Agenda Item	**6.8**
Report No	**PLN/085/22**

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 18 October 2022

Report Title: 22/02717/S36: Energiekontor UK Ltd
Land 1700M SW of Oape, Ardgay

Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Application for section 36 consent for the proposed Strath Oykel Wind Farm and battery storage, 11 wind turbines of up to 200 metres and associated infrastructure.

Ward: 01 - North, West And Central Sutherland

Development category: Section 36 Application

Recommendation

It is recommended that the Council Conditionally Raise no Objection to the application as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

1.1 The Highland Council has been consulted by the Scottish Government's Energy Consents Unit (ECU) on an application made under Section 36 of the Electricity Act 1989 (as amended) for the construction and operation of the Strath Oykel Windfarm and associated infrastructure. The application is for 11 wind turbines to be operated for a 35-year period, with all turbines having a maximum blade tip height of 200m. The proposal has capacity to generate up to 72.6MW of installed capacity, based on the power rating of the proposed turbines.

1.2 Key elements of the development, as described and assessed within the proposals and the Environmental Impact Assessment Report (EIAR) include:

- 11 wind turbines of 200m height to blade tip, 155m rotor diameter and hub height of 122.5m (capable of generating approximately 6.6 MW each), with internal transformers;
- Turbine foundations;
- Hard standing;
- On site access tracks;
- Water course crossings;
- Energy storage compound;
- Underground cabling; and
- Borrow pits.

1.3 The proposed development will access the public road network via a new junction proposed onto the C1136 public road, which is single track at this point.

1.4 A micro siting allowance of 100m has been assumed by the applicant for the turbine locations, to accommodate unknown ground conditions. This is not standard practice as this larger proposed micrositing allowance could change the composition of the scheme. A micrositing limit of 50m is therefore expected to agreed with the Planning Authority, by condition, with micrositing to avoiding any areas of deeper peat, higher elevations of ground, watercourse buffers, Ground Water Dependent Terrestrial Ecosystems and cultural heritage assets. The final design of the turbine (colour and finish), aviation infrared lighting, ancillary electrical equipment, landscaping and fencing etc. are also expected to be agreed with the Planning Authority, by condition, at the time of project procurement. Turbine manufacturers regularly update designs that are available, thereby necessitating the need for some flexibility on the approved design details.

1.5 As permission is sought to operate the windfarm for 35 years, a further application would be necessary to determine any future re-powering proposal. If the decision is made to decommission the wind turbines, all components, and above ground infrastructure would be removed. Any such track or infrastructure foundation retention would however need to be agreed via a decommissioning method statement and would require a planning application at the time of decommissioning the remainder of the site. Any application for retention of such infrastructure will be

determined in line with the development plan in place at that time.

1.6 The applicant anticipates that the construction period will last approximately 18 months, guided by a Construction and Environmental Management Plan (CEMP)

1.7 Whilst public consultation for Section 36 applications is not mandatory, the applicant held two in person consultation events to seek the views of the local community, respectively in December 2021 and May 2022 at the Rosehall Village Hall. The applicant also held three online engagement events. The applicant raised awareness of these events by notifying Ardgay, Lairg and Creich Community Councils. Follow up meetings were held in person with representatives of Ardgay and Creich Community Councils in July 2021. The consultation process was advertised online and through posters distributed to local shops and other businesses.

1.8 *The applicant made use of the Council's Pre-Application Advice Service for Major Developments in August 2021 (21/2059/PREMAJ). At the time of the advice being sought, the proposal comprised of 16 turbines of up to 250m to blade tip height. A summary of the advice provided to the applicant at the time of the discussions, is included below:*

"The Council is supportive of renewable energy developments in principle, but this must be balanced against the environmental impact of the development. We have considerable concerns about the potential landscape and visual impacts of your proposals. It would be extremely challenging to accommodate a wind energy development of this scale in this location, without giving rise to unacceptable residual effects. NatureScot shares these concerns.

Although the extract maps provided identify most of the site located within Group 3 of the Spatial Framework – 'Areas with Potential for Wind Farm Development', the site is surrounded by landscape and natural heritage designations as well as being proximate to wild land interests. Attention is drawn to the Council's Onshore Wind Energy Supplementary Guidance (OWESG). The guidance highlights the need to protect the integrity and variety of landscape character areas. As the proposed development site overlaps the boundary between the rounded Hills and Straths landscape character types, we have strong concerns over the potential of the development, with proposed turbine blade tip heights of between 230 and 250m, to overwhelm the more intimate scaled Strath landscape, as well as over the juxtaposition with turbines of different sizes in the landscape, given the cumulative impact of the proposals in association with the other operational and consented windfarms in the area. The likely need for aviation lighting for the proposals adds a further dimension to these issues, although it is acknowledged this could be infrared only.

Due to the siting of the proposals, this cumulative landscape impact is likely to be felt both by residents and travellers through the area as well as by recreational users of the outdoors and other special interest groups. NatureScot has highlighted that it would be difficult to accommodate a wind farm of the proposed scale on this site. This is due to the likelihood of it resulting in significant effects on the qualities of the surrounding National Scenic Areas and Wild Land Areas. Transport Planning have also highlighted that the local road network is also a constraint to development, with significant structural improvements being anticipated to support

the construction traffic associated with a development of this scale.

If you decide to proceed, detailed information and comprehensive assessment will be required in order to establish the significance of these landscape and visual impacts and you are encouraged throughout the process to explain the design iterations and how they have responded to this assessment. In this respect, the various viewpoints presented at the pre-app meeting should also be re appraised with some additions proposed, as detailed more thoroughly in the Landscape Officer's response below. Overall, the assessment should also clearly set out the benefits of the proposed development and how the significant impacts of the development would be outweighed by the benefits. Based on the submitted information and the information presented at the meeting, it is highly unlikely that the Council would be in a position to support the proposed development."

1.9 Further meetings with the Planning Authority during late 2021 have resulted design changes to the scheme put forward for pre-application advice, leading to the current proposals for 11 turbines.

1.10 The application is supported by an Environmental Impact Assessment Report (EIAR) and EIAR Further Environmental Information (EIAR FEI), the contents of which has been informed through an EIA Scoping exercise in spring 2021 with the Scottish Government's Energy Consents Unit in consultation with other consultees including the Council. The EIAR contains chapters on: EIA Methodology, Project Description, Design Evolution, Renewable Energy and Planning Policy, Landscape and Visual, Socio Economics and Tourism, Ecology, Ornithology, Geology, Hydrology and Peat, Cultural Heritage, Noise, Traffic and Transport, Forestry, Other Issues and a Schedule of Mitigation. The application is also accompanied by a Planning Statement, Design and Access Statement and Pre-Application Consultation Report.

1.11 Variations:

Additional renders from viewpoint 1 looking east and cumulative render from viewpoint 11 – 4 August 2022

Additional renders from viewpoints 1,2,3,5,8 showing Meall Buidhe proposed windfarm -22 August 2022

2. SITE DESCRIPTION

2.1 The site is located within the Strath Oykel Forest in Central Sutherland. The nearest settlements are Doune to the west and Rosehall to the northwest. The nearest large settlement is Lairg, to the northeast. The site is accessible directly from the C1136 public road.

2.2 The site predominately consists of commercial forestry. The topography rises from north to south on the ridge of the Strath, to a maximum height Above Ordnance Datum (AOD), of approximately 350m AOD in the south-western area of the site. The site size is approximately 565 Hectares.

2.3 There are three main watercourses which flow through the site boundary. Allt an Easain Duibh flows for approximately 3km from the southern site boundary in a northerly direction before discharging into Loch Mhic-Mharsaill. Allt Loch Mhic-

Mharsaill flows north from Loch Mhic-Mharsaill, for approximately 5km to the northern site boundary and then eventually discharges into the River Oykel. Allt na h-Innse Tioraim rises in the south-eastern edge of the site and flows generally north through east of the site for approximately 2.5km, before discharging into the Allt Innis nan Damh, which forms the eastern boundary of the site and which discharges into the River Oykel. Loch Mhic-Mharsaill is located centrally within the site and covers an area of approximately 2 hectares.

2.4 The bedrock within the site boundary is comprised primarily of igneous (volcanic) rock. Areas of deep peat (above 1m in depth) are present on the site.

2.5 The site is located in proximity to the following designated landscapes, as listed below:

- Assynt-Coigach National Scenic Area (NSA), approximately 15km to the north- west;
- Dornoch Firth NSA, approximately 16km to the south-east of the application site at its closest point;
- Wild Land Area (WLA) 34 Reay - Cassley, approximately 3km north; and
- WLA 29 Rhiddoroch - Beinn Dearg - Ben Wyvis, approximately 4km south-west

2.6 The site is located in proximity to the River Oykel Special Area of Conservation (SAC). A variety of habitats are present around the site. The EIAR investigated the potential impact of the proposals on pine marten, water vole, otters, bats and freshwater pearl mussels.

2.7 The key recreational interests in this area include mountaineering, walking, cycling and birding. There are a number of tourist and cycle routes in the area. The main forest track within the site is used for public recreation and a previously promoted circuit of Loch Mhic-Mharsaill is included in the Council's Amended Core Paths Plan, which is currently awaiting confirmation from Scottish Ministers.

2.8 When assessing a wind turbine proposal, consideration of similar developments in proximity of the proposal for cumulative effects is required. The list below sets out the operational / under construction, consented and in planning projects that the applicant took into consideration in their cumulative assessment, dated March 2022. This assessment was based on a 45km study area with turbines of a tip height above 50m. The following list provides details of these developments, including the number of turbines and approximate blade tip height and distance to their site boundaries, from that of the proposed Strath Oykel windfarm:

Operational and Under Construction

- Rosehall:19 turbines, 100m maximum tip height, 3.7km distant

- Achany: 19 turbines, 100m maximum tip height, 5.7km distant
- Lairg I: 3 turbines, 100m maximum tip height, 13.5km distant
- Coire na Cloiche: 13 turbines, 100m maximum tip height, 20km distant
- Beinn nan Oighrean: 2 turbines, 80m maximum tip height, 20km distant
- Beinn Tharsuinn: 17 turbines, 80m maximum tip height, 21km distant
- Novar: 34 turbines, 60m maximum tip height, 26km distant
- Novar (Extension): 16 turbines, 106m maximum tip height, 26km distant
- Creag Riabhach: 22 turbines, 125m maximum tip height, 26km distant
- Corriemoillie: 19 turbines, 125m maximum tip height, 31km distant
- Kilbraur: 19 turbines, 115m maximum tip height, 31km distant
- Kilbraur (Extension): 8 turbines, 115m maximum tip height, 31 km distant
- Lochluichart: 17 turbines, 125m maximum tip height, 32km distant
- Lochluichart (Extension): 6 turbines, 125m maximum tip height, 31km distant
- Gordonbrush: 35 turbines, 121m maximum tip height, 40km distant
- Gordonbrush (Extension): 11 turbines, 150m maximum tip height, 40km distant
- Fairburn: 20 turbines, 100m maximum tip height, 43km distant

Consented

- Braemore: 18 turbines, 126m tip height, 6km distant
- Lairg II: 10 turbines, 200m maximum tip height, 12km distant
- Strath Tirry: (now approved) 4 turbines, 135m maximum tip height, 17km distant
- Sallachy: (now approved) 9 turbines, 150m maximum tip height, 17km distant
- Strathrory:7 turbines, 180m maximum tip height, 24km distant
- Lochluichart (Extension II): 5 turbines, 150m maximum tip height, 30km distant

In Planning (Application or Appeal)

- Meall Buidhe: (now refused) 8 turbines, 150m maximum tip height, adjacent site)
- Achany Extension: (awaiting decision from Scottish Ministers – THC recommended raise no objection) 20 turbines, 150m maximum tip height, 5km distant)
- Garvary: (awaiting submission of further environmental information to

Scottish Ministers – THC objected to the application) 38 turbines, 180m maximum tip height, 10km distant

- Kirkan (awaiting decision from Scottish Ministers – THC objected to the application) 17 turbines, 175m maximum tip height, 27km distant
- Lochluichart Extension II Variation: 5 turbines, 150m maximum tip height, 27km distant
- South Kilbraur: (at appeal following refusal by THC) 7 turbines, 150m maximum tip height, 29km distant

3. PLANNING HISTORY

3.1	10 May 2021	21/01669/SCOP, Strath Oykel Wind Farm - Erection and Operation of a Wind Farm for a period of 35 years, comprising of up to 16 Wind Turbines each with a maximum blade tip height of 250m, access tracks, borrow pits, substation, control building, energy storage compound and ancillary infrastructure.	EIA Scoping Consultation Response Issued

4. PUBLIC PARTICIPATION

4.1 Advertised: EIA Development

Date Advertised: 05/08/22 and 12/08/22 in the Northern Times and 07/06/22 in the Edinburgh Gazette

Representation deadline: 9 September 2022

Representations received by the Highland Council	○ 25 objection comments received ○ 1 support comment
Representations received by the Energy Consents Unit	○ 145 objection comments received ○ 1 general comment

4.2 Material considerations raised by those objecting to the development:

- The proposal does not conform to the development plan.
- Concerns over the visual impact of the development, including cumulative impact along with other windfarms.
- Concerns over the encirclement of the Rosehall / wider area by wind turbines.
- The scale of the proposed turbines is inappropriate for the site.
- The proposal extends wind energy into the previously undeveloped south side of the Strath.
- Concerns over the impact on wild land.

- Concerns over the impact on designated landscapes.
- Concerns over the loss of amenity of the rural location.
- Loss of amenity for residential properties in terms of shadow flicker, noise and night lighting and the construction of a visitor car park.
- Concerns over operational noise from the development.
- Concerns over light pollution from the development, including impact on local 'dark skies.'
- Concerns over chemical pollution from cable runs and the proposed turbine concrete bases.
- Concerns over construction noise related to the proposed development.
- Concerns over the potential increase in traffic on the road network during construction and operation
- Concerns over the potential for physical damage and alterations to the road network during the construction phase.
- Concerns over the impact on flood risk both on the site and elsewhere.
- Concerns over the potential impact on local tourism and recreation.
- Concerns over the impact on local water quality and fisheries.
- Concerns over the impact on local plant and animal species, birds and bats and the impact on FWPM and salmonoids
- Concerns over the potential impact on peatland
- Concerns over the degree of public consultation on the proposals.
- Concerns over the amount and detail of supporting information.

4.3 Material considerations raised by those in support of the development:

- Climate change benefits, including need for renewable energy.
- Socio economic benefit.

4.4 Non-material considerations raised in representations:

- Insufficient grid capacity to operate current windfarms at present.
- Constraint payments form existing windfarms.
- Community gain.
- Lack of need for further wind energy generation.
- Property devaluation.
- Priority should be given to offshore wind, hydro and other forms of renewable energy generation.
- Permission will not be forthcoming from landowners for new bridge works required.
- Concerns that the proposed development will set a precedent for further,

similar developments.

- Concerns over the possible impact of grid connection works to support the proposals.

4.5 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

Consultations undertaken by the Highland Council

5.1 **Ardgay & District Community Council** neither object to nor support the application.

5.2 **Creich Community Council** object to the application on the basis of the quality of the consultation process and the EIAR documents. Concerns were also raised over operational noise from the proposals as well as their scale and consequent impact on the landscape

5.3 **Development Plans Team** do not object to the application. It confirms the pertinent Development Plan policies and supplementary guidance. In relation to the Council's Spatial Framework, a small section of the north eastern part of the site falls within a Group 2 Area due to proximity to Rosehall. This was based on Rosehall having a Settlement Development Area (SDA) pre CaSPlan. Since the adoption of CaSPlan in 2018, Rosehall has become a Growing Settlement and no longer has an SDA. Nevertheless, any visual impacts on the settlement should be assessed. Group 2 features are located outwith the site, but in proximity, including Carbon Rich Soils, Deep Peat and Priority Peatland Habitat (CPP); Caithness and Sutherland Peatlands Ramsar, SPA, SAC, SSSI; Beinn Dearg SAC, SPA, SSSI; Inverpolly SAC; Inchnadamph SAC; River Oykel SAC; Ben More Assynt SSSI; Wild Land Area 34 Reay – Cassley; Wild Land Area 29 Rhiddoroch – Beinn Dearg – Ben Wyvis. Other landscape, natural heritage and wild land interests are in the surrounding area, as well as non spatial framework constraints. The Development Plans Team also notes that the proposal seeks consent for up to 35 years, rather than the more usual limited lifetime of typically 25 years but does not raise a policy concern with the principle of this timescale.

5.4 **Environmental Health** do not object to the application subject to a standard windfarm condition limiting noise levels to 35dB LA90 at any sensitive receptor and further conditions being attached to secure details of construction noise and dust limitation measures.

5.5 **Flood Risk Management Team** do not object to the application and did not raise any further comments.

5.6 **Historic Environment Team (Conservation)** do not object to the application as there are no listed buildings or their setting that appear to be significantly affected by the proposals.

5.7 **Transport Planning Team** do not object to the application, subject to a condition to secure a Construction Phase Traffic Management Plan (CTMP) and further

conditions to secure details of mitigation to the local road network.

Consultation Undertaken by the Scottish Government's Energy Consents Unit

5.8 **BT** do not object to the application. It does not foresee any potential problems to the radio network.

5.9 **The Crown Estate** do not object to the application as none of their assets are considered to be affected.

5.10 **Defence Infrastructure Organisation** do not object to the application. The development falls within Tactical Training Area 14T (TTA 14T), an area within which fixed wing aircraft may operate as low as 100 feet or 30.5 metres above ground level to conduct low level flight training. The addition of turbines in this location has the potential to introduce a physical obstruction to low flying aircraft operating in the area. The MOD acknowledge engagement held with the developer's aviation consultant and can confirm that the lighting brief submitted for review has been deemed acceptable. It is noted that this lighting brief submitted for review only provides details of lighting for the completed development and does not cover construction equipment and temporal structures. The MOD requires conditions to be attached to any subsequent planning permission requiring details of suitable aviation lighting and information to ensure the aviation charting and safety management aspects of the development can be addressed.

5.11 **Historic Environment Scotland** do not object to the proposals, considering their to be sufficient information within the Environmental impact Assessment Report to consider that the specific impacts identified on Historic Environment Scotland's interests are unlikely to be significant.

5.12 **Joint Radio Company** do not object to the proposals. The proposal is cleared with respect to radio link infrastructure within their remit.

5.13 **Kyle of Sutherland District Salmon Fishery Board** object to the proposals on the basis of the potential impact on local watercourses that are hydrologically connected to rivers which salmon and trout are known to utilise in the area.

5.14 **Mountaineering Scotland** do not object to the application and raised no further comments on the proposals.

5.15 **NatureScot** object to the proposal on the basis of the affect on internationally important natural heritage assets, unless it is made subject to conditions so that the works are done strictly in accordance with mitigation for the River Oykel Special Area of Conservation (SAC) in the form of a pollution prevention plan, a species protection plan for freshwater pearl mussel and further detailed measures to ensure that drainage derived from the wind farm site will be treated in a scheme that is able to treat drainage during a 1:200 year event.

NatureScot do not object to the proposals based on landscape and visual interests. NatureScot are in agreeance with the LVIA which concludes that significant landscape effects would occur to an area of Rounded Hills LCT and Strath LCT but

these would be limited to around 3km. The landscapes within the proximity of the proposal to around 15km will become to be characterised by the pattern of wind farm development. There would become a cluster of wind farms that will change the character of the Rounded Hills to one of Rounded Hills with wind farms. This change is and continues to happen incrementally and whilst Strath Oykel will contribute to this, it is unlikely to contribute as much as other wind farms. NatureScot does not consider the cumulative landscape effect as a result of Strath Oykel to be Significant. NatureScot agree that the proposed development would most closely associate with the Achany, Rosehall and Braemore cluster and that its visual effects have been limited through its siting and design, clustered into a cohesive grouping of turbines. There are however instances where the proposal would be seen as a distinct new grouping, away from existing wind farms where it has been recognised that significant visual effects would occur especially along the A837. The siting of the proposal lower down in the landscape than other wind farms, and with its simple and cohesive grouping of turbines results in a relatively limited extent of effects, especially given the sizable height of the turbines. In terms of wild land interests, Due to the surrounding topography and previous development that has diluted the most susceptible wild land qualities to the proposal, NatureScot concludes that the development would not have a significant effect on the qualities of Wild Land Areas 35 and 29.

Nature Scot do not object to the application based on ornithological interests. NatureScot broadly agrees with the conclusions of the EIAR with respect to Golden and White Tailed Eagles. While a breeding pair of White Tailed Eagles is noted to the north of the application site, it is considered unlikely that the proposal will cause disturbance to breeding or roosting birds or the displacement of feeding birds.

