dates*[4]**	**Clawback Period*[5]**
Schools[2]									
Primary – Build Costs	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Primary – Land Costs	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Secondary – Build Costs	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Secondary – Land Costs	Insert what contribution is for	£0.00	£0.00	£0.00	No		TOC/CC	Apr/Oct	15 or 20
Community Facilities	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Affordable Housing									
On-site provision[3]	X units. Insert details of unit size and timescale for delivery if agreed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Off-site provision[4]	X units. Insert details of location, unit size and timescale for delivery if agreed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Commuted Sum[5]	£0.00 per affordable unit not delivered on/off site. Insert expected timescale for payment - can be in installments	N/A	N/A	£0.00	N/A	N/A	Insert specific payment date	N/A	5 Years
Agreement for Delivery Needed	Y/N. If delivery for affordable housing has not yet been agreed, enter Y and specify the date/timescale that the scheme for delivery is to be submitted for approval	N/A	N/A	N/A	N/A	N/A	Insert date for submission to Planning Authority	N/A	N/A

[1] If the contribution is to be used towards infrastructure projects involving building e.g. new school, new cycle route etc BCIS ALL IN TENDER will be the index, if it doesn't involve building then another appropriate index may need to be chosen with the agreement of Team Leader

[2] Indicate whether or not 1 bed houses/flats are exempt

[3] Indicate whether a penalty payment due for late delivery (and, if so, what it is based upon).

[4] As above

[5] Indicate whether a penalty payment is due for late payment of commuted sum (and, if so, what it is based upon)

Transport									
Active Travel	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Safer Routes to Schools	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Public Realm	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Wayfinding	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Public Transport	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
School Transport	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Road Improvements	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Parking	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
EV Charging	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Traffic Signals	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Lighting	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Road Traffic Orders	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Cumulative Transport Contributions	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Green Infrastructure									
Open Space	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Green Network	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Built/Natural Heritage	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Water and Waste									
Catchment Improvement Works	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Strategic Flood Scheme	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Maintenance of SuDs	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Off Street Waste Storage	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Recycling Point Provision	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Glass Banks	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
		£0.00	£0.00	£0.00					
Public Art	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Other (Please Specify)	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20

*1 Adjust total to take account of flat exemptions

*2 Base Date – Set out in Supplementary Guidance on Developer Contributions

*3 TOC/CC – The earlier of the issue of either a temporary occupation certificate or a completion certificate – or specify alternative time if appropriate

*4 Accounting dates - 1 April and 1 October each year of development (if the contribution is to be paid on a basis other than related to units completed in the preceding 6 months (e.g. lump sum on a specific date) then indicate this instead of the Apr/Oct payment dates)

*5 Clawback – 15 years for Major development; 20 years for Local development

Other Legal Agreement requirements

Type	Details
Bond	1. Describe the purpose of the Bond
	2. Specify the amount to be secured
	3. Restriction on Bond provider
	4. Set the review date and mechanism for review
	5. Describe the call on circumstances
	6. Any other relevant details
Habitat Management Plan	1. Describe what the Plan is to cover
	2. Describe the area the Plan is to cover (and provide a plan)
	3. Set the timetable for submission of the Plan
	4. Set the timescale for implementation of the Plan
	5. Describe requirements to consult third parties
	6. Specify the financial contribution (if any)
	7. Specify the clawback period (if any)
	8. Any other relevant details
Road Survey	1. Specify the timescale for the initial survey
	2. Describe which roads are to be surveyed (provide a plan)
	3. Specify an interim survey date (if required)
	4. Specify the final survey requirements and timescale
	5. Any other relevant details
Land and Asset Transfer	1. Describe the area of land / asset to be transferred (provide a plan)
	2. Describe the use of the land / asset
	3. Specify the cost of transfer
	4. Any other relevant details

PLANNING PERMISSION Reference No: 19/01096/FUL

To:
Energiekontor
Per: Alan Macintyre
11 Somerset Place
Glasgow
G37JT

Town and Country Planning (Scotland) Act 1997 (As Amended)
Planning Etc. (Scotland) Act 2006

DECISION NOTICE

Lairg 2 Wind Farm - Construction of wind farm comprising 10 turbines (7 turbines to a maximum tip height of 180m and 3 turbines to a maximum tip height of 150m), associated crane pads, tracks, substation, battery storage compound, 2 borrow pits and upgrade of access track.
Land 2400M SE Of Cracrail Toroboll Lairg

