Agenda Item	**6.5**
Report No	**PLN/010/24**

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 30 January 2024

Report Title: 20/04455/FUL :

Wind Farm Borrowstone Mains, Forss, Thurso

Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Forss III Wind Farm - Erection and operation of one turbine with a max tip height of 100m, access tracks, sub-station, transformer unit and ancillary infrastructure

Ward: 02 - Thurso And North West Caithness

Development category: Local Development

Reason referred to Committee: Over 5 representations

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

Recommendation

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

1. PROPOSED DEVELOPMENT

1.1 The application is for the erection and operation of an extension to Forss Wind Farm I and II, for a period of 30 years, comprising of 1 wind turbine (Turbine 7) with a maximum blade tip height of 100m, access tracks, external transformers, substations, and ancillary infrastructure. The proposal has the capacity to generate an additional 2.5MW.

1.2 The proposal has been submitted under the Town and Country Planning (Scotland) Act 1997 on the basis that the applicant has sought to operate the wind farm as a standalone consent which would have an electricity output of less than 20MW.

1.3 Key elements of the development as assessed within the application's Environmental Impact Assessment Report (EIAR) and Environmental Impact Assessment Report Supplementary Information (EIAR-SI) include:

- 1 x wind turbine of 100m to blade tip (with a maximum generating capacity of 2.5MW);
- 1 x external transformers (3.23m x 2.68m x 2.65m);
- 1 x Substation (3.9m x 5.53m x 3m) and transformer station;
- Turbine foundations and crane hard standings;
- New access track (approximately 420m);
- A network of underground cables;
- Upgrading of junction; and
- Temporary construction compound, storage area and car park.

1.4 The applicant held a series of events with the public and consultees from April 2019 to August 2020. This included online consultation events and targeted engagements to seek the views of the local community. The online consultation took place June/July 2019 and August/September 2020, it included a designated website which provided details of the proposed development with an opportunity to make comments. The applicant raised awareness of these events by notifying all Community Councils, placing statutory newspaper adverts and a letter drop, which included residential properties in the local area.

1.5 Access to the proposed development site will be taken from the A836, onto the Forss Business and Energy Park private road. It is proposed that the junction with the A836 is upgraded prior to any construction works commencing.

1.6 The applicant has requested a micro-siting allowance of 25m for site infrastructure, tracks and turbine locations to accommodate unknown ground conditions, whilst also maintaining environmental buffers (e.g. set back from areas of high bat activity and watercourses). The final design of the turbines (hub and tip heights, rotor diameters, colours, and finish), aviation lighting, substation and control buildings, compounds, ancillary electrical equipment, landscaping and fencing etc, would be expected to be agreed with the

Planning Authority at the time of project procurement. For example, it should be noted that the 100m tip height of the turbines is presented as a worst-case scenario for the purposes of the assessment. Whilst typical drawings for these elements are set out in the application, turbine manufacturers regularly update designs that are available, thereby necessitating the need for some flexibility on the approved design details (see Planning Statements: October 2020, August 2021 and October 2023), the final details of which, can be secured by Condition.

1.7 The wind farm has an expected operational life of 30 years from the date of final commissioning. The applicant has advised that a decision would then be made as to whether to apply to re-power the site. If in the event permission is granted for the development, and then the decision is made to decommission the wind farm, the applicant advises that all turbine components, transformers, substation and associated buildings and infrastructure will be removed. Turbine foundations would remain on site however, although the exposed concrete plinth of the turbine foundations would be removed to a depth of 1m below the surface. Hardstanding will be removed or regraded with soil and planting where appropriate. It is likely that if the site is decommissioned the access tracks to the turbines would need to be reinstated. The applicant acknowledges that these matters would not be confirmed until the time of the submission of the decommissioning and restoration plan. It is anticipated that decommissioning works would be undertaken for a period of approximately 6 months.