5.16 **RSPB** do not object to the proposals**.** It raises concern that a pair of white-tailed eagle have been observed in the area and recommend that Forestry and Land Scotland be contacted for further data on this species. It recommends that mitigation as outlined in Chapter 16 of the EIAR be secured via condition, especially with regards to the restoration of peatland on the site. RSPB noted the mitigation tabled against pollution and silt runoff into the local river system and deferred to NatureScot and SEPA on the details proposed.

5.17 **Scottish Forestry** do not object to the proposals. Any woodland removal will be subject to the Scottish Government's Policy on Control of Woodland Removal (CoWRP).

5.18 **SEPA** do not object to the proposals subject to modifications to the originally proposed supporting infrastructure siting, micro siting considerations and a finalised Peat Management Plan. SEPA also requested a finalised habitat Management Plan in respect of peatland on and around the application site. SEPA encourage the applicant to refurbish the existing River Oykel bridge to permit construction access.

If this is not possible, any new crossing of the River Oykel should be demonstrated to have the same dimensions and gradient as the existing bridge and all aspects of the existing bridge shall be removed when the new bridge becomes operational. If an alternative bridge design is necessary, then a flood risk assessment is required to demonstrate that the new bridge and any related road works do not result in an increase in flood risk elsewhere.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28 - Sustainable Design
29 - Design Quality & Place-making
30 - Physical Constraints
31 - Developer Contributions
51 - Trees and Development
52 - Principle of Development in Woodland
53 - Minerals
54 - Mineral Wastes
55 - Peat and Soils
56 - Travel
57 - Natural, Built & Cultural Heritage
58 - Protected Species
59 - Other important Species
60 - Other Importance Habitats
61 - Landscape
63 - Water Environment
64 - Flood Risk
66 - Surface Water Drainage
67 - Renewable Energy Developments
69 - Electricity Transmission Infrastructure
70 - Waste Management Facilities
71 - Safeguarding of Waste Management Sites
72 - Pollution
73 - Air Quality
77 - Public Access
78 - Long Distance Routes

6.2 Caithness and Sutherland Local Development Plan 2018 (CaSPlan)

No policies or allocations relevant to the proposals are included in the adopted Local Development Plan. It does however, confirm the boundaries of the Special landscape Area within the plan's boundary.

6.3 Onshore Wind Energy Supplementary Guidance, Nov 2016 (OWESG)

The document provides additional guidance on the principles set out in HwLDP Policy 67 - Renewable Energy Developments and reflects the updated position on these matters as set out in Scottish Planning Policy (SPP). This document forms part of the Development Plan and is a material consideration in the determination of planning applications. The document includes a Spatial Framework, which is in line with Table 1 of SPP. The document also contains the Loch Ness Landscape Sensitivity Study and the Black Isle, Surrounding Hills and Moray Firth Coast Caithness Sensitivity Study. The vast majority of the site is within a Group 3 area (Areas with potential for wind farm development). A small section in the northeastern corner sits within a Group 2 Area, due to proximity to Rosehall. This

was22/02482/FUL based on Rosehall having a Settlement Development Area (SDA) pre CaSPlan. Since the adoption of CaSPlan in 2018, Rosehall has become a Growing Settlement and no longer has an SDA. Nevertheless, any visual impacts on the settlement should be assessed.

6.4 **Other Supplementary Planning Policy Guidance**

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

- Developer Contributions (November 2018)
- Flood Risk and Drainage Impact Assessment (Jan 2013)
- Green Networks (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Highland Renewable Energy Strategy and Planning Guidelines (May 2006)
- Onshore Wind Energy: Interim Supplementary Guidance (March 2012)
- Physical Constraints (March 2013)
- Special Landscape Area Citations (June 2011)
- Standards for Archaeological Work (March 2012)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL CONSIDERATIONS

Policy Discussion Documents and Non-Statutory Planning Guidance

7.1 The Highland-wide Local Development Plan is currently under review and is at Main Issues Report Stage. It is anticipated the Proposed Plan will be published following publication of secondary legislation and National Planning Framework 4. Until the replacement plan reaches Proposed Plan stage, it is not a material consideration in the determination of this application.

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

Scottish Planning Policy, Other National Guidance and Policy

7.3 Scottish Planning Policy (SPP) advances principal policies on Sustainability and Placemaking, and subject policies on A Successful, Sustainable Place; A Low Carbon Place; A Natural, Resilient Place; and A Connected Place. It also highlights that the Development Plan continues to be the starting point of decision making on planning applications. The content of the SPP is a material consideration that carries significant weight, but not more than the Development Plan, although it is

for the decision maker to determine the appropriate weight to be afforded to it in each case.

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

7.5 Paragraph 170 of SPP sets out that areas identified for wind energy development should be suitable for use in perpetuity. This means that even though a consent may be time limited, the use of the site for wind energy must be considered as, to all intents and purposes, a permanent one. This matter is considered in the Planning Appraisal - Other Material Considerations section of this report.

7.6 Other Relevant National Guidance and Policy includes:

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

8. PLANNING APPRAISAL

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

8.2 Schedule 9 of The Electricity Act 1989 contains tests in relation to the impact of proposals on amenity and fisheries if the applicant is a licence holder. It is

understood that the applicant is not a licence holder for this site. These tests should:

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

Determining Issues

8.3 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

8.4 The key considerations in this case are:

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

Development Plan

8.5 The Development Plan comprises the adopted Highland-wide Local Development Plan (HwLDP), Caithness and Sutherland Local Development Plan (CASPlan) and all statutorily adopted supplementary guidance. If the Council is satisfied that the proposal is not significantly detrimental overall then the application will accord with the Development Plan

Highland wide Local Development Plan

8.6 The principal HwLDP policy on which the application needs to be determined is Policy 67 - Renewable Energy. HwLDP Policy 67 sets out that renewable energy

development should be well related to the source of the primary renewable resource needed for operation, the contribution of the proposed development in meeting renewable energy targets and positive/negative effects on the local and national economy as well as all other relevant policies of the Development Plan and other relevant guidance. In that context the Council will support proposals where it is satisfied that they are located, sited and designed such as they will not be significantly detrimental overall, individually or cumulatively with other developments having regard to 11 specified criteria (as listed in HwLDP Policy 67). Such an approach is consistent with the concept of Sustainable Design (HwLDP Policy 28) and aim of SPP to achieve the right development in the right place; it is not to allow development at any cost.

Caithness and Sutherland Local Development Plan

8.7 The Caithness and Sutherland Local Development Plan does not contain land allocations related to the proposed development. It confirms the boundaries of Special Landscape Areas within the plan area. HwLDP Policies 28, 57, 61 and 67 seek to safeguard these regionally important landscapes. The impact of this development on landscape is primarily assessed in the Design, Landscape and Visual Impact (including Wild Land) section of this report

Onshore Wind Energy Supplementary Guidance (OWESG)

8.8 The Council's OWESG is a material consideration in the determination of planning applications. The supplementary guidance does not provide additional tests in respect of the consideration of development proposals against Development Plan policy. However, it provides a clear indication of the approach the Council towards the assessment of proposals, and thereby aid consideration of applications for onshore wind energy proposals.

8.9 The OWESG contains a Spatial Framework for wind energy as required by SPP. Most of the site area falls within an area designated as Group 3 - Areas with Potential for Wind Farm Development. A small section in the northeastern corner sits within a Group 2 Area due to proximity to Rosehall. This was based on Rosehall having a Settlement Development Area (SDA) pre CaSPlan. Since the adoption of CaSPlan in 2018, Rosehall has become a Growing Settlement and no longer has an SDA. Wild Land Areas are also a group 2 feature and whilst they do not lie within the boundary of the proposal, within 25km there is Wild Land Area 34 Reay - Cassley and Wild Land Area 29 Rhiddoroch - Beinn Dearg - Ben Wyvis.

8.10 Further, the OWESG approach and methodology to the assessment of proposals is applicable and is set out in the OWESG Para 4.16 - 4.17. It provides a methodology for a judgement to be made on the likely impact of a development on assessed "thresholds" in order to assist the application of HwLDP Policy 67. The 10 criterion will be particularly useful in considering visual impacts, including cumulative impacts. An appraisal of how the proposal meets with the thresholds set out in the criteria is included in Appendix 3 of this report.

National Policy

8.11 SPP sets out continued support for onshore wind. 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.

8.12 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; the peat environment, noise and shadow flicker; and cumulative impact. Several criteria are set out in SPP against which proposals for onshore wind energy development should be assessed (Paragraph 169). These criteria are primarily reflected in HwLDP Policy 67 (Renewable Energy). A failure against one criterion does not necessarily mean that a development fails, as all criteria must be given consideration.

8.13 Scottish Planning Policy 2014 (SPP) Paragraph 28 outlines a presumption in favour of development that contributes toward sustainable development where the Development Plan is more than five years old. Despite HwLDP Policy 67 (and the HwLDP as a whole) pre-dating the current SPP, the considerations it identifies are broadly consistent with those identified in SPP Paragraph 169. Whilst there are some differences in their scope and emphasis, the conclusions drawn against both SPP Paragraph 169 and HwLDP Policy 67 would be broadly similar. Further in considering the presumption in favour of sustainable development, consideration must be given to whether the proposal conflicts with the principles contained within SPP Paragraph 29. This is considered further in this report. If the proposal conflicts with the principles set out in SPP Paragraph 29 then the presumption in favour of sustainable development would not apply.

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. It is however noted that these targets have been superseded by the provisions of The Climate Change Act 2019 (As Amended).

8.15 As set out above, National Planning Framework 4 (NPF4) was published in draft form in November 2021. This document is still going through the parliamentary process and consultation, therefore the weight to be attached to the document is not the same as the adopted Scottish Planning Policy, National Planning Framework 3 or the Development Plan. However, it can be given weight in the process of determining applications. It will be up to Scottish Ministers to determine the weight to be afforded to it in reaching their determination depending on the status of the document at the time of reaching their determination on this application. It is anticipated that the Planning Authority may wish to make further representation to the application if it is not determined at the time of adoption of

NPF4.

8.16 A number of matters of relevance arise out of the draft NPF4 in relation to this proposal and these are explored further below:

- Draft NPF4 identifies electricity generation from renewable sources of, or exceeding 50MW as national development. The proposed development would therefore be classed as a national development as it would have a capacity of 67.2MW (based on a candidate turbine with an indicative 4.8MW capacity). Such developments have been identified as national developments due to the need an increase in renewable energy production in order to meet net zero targets. It also highlights that Generation is for consumption domestically as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. It notes that this has the potential to support jobs and business investment, with wider economic benefits.
- For the first time in a planning policy document, confirmation has been provided that when considering all developments significant weight should be given to the Global Climate Emergency. As a development that generates renewable energy this proposal has inherent support from this aspect of NPF4, however the impact on the carbon resource as a result of the development will require further consideration to determine whether the impact of the proposed development is positive or negative in this regard. This aspect is outlined later in this report, the overall carbon payback period is considered to be acceptable.
- Recognising the Ecological Emergency, the draft NPF4 also sets out that proposals should contribute to the enhancement of biodiversity. The proposed development includes provision for peatland restoration which meets with the provisions of the proposed approach in draft NPF4 for the restoration of degraded habitats and the strengthening of nature networks.
- Considerations for green energy applications have been updated and there is no longer an explicit spatial framework for onshore wind energy developments. Instead, it sets out that proposals for new development, extensions and repowering of existing renewable energy developments should be supported. The proposal subject to this application would be considered an extension so would benefit from this in principle support. However, it goes on to set out that such proposals should be supported unless the impacts identified (including cumulative effects), are unacceptable. Draft NPF4 also highlights matters which must be taken into account in reaching a determination on an application for renewable energy. Subject to some minor wording changes, this is largely reflective of the considerations set out in SPP paragraph 169.

8.17 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 (December 2017). • On-shore Wind Policy Statement (December 2017). •

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

8.18 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.

8.19 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 and permissions. 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 of landscapes 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.

8.20 The Scottish Government published Onshore Wind Policy Statement Refresh 2021: Consultative Draft in October 2021. This set out that onshore wind remains vital to Scotland's future energy mix and that we will need additional onshore wind energy toward the target of net zero. In doing so it was clear that additional capacity is not at any cost and it needs to be balanced and aligned with protection of natural heritage, native flora and fauna. The document also highlights the challenges and opportunities faced by the deployment of additional onshore wind energy capacity as well as consulting on a target of an additional 8-12GW of onshore wind energy capacity being delivered. Importantly it notes that the matter of landscape and visual impacts of onshore wind development remains an evolving area. As part of this evolution, it considers that while decisive action to tackle climate change will change how Scotland looks, Scotland's most cherished landscapes are a key part of natural and cultural heritage and must be afforded the necessary protection.

8.21 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 whereby

any changes will feed through is yet to be established. The updated Climate Change Plan and the NPF4 position statement give an indication of the direction of policy but without suggestion of any lessening of protection for the environment. In the meantime, it is appropriate that existing and established policy continues to apply.

8.22 The Council continues to respond positively to the Government's renewable energy agenda. Nationally, onshore wind energy in Quarter 3 of 2021 had an installed capacity of 8.670GW, with a further 6.5GW under construction or consented as of Quarter 1 of 2022. As of 1 September 2022, Highland onshore wind energy projects currently have an installed capacity of 2.53GW, there is a further 1.55GW of generation permitted but not yet built and 1.3GW currently under construction. Installed onshore wind energy developments in Highland therefore accounts for around 30.12% of the national installed onshore wind energy capacity. There is also a further 2GW of onshore wind farm proposals currently in planning pending consideration in Highland.

8.23 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 energy 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.

8.24 Notwithstanding any 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, with the development having the potential to generate up to 72.6MW of electricity.

8.25 Based upon a fossil fuel mix in the electricity grid, the applicant anticipates that 55,316 tonnes of carbon could be displaced by the development per year. There will however also be carbon losses as a result of the development, including those related to turbine manufacture and impact on peat. These losses would equate to a total of approximately 176,000 tonnes of carbon. As a result, the anticipated that the estimated carbon payback period for the development would be approximately 3.2 years, again based on a fossil fuel mix, with the proposal reported by the applicant to have an overall beneficial effect on climate change mitigation.

8.26 The proposed development anticipates a construction period of approximately 18 months and an operational period of 35 years. Such projects can offer investment/opportunities to the local, Highland, and Scottish economy, including businesses ranging across the construction, haulage, electrical and service sectors.

8.27 There is also likely to be some adverse effects caused by construction traffic and disruption, as well as some adverse economic impact that turbines may have on tourism. These adverse impacts are most likely to be within the service sector particularly during the construction phase when abnormal loads are being delivered

to site.

8.28 The assessment of socio-economic impact offered by the applicant suggests a slightly beneficial economic impact resulting from the development. The proposed development would result in spend of between £2.5m and £5.5m in the Highland Council area during the construction phase, with 18-40 Full Time Employment direct jobs created and 45-100 FTE jobs supported in total. The applicant also notes that there will be economic benefits to the local community and economy arising from the community benefit fund proposed.

Construction

8.29 It is anticipated that the construction period for the development would take approximately 18 months. Construction will be scheduled from Monday to Friday 07:00 to 19:00 and Saturday 07:00 to 13:00.

8.30 The nature of the project anticipates the deployment of a Construction Environmental Management Document (CEMD), in association with the successful contractor engaged. This may be secured via condition and should include site-specific environmental management procedures which can be finalised and agreed through appropriate planning conditions. 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.

8.31 In addition to the requirement for submission and agreement on a CEMD, the Council will require the applicant to provide a financial bond regarding final site restoration (restoration bond) in the event of non-wind turbine operation and to provide a Construction Traffic Management Plan (CEMP) for the use of the local road network.

8.32 Developers must comply with reasonable operational practices with regard to construction noise so as not to cause nuisance. Section 60 of the Control of Pollution Act 1974 sets restrictions in terms of hours of operation, plant and equipment used and noise levels etc. and is enforceable via Environmental Health.

8.33 The applicant has anticipated a micro-siting allowance of 100m. Micro-siting is acceptable within reason to address unforeseen onsite constraints. Anything in excess of 50m may have a significant effect on the composition of a development. Further if matters are identified during the application stage which require movement of infrastructure, it is considered that this is best addressed during the application stage rather than relying on micro-siting. The Planning Authority therefore expects that a micro-siting limit of no more than 50m to be conditioned, with micro siting to avoiding any areas of deeper peat, any higher elevations of ground, watercourse buffers, Ground Water Dependent Terrestrial Ecosystems and cultural heritage assets.

8.34 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.

Transport and Access

8.35 The applicant has highlighted the expected impact of this development, particularly through the construction phase, with the Port of Entry likely to be the Port of Cromarty Firth, Invergordon or the Nearby Port of Nigg. The EIAR reports that the proposed development would lead to a temporary increase in traffic volumes on the study road network during the construction phase. Traffic volumes would decrease considerably outside the peak period of construction. The greatest impact would occur at the site access where an additional 139 daily trips (43 cars & other light vehicles and 96 HGVs) are included to the network. These maximum traffic flows would occur during Month 4 of the programme. The study road network includes the following routes:

- The A9 (between Dornoch Bridge and The Mound);
- The A836 (from Ardgay to Lairg);
- The A839 (between the A9 at The Mound and Rosehall);
- The A837 (Between its junction with the A839 at Rosehall and Oykel Bridge);
- The B9176 (to the south of its junction with the A836); and
- The C1136 (from the A837 junction through to the proposed access junction to the application site).
- The U2126 (directly adjacent the application site).

8.36 It is anticipated that the total vehicle movements (including HGVs) across the entire construction period would be approximately 31,400 (this includes journeys to and from the site), of which around 16,100 would be HGV movements. As a result of increased vehicle movements, given the capacity of the existing road network, the applicant's Transport Assessment has found that there would be significant effects on users of the C1136, A837, and A839 users west of Lairg. The applicant proposes a range of mitigation such as the formation of a Community Liaison Group and the delivery of a Construction Traffic Management Plan. In principle this type of mitigation is accepted subject to detailed consideration of the plan in due course.

8.37 The applicant has also indicated that a new bridge over the River Oykel will be required, to a standard that can be adopted by the Council to replace the temporary structure that the C1136 uses to cross the river currently. As noted in representations, the applicant is not in control of all of the land required for this. Although this is not a material consideration within the scope of the planning system, it is a matter which may restrict the ability of the applicant to deliver the required mitigation.

8.38 The Council Transport Planning Team has confirmed that development traffic can be accommodated on the road network, subject to conditions relating to the technical specification of the finalised site access junction, as well as the requirement for a legal agreement to address "wear and tear" provisions. These will be consistent with current best practice and need to highlight potential cumulative impacts arising with other major developments. The conditions are to secure:

- A Construction Traffic Management Plan for approval and implementation as agreed highlighting all mitigation / improvement works required for general construction traffic and abnormal load movements, including the timing of such works and appropriate reinstatement / restoration works.
- An un-laden trial run between the Port of Entry and the site access will be required in liaison with the police and both roads authorities.
- Structural assessment of bridges, culverts and any other affected structures along the route in consultation with the Council's Structures Team.
- A visual and structural condition survey of the construction traffic route and a detailed scheme of mitigation works, including proposals for the replacement bridge over the River Oykel, in addition to any widening and strengthening of the local road network required.
- 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.

8.39 While no core paths are present directly through the application site or along the C1136 public road, several intersect or are located close to the A837 and A839 around the settlement of Rosehall. These include paths SU21.08, SU21.02, SU21.07, SU21.06, SU21.04, SU21.05 and SU21.09. Due to the arrangement of the core paths with respect to these routes, the applicant's Transport Assessment has found that there would be significant effects on their users. The applicant proposes a Core Path Management Plan alongside the more general mitigation measures noted above. In principle this type of mitigation is accepted subject to detailed consideration of the plan in due course.

8.40 The site, like most land in Scotland, is subject to the provisions of the Land Reform (Scotland) Act 2003. There are paths running through and around the site and the wider area is rich in opportunities to access the outdoors. There will be a need to restrict access to the site during construction works at key times. Where and when feasible however existing tracks should be made available for public use during the construction phase. Access tracks to the proposed development should be accessible to a wide variety of users. Large pedestrian gates and by-pass gates adjacent to cattle grids should all be "easy open" accesses. All other gates within the application boundary should similarly be unlocked to responsible access takers.

8.41 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 by planning condition. 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

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

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

8.44 The site infrastructure is not considered to be at risk of flooding. Any watercourse crossings within the development will be regulated under SEPA's Controlled Activities Regulations (CAR) regime and will be designed to allow continuous flow. A detailed drainage strategy will be developed, details of which may be secured by condition to allow final assessment by SEPA and the Council's Flood Risk Management Team.

8.45 The wider site is home to potential Ground Water Dependent Terrestrial Ecosystems (GWDTEs), however, no actual groundwater dependency is identified in the EIAR. The implementation of good construction practices will nevertheless be required to be implemented on site and a plan brought forward in the CEMD to ensure existing groundwater and surface water flow paths are maintained.