The Highland Council in exercise of its powers under the above Acts **grants planning permission** for the above development in accordance with the particulars given in the application and the following documents:

Document Type	Document No.	Version No.	Date Received
Location Plan	000001		11.03.2019
Site Layout Plan	FIGURE 3.1		20.02.2020
Peat Depth	FIGURE 10.2		23.09.2019

CONDITIONS AND REASONS

This permission is granted subject to the following conditions and reasons:

1. The Planning Permission is granted for a period of 28 years from the date of Final Commissioning, comprising an operational period of up to 25 years from the date of Final Commissioning and a period of up to 3 years for decommissioning and site restoration to be completed in accordance with a scheme to be approved under Condition 27 of this permission. Written confirmation of the Date of Final Commissioning must be provided to the planning authority no later than one calendar month after the event.

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

2. There shall be no Commencement of Development until a concluded agreement in accordance with Section 96 of the Roads (Scotland) Act 1984 under which the developer is responsible for the repair of any damage to the local road network that can reasonably be attributed to construction related traffic. As part of this agreement, pre-start and post-

Dated: 19th June 2020

Dafydd Jones
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Area Planning Manager

construction road condition surveys must be carried out by the Company, to the satisfaction of the Roads Authority(s). It will also require the submission of an appropriate financial guarantee, bond or alternative form of security acceptable to the planning authority in respect of the risk of any road reconstruction works.

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

3. There shall be no Commencement of Development until:

i. Full details of a guarantee, bond or other financial provision to be put in place to cover all of the decommissioning and Site restoration measures outlined in the Decommissioning and Restoration Plan approved under Condition 27 of this permission have been submitted to, and approved in writing by, the planning authority. For the avoidance of doubt the bond must be able to be called upon by The Highland Council and be enforceable against the operator and landowner and/ or leaseholder; 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, has been submitted to, and approved in writing by, the planning authority; and

iii. Documentary evidence that the guarantee, bond or other financial provision approved under parts (i) and (ii) above is in place has been submitted to, and confirmation in writing that the financial provision is satisfactory has been issued by, the planning authority.

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

i. Ensure that the guarantee, bond or other financial provision is maintained throughout the duration of this permission; and

ii. Pay for the guarantee, bond or other financial provision to be subject to a review five years after the commencement of development and every five years thereafter until such time as the wind farm is decommissioned and the Site restored.

Each review shall be:

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 my be, approved in writing by the Planning Authority following amendment to their reasonable satisfaction.

Where a review approved under part (c) above recommends that the amount of the guarantee, bond or other financial provision should be altered (be that an increase or

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decrease) or the framework governing the bond or other financial provision requires to be amended, the Operator, and Leaseholder and/or Landowner shall do so within one month of receiving that written approval, or another timescale as may be agreed in writing by the planning authority, and in accordance with the recommendations contained therein.

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

4. Design and operation of turbines

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

i. The make, model, design, power rating and sound power levels of the turbines to be used;
ii. The external colour and/or finish of the turbines to be used (including towers, nacelles and blades) which should be non-reflective pale grey semi-matt; and
iii. The turbines must have internal transformers.

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

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

5. Advertisement on Infrastructure

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

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

6. Design of sub-station and ancillary development

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

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

7. Micro-siting

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

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

No later than one month after the date of First Commissioning, an updated site plan must be submitted to the Planning Authority showing the final position of all wind turbines, masts, areas of hardstanding, tracks and associated infrastructure forming part of the Development. The plan should also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the ECoW or Planning Authority's approval, as applicable.

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

8. Borrow Pits - Scheme of Works

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

a. A detailed prioritisation plan for all borrow pits on site;
b. A detailed working method statement based on site survey information and ground investigations;
c. Details of the handling of any overburden (including peat, soil and rock);
d. Drainage, including measures to prevent surrounding areas of peatland, water dependant sensitive habitats and Ground Water Dependant Terrestrial Ecosystems (GWDTE) from drying out;

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e. A programme of implementation of the works described in the scheme; and
f. Full details of the reinstatement, restoration and aftercare of the borrow pit(s) at the end of the construction period, to include topographic surveys of pre-construction profiles, and details of topographical surveys to be undertaken of the restored borrow pit profiles.

The approved scheme shall thereafter be implemented in full.