1.8 The applicant anticipates that the wind farm construction period will last up to 1212 months with a Construction Environment Management Document to be utilised throughout the construction period. This would require to be approved by the Planning Authority, in consultation with the relevant statutory bodies before the commencement of development.

1.9 The applicant utilised the Highland Council's Pre-Application Advice Service for Developments (ref: 19/02835/PREMAJ) for the erection of 5 x wind turbines (92.5m to blade tip)(9.8MW capacity). The response outlined a number of concerns with the proposal. The key issues highlighted from the pre-application process were:

- The potential to impact natural heritage;
- The potential for significant landscape and visual impacts that may arise as a result of the proposed development individually, as well as cumulatively and sequentially with other built, consented or planned proposals in this area. The area has seen a number of large-scale wind farms which are already consented or under consideration; and
- Any further proposals for turbines would be expected to reflect the existing turbines on site in terms of scale and design.

1.10 The application is supported by an EIAR and EIAR-SI contains chapters on: Site Selection and Design; EIA Methodology; The Development; Planning Policy; Landscape and Visual Impact Assessment; Ecology; Ornithology; Hydrology and Hydrogeology; Noise; Archaeology and Cultural Heritage; Traffic and Transport; Land Use, Recreation and Tourism, and Socio-

Economics; Climate Change and Carbon Balance; Miscellaneous Issues; Schedule of Mitigation. The application is also accompanied by a Pre-Application Consultation Report and Planning Statement.

1.11 The applicant originally applied for a wind farm with a generating capacity of 8.4MW, however this was reduced to 5MW when the EIAR-SI was submitted reducing the turbines from 124.5m to 100m to blade tip. Further supplementary information was submitted reduced the development from a two-turbine development to a single turbine with a generating capacity of 2.5MW as set out in the applicant's Revised Planning Statement dated October 2023.

1.12 The Applicant's Revised Planning Statement reflects the final amendments which have been made to the application to remove Turbine 8 and update the planning and energy policy section of the EIAR and EIAR-SI. The reduction to a single turbine development subsequently reduced the environmental impacts to a level that was considered below the threshold of an EIA development. As such a further addendum to the EIAR and EIAR-SI was not required. Whilst the EIA documents submitted to support the original proposal are no longer relevant to the determination of this application, they do demonstrate the level of assessment and can be drawn upon for context where relevant.

1.13 It should be noted that the EIAR and EIAR-SI are supported by Development Description and Planning Policy; Landscape and Visual Impact; Ecology; Ornithology; Noise; Archaeology and Cultural Heritage to address concerns raised by Historic Environment Scotland.

1.14 The amended application is supported by the Planning Statement; Noise Technical Note; Archaeology and Cultural Heritage Report; Shadow Flicker Report; Ornithology Report and Ecology Report. As series of previously submitted documents are appended for context: Chapter 5 of the EIAR and Chapter 2 of the EIAR-SI (Policy); Chapter 6 of the EIAR and Chapter 3 EIAR-SI (Landscape and Visual Impact Assessment). An updated Landscape and Visual Assessment has been provided with accompanying photomontages.

2. SITE DESCRIPTION

2.1 The site lies approximately 9.2km northwest of Thurso and approximately 3.2km northeast of Dounreay Nuclear site, with the proposed site contained within the boundary of the Forss Business and Technology Park (with a holding of approximately 76 hectares). The whole site including Forss Business & Technology Park buildings are all within the applicant's ownership. The site is identified in the Caithness and Sutherland Local Development Plan as an Economic Development Area – Forss Business and Energy Park. There are 6 existing wind turbines within the site with a height to tip of 78m, that form Forss 1 and Forss 2 Windfarms. The turbine known as the Hill of Lybster Turbine is located approximately 87m to the southeast of the proposed site. The Hill of Lybster Turbine has a maximum tip height of 99.5m and was approved in August 2020 (ref. 20/01655/FUL). The dispersed communities of Buldoo, Lybster, Forss and Achreamie surround the site. The site covers an

area of approximately 76 hectares. The site is generally flat with the highest point located to the south which lies approximately 53m Above Ordnance Survey Datum (AOD). To the north, along the coast the land slopes gently down to the coastal cliff tops at approximately 15mAOD. There are two watercourses on the site. One is located at the north-eastern boundary and drains into the North Sea. The second, located to the west of the site, is a short burn which feeds into an agricultural field drainage channel running along the western boundary.