8.46 None of the site area is classified with regards to peat on NatureScot's Carbon and Peatlands Map. Deep peat, of more than 1 m, is present in some areas of the site. The results of the applicant's survey of the site, involving the result of over 2,500 peat probes, have been used to inform the site layout, which has sought to avoid areas of deep peat where possible. The applicant has advised that approximately 83,600 m^3 of peat would be disturbed to facilitate construction with all of this to be reused for reinstatement on site after construction.

8.47 A Peat Landslide Hazard and Risk Assessment has been submitted as part of the EIAR and have helped to inform the proposals. The applicant's risk assessment identifies that the site is of low risk to peat instability. The finalisation of these documents, will be secured through the CEMD condition.

8.48 A finalised Habitat Management Plan is proposed to be developed, based upon the outline Habitat Management Plan submitted as part of the EIAR. This will include areas of habitat restoration across the site.

8.49 There is 1 known private water supply within the vicinity of the application site, however, this is located north of the River Oykel and as such, is not hydrologically connected to the proposed development.

8.50 Given the 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 Council, SEPA, and relevant fishery boards.

Natural heritage (including Ornithology)

8.51 The site does not overlap any nature conservation designation. It is however adjacent to and in proximity of designated as important for natural heritage at local, national or international level. The River Oykel Special Area of Conservation (SAC) is protected for its Atlantic Salmon and Freshwater Pearl Mussel (FWPM) features. The SAC is located approximately 175m north of the application site. The Kyle of Sutherland Marshes Site of Special Scientific Interest (SSSI) is designated for flood-plain fen, wet woodland and vascular plant assemblage. The SSSI is located around 2.4 km northeast of application site.

8.52 Given the proposal's proximity and aquatic connectivity via the watercourse network to the River Oykel SAC, an HRA to inform an appropriate assessment is required to ensure that the integrity of the Natura sites will be maintained. The applicant has proposed mitigation measures to avoid acidification and sedimentation of the SAC, and the associated impacts on FWPM within the SAC.

8.53 The site has been subject of an ecological survey in summer 2020, including a protected mammal survey. The desk study returned five records of otter, two records of badger, one record of pine marten, one record of red squirrel and one record of water vole within 5 km of the survey area, although no records were identified within the site boundary. No protected plant species were identified within the Site boundary

8.54 The site was also subject to separate bat surveys in spring and autumn 2021. The presence of four bat species were recorded across the site. The applicant has proposed mitigation measures, including adjusting turbine locations to avoid potential bat key foraging / commuting / roosting habitat features, management of the habitat around the turbines to reduce suitability for foraging and commuting bats and ongoing monitoring

8.55 In relation to ornithology, for the single species, white-tailed eagle, that is potentially impacted by the proposals, the EIAR considers the residual significance level of identified effects during construction, operation, and decommissioning, either individually or cumulatively, to be no greater than minor adverse and as such not significant, providing that the recommended mitigation measures are implemented.

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

Built and Cultural Heritage

8.57 There are no designated heritage assets within the site boundary. However, cultural heritage assets of national status also exist within a 15km radius of the study area.

These include 21 Scheduled Monuments and 38 Listed Buildings, including 2 Category A Listed Buildings. There is also an Inventory Historic Battlefield, the Battel of Carbisdale Site. The EIAR finds that the proposal would not have any significant adverse effects on the setting of any of these assets in the wider area. Historic Environment Scotland's consultation response generally agrees with these findings.

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

8.58 A total of 13 viewpoints (VP) across a 45km study area have been assessed with regard to landscape and visual impact. These viewpoints are representative of a range of receptors including residents, recreational users of the outdoors and road users. The expected bare earth visibility of the development can be appreciated from the figures with viewpoints contained within Volume 5 of the EIAR further viewpoint wireframes have also been assessed.

8.59 While the representation comments are acknowledged regarding the visualisations contained within the EIAR LVIA, both the Planning Authority and Nature Scot are broadly satisfied with the quality of this information. The applicant has provided several addenda to some of the specific visualisations, following communication with the Case Officer.

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

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

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

Siting and Design

8.63 The site does not fall directly within any area designated for landscape quality or cultural heritage. The proposed turbine locations maintain a setback distance of over 1km from any nearby residential properties. The site is located relatively close to the existing public road network. The applicant has identified that a local grid

connection will be required, albeit that this connection does not form part of the planning application and would require its own assessment. That assessment must consider the cumulative effect of the grid connection with the wind farm development.

8.64 The applicant considers that the site is suitable for development due to having high windspeed and availability for use as a windfarm. The applicant's stated design principles focus on minimising the impact on key views and the amenity of residential properties around the site, and avoiding deep peat, watercourses, ecologically sensitive areas and archaeological features within the site.

8.65 From the initial site feasibility layout of 17 turbines, a single turbine was removed due to concerns over the visibility of the proposals. Following further community consultation and communication with the planning authority, a further three turbines were removed. Further design reconsideration, on landscape impact grounds, resulted in the current 11 turbine layout.

8.66 The development will be predominantly viewed from the north, from landward settlements and transport routes running east – west, as best represented by viewpoints VP1 (A837 near Tuiteam), VP2 (Rosehall), VP3 (Altass), VP5 (Achnahanat), VP7 (A839 Rosehall-Lairg), VP8 (A837 Linsidemore) and VP9 (Loch Craggie). A range of summits would also have visibility of the proposals, VP6 (Càrn a' Choin Deirg) and 12 (Càrn Chuinneag) to the south as well as VP13 (Ben More Assynt) to the northwest.

8.67 There are two operational windfarms (Rosehall and Achany) within 10km distance of the application site. Rosehall consists of 19 turbines at 100 metres to tip and Achany 19 turbines at 100m to tip. The proposals would therefore introduce a group of fewer turbines, but at a significantly larger scale, than that currently operational in the vicinity. The base elevation of the Rosehall and Achany is however, significantly higher, with turbines in both developments sited on ground up to 360m AOD.

8.68 The proposed development would most closely associate with the Achany, Rosehall and Braemore cluster and is comparable to other inland windfarm clusters within the wider 40km study radius, in that it is designed to avoid high mountains and Wild Land Areas.

8.69 The pattern of consented windfarm development is of turbines that are predominantly set back from the bases of the straths and screened from settlements and main transport routes by intervening higher ground. The more recently consented developments in the area range from 149.9m to blade tip height (Sallachy Wind Farm) up to 200m to blade tip height (Lairg 2 Wind Farm). Existing turbines are mostly of a smaller scale, but in greater numbers and laid out in more widely spaced groups. Due to the siting of the proposals it would only read as an extension of existing, operational windfarm developments from wider viewpoints located outwith the immediate area.

Landscape Impact

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

- impacts on the Landscape Character Type (LCT) as a whole and on neighbouring LCTs;
- direct impacts on landscape designations;
- and, impacts on surrounding landscape designations.

8.71 The proposed development is set relatively centrally within the extensive Rounded Hills – Caithness and Sutherland LCT. The SNH 2019 Landscape Character Assessment describes the Rounded Hills LCT as having, but not being limited to, the following key characteristics:

- "Rolling hills forming broad, subtly rounded summits but with some more pronounced hills also occurring, these often featuring steeper slopes along the coast or where truncated by deep glens.
- Scarcely settled with a largely uninhabited interior and widely scattered crofts and farms on lower slopes adjoining straths and farmed landscapes.
- Wind farms located in more accessible and generally lower rolling hills, either close to extensive forestry or the high voltage transmission line aligned broadly parallel to the south-east Sutherland coast.
- Convex character of hill slopes limiting distant visibility and views of the hill tops when travelling through the landscape.
- Views into the interior of the hills very restricted.
- Strong sense of wild character can be experienced within the more remote and little modified parts of this landscape.

8.72 The proposal is also set adjacent the Strath – Caithness and Sutherland LCT. The SNH 2019 Landscape Character Assessment defines the Strath LCT as having, but not being limited to, the following characteristics:

- Straths range from fairly straight deeply incised troughs to more winding valleys with a number of minor side glens. River terraces and hummocky lower side slopes are a common feature.
- Semi-improved pastures, heather and grass moorland and coniferous plantations covering lower side slopes.
- Increasing extent of moorland and woodland generally further up the straths, where the floodplain narrows and settlement is sparser. Smaller strip-fields present on often hummocky, lower side slopes and associated with croft houses arranged in linear groups raised on terraces above the floodplain and sometimes backed by woodland.
- Settlement generally denser within the lower reaches of many straths, especially at bridging points, on the coast and close to major roads.
- Rounded Hills often forming prominent edges to the straths with shapely well-defined hills, providing a distinctive skyline and scenic backdrop. Highly scenic backdrop of mountains often revealed in some of the upper

reaches of these straths.

8.73 The applicant considers that the host Rounded Hills – Caithness and Sutherland LCT to be of medium value, of be medium susceptibility of to change and of medium sensitivity. Due to the open and elevated nature of the proposed development, construction and operational effects are regarded by the applicant to result in substantial to moderate adverse significant effects on the Rounded Hills and Strath LCT's, out to a distance of 2-3km. NatureScot does not contest this assessment.

8.74 The proposal is not located within one of the area of Highland covered by the Onshore Wind Energy Supplementary Guidance Addendum Supplementary Guidance: 'Part 2b' (December 2017), which includes the landscape sensitivity appraisals and strategic capacity conclusions for the Black Isle, Surrounding Hills and Moray Firth Coast area, and for the Caithness area.

8.75 The proposed development is not located within any landscape related planning designations. However, the applicant's LVIA includes assessment of the impact of the proposals on the Fannichs, Beinn Dearg and Glencalvie, Special Landscape Area (SLA) 18, lying approximately 5km to the southwest of the development and the Assynt – Coigach National Scenic Area (NSA) 36, lying some 16km northwest. It is concluded that neither of these designated areas would be significantly affected by the proposal. These findings are not contested.

Wild Land

8.76 No element of the proposed development is within a Wild Land Area (WLA). The development will however, be visible from within nine WLA's. Following consultation with NatureScot, the applicant has scoped out seven of these due to the limited visibility of the proposals. The applicant's Wild Land Assessment examines the detailed impacts of the proposals on WLA 29: Rhiddoroch - Beinn Dearg - Ben Wyvis to the south and WLA 34: Reay – Cassley to the north. The general test considering the effects proposals on wild land but located Wild Land Areas as set out in SPP Para 169 and reflected in the OWESG, is however relevant. The development will represent the introduction of a new human influence in the landscape respectively to the north and south of these areas.

8.77 The applicant's assessment concludes that any adverse effect on either WLAs is deemed not to be significant.

WLA 29: Rhiddoroch - Beinn Dearg - Ben Wyvis

8.78 The applicant's assessment concludes that the proposed development would have no significant effects on the Wild Land Qualities (WLQs) of WLA 29: Rhiddoroch - Beinn Dearg - Ben Wyvis, in particular WLQ's 1 and 3, which are most relevant to the WLAs that are overlapped by the ZTV. The main reasons for this relate to the reduced sensitivity of WLQs along the margins of the WLA and the influence of human development including wind farms, forestry, farming and settlement within the surrounding straths and glens (Strath Oykel and Glen Calvie) and the intervening distance between these areas and the proposed development, which increases as one travels deeper into the WLA where the WLQs are stronger.

8.79 The proposal would be located 5km to the northeast of WLA 29. The turbines of the proposed development would appear from within WLA 29, as located between a succession of lower hills and ridges. The location of the proposal, on lower ground within Strath Oykel itself, serves to screen the turbines from views out of WLA 29. NatureScot are generally in agreement with the applicant's assessment, that the proposals would not significantly impact on the key wild land qualities of a range of awe-inspiring massive, high rounded hills and plateaux, as well as steep rocky peaks and ridges, offering elevated panoramas; and a very large interior with a strong sense of remoteness and sanctuary that seems even more extensive where appearing to continue into neighbouring wild land areas. While they do not agree with the assertion that other artificial features in the landscape outside the WLA would act to diminish the key wild land qualities impacted on by the development, they are overall, satisfied that the proposals would not significantly affect the relevant qualities of WLA 29 as described.

WLA 34: Reay – Cassley

8.80 The applicant's assessment concludes that the proposed development would have no significant effects on the Wild Land Qualities' (WLQs) of the WLA 34: Reay – Cassley in particular WLQs 1 and 4 which are most relevant to the WLAs that are overlapped by the ZTV. The main reasons for this relates to the reduced sensitivity of WLQs within the two lobes of WLA to the north and east of Strath Oykel and Glen Cassley, due the visibility of human development including wind farms, forestry, farming and settlement within the surrounding straths and glens and the intervening distance between the proposed development and these areas, which increases as one travels deeper into the WLA, where the WLQs are stronger..

8.81 The proposal would be located approximately 5km south of WLA 34. The topography of this area is complex and the southern part of WLA 34 has a distinctive structure comprising eastern and western 'lobes' across two peatland slopes. The proposal's visibility would extend across both lobes, up the side slopes northeast of Glencassley and into some of the more upland areas within the interior of the WLA. Both the Sallachy windfarm (consented) and Achany Extension (in planning) are located within the eastern lobe. As a result of the former approval, NatureScot now consider the eastern lobe to be severed, with the surrounding area technically 'lost' to the WLA. The impact of the surrounding Achany, Rosehall and Sallachy windfarms on the western lobe have the effect of diminishing the key wild land quality here, of extensive, elevated peatland slopes whose simplicity and openness contribute to a perception of awe, whilst highlighting the qualities of adjacent mountains. The Strath Oykel proposals in themselves, would only affect a narrow part of the western lobe of WLA 34 and as such, NatureScot are generally in agreement with the applicant's assessment. While aviation lighting might result in an impact on the perception of wildness for night-time users of WLA 34, the overall significance of these impacts is not considered as such as to materially impact on the relevant qualities of WLA 34 as described.

Visual Impact

8.82 The Council considers visual impact using the criterion set out in Section 4 of the OWESG, with assessment against the criterion and view as to whether the

threshold set out in the guidance is met or not, is contained in Appendix 3 to this report. Unsurprisingly, as visual impact assessment combines objective and subjective aspects through the application of professional judgement, there are differences between the applicant's assessment and the appraisal undertaken.

8.83 The applicant's assessment draws upon the supportive elements of how the proposal could be viewed within the landscape. The ZTV demonstrates that the scheme will be extensively visible across a 10 km radius of the 45km study area, beyond which visibility will be more broken and is mostly limited to the north, west and east. To the north, visibility continues along the facing slopes of Glen Cassley. To the west, patches of visibility continue in east-facing elevated areas to the south and south-west of Glen Oykel and along the River Conacher glen. To the east, visibility is indicated on the west facing slopes of Achany Glen. To the south and at further distances, the applicant concludes that visibility is limited to hill summits and sloping land orientated towards the proposed development that is not otherwise screened by intervening mountains and experienced as part of a much wider panorama and 360° views.

8.84 The Zone of Theoretical Visibility contained in the EIAR indicates where the development would be theoretically visible within the 45km study area, however, visibility resulting in certain significant visual effects will be predominantly concentrated within 10km radius.

8.85 Whilst a large-scale wind energy scheme would be expected to result in significant visual impact effects, the Council, through the OSWESG, also acknowledges that significant effects does not automatically translate to unacceptable effects. Following a review of the applicant's Landscape and Visual Impact Assessment (LVIA), the main points of difference in the Council's view, are in relation to the applicant's assessment of the significance of the effects to receptors at several viewpoints, VP7 (A839 Rosehall-Lairg), VP8 (A837 Linsidemore) and VP9 (Loch Craggie).

8.86 A summary of the applicant's assessment and the Council Officer's appraisal of the assessment which highlights the differences and any concerns with regard to visual impact can be found in Appendix 2 of this report. It is clear from the EIAR and the Design and Access Statement that the applicant has tried, where possible, to reduce any potential landscape and visual effects through the proposed design and layout of the turbines. It is considered that in doing so they have created a wind farm which appears to be appropriately designed for the landscape it would sit within and takes account of visual features of the area.

8.87 Following discussions with the Case Officer and applicant, further mitigation was suggested, in the form of removal of Turbines 2, 3 and 4 from the scheme, leaving 8 turbines overall. While the impacts of this proposed mitigation on the individual viewpoints are discussed in more detail below, the immediate effect on the site layout would be a reduction from a 3 row arrangement, to a 2 row one, with a reduction in the length of access track required, lesser excavation and watercourse crossings. The applicant has confirmed however, that in their view, this reduction in scale is not achievable in terms of the viability of the scheme.

8.88 The EIAR includes a visual impact assessment from each of the 11 viewpoints, with most viewpoints considered to be used by receptors of high sensitivity and susceptibility to wind energy development, although it is acknowledged that not all receptors experiencing the development from all of the viewpoints would have a high sensitivity to the development. What follows is a summation of the visual impacts from specific viewpoints, which represents a range of residential receptors, recreation users of the outdoors and road users. Consideration of each viewpoint based on the applicant's methodology is contained within Appendix 2 of this report.

8.89 VP1 (A837 near Tuiteam) is taken from the side of the A836, looking southeast towards the application site. From this view, both the proposed turbine towers and blades will be visible, spaced in 3 distinct clusters along the ridgeline. VP2 (Rosehall) is taken from the crossing of the River Cassley on the A837, at the northern edge of Rosehall, looking southwest. The development would be prominent on the horizon, located in a line along the ridge of the southern side of Strath Oykel. VP3 (Altass) is located on a minor road within the scattered settlement of Altass, looking east toward the application site. The entire proposal would be visible from this location, giving the appearance of five lines of turbines. VP5 (Achnahanat) is located in a passing place on a the C1136 road leading to the application site, in the dispersed crofting settlement of Achnahanat. The entire windfarm would be visible extending above the western horizon from this viewpoint, appearing as a 3 separate lines of turbines.

8.90 The applicant concludes that the impact of the proposals would be substantial on these 4 viewpoints: VP1 (A837 near Tuiteam), VP2 (Rosehall), VP3 (THC Altass) and VP5 (Achnahanat). These findings are not disputed. It was considered however, that the removal of turbines 2, 3 and 4 would lessen the effect of 'stacking' of turbines from the 3 closest viewpoints, VP1, 2 and 3 and also consolidate the effect of the grouping of turbines from VP5.

8.91 VP7 (A839 Rosehall-Lairg) is located at a passing place on the A839 road, which crosses an area of elevated moor and forestry between Rosehall and Lairg to the northeast of the application site. The viewpoint looks to the southeast, where the entire proposed windfarm will be visible across the horizon. VP8 (A837 Linsidemore) is located within the small settlement group of Linsidemore, to the east of the application site on the A837 southeast of Rosehall. The entire proposed windfarm development will be visible on the western horizon from this location.

8.92 The applicant concludes that the impact of the proposals would be moderate on these 2 viewpoints: VP7 (A839 Rosehall-Lairg) and VP8 (A837 Linsidemore) Both viewpoints are located on important routes through the Strath, running from east to west and converging on Rosehall. For receptors travelling west, they will mark a visual introduction to prominent windfarm development. Receptors travelling west from these viewpoints will see the proposals as highly, albeit intermittently visible, screened by some intervening topography in the case of progress from Viewpoint 7 and, in both cases, by tree planting alongside the road. It was also considered that from VP 7, the proposed mitigation, removing turbines 2, 3 and 4, would lessen the effect of 'stacking' where turbines are located in front of each other.

8.93 VP9 (Loch Craggie) is located on the A837, at the southern end of Loch Craggie,

looking southeast toward the proposals. The entire windfarm will be visible behind the ridgeline, although only turbines 3 and 4 will be visible beyond their blade tips.

8.94 The applicant concludes that the impact of the proposals would be minor on this viewpoint. Viewpoint 9 is located on an important route through the Strath, running from the west to Rosehall in the east. For receptors travelling east, this viewpoint will mark a visual introduction to windfarm development. Receptors travelling east will see the proposals as intermittently visible, screened by some intervening topography. It was considered that from VP9, the proposed mitigation, would remove turbines 3 and 4 which are 'skylined' point on the horizon, as well as removing turbine 2, that is the only one of the turbines otherwise visible to hub.

8.95 VP6 (Càrn a' Choin Deirg) is located on the summit of Càrn a' Choin Deirg, to the southwest of the proposed development, looking northeast toward the application site. 9 of the proposed turbine tips will be visible on the horizon, partially obscured by the sides Strath Oykel. The proposal will be seen here, in conjunction with several other windfarms that are currently operational or under construction, the most prominent being Rosehall and Achany that will be visible directly in a wide cluster behind the current application site. VP11 (Lairg Torroble) is located within the dispersed crofting settlement of Torroble and looks southwest toward the current application site, from an elevated section of a minor road within. 8 of the proposed Strath Oykel windfarm turbines will be visible in the centre of the viewpoint. Blade tips and 2 of the hubs of the Achany operational windfarm will be visible on the right of this view, extending in a line to the north.