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

9. Borrow Pits - Blasting

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

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

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

10. Planning Monitoring Officer

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

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

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

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

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11. Ecological Clerk of Works

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

a. Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the environmental statement and other information lodged in support of the application, the Construction and Environmental Management Plan, the Habitat Management Plan approved in accordance with condition 13, [any species or habitat management plans identified in the Environmental Statement] and other plans approved ("the ECoW works");
b. Require the EcoW to report to the Company's nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
c. Require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site;
d. Have power to stop to the job / activities being undertaken within the development site when ecological interests dictate and/or when a breach or potential breach of environmental legislation occurs to allow for a briefing of the concern to the Company's nominated construction project manager; and
e. Require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW Works at the earliest practical opportunity.

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

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

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

12. No development shall commence until a finalised Construction Environmental Management Document is submitted to and agreed in writing by the Planning Authority in consultation with SEPA and other appropriate consultees as appropriate. The document shall include provision for:

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

    I. Details of the construction works, construction methods and surface treatment for all hard surfaces and tracks;

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II. Method of construction of the crane pads;
III. Method of construction of the turbine foundations;
IV. Method of working cable trenches;
V. Method of construction and erection of the wind turbines and meteorological masts;
VI. Details of watercourse crossings designed to 1 in 200 year flood risk event plus 20% for climate change;
VII. Residual Forest Waste Management Plan;
VIII. Details of the temporary site compounds, for the storage of materials and machinery, including the areas designated for offices, welfare facilities; fuel storage and car parking;
IX. Peat Management Plan - to include details of all peat stripping, excavation, storage and reuse of material in accordance with best practice advice published by SEPA and SNH. This should also highlight how sensitive peat areas are to be marked out on-site to prevent any vehicle causing inadvertent damage;
X. Water Quality Management Plan - highlighting drainage provisions including monitoring / maintenance regimes, water crossings, surface water drainage management (SUDs) and development and storage of material buffers (50m minimum) from water features, unless otherwise agreed in writing by SEPA and The Highland Council's Flood Risk Management Team;
XI. Public and Private Water Supply Protection Measures Plan;
XII. Pollution Prevention Plan;
XIII. Site Waste Management Plan;
XIV. Construction Noise Mitigation Plan; and
XV. Species Protection Plan(s): - including otter, water vole and reptile.

The pre construction survey for legally protected species is carried out at an appropriate time of year for the species, at a maximum of 12 months preceding commencement of construction, and that a watching brief is then implemented by the Ecological Clerk of Works (ECOW) during construction. The species that should be surveyed for include, but are not limited to, breeding birds, wild cat, otter, reptiles and water vole for example. The area that is surveyed should include all areas directly affected by construction plus an appropriate buffer to identify any species within disturbance distance of construction activity and to allow for any micrositing needs;

Provision of a communication plan to ensure all contractors are aware of the possible presence of protected species frequenting the site and the laws relating to their protection;

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

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

Should any water vole activity be found during construction, all works within 10m of the nearest burrow shall stop. Work may progress if it is in excess of 10m of the nearest burrow, otherwise work shall stop immediately and the SNH Golspie office be notified and asked for advice.

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XVI. Site Construction Decommissioning Method Statement highlighting restoration/ reinstatement of the working areas not required during the operation of the Development, including construction access tracks, borrow pits, construction compound, storage areas, laydown areas, access tracks, passing places and other construction areas. Wherever possible, reinstatement is to be achieved by the careful use of turfs removed prior to construction works. Details should include all seed mixes to be used for the reinstatement of vegetation;

XVII. A Construction Method Statement for the approval of the Planning Authority in consultation with SNH and SEPA incorporating the mitigation measures set out in Technical Appendix 8.1 Table 5-12 of the Peat Landslide Hazard and Risk Assessment; and

XVIII. A Construction Environment Management Plan incorporating appropriate mitigation for the Ground Water Dependent Terrestrial Ecosystems outlined in Technical Appendix 10.2.