2.2 The site lies within the Health and Safety Executives Hazard area (Dounreay Nuclear Facility) and within the Dounreay Consultation Boundary. There are two core paths located within the application site, these were installed as part of the Community Benefit from the existing Forss 1 and 2 windfarms.

2.3 The wider site is located in a rural setting, comprising areas of livestock grazing and arable farming land along the eastern edge of the site, with a cluster of buildings that form Forss Business and Technology Park (a former Navy base located to the northeast of the site. The closest residential properties to the site is 3 Lybster Road that lies approximately 507m south of Turbine 7. This property is financially involved with the development and is excluded from this assessment. The next closest property is Crosskirk Cottage which is approximately 718m east of Turbine 8. There are several other sensitive properties within 2km of the site.

2.4 There is no designated natural heritage within the site. However, the site lies within 3km of the North Caithness Cliffs Special Protection Area (SPA), protected for its nesting seabirds and breeding population of peregrine. It also lies within 7km of the Caithness Loch Special Protection Area (SPA) and within theoretical foraging range for both SPA goose species and within 1km of known favoured feeding areas for Greenland white fronted geese.

2.5 In terms of built and cultural heritage, the site lies within a historic landscape containing several prehistoric and medieval sites. Within the wider site (for the Business and Technology Park) Crosskirk, St Marys Chapel (a nationally designated heritage feature) and broch S of Chapel Pool Scheduled Monument (SM90086) lies to the northeast of the site. Green Tullochs, broch and cairn 640m NNW of Borrowston Mains (SM554) lies approximately 910m north-west of the site. Further to this there are a number of non-designated features were recorded. Due to the historic landscape the site has high archaeological potential, however this is reduced where the site has already been development.

2.6 Within the 10km Study Area, there are no internationally designated World Heritage Sites, nationally designated Inventoried Battlefields, or Garden and Designed Landscapes (GDLs). There are 154 designated heritage assets consisting of 37 Scheduled Monuments and 115 Listed Buildings, and the Thurso Conservation Area within the 10 km Study Area. Furthermore, there are 37 Scheduled Monuments within the 10km Study Area, of these 5 fall in or around Thurso and Scrabster but scoped out as were not within the Zone of Theoretical Visibility.

2.7 The closest Wild Land Area (WLAs) is East Halladale Flows Wild Land Area, which lies approximately 9.2km to the southwest of the application site. Beinn Ratha lies within this WLA with the summit (242AOD) located approximately 10.6km southwest of the site.

2.8 The underlying soils the turbines would site on include brown earths with brown rankers. Generally, brown soils are well drained as such it is unlikely that there would be peat on the site. The EIAR confirms that based on the published British Geological Survey mapping it is considered unlikely that there is peat on site, as such there would be no losses from soil organic matter as a result of the development. The EIAR noted the solid geology belongs to the Sandstone Bay Sandstone Member, comprising Sandstone, Siltstone and Limestone. The Dounreay Siltsone Member encroaches the western area of the site. Local minor faulting was noted, orientated northeast to south west through the western area of the site and within the immediate vicinity.

2.9 The applicant undertook a Phase 1 habitat survey to identify wetland habitats occurring within the site (including the boundary of Forss Business and Energy Park – Core Study Area). Wetland habitats were identified in resulting in further detailed habitat assessment being undertaken to identify National Vegetation Classification (NVC) communities. The Phase 1 NVC survey identified the habitat as not groundwater dependent but as rainwater fed and ombrotrophic in nature. Groundwater Dependent Terrestrial Ecosystems (GWDTE), which are protected under the Water Framework Directive. As the area of potential GWDTE habitat is ombrotrophic and greater than 100m from excavations of 1m or less, the assessment of potential effects on GWDTE was scoped out of the applicant's assessment.