8.96 VP12 (Càrn Chuinneag) is located atop the westernmost of this mountain's dual summits, at height of 830m AOD. It is located within WLA 29: Rhiddoroch - Beinn Dearg - Ben Wyvis and looks in a northwesterly direction toward the application site. 8 of the proposed turbine tips will be visible along with much of the extent of the operational Rosehall, Creag Riabhach and Achany windfarms, as well as the Braemore windfarm, to the right of the viewpoint, located in a line from approximately west to east. VP13 (Ben More Assynt) is located on the summit of the Ben More Assynt Munro, at a height of 998 AOD, looking to the southeast toward the application site. The entirety of the proposed Strath Oykel windfarm will be visible from this viewpoint, including the turbine hubs. The proposed development will be seen in conjunction with eight other operational windfarms and two consented windfarms. The current application site will be most strongly visually associated with the 'Beinn Tharsuinn, Coire na Cloiche, Novar and Strathroy' group, to its southeast. The 'Achany, Rosehall and Braemore (plus Lairg and Lairg II)' group also identified in the applicant's EIAR and LVIA will be visible on the left of this viewpoint, reading as a line of turbines running approximately east to west. VP10 (A836 North of Invershin) is located on a bridge on the A836 over the Far North Railway Line, north of Invershin. Looking west toward the application site down the Kyle of Sutherland Strath, becoming Strath Oykel, the blade tips of the proposed development will be visible, although most sight of the development will be obscured by high ground. Some limited visibility of blade tips of the operational Rosehall windfarm will also be possible.

8.97 VP4 (A837 Oykel Bridge) is located west of the application site, looking east toward it at a point on the A837 adjacent to the Oykel Bridge Hotel. A limited portion of the windfarm, consisting of the blades of three of the proposed turbines will be visible

in a dip apparent between the two sides of the Strath Oykel.

8.98 The applicant concludes that the impact of the proposals would be minor on these viewpoints. These findings are not disputed.

Cumulative Effects

8.99 In addition to the above, it is important to consider the context of the development in combination with other windfarm developments and assess the likely cumulative effects. Of particular importance is how wind energy developments relate to each other in design and relationship to their surroundings; their frequency when moving through the landscape, and their visual separation to allow experience of the character of the landscape in between. In this instance, the cumulative impacts of the proposed development, in combination with existing wind farms, have already been assessed as part of the applicant's assessment.

8.100 Cumulative effects would be strongest at Viewpoints 2, 3, 5, 7 and 8 where the proposal would be seen strongly in conjunction with the Meall Buidhe windfarm, which remains in planning at the time of the assessment. Only from Viewpoint 2, could the proposal be reasonably considered as an extension of this development, should it proceed. The removal of turbines 2 ,3 and 4 would however, in achieving a general reduction in the visual impact of the scheme, also address this cumulative impact in a positive manner. It is acknowledged that the removal of these turbines may not alter the significance of effect in EIA terms. It is however considered the removal of these turbines would reduce the intensity of the effects of the proposal and would improve the composition of the wind farm from most views.

Effects on Settlements and Residential Receptors

8.101 The applicant's assessment has also considered the visual effects on settlements and residential receptors. The nearest larger settlements are Lairg and Bonar Bridge, however, the applicant's ZTV indicates that the proposal will not be visible from these locations. The proposal will however, become a significant feature visible from Rosehall, possibly bringing windfarm development into prominence to the south of the village, for the first time. The LVIA concludes that there would be no significant adverse effects with the exception being parts of Rosehall. Additionally, there would be a significant visual effect as a result of the proposed development on a total of nine individual properties within 2km. These findings are generally agreed.

Effects on Transport and Recreational Routes

8.102 The EIAR has also provided an assessment of the development's effect on the amenity of transport routes, which in turn enlightens the assessment of the in-combination effects in terms of how the development is experienced sequentially through the landscape. The key routes and gateways affected by this application are the A839 and A837 roads.

8.103 The EIAR has considered several transport routes, including both the above. concluding that the development will not have a significant effect. Due to the scale and siting of the proposed development, the impact on views along the A837

heading eastward, westward, as well as the A839 heading westward, will be significant from certain locations. These significant impacts however, would be limited to specific viewpoints and openings in the topography and vegetation screening. and effects on the overall visual experience of the entirety of the routes within the area most impacted by the development are not considered significant.

8.104 The Zone of Theoretical Visibility indicates that the proposed development would be visible in its entirety for approximately 4.5 and 11km westward along stretches of the A839 and A837 routes, respectively. As such, Viewpoints 7 and 8 would represent the introduction of a westbound receptor to not only the specific proposed development, but also to prominent windfarm development more generally. The visual impact from both these viewpoints is considered as significant by this assessment. Nevertheless, despite the significance of the initial visual impact, the receptors view of the development would thereafter, be only intermittent, screened by topography and roadside vegetation.

8.105 Travelling eastward on the A837, the effect on receptors would also be initially significant, with intermittent views of the development ensuing from Viewpoint 9, some 13km distant from the nearest turbine, being screened by topography and then opening up to a dramatic view of the development at some 3km distant from the nearest turbine, unfolding to the right. Nevertheless, despite the significance of these impacts, they would also be intermittent. Proceeding from this viewpoint to the east along the A837, towards Rosehall, the proposed development will be intermittently visible, screened by intervening topography. As the receptor descends on the A837 toward the development, theoretical visibility will be reduced from 11 to between 3-8 of the proposed turbines. Practically, as the receptor descends, this visibility will increasingly only be of the turbine blade tips. East of Viewpoint 4, where the A837 route runs closer to the base of the Strath, the visual impacts would again be intermittent, despite the scale of the turbines, with intervening mature tree cover providing screening.

8.106 Recreational receptors have also been subject to assessment with a focus on walkers and cyclists. The most significant adverse impacts would arise on the local core paths as well as on the Cape Wrath Trail. The findings of the LVIA in this respect, are not contested.

Noise and Shadow Flicker

8.107 It is not anticipated that noise or shadow flicker would be a significant issue as a result of this development due to the distance between it and noise sensitive (non-involved) properties. The Planning Authority would expect that a condition restricting operational noise levels to no more than 2dB above predicted levels as per EIAR Tables 12.14 and 12.15, be applied. Given the existence of other wind farm development in the surrounding area, it is considered appropriate to seek a cumulative noise mitigation and management scheme if an issue arises. By taking this approach, the Planning Authority will retain effective control over the potential noise impacts and have a suitable avenue for investigation should any noise complaints arise from the development. In terms of shadow flicker, it is not anticipated that this will be an issue for this development either individually or cumulatively given the location of the development in relation to properties.

Telecommunications

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

Aviation

There are no unresolved objections with regard to aviation interests, with no outstanding concerns being raised. Should the proposal be granted permission, a condition can be applied to secure suitable mitigation in terms of infrared aviation lighting only and notification to the appropriate bodies of the final turbine position.

Other material considerations

8.109 The applicant has sought permission to operate the windfarm for 35 years. As with any wind farm, the Planning Authority would request that any forthcoming permission includes a clear description of development which specifies the precise number of turbines to be developed, the maximum blade tip height, the rotor diameter and includes details of all associated ancillary infrastructure with such matters not be left to planning conditions, which could lead to scope for further redesign or re-powering without requiring a full fresh consent.

8.110 At the end of its operational life, usual decommissioning and restoration requirements should therefore be secured. If the decision is made to decommission the wind farm, all components, track access and associated infrastructure requires to be removed from the site. The Planning Authority also requires that any foundations remaining on site; the exposed concrete plinths would also be removed to a depth of 1m below the surface, graded with soil and replanted. Cables also require to be cut away below ground level and sealed. It would be expected that any new tracks or areas used for constructing the wind farm would be reinstated to the approximate pre-development condition, unless otherwise agreed with the Planning Authority.

8.111 The requirements to decommission at its end of life is relatively standard and straight forward, with any request for re-powering to be considered with the submission of a relevant future application. It is important to ensure that any approval of this project secures by condition a requirement to deliver a draft DRP for approval prior to the commencement of any development and ensure an appropriate financial bond is put in place to secure these works.

8.112 A finalised Decommissioning and Restoration Plan (DRP) for the site. reflecting best practice measures at its time of preparation, would also be required. The finalised DRP would be expected to be submitted to and approved in writing by the Planning Authority in consultation with NatureScot and SEPA no later than 12 months prior to the final decommissioning of the site. The detailed DRP would then be implemented within 18 months of the final decommissioning of the development unless otherwise agreed in writing with the Planning Authority.

8.113 Given the complexity of major developments, and to assist in 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.

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

Matters to be secured by Section 75 Agreement

8.115 A wear and tear agreement for the impact on the local road network and a decommissioning and restoration financial guarantee can be secured by condition therefore no further legal agreements are required should consent be 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 project has significant potential to contribute to addressing the climate emergency through significant additional renewable energy production. 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 application has attracted a large number of representations in objection from members of the public, alongside a lesser number of supporting comments. There are also outstanding objections from statutory consultees, Creich Community Council and the Kyle of Sutherland District Salon Fisheries. Objections focussed most strongly on the cumulative impacts of the development, the effects on the natural environment and on the local road network. No objection has been received from SEPA in relation to peat and the water environment, subject to conditions. No objection has been received from NatureScot in relation to natural heritage matters, subject to condition. NatureScot has also raised no objection to the application on landscape and visual impact and designated landscapes will not be significantly affected by the proposal. No objections from consultees have been made in relation to cultural heritage, noise, aviation or road network impacts.

9.3 The Planning Authority recognises and acknowledges the potential significant impacts in relation to visual impacts. The design iterations made during the pre-application stage by the applicant are considered to have significantly improved the proposals, in presenting a more appropriately designed wind farm for the site. Officers suggested further mitigation in the form of removal of turbines 2, 3 and 4 which are considered to intensify the effects of the wind farm. In the applicant's view, these changes would render the scheme economically unviable. While noting this viewpoint, regardless, removing further turbines would also reduce the renewable energy production which could be realised from the scheme. The proposed mitigation would also not significantly alter the visual impact in EIA terms. As such, and on balance, the scheme's visual effects are considered to be

acceptable.

9.4 Officers sought the reduction in scale of the development by the removal of three turbines to reduce the visual impact of the development. The applicant has asserted that this would lead to a development which would not be deliverable due to reasons of economic viability. It is recognised that the mitigation proposed by officers would not have reduced the visual impacts in EIA terms but it would have reduced the intensity of the impacts. Having considered the benefits of the proposed development, the deliverability of the development and balancing that with the negative impacts of those additional turbines, it is considered that, on balance, the scheme is considered acceptable in its current form.

9.5 Whilst officers recognise and acknowledge the potential significant impacts (namely in relation to landscape and visual impacts) these are considered on balance to be acceptable when all matters are taken into account, particularly the potential for renewable energy generation represented from the scheme. The applicant has worked with officers on the design iterations made at various stages, through the EIA scoping and the pre-application discussions. These modifications are considered to have significantly improved the scheme. Further mitigation of the impacts outwith those related to landscape and visual impact, can be secured by the recommended planning conditions, which includes peatland habitat restoration and biodiversity net gain.

9.6 The Council has determined its response to this application against the policies set out in the Development Plan, principally Policy 67 of the Highland-wide Local Development Plan with its eleven tests which are expanded upon with the Onshore Wind Energy Supplementary Guidance. This policy also reflects policy tests of other policies in the plan, for example Policy 28 and those contained within Scottish Planning Policy. In addition, the Council have considered the presumption in favour of development which contributes towards sustainable development, as per the requirements of Scottish Planning Policy. Given the above analysis, the application is, on balance, considered acceptable in terms of the Development Plan, national policy and is acceptable in terms of all other applicable material considerations.

9.7 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, national planning policy, energy policy and is acceptable in terms of all other applicable material considerations.

9.8 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 Condition 17 of this permission.

10. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: If an objection is raised to the proposal, the application will likely be subject to a Public Local Inquiry. Further if the Scottish Ministers chose not to give effect to

the conditional raise no objection, then it would also likely be subject to a Public Local Inquiry.

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

10.4 Climate Change/Carbon Clever: The proposal has the ability to make a meaningful contribution toward the production of renewable energy.

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued: N

Subject to the above, it is recommended to **RAISE NO OBJECTION**, to the application, subject to the following conditions and reasons.

Conditions to be attached to any Section 36 consent which may be approved.

Annex 1

ELECTRICITY ACT 1989 AND TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 CONSENT AND DEEMED PLANNING PERMISSION FOR THE CONSTRUCTION AND OPERATION OF [insert name of project] WIND POWERED ELECTRICITY GENERATING STATION IN [insert location]

Part A

Section 36 Consent and Deemed Planning Permission

The Scottish Ministers, in exercise of the powers conferred by section 36 of the Electricity Act 1989 and section 57(2) of the Town and Country Planning (Scotland) Act 1997 hereby:

i. consent, subject to conditions set out in paragraphs 1 to 4 of Annex 1 Part C below, to the construction and operation of the Strath Oykel wind powered electricity generating station, as described in Annex 1 Part B below; and

ii. direct, subject to the conditions set out in paragraphs 5 to 32 of Annex 1 Part C below, that planning permission for the development shall be deemed to be granted. The consent hereby granted will last for a period of 35 years from the earlier of:

i. the date when electricity is first exported to the electricity grid network on a commercial basis from the last of the wind turbines constructed as part of the development; or

ii. the date falling 18 months after the date electricity is exported to the grid on a commercial basis from any of the wind turbines constructed as part of the development.

The Scottish Ministers direct that section 58(1) of the Town and Country Planning (Scotland) Act 1997 is not to apply with regard to the deemed planning permission, and that planning permission is to lapse on the expiry of a period of 5 years from the date of this direction, unless the development to which the permission relates is begun before the expiry of that period.

Part B

Description of the Development

The Development shall comprise of a wind power powered electricity generating station known as Strath Oykel, Wind Farm, located on land at Oape, Ardgay, in the planning jurisdiction of Highland Council. The Strath Oykel Wind Farm and related ancillary development shall be comprised of:

- 11 wind turbines not exceeding 200m
- Turbine foundations
- Crane hardstanding at each turbine base area •
- Access tracks
- Substation
- Battery storage compound
- A temporary site construction compound and laydown area
- Underground cabling
- Borrow pits

All as more particularly shown on plan reference 'Plan 2 Infrastructure Layout – Figure 3.1'

1. The consent is for a period of 35 years from the date of Final Commissioning. Written confirmation of the date of Final Commissioning shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after the event.

Reason: To define the duration of the consent.

2. (1) The Commencement of the Development shall be no later than five years from the date of this consent, or in substitution, such other period as the Scottish Ministers may hereafter direct in writing.

(2) Written confirmation of the intended date of Commencement of Development shall be provided to the planning authority and Scottish Ministers

no later than one calendar month before that date.

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

3. This consent may not be assigned without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignation of the consent (with or without conditions) or refuse assignation as they may, in their own discretion, see fit. The consent shall not be capable of being assigned, alienated or transferred otherwise than in accordance with the foregoing procedure. The Company shall notify the Planning Authority in writing of the name of the assignee, principal named contact and contact details within 14 days of written confirmation from the Scottish Ministers of an assignation having been granted.

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

4. In the event of any breach of health and safety or environmental obligations relating to the Development during the period of this consent, the Company will provide written notification of the nature and timing of the incident to the planning authority, including confirmation of remedial measures taken and / or to be taken to rectify the breach, within 24 hours of the incident occurring.

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

5. In the event that any wind turbine installed and commissioned fails to produce electricity on a commercial basis to the public network for a continuous period of 6 months, then unless otherwise agreed in writing with the Planning Authority, after consultation with the Scottish Ministers and NatureScot, such wind turbine will be deemed to have ceased to be required. If deemed to have ceased to be required, the wind turbine and its ancillary equipment will be dismantled and removed from the site by the Partnership within the following 6 month period, and the ground reinstated to the specification and satisfaction of the Planning Authority after consultation with the Scottish Ministers and NatureScot.

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

6. In the event of the Development, not generating electricity on a commercial basis to the grid network for a continuous period of 12 months from 50% or more turbines installed and commissioned from time to time, the Company must immediately notify the Planning Authority in writing of that situation and shall, if the Planning Authority, in consultation with the Scottish Ministers, direct decommission the Development and reinstate the site to the specification and satisfaction of the Planning Authority. The Planning Authority shall have due regard to the circumstances surrounding the failure to generate and shall take the decision on decommissioning following discussions with the Scottish Ministers and other such parties as the Planning Authority consider

appropriate.

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

Siting and Design Details

7. (1) No development shall commence unless and until full details of the proposed wind turbines hereby permitted, including each turbine number and specific height of that turbine, have been submitted to and approved in writing by the Planning Authority. These details shall include:

   a) the make, model, design, direction of rotation (all wind turbine blades shall rotate in the same direction), power rating, sound power level and dimensions of the turbines to be installed, and
   b) the external colour and/or finish of the wind turbines to be used (including towers, nacelles and blades) which shall be non-reflective, pale grey semi-matte.

   (2) No wind turbines shall have any text, sign or logo shall be displayed on any external surface of the wind turbines, save those required by law under other legislation.

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

   (4) All cables between the turbines and between the turbines and the control building on site shall be installed and kept underground.

   Reason: To ensure the Planning Authority is aware of the wind turbine details and to protect the visual amenity of the area.

8. No anemometer, power performance mast, switching station, transformer building or enclosure, ancillary building or above ground fixed plant shall display any name, logo, sign or advertisement (other than health and safety signage) unless and until otherwise approved in writing by the Planning Authority.

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

9. (1) No development shall commence on the sub-station unless and until final details of the external appearance, dimensions, and surface materials of the substation building, associated compounds, construction compound boundary fencing, external lighting and parking areas have been submitted to, and approved in writing by, the Planning Authority.

   (2) The substation building, associated compounds, fencing, external lighting and parking areas shall be constructed in accordance with the details approved under paragraph (1).

   Reason: To safeguard the visual amenity of the area.

Commissioning

10. (1) The Development will be decommissioned and will cease to generate electricity by no later than the date thirty five years from the date of Final Commissioning. The total period for restoration of the Site in accordance with this condition shall not exceed three years from the date of Final Decommissioning without prior written approval of the Scottish Ministers in consultation with the Planning Authority.

(2) No development shall commence unless and until a decommissioning, restoration and aftercare strategy has been submitted to, and approved in writing by, the Planning Authority (in consultation with NatureScot and SEPA). The strategy shall outline measures for the decommissioning of the Development and restoration and aftercare of the site, and shall include proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions.

(3) Not later than 2 years before decommissioning of the Development or the expiration of this consent (whichever is the earlier), a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted for the written approval of the Planning Authority in consultation with NatureScot and SEPA. The detailed decommissioning, restoration and aftercare plan shall provide updated and detailed proposals, in accordance with relevant guidance at that time, for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include (but is not limited to):

a) site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);

b) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;

c) a dust management plan;

d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;

e) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;

f) details of measures for soil storage and management;

g) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;

h) details of measures for sewage disposal and treatment;

i) temporary site illumination;

j) the construction of any temporary access into the site and the creation and

maintenance of associated visibility splays;

k) details of watercourse crossings; and

l) a species protection plan based on surveys for protected species (including birds) carried out no longer than eighteen months prior to submission of the plan.

(4) The Development shall be decommissioned, the site restored and aftercare undertaken in accordance with the approved plan.

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

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

a) any one or more of the wind turbine generators hereby permitted cease to export electricity to the grid for a continuous period of 6 months, unless otherwise agreed in writing with the Planning Authority, then a scheme shall be submitted to the Planning Authority for its written approval within 3 months from the end of that 6 month period for the repair or removal of those turbines. The scheme shall include either a programme of remedial works where repairs to the relevant turbine(s) are required, or a programme for removal of the relevant turbine(s) and associated above ground works approved under this permission and the removal of the turbine foundations to a depth of at least 1 metre below ground and for site restoration measures following the removal of the relevant turbine(s). The scheme shall thereafter be implemented in accordance with the approved details and timetable;

b) 6 or more of the wind turbine generators hereby permitted cease to export electricity to the grid for a continuous period of 12 months, unless otherwise agreed in writing with the Planning Authority, then a scheme shall be submitted to the Planning Authority for its written approval within 3 months of the end of that 12 month period for either the repair of those turbines, including a programme of remedial works, or decommissioning of the development in accordance with Condition 11. The approved scheme shall then be implemented in accordance with the programme contained therein.

12. (1) No development shall commence unless and until a bond or other form of financial guarantee in terms reasonably acceptable to the Planning Authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations referred to in Condition 11 is submitted to the Planning Authority.

(2) The value of the financial guarantee shall be agreed between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations referred to in condition 11,

(3) The financial guarantee shall be maintained in favour of the Planning Authority until the date of completion of all decommissioning, restoration and aftercare obligations referred to in Condition 11.

(4) The value of the financial guarantee shall be reviewed by agreement between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with decommissioning, restoration and aftercare obligations and best practice prevailing at the time of each review.

Reason: to ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the Company.