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

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

13. Traffic Management Plan

No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Planning Authority in consultation with the relevant Roads Authority(s) and Transport Scotland. The CTMP, which shall be implemented as approved during all period of construction and decommissioning, must include:

i. A description of all measures to be implemented by the developer in order to manage traffic during the construction phase (incl. routing strategies), with any additional or temporary signage and traffic control undertaken by a recognised suitably qualified traffic management consultant;

ii. The identification and delivery of all upgrades to the public road network, including but not limited to upgrades to the local and trunk road network to make it suitable for construction traffic, to ensure that it is to a standard capable of accommodating construction related traffic (including the formation or improvement of any junctions leading from the site to the public road) to the satisfaction of the Roads Authorities, including;

   a. Access via the A836 and C1107 only;

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

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

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

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

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

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

h. A videoed trial run to confirm the ability of the local road network to cater for turbine delivery. Three weeks notice of this trial run must be made to the local Roads Authority who must be in attendance;

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

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

iv. A contingency plan prepared by the abnormal load haulier. The plan shall be adopted only after consultation and agreement with the Police and the respective roads authorities. It shall include measures to deal with any haulage incidents that may result in public roads becoming temporarily closed or restricted;

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

vi. A detailed protocol for the delivery of abnormal loads/vehicles, prepared in consultation and agreement with interested parties. The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of abnormal load movements in the local media. Temporary signage, in the form of demountable signs or similar approved, shall be established, when required, to alert road users and local residents of expected abnormal load movements. All such movements on Council maintained roads shall take place outwith peak times on the network, including school travel times, and shall avoid local community events;

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

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viii. Details of any upgrading works required at the junction of the site access and the public road. Such works may include suitable drainage measures, improved geometry and construction, measures to protect the public road and the provision and maintenance of appropriate visibility splays;

ix. Details of appropriate traffic management which shall be established and maintained at the site access for the duration of the construction period. Full details shall be submitted for the prior approval of Highland Council, as roads authority;

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

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

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

xiii. A concluded agreement in accordance with Section 96 of the Roads (Scotland) Act 1984 under which the developer is responsible for the repair of any damage to the local road network that can reasonably be attributed to construction related traffic. As part of this agreement, pre-start and post-construction road condition surveys must be carried out by the developer, to the satisfaction of the Roads Authority(s). It will also require the submission of an appropriate financial bond acceptable to the Council in respect of the risk of any road reconstruction works.

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

14. Community Liaison Group

No development shall commence until a community liaison group is established by the developer, in collaboration with The Highland Council and affected local Community Councils. The group shall act as a vehicle for the community to be kept informed of project progress and, in particular, should allow advanced dialogue on the provision of all transport-related mitigation measures and to keep under review the timing of the delivery of turbine components. This should also ensure that local events and tourist seasons are considered and appropriate measures to co-ordinate deliveries and work with these and any other major projects in the area to ensure no conflict between construction traffic and the increased traffic generated by such events / seasons / developments. The liaison group, or element of any combined liaison group relating to this development, shall be maintained until the wind farm construction has been completed and is fully operational.

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

15. Outdoor Access Management Plan

No development shall commence until an Access Management Plan, has been submitted to, and agreed in writing by, the Planning Authority. The plan should ensure that public

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access is retained in the vicinity of Lairg I Wind Farm during construction, and thereafter that suitable public access is provided during the operational phase of the wind farm. The plan as agreed shall be implemented in full, unless otherwise approved in writing with the Planning Authority.

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

16. Habitat Management Plan

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

The approved habitat management plan will include provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the habitat plan objectives. In particular, the approved habitat management plan will be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Commissioning and submitted to the Planning Authority for written approval in consultation with SNH and SEPA.

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

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

17. Deer Management Statement

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

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

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

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18. Programme of Archaeological Works

No development or work (including site clearance) shall commence until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

Reason: In order to protect the archaeological and historic interest of the site.

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

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

20. Peat Landslide Management

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

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

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

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

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

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

21. Shadow Flicker

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

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

22. Television Reception

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

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

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

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

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

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

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23. Private Water Supplies

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

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

24. Redundant turbines

The Wind Farm Operator shall, at all times after the First Export Date, record information regarding the monthly supply of electricity to the national grid from the site as a whole and electricity generated by each individual turbine within the development and retain the information for a period of at least 12 months. The information shall be made available to the Planning Authority within one month of any request by them. In the event that:

i. any wind turbine installed and commissioned fails to supply electricity on a commercial basis to the grid for a continuous period of 6 months, then unless otherwise agreed, the wind turbine, along with any ancillary equipment, fixtures and fittings not required in connection with retained turbines, shall, within 3 months of the end of the said continuous 6 month period, be dismantled and removed from the site and the surrounding land fully reinstated in accordance with this condition; or

ii. the wind farm fails to supply electricity on a commercial basis to the grid from 50% or more of the wind turbines installed and commissioned and for a continuous period of 12 months, then the Wind Farm Operator must notify the Planning Authority in writing immediately. Thereafter, the Planning Authority may direct in writing that the wind farm shall be decommissioned and the application site reinstated in accordance with this condition. For the avoidance of doubt, in making a direction under this condition, the Planning Authority shall have due regard to the circumstances surrounding the failure to generate and shall only do so following discussion with the Wind Farm Operator and such other parties as they consider appropriate.