2.10 Protected Species Surveys were carried out in April and June 2019, these encompassed all land within the site and extended up to a 200m buffer. Bat surveys were carried out through 3 different sessions between April and October 2019. The EIAR reports that only bat activity was considered to be very low on site. Bat activity included common pipistrelle, which is a common and widespread species in Scotland of moderate sensitivity to wind farm development. The remaining activity was attributed to Myotis sp., all species in this genus are of low sensitivity to wind farm development. No confirmed or potential roosts or hibernaculum were recorded within the site.

2.11 Ornithological Surveys have also been carried out previously for the Hill of Lybster wind turbine in 2019 – 2020 that identifies the site and immediate surrounds are frequented by a varied range of birds including but not limited to Pink-footed Goose, Greylag Goose, Whooper Swan, Shelduck, Wigeon, Mallard, Eider, Fulmar, Gannet, Shag, Cormorant, Hen Harrier, Oystercatcher, Lapwing, Golden Plover, Curlew, Redshank, Kittiwake, Artic tern, Great Skua, Merlin and Peregrine.

2.12 The key recreational interests in this area are walking, cycling, horse riding and fishing. There is a Core Path (CA13.27) within the wider site at Forss Business and Technology, that lies to the west of the proposed turbines, forming a loop around the site. There are also 2 Core Paths (CA13.25 and

HC36) approximately 295m to the north / northeast of the site which loop around Crosskirk and St Mary's Chapel and broch S of Chapel Pool Scheduled Monument (SM90086). A further Core Path (CA13.16) is located approximately 1.5km to the southeast of the proposed development. These Core Paths form 3 sections of Core Paths within the immediate area surrounding the site and provide access to cultural heritage close to the north coast, however there is no link provided between them. The A836 which pass the site to the south is a key access route used by touring cyclists and motorists, promoted as the main North Coast 500 tourist route. The National Cycle Route 1 lies just over 5km to the south.

2.13 In terms of landscape sensitivities, there are no international or regional landscape designations on the site, however the turbines are within 25km to the following national and local designations:

National Scenic Areas

- Kyle of Tongue (32km west)

Special Landscape Areas

- Far Bay, Strathy and Portskerra (13km west)
- Dunnet Head (15km east)
- The Flow Country and Berridale Coast (23.6kn south)

2.14 There are a number of turbine developments in proximity of the proposal, which must be taken into account by the assessment for cumulative landscape and visual impacts (LVIA). Windfarms beyond 35km radius of the application site have been scoped out of the assessment of cumulative effects, so the list below sets out windfarm projects within 25km that are operational, approved or have been submitted but not yet determined.

Built and consented / under construction

Within 20km

- Forss I (within the boundary of Forss Business and Technology, 2no turbines, tip height 76m, hub height 50m, rotor diameter 52m)
- Forss II (within the boundary of Forss Business and Technology, 2no turbines, tip height 78m, hub height 47m, rotor diameter 62m)
- Hill of Lybster Turbine (200m south, 1 turbine, tip height 79, hub height 55m, rotor diameter 44m)
- Ballie (3km south, 21no turbines, tip height 115m, hub height 70m, rotor diameter 90m)
- Limekiln (9km southwest, 21no turbines, tip height 149.9m, hub height 70m, rotor diameter 82m)
- Limekiln Extension (9km southwest, 21no turbines, tip height 149.9m, hub height 91.4m, rotor diameter 117m)
- Dounreay Tri (10.5km northwest, 2no turbines, tip height 201m, hub height 124m, rotor diameter 154m)