13. (1) The wind turbines hereby permitted, shall be erected in the locations shown on Figure 3.1

(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 ECoW, micrositing is subject to the following restrictions:

a) the wind turbines and other infrastructure hereby permitted may be microsited within 50 metres save that no wind turbine or other infrastructure may be micro-sited to less than 50 metres from surface water features.

(3) A plan showing the final position of all wind turbines buildings, masts, areas of hardstanding, tracks and associated infrastructure forming part of the Development shall be submitted to the Planning Authority within one month of the completion of the Development works. The plan shall also specify areas where micrositing has taken place and, for each instance, be accompanied by copies of the Environmental Clerk of Works ("ECoW") or Planning Authority's approval, as applicable.

Reason: To enable necessary minor adjustments to the position of the wind turbines and other infrastructure to allow for site-specific conditions while maintaining control of environmental impacts and taking account of local ground conditions.

Construction Phase and Access

14. (1) No development shall commence unless and until a scheme for the working and restoration of each borrow pit has been submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA). The scheme shall include:

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

b) details of the handling of any overburden (including peat, soil and rock);

c) drainage measures, including measures to prevent surrounding areas of peatland, water dependant sensitive habitats and Ground Water Dependent

Terrestrial Ecosystems (GWDTE) from drying out;

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

e) details of the reinstatement, restoration and aftercare of the borrow pit(s) to be undertaken at the end of the construction period, including topographic surveys of pre-construction profiles and details of topographical surveys to be undertaken of the restored borrow pit profiles.

(2) The approved scheme shall be implemented in full.

Reason: To ensure that excavation of materials from the borrow pits is carried out in a manner that minimises the impact on road safety, amenity and the environment, and to secure the restoration of borrow pits at the end of the construction period.

15. Blasting shall only take place on the site between the hours of 07.00 to 19.00 on Monday to Friday inclusive and 07.00 to 13.00 on Saturdays, with no blasting taking place on a Sunday or on a Public Holiday.

Reason: To ensure that blasting activity is carried out within defined timescales to control impact on amenity.

16. (1) No development shall commence unless and until the terms of appointment of an independent Ecological Clerk of Works ("ECoW") by the Company have been submitted to, and approved in writing by the Planning Authority (in consultation with NatureScot and SEPA). The terms of appointment shall:

a) Impose a duty to monitor compliance with the ecological, ornithological and hydrological commitments provided in the Environmental Impact Assessment Report May 2022 and the Construction Environmental Management Plan, Peat Management Plan, Habitat Management Plan, Species Protection Plan, Bird Protection Plan, Water Quality Management Plan and other plans approved in terms of the conditions of this permission ("the ECoW Works");

b) Advise on micrositing proposals issued pursuant to Condition 14;

c) Require the ECoW to report to the nominated construction project manager any incidences of non-compliance with the ECoW Works at the earliest practical opportunity and stop the job where any breach has been identified until the time that it has been reviewed by the construction project manager; and

d) Require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW Works at the earliest practical opportunity

(2) The ECoW shall be appointed on the approved terms during the establishment of the Habitat Management Plan and throughout the period from Commencement of Development to completion of post construction restoration works".

(3) No later than eighteen months prior to decommissioning of the Development or the expiry of the Section 36 consent (whichever is the earlier), details of the terms of appointment of an ECoW by the Company throughout the decommissioning, restoration and aftercare phases of the Development shall be submitted for the written approval of the Planning Authority.

(4) The ECoVV 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 during the decommissioning, restoration and aftercare phases.

17. No development shall commence unless and until a Construction Method Statement ("CMS") has been submitted to and approved in writing by the Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved CMS, subject to any variations approved in writing by the Planning Authority. The CMS shall include:

a) details of the phasing of construction works;

b) the formation of temporary construction compounds, access tracks and any areas of hardstanding;

c) details of the temporary site compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development;

d) the maintenance of visibility splays on the entrance to the site;

e) the method of construction of the crane pads and turbine foundations;

f) the method of working cable trenches;

g) the method of construction and erection of the wind turbines;

h) a dust management plan;

i) pollution prevention and control statement: protection of the water environment, bunding of fuel storage areas, surface water drainage, sewage disposal and discharge of foul drainage;

j) details of water crossings;

k) temporary site illumination during the construction period;

l) details of the proposed storage of materials and soils and disposal of surplus materials;

m) details of timing of works;

n) details of surface treatments and the construction of all hard surfaces and access tracks between turbines and between turbines and other infrastructure;

o) details of routeing of onsite cabling;

p) details of emergency procedures and pollution response plans;

q) siting and details of wheel washing facilities;

r) cleaning of site entrances, site tracks and the adjacent public road and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the road;

s) details and a timetable for post construction restoration/reinstatement of the temporary working areas, and the construction compound;

t) working practices for protecting nearby residential dwellings, including general measures to control noise and vibration arising from on-site activities, shall be

adopted as set out in British Standard 5228 Part 1: 2009;

u) location of fencing to be erected around Milton Township and the associated rig and furrow;

v) areas on site designated for the storage, loading, off-loading, parking and manoeuvring of heavy duty plant, equipment and vehicles;

w) details of the excavation, use and subsequent restoration of the approved borrow pits;

x) a Site Waste Management Plan to include details of measures to be taken during the construction period to minimise the disturbance of soil and peat;

y) site specific details for management and operation of any concrete batching plant (including disposal of pH rich waste water and substances); and

z) details of watercourse crossings.

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Statement and supplementary information which accompanied the application, or as otherwise agreed, are fully implemented.

18. No development shall commence unless and until a Construction Environmental Management Plan ("CEMP") outlining site specific details of all on-site construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling, has been submitted to and approved in writing by the Planning Authority. The CEMP shall include:

a) a peat management plan including peat slide hazard and risk assessment and emergency plans for peat slide;

b) a species protection plan;

c) a bird protection plan; and

d) a water quality management plan.

The Development shall be implemented thereafter in accordance with the approved CEMP unless otherwise approved in advance in writing by the Planning Authority.

Reason: To ensure that all construction operations are caried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Impact Assessment Report May 2022 which accompanied the application, or as otherwise agreed, are fully implemented.

19. Construction work which is audible from any noise-sensitive receptor shall only take place on the site between the hours of 0700 to 1900 on Monday to Friday inclusive and 0700 to 1300 on Saturdays, with no construction work taking place on a Sunday or on a Public Holiday. Outwith these specified hours, construction activity shall be limited to concrete pours, wind turbine erection and delivery, maintenance, emergency works, dust suppression, and the

testing of plant and equipment.

Reason: In the interests of amenity to restrict noise impact and the protection of the local environment.

20. No development shall commence unless and until a Traffic Management Plan ("TMP") has been submitted to and approved in writing by the Planning Authority. The approved TMP shall be carried out as approved in accordance with the timetable specified within the approved TMP. The TMP shall include proposals for:

a) the routeing of construction traffic and traffic management including details of the capacity of existing bridges and structures along the abnormal load delivery route and a risk assessment;

b) scheduling and timing of movements;

c) the management of junctions to and crossings of the public highway and other public rights of way;

d) any identified works to accommodate abnormal loads (including the number and timing of deliveries and the length, width and axle configuration of all extraordinary traffic accessing the site) along the delivery route including any temporary warning signs;

e) temporary removal and replacement of highway infrastructure/street furniture;

f) details of all signage and lining arrangements to be put in place and the reinstatement of any signs, verges or other items displaced by construction traffic;

g) banksman/escort details;

h) a procedure for monitoring road conditions and applying remedial measures where required as well as reinstatement measures; and

i) a timetable for implementation of the measures detailed in the TMP;

j) Provisions for emergency vehicle access; and

k) Identification of a nominated person to whom any road safety issues can be referred.

Reason: In the interests of road safety and to ensure that abnormal loads access the site in a safe manner.

21. No development shall commence on site until a detailed scheme for the following mitigation (including scale plans as necessary), inclusive of timescales for delivery has been submitted to, and approved in writing by, the Planning Authority, in consultation with the Roads Authority:

i. A detailed design of the main site access junction onto the C1136 public road.
ii. An assessment of the capacity of existing bridges and other structures along the routes to site for abnormal loads and general construction traffic, with upgrades and mitigation measures proposed and implemented as necessary.
iii. A detailed scheme for the proposed replacement River Oykel bridge crossing on the U2126 public road.

iv. A visual and structural condition survey of the A839, A837, U2126 and C1136 public roads shall be undertaken to establish a baseline for any widening and strengthening of the local road network and any additional passing places or diversions required to facilitate the wind farm. Any widening or strengthening of the local road network shall be to a minimum width of 3.5m, a full width surface course overlay (with regulating to achieve appropriate camber and crossfall) to enhance structural integrity and provision. The scheme for widening and strengthening shall be based on current topographical surveys and shall include any necessary road drainage to allow the safe transport of the wind farm components. For the avoidance of doubt unless a greater width is required and agreed such as at passing places, junctions or for curve widening the width of permanent surfacing provided for the single track carriageway sections of the local road network shall be 3.5m. For two lane sections the width shall be a minimum of 6m. Any additional running width for the abnormal load movements shall be provided by strengthening of the verges and provision of a temporary running course. Within three months of completion of the abnormal load movements for the development the verges shall be reinstated;

v. Widening works at junctions on the abnormal load route to remove horizontal and vertical constraints on the network for the delivery of turbine components and abnormal loads. The widening works at junctions shall be based on current topographical surveys and shall include any necessary road drainage to allow the safe transport of the wind farm components. Provision of an engineering assessment of the carriageway strength of the proposed HGV construction traffic routes and their suitability to support the significant increase in loading for all the proposed HGV construction traffic routes where the increase in HGV usage above existing HGV flows is greater than 10%. A scheme to provide suitable full width strengthening and any necessary re-shaping of the carriageway based on any shortfall identified in the agreed assessment;

vi. Details of Provision of road markings and signage to accompany the proposed works.

Unless otherwise agreed with the Council, the proposed mitigation works shall be subject to a combined Stage 1/Stage 2 Road Safety Audit in accordance with the Design Manual for Roads and Bridges. Thereafter the upgrades and other work approved under parts i-iv above shall be completed to the satisfaction of the Planning Authority and the Roads Authority before commencement of construction, or as otherwise agreed in writing with the Planning Authority.

Reason: In order to secure a proportionate level of road mitigation works to safeguard the local road network and local communities due to the increased numbers of HGV and workers traffic which will be generated

22. No development shall commence unless and until an Access Management Plan ("AMP") has been submitted to and agreed in writing by the Planning Authority. The AMP should ensure that public access is retained in the vicinity of the Strath Oykel 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.

Reason: In order to safeguard public access both during and after the construction phase of the development.

Natural Heritage

23.. Floating roads shall be installed in areas where peat depths are in excess of 1 metre. Prior to the installation of any floating road, the detailed location and cross section of the floating road to be installed shall be submitted to and approved in writing by the Planning Authority. The floating road shall then be implemented as approved.

Reason: To ensure peat is not unnecessarily disturbed or destroyed.

24. No development shall commence unless and until a Deer Fence Management Plan ("DFMP") has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot. Thereafter the DFMP shall be implemented as approved.

Reason: To protect ecological interests.

25. (1) No development shall commence unless and until a Habitat Management Plan ("HMP"), which will include the mitigation measures described within the Environmental Impact Assessment Report May 2022, has been submitted to, and approved in writing by the Planning Authority in consultation with NatureScot, and SEPA,

(2) The HMP shall set out proposed habitat management of the site during the period of construction, operation, decommissioning, restoration and aftercare, and shall provide for the maintenance, monitoring and reporting of habitat on site and ensure that Aim 3 of the Outline Habitat Management Plan to not restock forest stands where they are adjacent to blanket bog and design a programme of habitat restoration works on suitable areas where restocking is not taking place is delivered as a priority over the forestry restocking.

(3) The HMP shall 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 shall be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Commissioning and submitted for the written approval of the Planning Authority in consultation with NatureScot and SEPA.

(4) Unless and until otherwise agreed in advance in writing with the Planning Authority, the approved HMP (as amended from time to time) shall be implemented in full.

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

26. No development shall commence unless and until surveys have been carried out at an appropriate time of year for the species concerned, by a suitably qualified person, comprising:

a) otter surveys at watercourses and adjacent suitable habitats and within a 250m

radius of each wind turbine and associated infrastructure;

b) water vole surveys at watercourses and adjacent suitable habitats up to 200m upstream and downstream of watercourse crossings;

c) pine marten surveys at suitable habitats prior to tree felling, vegetation removal and dismantling of log and rubble piles;

d) red squirrel surveys at suitable habitats prior to tree felling, vegetation removal and dismantling of log and rubble piles;

e) bat surveys between May and September to include surveys at all structures within 30m of proposed works;

e) breeding bird surveys, particularly for wader and raptors, of any land upon which construction takes place, plus an appropriate buffer as agreed with the ECoVV to identify any species within disturbance distance of construction activity (only required if construction work is carried out during the bird breeding season from 15 March to 31 August inclusive);

f) electrofishing surveys at Allt Loch Mhic-Mharsaill, Allt Innis nan Damh and the River Oykel.

g) badger and wildcat surveys at suitable habitats and within 30m of each wind turbine and associated infrastructure.

The survey results and any mitigation measures required for these species on site shall be set out in a species mitigation and management plan, which shall inform construction activities. No development shall commence unless and until the plan is submitted to and approved in writing by the Planning Authority and the approved plan shall then be implemented in full.

Reason: In the interests of nature conservation.

27. No development shall commence unless and until the Forestry Residue Management Plan demonstrating how all forest waste will be used and that there will not be any forest waste from the site shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA.

Thereafter, the Forestry Residue Management Plan shall be implemented as approved.

Reason: In the interests of nature conservation.

28. (1) No development shall commence unless and until a Compensatory Planting Plan ("CPP") has been submitted to and approved in writing by the Planning Authority in consultation with the Scottish Forestry. The CPP shall provide for the planting of woodland commensurate with the level of woodland lost, to be carried out across an area in the vicinity of the application site, and shall set out a timetable for implementation. Thereafter the CPP shall be implemented as approved.

(2) The CPP must comply with the requirements set out in the UK Forestry Standard (Forestry Commission, 2011. ISBN 978-0-85538-830-0) and the guidelines to which it refers, or such replacement standard as may be in place at the time of submission of the CPP for approval. The CPP must include

a) details of the location of the area to be planted to compensate for the trees that

wil be temporarily felled and permanently felled to accommodate the development, as identified in Chapter 16 of the Environmental Impact Assessment Report;

b) details of land owners and occupiers of the land to be planted;

c) the nature, design and specification of the proposed woodland to be planted;

d) details of all consents required for delivery of the CPP and timescales within which each will be obtained;

e) the phasing and associated timescales for implementing the CPP;

f) proposals for the maintenance and establishment of the CPP, including annual checks, replacement planting, fencing, ground preparation and drainage; and

g) proposals for reporting to the Planning Authority on compliance with timescales for obtaining the necessary consents and thereafter implementation of the CPP.

Reason: To enable appropriate woodland removal to proceed, without incurring a net loss in woodland related public benefit, in accordance with the Scottish Government's policy on the Control of Woodland Removal.

29. No development shall commence unless and until a scheme has been submitted to and approved in writing by the Planning Authority which describes proposals for the felling of trees to enable the construction and operation of the Development, and for the mitigation of the visual effects of tree removal, together with a timetable for all works. The scheme shall be implemented as approved.

Reason: To enable attention to be given to issues of the structural diversity of the woodland and to manage the relationship with adjacent coupes already planned for felling.

30. No development shall commence unless and until the Company has secured the full implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation ("WSI") which has been submitted to and approved in writing by the Planning Authority. This written scheme shall include the following components:

a) an archaeological evaluation to be undertaken in accordance with the agreed WSI; and

b) an archaeological recording programme the scope of which will be dependent upon the results of the evaluation and will be in accordance with the agreed WSI.

Reason: To protect and/or record features of archaeological importance on this site.

31. No development shall commence unless and until the Company has appointed an independent and suitable qualified geotechnical engineer as a Geotechnical Clerk of Works ("GCoW"), the terms of whose appointment (including specification of duties and duration of appointment) shall be approved by the Planning Authority. The terms of the appointment shall impose a duty to monitor compliance with the Peat Management Plan referred to at

condition 19(a).

Reason: To ensure a satisfactory level of environmental protection.

Aviation

32. No turbine shall be erected until a scheme for aviation lighting for the wind farm consisting of Ministry of Defence accredited infra-red aviation lighting has been submitted to and approved in writing by the Planning Authority in consultation with the MoD. The turbines shall be erected with the approved lighting installed and the lighting shall remain operational throughout the duration of the permission.

For the avoidance of doubt if the scheme includes visible aviation lighting for reasons of aviation safety, the scheme shall be supported by an assessment of impact of visible aviation lighting in hours of darkness. For the avoidance of doubt this shall include an assessment in terms of visual impact, landscape impact, nightscape impact and impact on qualities of wildness of WLA29 and WLA 34.

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 approved in advance and in writing by the planning authority.

Reason: In the interests of aviation safety.

33. No development shall commence unless and until the Company has provided the Planning Authority, Ministry of Defence, Defence Geographic Centre and National Air Traffic Services ("NATS") with the following information, and has provided evidence to the Planning Authority of having done so:

a) the date of the expected commencement of each stage of construction;

b) the height above ground level of the tallest structure forming part of the Development;

c) the maximum extension height of any construction equipment; and

d) the position of the wind turbines and masts in latitude and longitude.

Reason: In the interests of aviation safety.

Water and Drainage

34. (1) No development shall commence unless and until a private water supply method statement and monitoring plan in respect of private water supplies has been submitted to, and approved in writing by, the Planning Authority.

(2) The detail of the private water supply method statement must detail all mitigation measures to be taken to secure the quality, quantity and continuity of water supplies to properties which are served by private water supplies at the date of the Section 36 Consent and which may be affected by the Development.

(3) The private water supply method statement shall include water quality sampling methods and shall specify abstraction points.

(4) The approved private water supply method statement and monitoring plan shall

be implemented in full.

(5) Monitoring results obtained as described in the private water supply method statement shall be submitted to the Planning Authority on a quarterly basis or on request during the approved programme of monitoring.

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

35. No development shall commence unless and 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 Date of First Commissioning.

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

Monitoring

36. There shall be no Commencement of Development 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") for the period between commencement of development and completion of post-construction restoration works. The terms of appointment shall;
a. Impose a duty to monitor compliance with the terms of the deemed planning permission and conditions attached to thereto;
b. Require the PMO to submit a quarterly 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.

37. No development shall commence on site until the membership of a Local Liaison Group including representatives of Energie Kontor, the contractor who are constructing the proposed development, Ardgay Community Council and Creich Community Council and representatives of The Highland Council, has been agreed in writing by the Planning Authority.

Reason: To effectively control the impacts of this development in the interests of amenity.

38. The rating level of noise emissions from the combined effects of the wind turbines comprising the Strath Oykel wind farm, when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to these conditions at any dwelling which is lawfully existing or has planning permission at the date of this permission and:

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

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

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

(d) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the planning authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limits set out in the Tables attached to these conditions or approved by the planning authority pursuant to paragraph (f) of this condition shall be undertaken at the measurement location approved in writing by the planning authority.

(e). Prior to the submission of the independent consultant's assessment of the rating level of noise emissions pursuant to paragraph (g) of this condition, the wind farm operator shall submit to the planning authority for written approval a proposed assessment protocol setting out the following:

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

ii. A reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the information provided in the written request from the planning authority under paragraph (c), and such others

as the independent consultant considers necessary to fully assess the noise at the complainant's property. The assessment of the rating level of noise emissions shall be undertaken in accordance with the assessment protocol approved in writing by the planning authority and the attached Guidance Notes.

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

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

(h). Where a further assessment of the rating level of noise emissions from the wind farm is required pursuant to Guidance Note 4(c), the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (d) above unless the time limit has been extended in writing by the planning authority.