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

All decommissioning and reinstatement work required by this condition shall be carried out in accordance with the approved detailed Decommissioning and Reinstatement Plan (DRP), or, should the detailed DRP not have been approved at that stage, other decommissioning and reinstatement measures, based upon the principles of the approved draft DRP, as may be specified in writing by the Planning Authority.

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

25. Aviation Safety

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

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

Reason: In the interests of aviation safety.

26. Aviation Lighting

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

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

Reason: In the interests of aviation safety.

27. Site Decommissioning, Restoration and Aftercare

No development or works (excluding preliminary ground investigation which shall be permitted) shall commence until an Interim Decommissioning and Restoration Plan (IDRP) for the site has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. Thereafter:

i. not later than 3 years prior to the decommissioning of the Development, the IDRP shall be reviewed by the Developer, to ensure that the IRDP reflects best practice in decommissioning prevailing at the time and ensures that site specific conditions, identified during construction of the site, and subsequent operation and monitoring of the Development are given due consideration. A copy shall be submitted to the Planning Authority for its written approval, in consultation with SNH and SEPA; and

ii. not later than 12 months prior to the decommissioning of the Development, a detailed Decommissioning and Restoration Plan (DRP), based upon the principles of the approved interim plan, shall be submitted to, and approved in writing by, the Planning Authority, in consultation with SNH and SEPA. The IDRP and subsequent DRP shall include, unless otherwise agreed in writing with the Planning Authority and in accordance with legislative requirements and published best practice at time of decommissioning details about the removal of all elements of the Development,

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relevant access tracks and all cabling, including where necessary details of (a) justification for retention of any relevant elements of the Development, b) the treatment of disturbed ground surfaces, c) management and timing of the works, d) environmental management provisions and e) a traffic management plan to address any traffic impact issues during the decommissioning period. The DRP shall be implemented as approved. In the event that the Final DPR is not approved by The Highland Council in advance of the decommissioning, unless otherwise agreed by the Planning Authority the Interim IDRP shall be implemented.

Reason: To ensure that all wind turbines and associated Development are removed from site should the wind farm become largely redundant; in the interests of safety, amenity and environmental protection.

28. Water Quality and Fish Population Monitoring

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

This shall include, but not necessarily be limited to:

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

Thereafter, any mitigation identified shall be implemented.

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

29. Sustainable Drainage Systems

No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Third Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

30. Noise

The rating level of noise immissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed 35dB LA90 at any noise sensitive location existing at the time of consent and:

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

B) Within 21 days from receipt of a written request of the Local Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ an independent consultant approved by the Local Authority to assess the level of noise immissions from the wind farm at the complainant's property (or a suitable alternative location agreed in writing with the Local Authority) in accordance with the procedures described in the attached Guidance Notes.

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

C) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the Local Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken.

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

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

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

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

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

The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the information provided in the written request of the Local Authority under paragraph

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(B), and such others as the independent consultant considers necessary to fully assess the noise at the complainant's property. The assessment of the rating level of noise immissions shall be undertaken in accordance with the assessment protocol approved in writing by the Local Authority and the attached Guidance Notes.

E) The wind farm operator shall provide to the Local Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Authority made under paragraph (B) of this condition unless the time limit is extended in writing by the Local Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Authority with the independent consultant's assessment of the rating level of noise immissions.

F) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (E) above unless the time limit for the submission of the further assessment has been extended in writing by the Local Authority.

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

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

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

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

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

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

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

J) The scheme referred to in paragraph I above should include a framework of immediate and long term mitigation measures. The immediate mitigation measures must ensure the rating level will comply with the conditioned limits and must be implemented within seven days of the further assessment described in paragraph F being received by the Local Authority. These measures must remain in place, except during field trials to optimise mitigation, until a long term mitigation strategy is ready to be implemented.

Guidance Notes for Noise Condition

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

Note 1

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

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

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measurements is withheld, the wind farm operator shall submit for the written approval of the Local Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

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

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

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

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

Note 2

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

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

(c) Values of the $L_{A90,10\text{-minute}}$ noise measurements and corresponding values of the 10-minute standardised ten metre height wind speed for those data points considered

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valid in accordance with Note 2(b) shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) shall be fitted to the data points to define the wind farm noise level at each integer speed.