- Achlachan (21km southeast, 5no turbines, tip height 115m, hub height 64.8m, rotor diameter 100m)
- Achlachan 2 (21km southeast, 3no turbines, tip height 110m, hub height 65m, rotor diameter 90m)
- Halsary (23km southeast, 15no turbines, tip height 120m, hub height 70m, rotor diameter 100m)
- Causeymire (22km southeast, 21no turbines, tip height 101m, hub height 60m, rotor diameter 82m)
- Bad a Cheo (24km southeast, 13no turbines, tip height 112m, hub height 60m, rotor diameter 104m)
- Strathy North (23km southwest, 33no turbines, tip height 110m, hub height 70m, rotor diameter 82m)
- Strathy Wood (23km southwest, 13no turbines, tip height 180m, hub height 111.5m, rotor diameter 137m)
- Lochend (25.3km east, 4no turbines, tip height 99.5m, hub height 64m, rotor diameter 71m)

Under consideration

- Armadale (22.1m southwest, 12no turbines, tip height 180m, rotor diameter 158m).
- Tomsdale (20.8km southwest, 12no turbines, tip height 149.9m, rotor diameter 136m).

3. PLANNING HISTORY

3.1	22.06.2001	01/00030/FULCA Forss I Wind Farm - Erection of two 50 metre wind turbines with associated accesses, fenced compounds and transformer building	Permission Granted
3.2	16.10.2006	01/00380/FULCA Forss II Wind Farm - Erection of four (50 metre to hub) Wind Turbines with associated accesses, fences, compounds and transformer buildings	Permission Granted
3.3	01.10.2003	02/00166/FULCA Borrowston Mains Wind Farm - Erection of ten wind turbines, 60 metres high to hub and associated substation and access tracks	Application Refused
3.4	01.07.2004	04/00099/FULCA Conversion of disused M.O.D. tower into dwelling, upgrade vehicular access and installation of sewage treatment plant.	Permission Granted
3.5	18.11.2005	05/00129/FULCA Formation of Roads and Services with Provision of Development Sites	Permission Granted

3.6	19.10.2011	10/04434/FUL Forss Wind Farm extension - A proposed extension to the existing Forss Wind Farm including 5 turbines with a maximum tip height of 81m, up to 3.6km of upgraded and new associated tracks, a substation and switchgear building and compound, 2 temporary meteorological masts, 2 temporary construction compounds and access.	Application Refused
3.7	30.10.2012	12/03800/FUL Turbine 2 - Removal of existing crane pads and enlargement and upgrading of existing hardstanding to enable lifting operations to be carried out for maintenance and repairs to the existing turbine	Permission Granted
3.8	08.11.2013	13/03480/FUL Turbine 1 - Alterations & extension of existing crane hardstanding areas adjacent to existing wind turbine	Permission Granted
3.9	22.10.2013	13/01191/FUL Hill of Lybster - Erection of a single 800 kw wind turbine, hub height of 55m, rotor diameter of 48m, tip height of 79m; associated crane pads, site road, connection building, underground cabling, and temporary site construction compound.	Permission Granted
3.10	16.08.2018	17/04934/FUL Erection of a wind turbine with a tip height of 99.5m & a maximum rotor diameter of 70m, associated crane hardstanding, site access road & electrical control building	Application Refused
3.11	21.11.2019	19/04112/S42 S42 application to amend Condition 1 of planning permission 17/04934/FUL to extend duration of permission to 30 years from the date of the commissioning of the wind turbine	Permission Granted
3.12	04.08.2020	20/01655/FUL Erection of a wind turbine with a maximum tip height of 99.5m, maximum rotor diameter of 82m, associated crane hardstanding, site access road and electricity control building, (material amendment to 17/04934/FUL)	Permission Granted

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown NN, Schedule 3 (Bad Neighbour) and EIA Adverts

Date Advertised: 18.12.2020, 24.12.2021 and 30.09.2022

The application was subject to a further unknown neighbour and Schedule 3 Advert on 26th October 2023.