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

Receptor	Wind Speed (m/s at 10 metres)								
	4	5	6	7	8	9	10	11	12
1	**A (241641, 901012)**								
Noise limit (DB)	21.2	26.1	27.9	27.9	27.9	27.9	27.9	27.9	27.9
2	**B (243599, 901472)**								
Noise limit (DB)	25.3	30.1	31.9	31.9	31.9	31.9	31.9	31.9	31.9
3	**C (243608, 900989)**								
Noise limit (DB)	27.6	32.4	34.3	34.3	34.3	34.3	34.3	34.3	34.3
4	**D (243453, 900707)**								
Noise limit (DB)	28.9	33.7	35.5	35.5	35.5	35.5	35.5	35.5	35.5
5	**E - Carn Mholloch (245122, 900734)**								
Noise limit (DB)	29.2	34	35.8	35.8	35.8	35.8	35.8	35.8	35.8
6	**F (245082, 900771)**								
Noise limit (DB)	29	33.8	35.6	35.6	35.6	35.6	35.6	35.6	35.6
7	**G (244952, 900776)**								
Noise limit (DB)	28.8	33.7	35.5	35.5	35.5	35.5	35.5	35.5	35.5
8	**H (244855, 900710)**								
Noise limit (DB)	29.7	34.5	36.3	36.3	36.3	36.3	36.3	36.3	36.3
9	**I (244621, 900800)**								
Noise limit (DB)	28.1	33	34.8	34.8	34.8	34.8	34.8	34.8	34.8
10	**J (244635, 900839)**								
Noise limit (DB)	27.9	32.7	34.5	34.5	34.5	34.5	34.5	34.5	34.5
11	**K (244596, 900831)**								
Noise limit (DB)	28.4	33.2	35	35	35	35	35	35	35
12	**L (244487, 900789)**								
Noise limit (DB)	28.6	33.4	35.2	35.2	35.2	35.2	35.2	35.2	35.2
13	**M (244377, 900749)**								
Noise limit (DB)	29.7	34.5	36.4	36.4	36.4	36.4	36.4	36.4	36.4
14	**N (244363, 900845)**								
Noise limit (DB)	29.1	33.9	35.7	35.7	35.7	35.7	35.7	35.7	35.7
15	**O (244342, 900884)**								
Noise limit (DB)	28.9	33.7	35.5	35.5	35.5	35.5	35.5	35.5	35.5
16	**P (243687, 901025)**								
Noise limit (DB)	27.6	32.4	34.2	34.2	34.2	34.2	34.2	34.2	34.2
17	**Q (245305, 900723)**								
Noise limit (DB)	28.9	33.7	35.5	35.5	35.5	35.5	35.5	35.5	35.5
18	**R (245489, 900883)**								
Noise limit (DB)	27.7	32.5	34.3	34.3	34.3	34.3	34.3	34.3	34.3
19	**S (245864, 900813)**								
Noise limit (DB)	27.1	31.9	33.7	33.7	33.7	33.7	33.7	33.7	33.7
20	**T (245933, 900848)**								
Noise limit (DB)	26.8	31.6	33.4	33.4	33.4	33.4	33.4	33.4	33.4
21	**U (245734, 900904)**								
Noise limit (DB)	27	31.8	33.6	33.6	33.6	33.6	33.6	33.6	33.6
22	**V - Inveroykel Lodge (246490, 900870)**								
Noise limit (DB)	25	29.9	31.7	31.7	31.7	31.7	31.7	31.7	31.7

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

Receptor	Wind Speed (m/s at 10 metres)								
	4	5	6	7	8	9	10	11	12
1	**A (241641, 901012)**								
Noise limit (DB)	21.2	26.1	27.9	27.9	27.9	27.9	27.9	27.9	27.9
2	**B (243599, 901472)**								
Noise limit (DB)	25.3	30.1	31.9	31.9	31.9	31.9	31.9	31.9	31.9
3	**C (243608, 900989)**								
Noise limit (DB)	27.6	32.4	34.3	34.3	34.3	34.3	34.3	34.3	34.3
4	**D (243453, 900707)**								
Noise limit (DB)	28.9	33.7	35.5	35.5	35.5	35.5	35.5	35.5	35.5
5	**E - Carn Mholloch (245122, 900734)**								
Noise limit (DB)	29.2	34	35.8	35.8	35.8	35.8	35.8	35.8	35.8
6	**F (245082, 900771)**								
Noise limit (DB)	29	33.8	35.6	35.6	35.6	35.6	35.6	35.6	35.6
7	**G (244952, 900776)**								
Noise limit (DB)	28.8	33.7	35.5	35.5	35.5	35.5	35.5	35.5	35.5
8	**H (244855, 900710)**								
Noise limit (DB)	29.7	34.5	36.3	36.3	36.3	36.3	36.3	36.3	36.3
9	**I (244621, 900800)**								
Noise limit (DB)	28.1	33	34.8	34.8	34.8	34.8	34.8	34.8	34.8
10	**J (244635, 900839)**								
Noise limit (DB)	27.9	32.7	34.5	34.5	34.5	34.5	34.5	34.5	34.5
11	**K (244596, 900831)**								
Noise limit (DB)	28.4	33.2	35	35	35	35	35	35	35
12	**L (244487, 900789)**								
Noise limit (DB)	28.6	33.4	35.2	35.2	35.2	35.2	35.2	35.2	35.2
13	**M (244377, 900749)**								
Noise limit (DB)	29.7	34.5	36.4	36.4	36.4	36.4	36.4	36.4	36.4
14	**N (244363, 900845)**								
Noise limit (DB)	29.1	33.9	35.7	35.7	35.7	35.7	35.7	35.7	35.7
15	**O (244342, 900884)**								
Noise limit (DB)	28.9	33.7	35.5	35.5	35.5	35.5	35.5	35.5	35.5
16	**P (243687, 901025)**								
Noise limit (DB)	27.6	32.4	34.2	34.2	34.2	34.2	34.2	34.2	34.2
17	**Q (245305, 900723)**								
Noise limit (DB)	28.9	33.7	35.5	35.5	35.5	35.5	35.5	35.5	35.5
18	**R (245489, 900883)**								
Noise limit (DB)	27.7	32.5	34.3	34.3	34.3	34.3	34.3	34.3	34.3
19	**S (245864, 900813)**								
Noise limit (DB)	27.1	31.9	33.7	33.7	33.7	33.7	33.7	33.7	33.7
20	**T (245933, 900848)**								
Noise limit (DB)	26.8	31.6	33.4	33.4	33.4	33.4	33.4	33.4	33.4
21	**U (245734, 900904)**								
Noise limit (DB)	27	31.8	33.6	33.6	33.6	33.6	33.6	33.6	33.6
22	**V - Inveroykel Lodge (246490, 900870)**								
Noise limit (DB)	25	29.9	31.7	31.7	31.7	31.7	31.7	31.7	31.7

Table 3: Coordinate locations of the properties listed in Tables 1 and 2.

Guidance Note 1

(a) Values of the LA90,10 minute noise statistic should be measured at the

complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

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

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

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

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

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

Guidance Note 2

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

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

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

Guidance Note 3

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

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

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

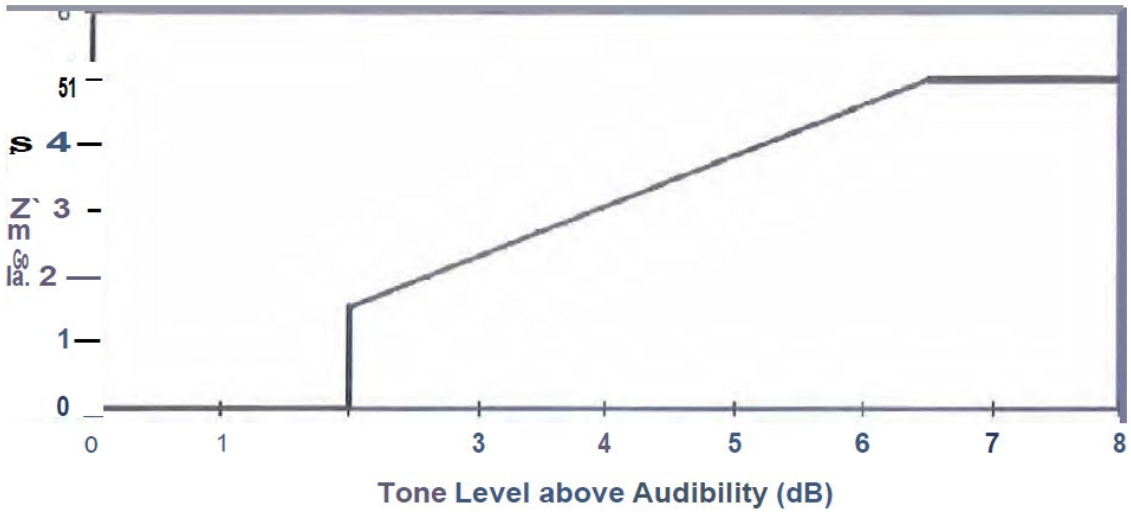
(d) The tone level above audibility shall be plotted against wind speed for each of the 2 minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be used.

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

(f) The tonal penalty is derived from the margin above audibility of the tone

according

to the figure below.



Guidance Note 4

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

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

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

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

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

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

= 10 log[10^(I-Xg) — 10^L

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

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

Reason: To ensure that, following a complaint, noise levels can be measured to assess whether or not the predicted noise levels set out within the supporting Environmental Statement have been breached, and where excessive noise is recorded, suitable mitigation measures are undertaken.

Signature:	Dafydd Jones
Designation:	Area Planning Manager - North
Author:	Michael Kordas
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 Location Plan - Figure 1.1
	Plan 2 Infrastructure Layout – Figure 3.1

Appendix 2 – Viewpoint Assessment Appraisal – Visual Impact

Viewpoint	Applicant / THC	Sensitivity	Magnitude of Change	Level of Effect	Significance	THC Notes
VP1 – A837 near Tuiteam (2.1km)	Applicant	Medium	High	**Substantial / Moderate**	**Significant**	VP1 (A837 near Tuiteam) is taken from the side of the A836, looking southeast towards the application site. From this view, both the proposed turbine towers and blades will be visible, spaced in three distinct clusters along the ridgeline. Properties and road users in the area currently have an uninterrupted outlook across the southern part of the Strath. The turbines will appear dominant on the rising southern side of the Strath. Existing wind farm development is located behind this viewpoint but is entirely out of view. The proposed wind farm therefore extends the existing pattern of wind farm development in this area, which has previously been mainly to the north side of the Strath.
	THC	High	High	**Substantial**	**Significant**	
VP2 – Rosehall (3.7km)	Applicant	High - Medium	High -Medium	**Substantial / Moderate**	**Significant**	VP2 (Rosehall) is taken from the crossing of the River Cassley on the A837, at the northern edge of Rosehall, looking southwest. The development would be prominent on the horizon, located in a line along the ridge of the southern side of Strath Oykel.
	THC	High	High	**Substantial**	**Significant**	
VP3 – Altass (4.9km)	Applicant	High - Medium	High - Medium	**Substantial**	**Significant**	VP3 (Altass) is located on a minor road within the scattered settlement of Altass, looking east toward the application site. The entire proposal would be visible from this location, giving the appearance of five lines of turbines. The proposed development is well contained in this location, in a hollow in the topography with higher ground to the rear.
	THC	High - Medium	High - Medium	**Substantial**	**Significant**	
VP4 – A837 Oykel Bridge (5.3km)	Applicant	High - Medium	Low – Very Low	Moderate	Not Significant	VP4 (A837 Oykel Bridge) is located west of the application site, looking east toward it at a point on the A837 adjacent to the Oykel Bridge Hotel. A limited portion of the windfarm, consisting of the blades of
	THC	High - Medium	Low – Very Low	Moderate	Not Significant	

Viewpoint	Applicant / THC	Sensitivity	Magnitude of Change	Level of Effect	Significance	THC Notes
						three of the proposed turbines will be visible in a dip apparent between the two sides of the Strath Oykel. Intervening topography at VP4 has the effect of screening the proposed windfarm until the receptor has travelled further east on the A837.
VP5 – Achnahanat (5.8km)	Applicant	High	Medium	**Substantial / Moderate**	**Significant**	VP5 (Achnahanat) is located in a passing place on a the C1136 road leading to the application site, in the dispersed crofting settlement of Achnahanat. The entire windfarm would be visible extending above the western horizon from this viewpoint, appearing as a three separate lines of turbines. This viewpoint marks the visual introduction of windfarm development to a receptor travelling west along the C1136. However, shortly after this viewpoint the Rosehall windfarm becomes visually prominent on the right-hand side. Removal of turbines 2, 3 and 4 from the scheme would consolidate the visual impact of the grouping from this location, by reducing the impression of scale by approximately 25% of the area as originally proposed and removing three prominently outlying turbines.
	THC	High	Medium	**Substantial / Moderate**	**Significant**	
VP6 – Càrn a' Choin Deirg (7.2km)	Applicant	Medium	Low – Very Low	Negligible	Not Significant	VP6 (Càrn a' Choin Deirg) is located on the summit of Càrn a' Choin Deirg, to the southwest of the proposed development, looking northeast toward the application site. 9 of the proposed turbine tips will be visible on the horizon, partially obscured by the sides Strath Oykel. The proposal will be seen here, in conjunction with eight windfarms that are currently operational or under construction, the most prominent being Rosehall and Achany that will be visible directly in a wide cluster behind the current application site. As such, the additional impact of the proposal turbines is limited.
	THC	Medium	Low – Very Low	Negligible	Not Significant	

Viewpoint	Applicant / THC	Sensitivity	Magnitude of Change	Level of Effect	Significance	THC Notes
VP7 – A839 Rosehall-Lairg (7.2km)	Applicant	Medium	Medium	Moderate	Not Significant	VP7 (A839 Rosehall-Lairg) is located at a passing place on the A839, crossing an area of elevated moor and forestry between Rosehall and Lairg to the northeast of the application site. The viewpoint looks to the southeast, where the entire proposed windfarm will be visible across the horizon, at a location where no existing windfarm development has occurred. While the proposed development will be highly visible from the viewpoint location, proceeding westward towards Rosehall on the A839, the windfarm will become only intermittently visible, screened by intervening topography and tree planting.
	THC	Medium	Medium	**Moderate**	**Significant**	
VP8 – A837 Linsidemore (9.4km)	Applicant	Medium	Medium	Moderate	Not Significant	VP8 (A837 Linsidemore) is located within the small settlement group of Linsidemore, to the east of the application site on the A837 southeast of Rosehall. The entire proposed windfarm development will be visible on the western horizon from this location, where no existing windfarm development has occurred. While the proposed development will be highly visible from the viewpoint location, proceeding westward towards Rosehall on the A837, the windfarm will become only intermittently visible, screened by mature trees at the roadside.
	THC	Medium	Medium	**Moderate**	**Significant**	
VP9 – Loch Craggie (12.3km)	Applicant	Medium	Low	Minor	Not Significant	VP9 (Loch Craggie) is located on the A837, at the southern end of Loch Craggie, looking southeast toward the proposals. The entire windfarm will be visible behind the ridgeline, although only turbines 2, 3 and 4 will be visible beyond their blade tips and will be noticeably 'skylined' from this viewpoint. Removing these turbines would significantly mitigate these most prominent elements of the visual impact from this
	THC	Medium	Low	**Moderate**	**Significant**	

Viewpoint	Applicant / THC	Sensitivity	Magnitude of Change	Level of Effect	Significance	THC Notes
						location. This viewpoint marks the visual introduction of a receptor travelling east on the A837 to windfarm development. Proceeding from this viewpoint to the east along the A837, towards Rosehall, the proposed development will be intermittently visible, screened by intervening topography. As the receptor descends on the A837 toward the development, theoretical visibility will be reduced from 11 to between 3-8 of the proposed turbines. Practically, as the receptor descends, this visibility will increasingly only be of the turbine blade tips.
VP10 – A836 North of Inversshin (12.5km)	Applicant	Medium	Low – Very Low	Negligible	Not Significant	VP10 (A836 North of Invershin) is located on a bridge on the A836 over the Far North Railway Line, north of Invershin. Looking west toward the application site down the Kyle of Sutherland Strath, becoming Strath Oykel, the blade tips of the proposed development will be visible, although most sight of the development will be obscured by high ground. Some limited visibility of blade tips of the operational Rosehall windfarm will also be possible.
	THC	Medium	Low	Negligible	Not Significant	
VP11 – Lairg Torroble (14.9km)	Applicant	High	Low – Very Low	Moderate	Not Significant	VP11 (Lairg Torroble) is located within the dispersed crofting settlement of Torroble and looks southwest toward the current application site, from an elevated section of a minor road within. 8 of the proposed Strath Oykel windfarm turbines will be visible in the centre of the viewpoint. Blade tips and two of the hubs of the Achany operational windfarm will be visible on the right of this view, extending in a line to the north.
	THC	High	Low	Moderate	Not Significant	

Viewpoint	Applicant / THC	Sensitivity	Magnitude of Change	Level of Effect	Significance	THC Notes
VP12 – Càrn Chuinneag (15.1km)	Applicant	High	Low – Very Low	Moderate	Not Significant	VP12 (Càrn Chuinneag) is located atop the westernmost of this mountain's dual summits, at height of 830m AOD. It is located within WLA 29: Rhiddoroch - Beinn Dearg - Ben Wyvis and looks in a northwesterly direction toward the application site. 8 of the proposed turbine tips will be visible along with much of the extent of the operational Rosehall, Creag Riabhach and Achany windfarms, as well as the Braemore windfarm, to the right of the viewpoint, located in a line from approximately west to east.
	THC	High	Low	Moderate	Not Significant	
VP13 – Ben More Assynt (24.1km)	Applicant	High	Low – Very Low	Moderate	Not Significant	VP13 (Ben More Assynt) is located on the summit of the Ben More Assynt Munro, at a height of 998 AOD, looking to the southeast toward the application site. The entirety of the proposed Strath Oykel windfarm will be visible from this viewpoint, including the turbine hubs. The proposed development will be seen in conjunction with eight other operational windfarms and two consented windfarms. The current application site will be most strongly visually associated with the 'Beinn Tharsuinn, Coire na Cloiche, Novar and Strathroy' group, to its southeast. The 'Achany, Rosehall and Braemore (plus Lairg and Lairg II)' group also identified in the applicant's EIAR and LVIA will be visible on the left of this viewpoint, reading as a line of turbines running approximately east to west.

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

Criterion 1 is related to relationships between settlements/key locations and the wider landscape.

Turbines are not visually prominent in the majority of views within or from settlements/key locations or from the majority of its access routes.

As demonstrated by the ZTV and the visual impact assessment contained within Chapter 6 of the EIAR the turbines would not be visually prominent in the majority of views within or from main settlements, key locations or access routes within the study area.

The proposal would be visually prominent from some locations within the Growing Settlement of Rosehall, especially along the riverside south of the bridge over the River Cassley and along the A837, as the main route through the settlement. It would be less prominent however, from other areas of the village, including the Cassley Drive and the associated play park, the War Memorial, Free Church, Church of Scotland and Primary School. Most views from residential properties within the settlement would be screened by surrounding buildings and vegetation

There would also be significant effects from some of the closer range viewpoints which are located in proximity to some of the smaller residential settlements around Rosehall. It is not however, considered that the scheme would result in encirclement of these settlements and the majority of approach routes into Rosehall and its surrounding area, including the A837, A389 and Glen Cassley roads, are well screened from the proposed development by intervening topography and established woodland and as such, any impacts on receptors here would be mainly transitory in nature.

The proposed mitigation, removing turbines 2,3 and 4 would lessen the effect of ‘stacking’ of turbines from the 3 closest viewpoints to the growing settlement and overall, present a more bounded and visually coherent grouping.

Mitigation excepted however, the proposed development is considered to generally meet the threshold of Criterion 1, however it is acknowledged that there are some localised sections within Rosehall where it is not met.

Criterion 2 is related to the extent to which the proposal reduces or detracts from the transitional experience of key Gateway Locations and routes.

Wind Turbines or other infrastructure do not overwhelm or otherwise detract from landscape characteristics which contribute the distinctive transitional experience found at key gateway locations and routes.

The applicants' assessment has concluded that there are no key gateways or important areas of landscape transition identified in the EIAR. As such the proposed development would not detract significantly from any locations which may be considered important gateways. The majority of road routes within the study area would not be significantly affected by the application. Significant effects have been identified in the planning assessment at Viewpoints 7 (on the A839) 8 and 9 (on the A837). None of these locations are considered to be key gateways. Nevertheless, they would act to introduce receptors travelling along these routes to windfarm development in the landscape, should the proposal move forward.

From Viewpoint 7, the proposed mitigation, removing turbines 2,3 and 4, would lessen the effect of 'stacking' where turbines are located in front of each other. From Viewpoint 9, the proposed mitigation, would remove turbines 3 and 4 which are 'skylined' point on the horizon, as well as removing turbine 2, that is the only one of the turbines otherwise visible to hub. As such, the mitigation would act to lessen the overall visual impact of the proposals at these locations.

Mitigation excepted however, the proposed development meets the threshold of Criterion 2.

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

The development does not, by its presence, diminish the prominence of the landmark or disrupt its relationship to its setting.

There will be some effects on the host Landscape Character Types (LCT), however, these are contained within 2-3km and are localised in nature.

In terms of the NSA the effects will also be localised due to the distance of over 16km from the proposal, with very limited visibility. The proposed development would appear within the wilder backdrop of rounded hills and or on the horizon from within the NSA and as such it is agreed that the effects on the special qualities would not be significant and NatureScot have not raised any concerns. NatureScot also do not object to the proposals in terms of the impact on the surrounding Wild Land Areas (WLA)

In addition, the Special Landscape Area would not be significantly affected by the development. There are no Scheduled Ancient Monuments, Listed Buildings or Conservation Areas within the application site. Furthermore, no heritage assets would be significantly affected by the proposed development.