Note 3

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

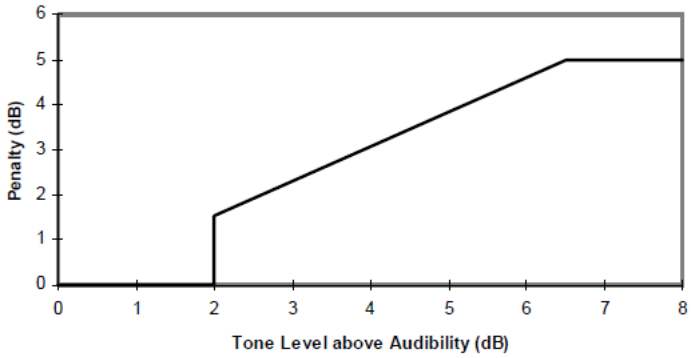
(b) For each 10-minute interval for which $L_{A90,10\text{-minute}}$ data have been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise immissions during 2 minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided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

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

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

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

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



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Note 4

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

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

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

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

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

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

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

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

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

Reason: In the interest of amenity.

31. Ornithological Monitoring

No development shall commence until the Planning Authority has approved in writing a scheme for the ongoing monitoring of Ornithology, including flight paths within and

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adjacent to the wind farm site. This shall include regular reporting to Scottish Natural Heritage and RSPB of the findings of the monitoring.

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

Variations

During the processing of the application the following variations were made to the proposal:

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

The SI included the following changes:

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

The SI 2 included the following changes;

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

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

REASONED CONCLUSION

The Council's assessment of the information presented within the EIA Report and other environmental information in relation to the development is contained within the Report of Handling. Residual significant effects have been identified in relation to landscape and visual effects, noise and traffic.

The Council is satisfied that this reasoned conclusion is still up to date.

The Council is satisfied that other effects/issues can be addressed by way of mitigation. A detailed description of the proposed mitigation is contained within the EIA Report and the Report of Handling.

The Council has incorporated the requirement for monitoring and this has been secured through Conditions 10, 11, 16, 20, 30 and 31 of this permission.

All documents can be viewed online at https://wam.highland.gov.uk/wam/ and searching using the case reference number.

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PLANNING PERMISSION

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

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

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

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

Accordance with Approved Plans and Conditions

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

Environmental Impact Assessment

In accordance with Regulation 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011, environmental information, in the form of an Environmental Statement, has been taken into consideration in the determination of this application and the granting of planning permission.

Flood Risk

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

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PLANNING PERMISSION

Scottish Water

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

Septic Tanks and Soakaways

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

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:
http://www.highland.gov.uk/yourenvironment/roadsandtransport
Application forms and guidance notes for access-related consents can be downloaded from:
http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Please read the following informatives and, where necessary, act upon the requirements specified:

Trunk Roads Authority Consent

You are informed that this consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland. Please contact the Route Manager via 0141 272 7100 to obtain permission. The Operating Company have responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure that all necessary permissions are obtained.

Building Regulations

Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant

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is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at Building.Standards@highland.gov.uk or on 01349 886608.

Land Ownership/Planning Permission

For the avoidance of doubt, the existence of planning permission does not affect or supersede an individual's ownership or other legal rights. Please be advised that this permission does not entitle you to build on, under or over ground outwith your ownership or to enter private ground to demolish, construct or maintain your property.

Mud and Debris on Road

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

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended). Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Protected Species - Ground Nesting Birds

Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of

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development if this coincides with the main bird breeding season (April - July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest. For information please see: www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp

Major Development Site Notice

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

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RIGHT OF APPEAL

1. If the applicant is aggrieved by the decision to refuse planning permission for, or approval required by a conditions in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. The notice of appeal should be addressed to:

   Directorate for Planning and Environmental Appeals
   4 The Courtyard
   Callendar Business Park
   Callendar Road
   Falkirk
   FK1 1XR

Appeals can also be lodged online via the ePlanning Portal at:
https://www.eplanning.scot