Representation deadline: 03.11.2023

Timeous representations:	7 (7 No. of Households) objections, 1 general comment (RSPB)

4.2 Material considerations raised are summarised as follows:

a) Contrary to Development Plan;
b) Adverse visual impact (individual impact and cumulative impact);
c) Adverse impact on tourism;
d) Adverse impact on cultural heritage;
e) Adverse impact on ecology and ornithology;
f) Adverse transport impacts including on road safety and condition;
g) Adverse residential and community amenity impacts, including from shadow flicker, noise;
h) No socio-economic benefits; and
i) Lack of public consultation during covid pandemic.

4.3 Non-material considerations raised are summarised as follows:

a) Constraint's payments;
b) High energy costs in Caithness and fuel poverty;
c) Caithness already produces enough energy;
d) Wind energy should be offshore; and
e) Adverse effect on property value.

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

5. CONSULTATIONS

5.1 **Environmental Health** does not object to the application subject to conditions to limit operational noise output and to protect private water supplies. It has reviewed the applicant's assessment of likely noise impacts and notes that without the benefit of a financial involvement relaxation, cumulative noise levels at Hill of Lybster will exceed the relevant limits. It also notes that the assessment indicates that predicted cumulative noise levels from existing and consented wind farms may already exceed the limits. However, as the applicant confirmed that predicted noise levels from this development would have no significant impact on cumulative levels at the property 3 Lybster Road also referred to as 'Hill of Lybster'. Furthermore, the applicant confirmed that the occupier of the property will indeed have a financial involvement in the development. The applicant has suggested that predicted levels at the other identified noise sensitive property, 'Crosskirk D' are so low that they may not be distinguishable from background. This may be the case, however, for future reference, it would still be useful to have calculated limits at his property. The likelihood of complaints at these levels and the need for compliance monitoring is low. In addition, one of the standard conditions requires applicants to submit a noise mitigation and monitoring plan in the event of complaints. It also advises that this should incorporate a proxy monitoring location in respect of Crosskirk D. As such no further objections have been raised to the development subject to standard wind farm conditions being

attached to any consent which limits noise levels as per Table 3 of the applicant's email and to no more than 40dB LAeq 1hr within any office building at the neighbouring Forss Business Park.

5.2 **Flood Risk Management Team** do not object to the application and have no further comment to make.

5.3 **Historic Environment Team (Archaeology)** do not object to the proposed development. It agreed with Historic Environment Scotland's assessment of the original proposal which would have unacceptable impacts on the designated monument Crosskirk, St Marys Chapel and broch S of Chapel Pool (SM90086). However, the amended design means that it will be possible to limit direct impacts to the historic environment assets to an acceptable range. Should it be considered the impacts on the scheduled monument can be addressed then mitigation should be secured through planning condition. This should include an Archaeological Programme of Works and a Heritage Interpretation and Access Plan that details historic sites within and/or adjacent to the site, embedded mitigation and the watching brief near a shieling site.

5.4 **Transport Planning** do not object to the application subject to conditions to secure further detail and agreement on matters related to the development's impact on Council maintained roads, including access on to and from the public road; general construction traffic; abnormal loads; a Construction Traffic Management Plan; Road Mitigation Schedule of Works; and, a Section 96 Wear and Tear Agreement.

5.5 **Historic Environment Scotland (HES)** originally objected to the application given the potential for significant adverse impacts on the setting of Crosskirk, St Marys Chapel and broch S of Chapel Pool (Scheduled Monument, SM9086 and PIC). These affects will have an adverse effect on the integrity of the setting of this scheduled monument to the extent that it would affect our ability to understand, appreciate and experience it. HES consider that the proposal is not in line with paragraph 145 of Scottish Planning Policy (SPP, 2014) and raised issues of national importance warranting HES's objection. To reduce the impacts on the setting of Crosskirk, St Marys Chapel and broch S of Chapel Pool to an acceptable level then this would likely involve the deletion of relocation of the northernmost proposed turbine (T8). The applicant was subsequently amended to remove T8, as such HES withdrew their objection.