As with any scheme of this nature and scale, there will be significant effects, however, considering the existing baseline, the effects are considered to be acceptable on balance. The proposed development meets the threshold of Criterion 3

Criterion 4 is related to the extent that the amenity of key recreational routes and ways is respected by the proposal.

Wind Turbines or other infrastructure do not overwhelm or otherwise significantly detract from the visual appeal of key routes and ways.

It is not considered that the proposed development would significantly impact the visual appeal of key recreational routes and ways. For this scheme this would include the A837, A839, core paths in the vicinity and the Cape Wrath Trail. The visual effects although significant would not dominate or overwhelm the key focus or attractions along these routes. It is considered that the criterion is met.

Criterion 5 is related to the extent to which the proposal affects the amenity of transport routes.

Wind Turbines or other infrastructure do not overwhelm or otherwise significantly detract from the visual appeal of transport routes.

The location and topography allows for significant the screening from the main transport routes within the study area. It is considered that there would be limited sequential views, from the main routes within the study area, the A837 and A839. Although visual effects are identified within the EIAR from these routes with views of the development on the hills, these are not considered to overwhelm or otherwise significantly detract from the visual appeal of transport routes from most viewpoints due to the distance, topography and screening afforded. It is considered that for some short sections of the route the amenity of the route would be adversely affected but not for the route as a whole.

The criterion is met.

Criterion 6 is related to the degree to which the proposal fits with the existing pattern of nearby wind energy development.

The proposal contributes positively to existing pattern or objectives for development in the area.

The pattern of development is discussed under Criteria 1 above in so far as it relates to encirclement of settlements. The pattern of wind energy development in this area is characterised by clustering of development to the west and south of Loch Shin within rounded hills LCT. The proposed development largely 'fits' with the baseline pattern of other wind farm development in terms of its scale and location within the Rounded Hills LCT, although it is located closer to the road network and would form part of a loose group or cluster of development with Sallachy, Rosehall, Achany and Braemore windfarms.

The proposed development would sit further to the south than the other wind farms, however it would principally be viewed on its own from most routes within the study area. The closest consented cluster of turbines at Achany, Rosehall and Braemore are generally not viewed with the proposed scheme. Furthermore, from the majority of views the cumulative effect of windfarms is not problematic due to the wind farm design and sitting sufficiently apart from the both consented and operational developments ensuring the existing schemes and the proposed scheme retain their own setting and character.

The criterion is met.

Criterion 7 relates to the extent to which the proposal maintains or affects the spaces between existing developments and/ or clusters

---

The proposal maintains appropriate and effective separation between developments and/ or clusters.

The proposal would not affect the separation between developments and/ or clusters by its occupation of the site. From the majority of viewpoints there are no concerns in relation to the difference in turbine scale and their relationship to the landform being so different. From many viewpoints the turbines would not dominant the landscape. However, it would introduce wind development into an area that is currently unaffected by wind energy. From mountainous views, although the scheme would intensify the number of turbines, it is relatively contained within views already experiencing turbines and presents as an even, balanced scheme. As discussed in Criteria 6 above, although the proposal would increase the number of turbines visible the scheme presents as a simplistic, balanced array of turbines on a relatively low elevation.

The criterion is met.

Criterion 8 relates to the extent that the proposal maintains or affects receptors' existing perception of landscape scale and distance.

The proposal maintains the apparent landscape scale and/or distance in the receptors' perception.

It is considered that the proposed development would not adversely affect the receptors' existing perception of landscape scale and distance, being located within a suitably large scale landscape (the Rounded Hills LCT) and designed to appear as a simple and balanced wind farm, set back from smaller scale straths and glens. From the majority of the viewpoints there will not be an effect on the perception of scale and distance as such the criterion is met.

Criterion 9 is related to the extent to which the landscape setting of nearby wind energy developments is affected by the proposal.

The proposal relates well to the existing landscape setting and does not increase the perceived visual prominence of surrounding wind turbines.

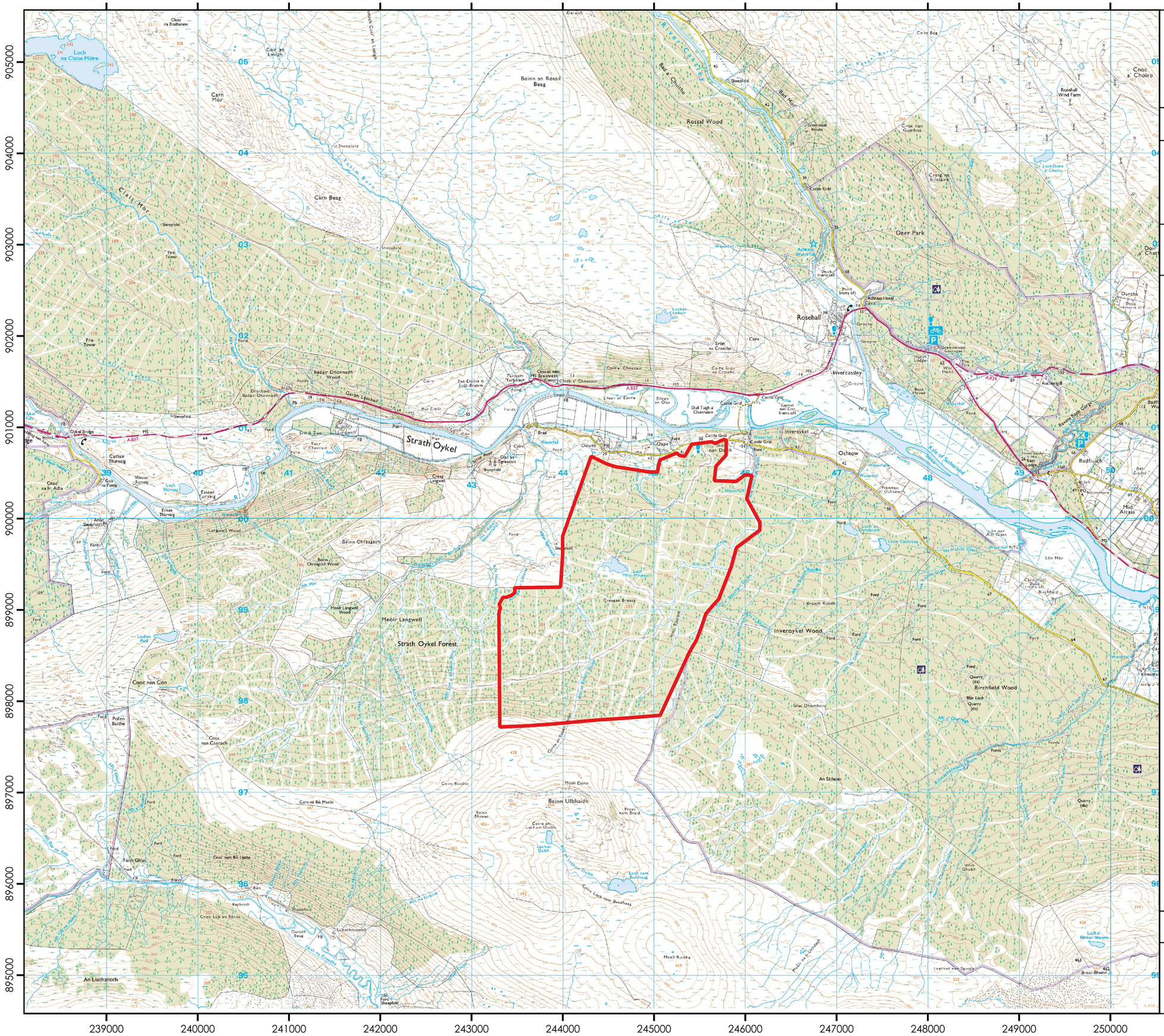
The proposal relates well to the existing landscape setting and does not increase the perceived visual prominence of surrounding wind turbines. --- The perception of landscape scale and distance is respected from most viewpoints and in a location where they are seen against the backdropping hills, the turbines do not overwhelm the view. It is considered that the LCT has the capacity to absorb the proposed turbines. The threshold is met.

Criterion 10 is related to distinctiveness of landscape character.

Integrity and variety of Landscape Character Areas are maintained.

There will be some localised adverse effects on the host LCT (Rounded Hills), however these effects are not considered to significantly affect key characteristics of the LCT or the experience from within the LCA. Furthermore, the interplay of different LCAs which come together to from the local composite landscape character would not be undermined by the proposed development interrupting the relationship between them.

The criterion is met.



EnergieKontor

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Figure 1.1 Site Location

Key:

Site Boundary

0 0.2 km

N

Drawn by: CM Scale: 1:40000 @ A3 Date: April 2022
Revision: 1

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Figure 3.1 Infrastructure Layout

Key:

- Substation
- Passing Place
- Turbine
- Strath Oykel Heads
- Site Boundary
- Site Access Track
- Crane Pads
- Compound
- Car Park
- Borrow Pits
- Access Entrance Head
- Battery Storage

0 0.1 0.2 km

N

Drawn by: CM Scale: 1:15,000 @ A3 Date: April 2022
Revision: 1

The Highland Council
Comhairle na Gàidhealtachd

North Planning Applications Committee

18 October 2022

Item...

Strath Oykel Wind Farm – Erection of and operation of a wind farm for a period of 35 years, comprising 11 turbines with a maximum blade tip height of 200m, access tracks, substation building and battery storage with a maximum output of 72.6 Megawatts

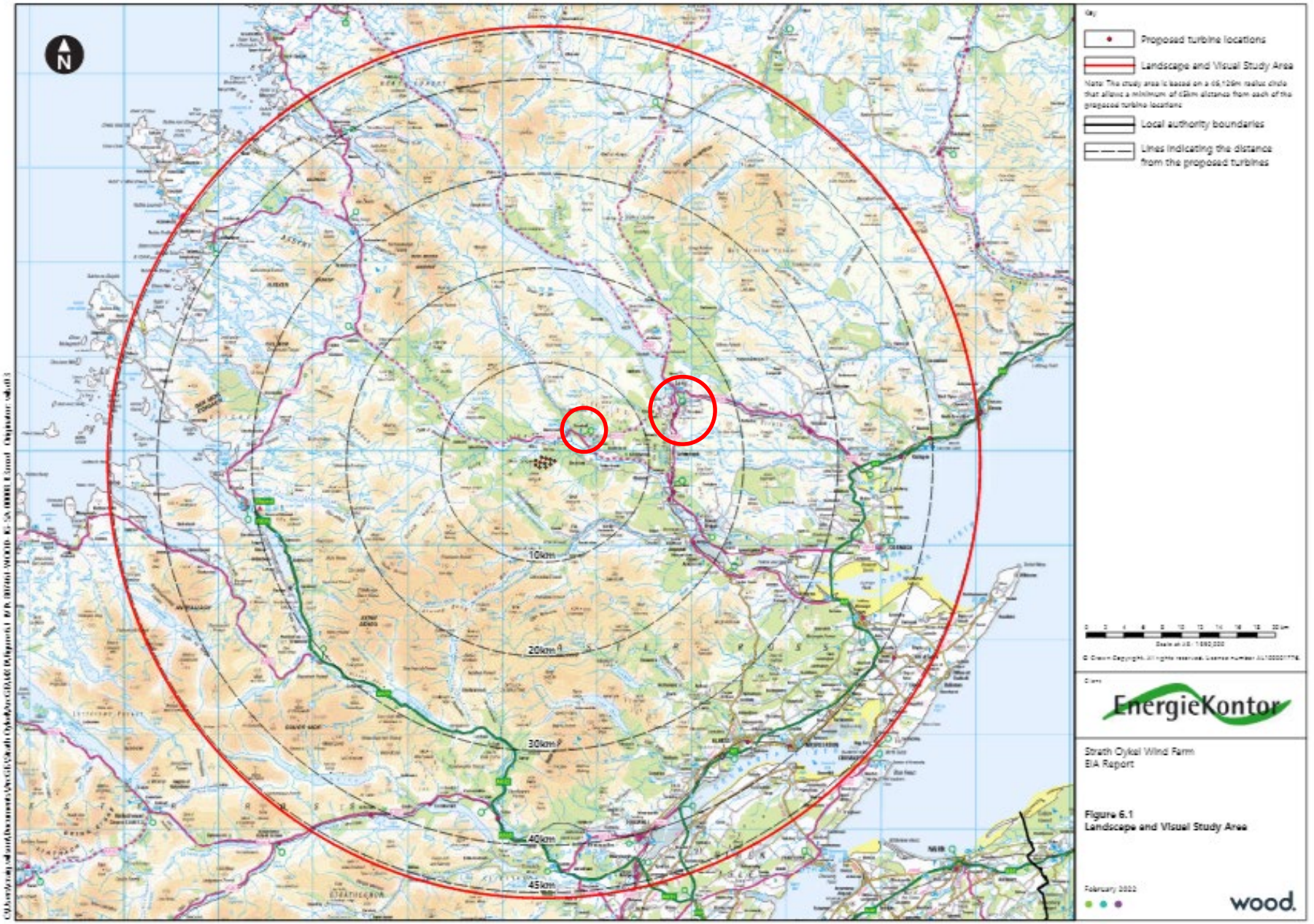
Land 1700M SW Of Oape, Ardgay

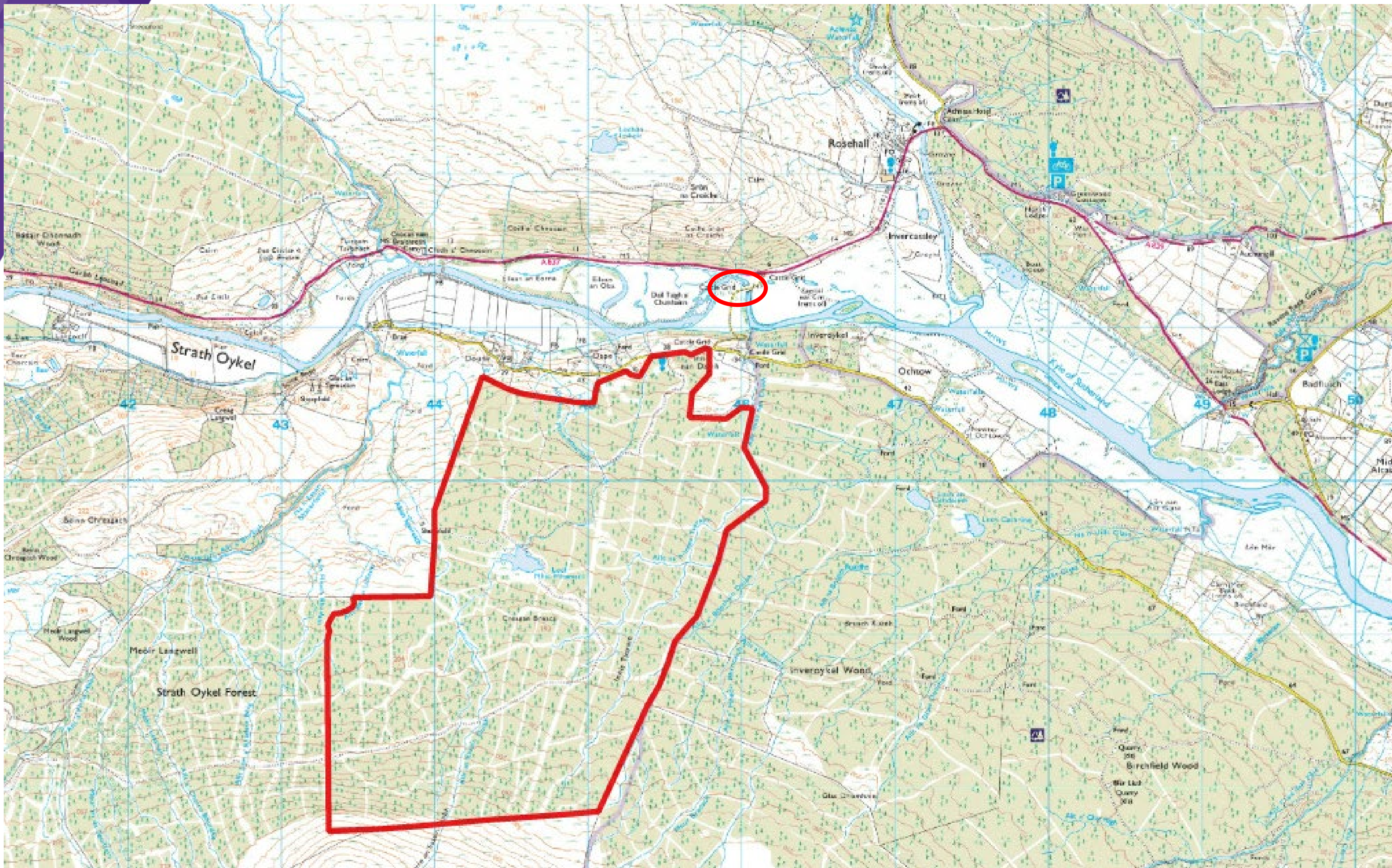
Updates

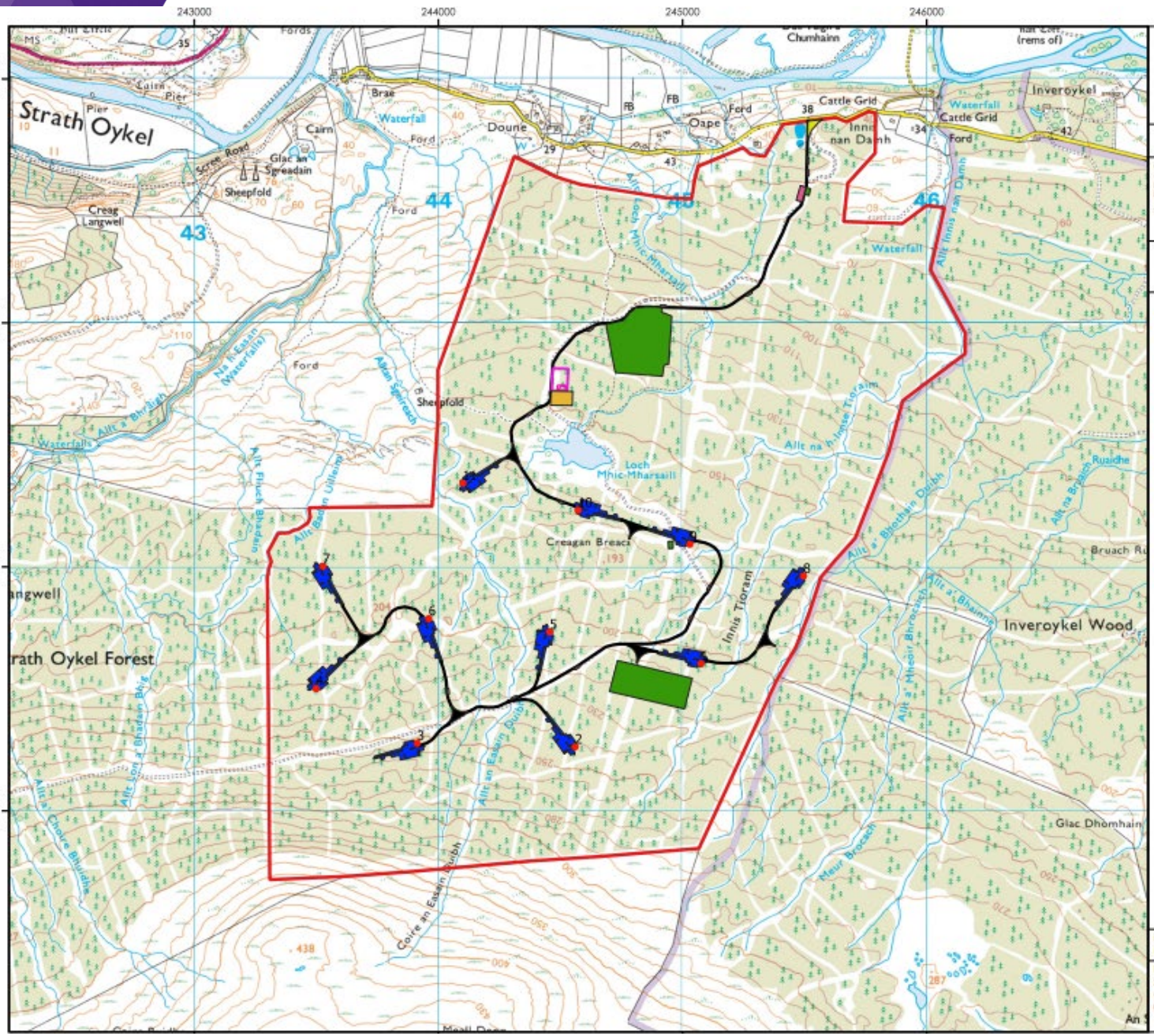
- Representations

Description of Development

- 11 wind turbines of 200m height to blade tip, 155m rotor diameter and hub height of 122.5m (capable of generating approximately 6.6 MW each), with internal transformers;
- Turbine foundations;
- Hard standing;
- On site access tracks;
- Water course crossings;
- Energy storage compound;
- Underground cabling; and
- Borrow pits.