2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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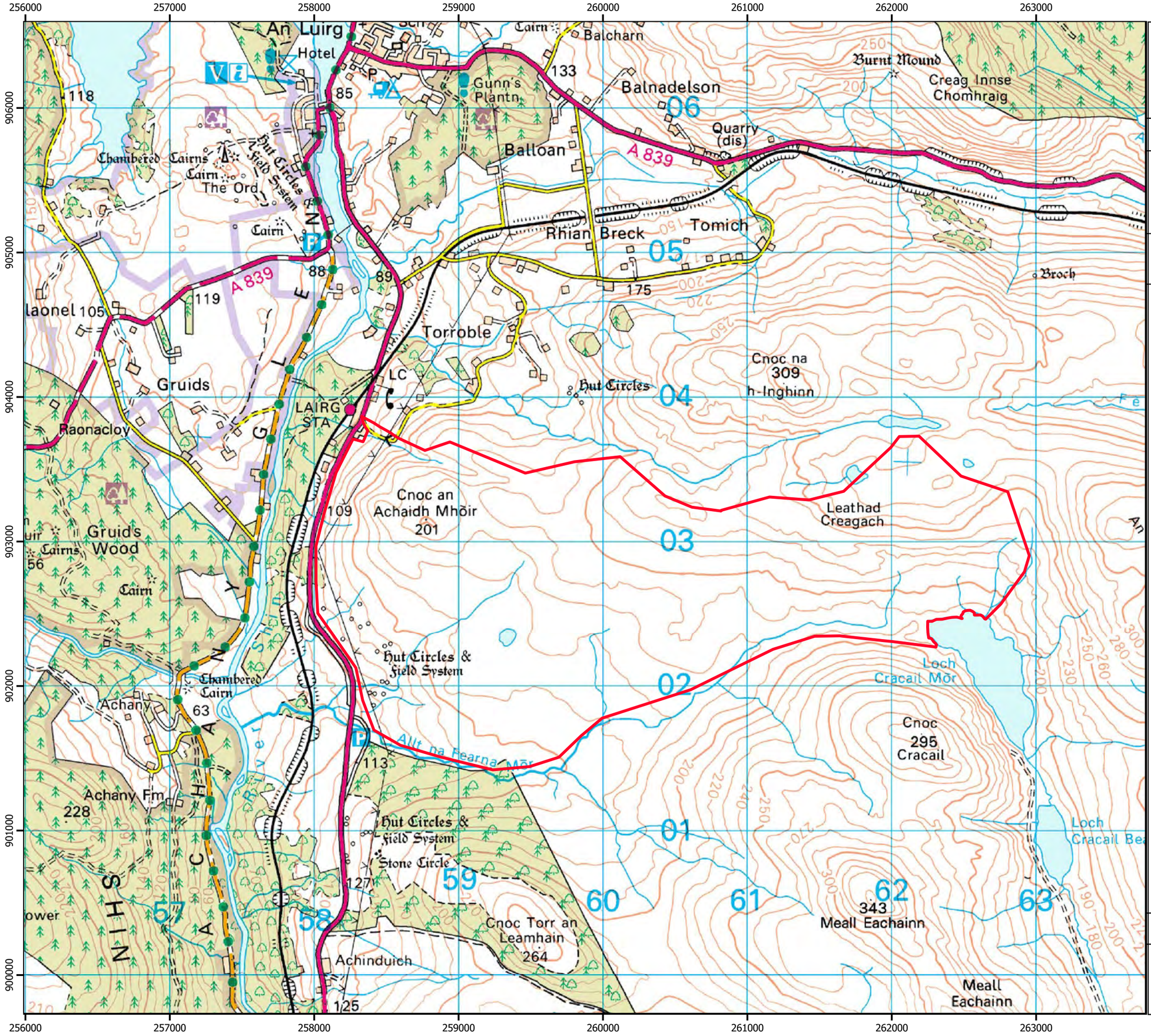

EnergieKontor

Lairg II Wind Farm

Office England:
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Leeds
LS15 8GB
T:+44 (0)113 204 4850

Office North Scotland:
11 Somerset Place
Glasgow
G3 7JT
T:+44 (0)141 354 6544

Office South Scotland:
31 Dewar Place Lane
Edinburgh
EH3 8EF
T:+44 (0)131 600 0852

www.energiekontor.co.uk

Figure 1.1: Planning Application Boundary

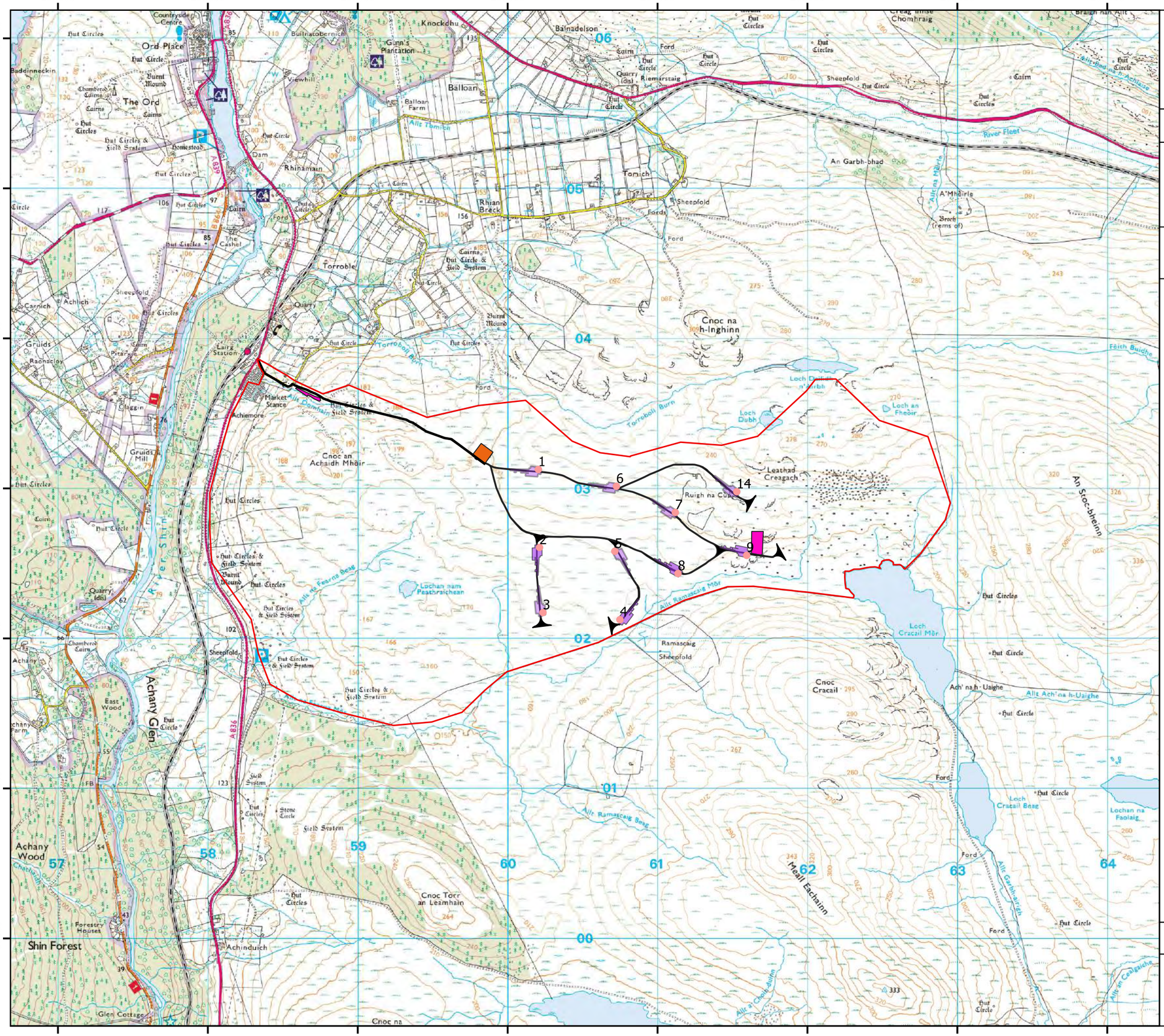
Key:

Planning Application Boundary

0 500 1000 m

N

Drawn by: LM Scale:1:25000 @ A3 Date: 27/01/2021
Revision: 1



EnergieKontor

Lairg II Wind Farm

Office England:
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LS15 8GB
T:+44 (0)113 204 4850

Office North Scotland:
44 Elliot Street
Glasgow
G3 8DZ
T:+44 (0)141 354 6544

Office South Scotland:
31 Dewar Place Lane
Edinburgh
EH3 8EF
T:+44 (0)131 600 0852

www.energiekontor.co.uk

FEI Infrastructure Layout

Key:

- 132kV Substation
- Crane Pad
- Planning Application Boundary
- Tracks
- Turbine Locations
- Battery storage area
- Borrow pit
- Substation

0 0.5 1 km

N

Drawn by: CM Scale: 1:25,000 @ A3 Date: 17/08/2021
Revision: 1