N
10km
20km
30km
40km
45km
Proposed turbine locations
Landscape and Visual Study Area
Note: The study area is based on a 45.125km radius circle that allows a minimum of 45km distance from each of the proposed turbine locations
Local authority boundaries
Lines indicating the distance from the proposed turbines
EnergieKontor
Strath Cykal Wind Farm
EIA Report
Figure 6.1
Landscape and Visual Study Area
February 2022
wood.


Rosehall
Invercassley
Strath Oykel
A837
A839
Inveroykel
Ochtow
Kyle of Sutherland
Badfluich
Mid Altass
Meoir Langwell
Strath Oykel Forest
Inveroykel Wood
Birchfield Wood
Cattle Grid



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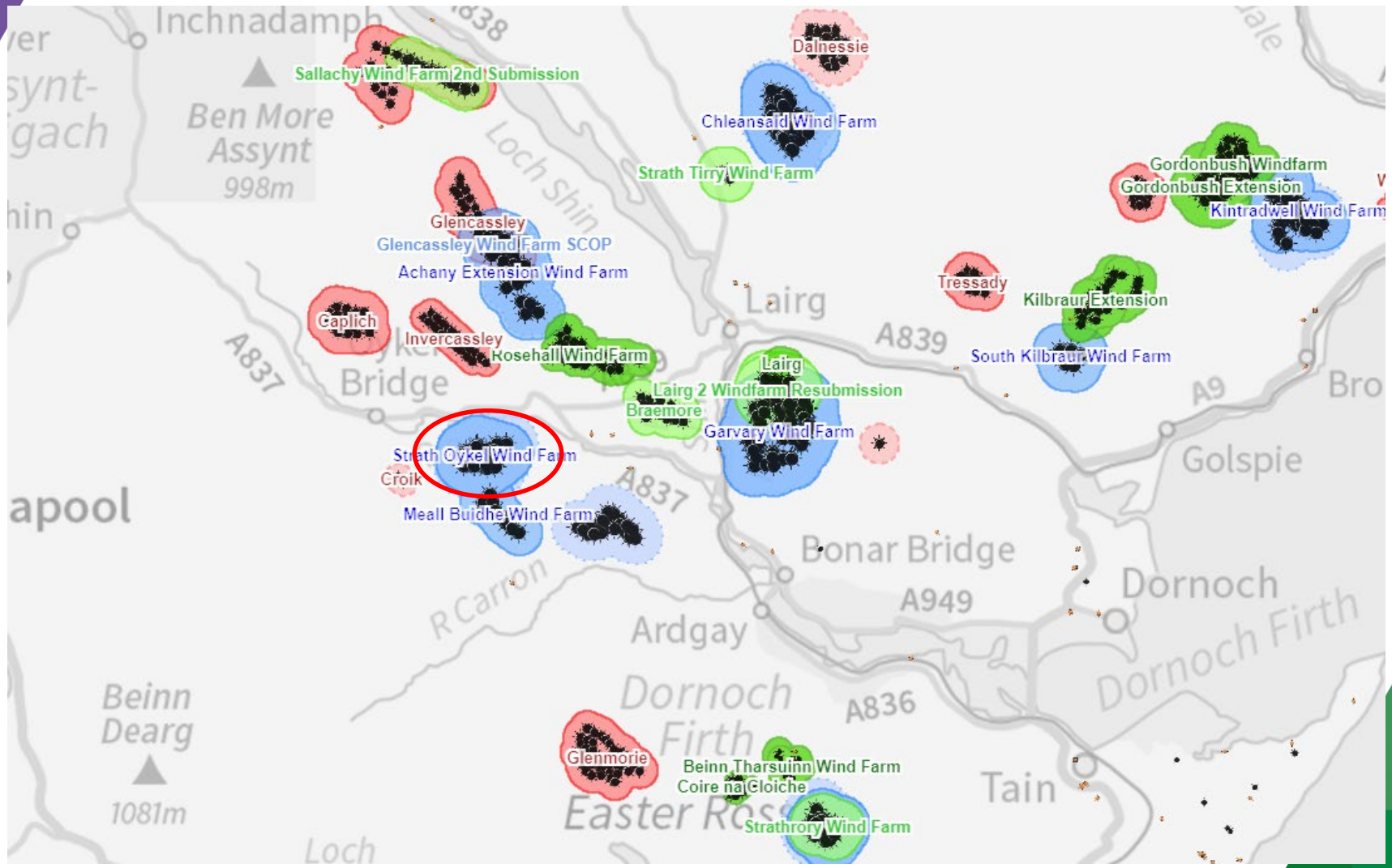
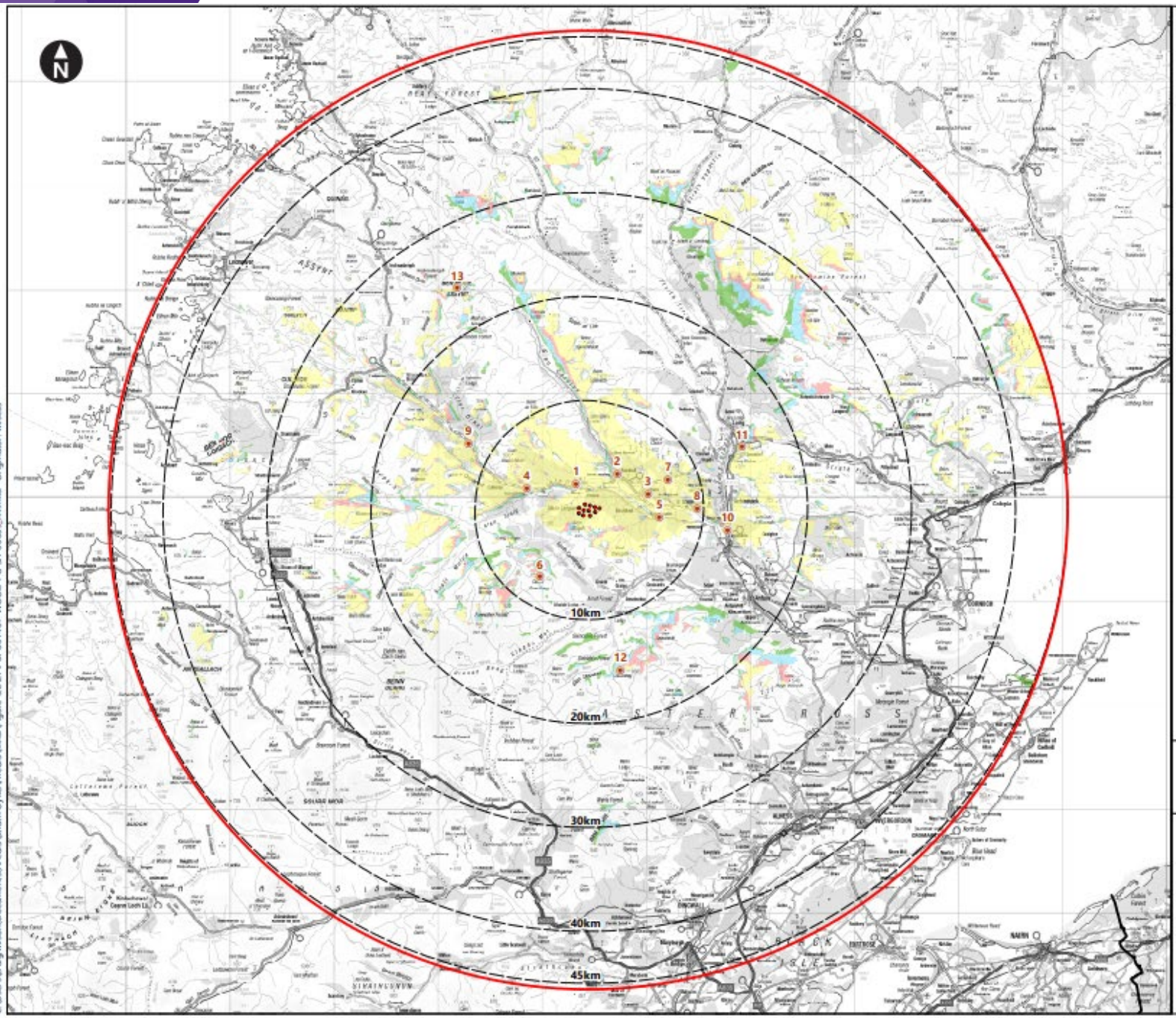
Drawn by: CM Scale: 1:15,000 @ A3 Date: April 2022
Revision: 1


Inchnadamph
Sallachy Wind Farm 2nd Submission
Ben More Assynt
998m
Loch Shin
Dalnessie
Chleansaid Wind Farm
Strath Tirry Wind Farm
Gordonbush Windfarm
Gordonbush Extension
Kintradwell Wind Farm
Glencassley
Glencassley Wind Farm SCOP
Achany Extension Wind Farm
Tressady
Kilbraur Extension
South Kilbraur Wind Farm
Lairg
A839
Gaplich
Invercassley
Rosehall Wind Farm
A837
Bridge
Lairg
Lairg 2 Windfarm Resubmission
Braemore
Garvary Wind Farm
A9
Golspie
Strath Oykel Wind Farm
Croik
Meall Buidhe Wind Farm
A837
Bonar Bridge
A949
Dornoch
Dornoch Firth
R Carron
Ardgay
Beinn Dearg
1081m
Dornoch Firth
A836
Glenmorie
Beinn Tharsuinn Wind Farm
Coire na Gloiche
Strathrory Wind Farm
Tain
Easter Ross
Loch



Key

- Proposed turbine locations
- Landscape and Visual Study Area
- Local authority boundaries
- Lines indicating the distance from the proposed turbines
- LVIA viewpoint locations

1) A837 near Tuiteam
2) Rosehall Bridge
3) Altass
4) A837 Oykel Bridge
5) Achnahanat
6) Càm a' Choin Deirg
7) A839 Rosehall - Lairg
8) A837 Linsidemore
9) A837 Loch Craggie
10) A836 north of Invershin
11) Lairg Torroble
12) Càm Chuinneag
13) Ben More Assynt

- 1-2 turbines may be theoretically visible
- 3-5 turbines may be theoretically visible
- 6-8 turbines may be theoretically visible
- 9-11 turbines may be theoretically visible

Notes: This drawing is based on a computer generated Zone of Theoretical Visibility (ZTV). The areas shown indicate the maximum theoretical visibility of the proposed turbines using OS Terrain 50 data only and do not take account of any screening from vegetation or built-form. The ZTV also includes an adjustment that allows for the Curvature and Light Refraction of the Earth.

This figure has been based on the following parameters:

Turbine layout file:	LSTRATHOYKEL009.WFL
Hub height:	122.5m
Rotor diameter	155m
Height to blade tip:	200m

0 2 4 6 8 10 12 14 16 18 20km
Scale at A3: 1:250,000

Client

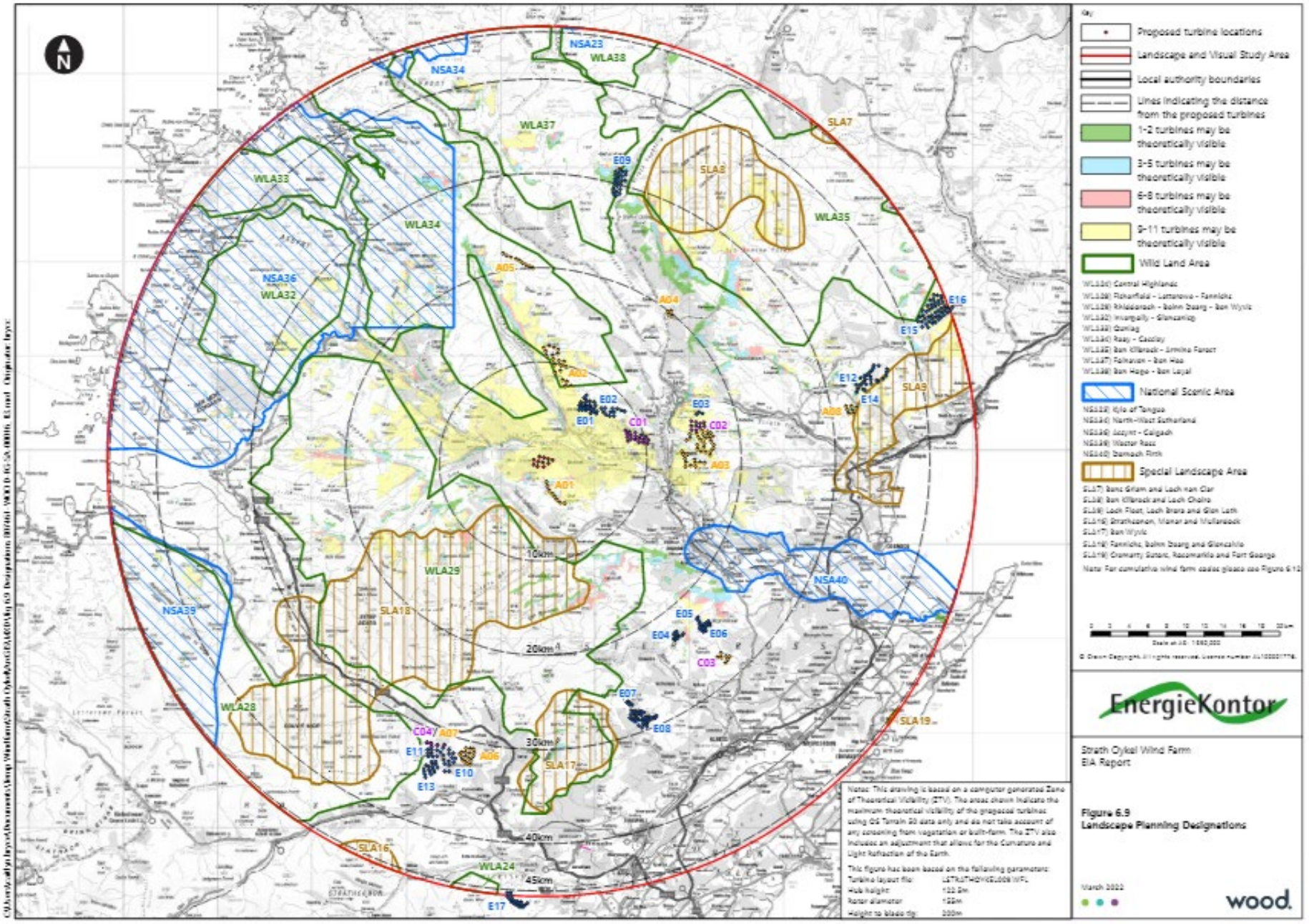
EnergieKontor

Strath Oykel Wind Farm
EIA Report

Figure 6.2
Zone of Theoretical Visibility (ZTV) to Blade Tip with Viewpoint Locations

February 2022

wood.


N
NSA34
NSA23
WLA38
WLA37
SLA7
E09
SLA8
WLA33
WLA34
WLA35
A05
A04
E16
E15
NSA36
WLA32
A02
E12
E14
SLA9
E02
E01
C01
E03
C02
A03
A01
10km
WLA29
NSA40
NSA39
SLA18
E05
E04
E06
20km
C03
E07
WLA28
SLA19
C04
A07
E11
A06
E10
E13
30km
SLA17
40km
SLA16
WLA24
45km
E17
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Wild Land Area
National Scenic Area
Special Landscape Area
EnergieKontor
Strath Oykel Wind Farm
EIA Report
Figure 6.9
Landscape Planning Designations
March 2022
wood.

Photomontage of Strath Oykel Wind Farm, showing forestry management as a result of the proposed Strath Oykel Forestry Design Plan, post construction

View flat at a comfortable arm's length

Strath Oykel Wind Farm
EIA Report

Figure 6.19c
Viewpoint 1: A837 near Tuiteam

Photomontage of Strath Oykel Wind Farm, showing forestry management as a result of the proposed Strath Oykel Forestry Design Plan, post construction

View flat at a comfortable arm's length

Client: EnergieKontor	Strath Oykel Wind Farm EIA Report	Figure 6.20o Viewpoint 2: Rosehall	August 2022	wood.

Photomontage of Strath Oykel Wind Farm, showing forestry management as a result of the proposed Strath Oykel Forestry Design Plan, post construction

View flat at a comfortable arm's length

Strath Oykel Wind Farm
EIA Report

Figure 6.21n
Viewpoint 3: Altass

wood.

Photomontage

View flat at a comfortable arm's length

Client: EnergieKontor

Strath Oykel Wind Farm
EIA Report

Figure 8.25i
Viewpoint 5: Achnahanat

August 2023

wood.

Photomontage

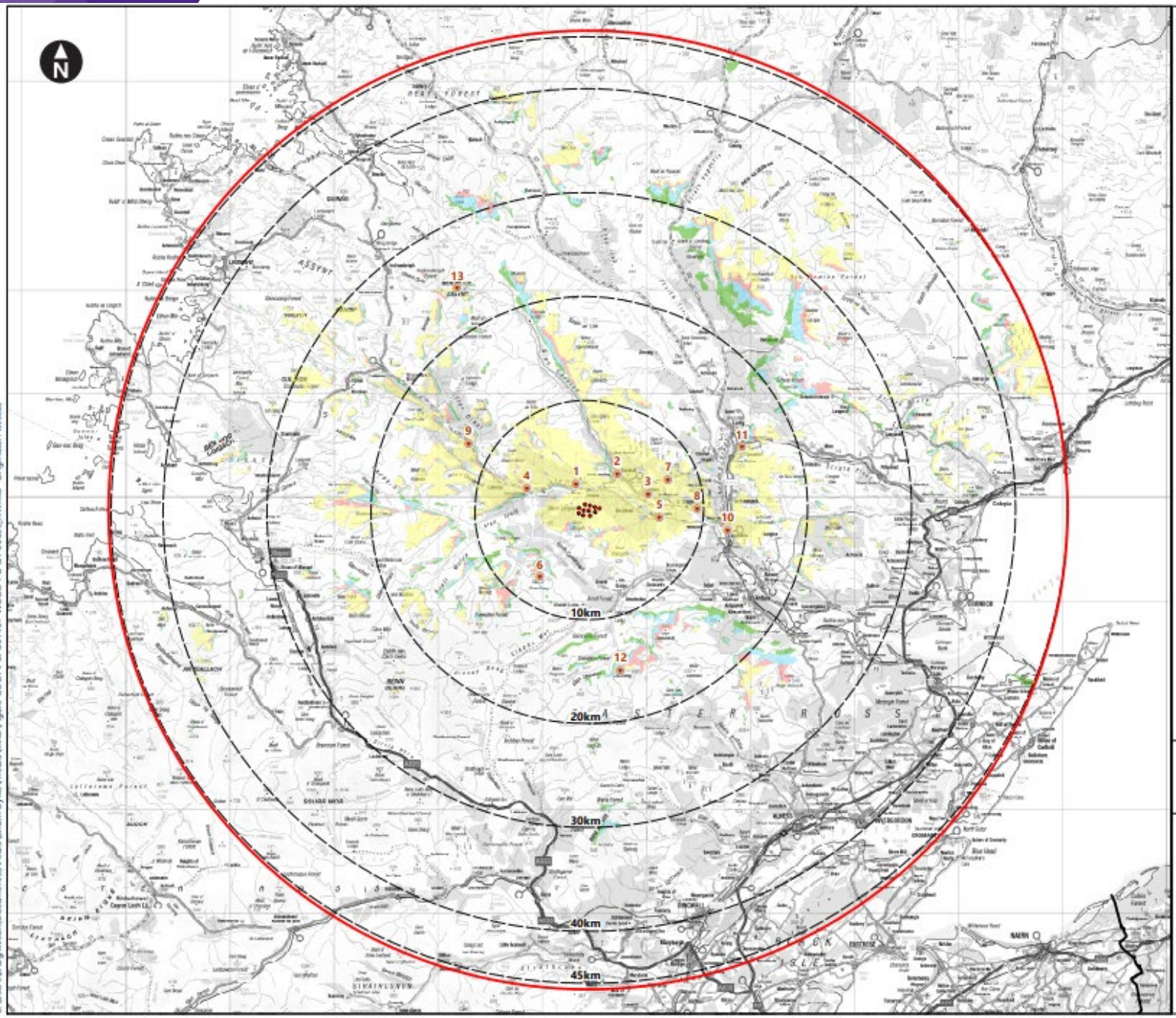
View flat at a comfortable arm's length

Client: EnergieKontor

Strath Dyke Wind Farm
EIA Report

Figure 6.26I
Viewpoint 9: A837 Linaldamore

wood.



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Strath Oykel Wind Farm
EIA Report

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Zone of Theoretical Visibility (ZTV) to Blade Tip with Viewpoint Locations

February 2022

wood.