5.6 **Ministry of Defence (Defence Infrastructure Organisation)** do not object to the application subject to pre-commencement conditions being attached to any permission to secure appropriate aviation lighting and data regarding exact turbine and anemometer siting, construction and operation commencement dates, as well as final structure heights.

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

5.8 **NatureScot** do not object subject to application. It welcomes the updated collision risk modelling for greylag geese in predicted collision mortality for

greylays and therefore are satisfied that this proposal will not adversely affect the integrity of Caithness Lochs and Special Protection Area (SPA). In terms of the North Caithness Cliffs and Caithness and Sutherland Peatlands SPA, it advises that it is unlikely that the proposed development would be adversely affected by the proposal. NatureScot also confirmed that an Appropriate Assessment is not required as the proposal is unlikely to have a significant effect on any qualifying interests either directly or indirectly on these SPAs.

5.9 **Scottish Environment Protection Agency (SEPA)** do not object subject to the application and had no comments to make.

5.10 **Scottish Water** do not object to the application.

5.11 **Transport Scotland** do not object subject to conditions to secure information regarding abnormal loads including route and accommodation measures along the trunk road network, and information regarding construction traffic and traffic management including construction materials, additional signage and temporary control measures in relation to the trunk road network.

6. DEVELOPMENT PLAN POLICY

The following documents comprise the adopted Development Plan are relevant to the assessment of the application.

6.1 National Planning Framework 4 (NPF4) (2023)

The NPF4 policies of most relevance to this proposal include:

Policy 1 - Tackling the Climate and Nature Crises
Policy 2 - Climate Mitigation and Adaptation
Policy 3 - Biodiversity
Policy 4 - Natural Places
Policy 5 - Soils
Policy 7 - Historic Assets and Places
Policy 10 - Coastal Development
Policy 11 - Energy
Policy 13 - Sustainable Transport
Policy 22 - Flood Risk and Water Management
Policy 23 - Health and Safety
Policy 25 - Community Wealth Benefits
Policy 26 - Business and Industry
Policy 33 - Minerals

6.2 Highland Wide Local Development Plan 2012

28 - Sustainable Design
29 - Design Quality and Place-making
30 - Physical Constraints
31 - Developer Contributions
36 - Development in the Wider Countryside
41 - Business and Industrial Land
42 - Previously Used Land
49 - Coastal Development

53 - Minerals
54 - Mineral Wastes
55 - Peat and Soils
56 - Travel
57 - Natural, Built and Cultural Heritage
58 - Protected Species
59 - Other important Species
60 - Other Importance Habitats
61 - Landscape
63 - Water Environment
64 - Flood Risk
66 - Surface Water Drainage
67 - Renewable Energy Developments
- Natural, Built and Cultural Heritage
- Other Species and Habitat Interests
- Landscape and Visual Impact
- Amenity at Sensitive Locations
- Safety and Amenity of Individuals and Individual Properties
- The Water Environment
- Safety of Airport, Defence and Emergency Service Operations
- The Operational Efficiency of Other Communications
- The Quantity and Quality of Public Access
- Other Tourism and Recreation Interests
- Traffic and Transport Interests

72 - Pollution
77 - Public Access

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

"A strong, diverse and sustainable economy characterised as being an internationally renowned centre for renewable energy, world class engineering, land management and sea based industries and a tourist industry that combines culture, history, adventure and wildlife" as an employment vision.

It also sets out that Caithness is well placed to take advantage of renewable energy, however it recognises that the industry may put pressure on the road network. The Council should insure there is no net degradation to infrastructure for these projects.

The proposed site is identified within the CaSPlan as an Economic Development Area – Forss Business & Energy Park with the potential to provide further support to the decommissioning of Dounreay and the growth of the renewable energy industry.

The CaSPlan also identifies Special Landscape Areas within the plan area.

6.4 **Highland Council Supplementary Planning Policy Guidance**

Construction Environmental Management Process for Large Scale Projects (August 2010)
Developer Contributions (March 2018)

Flood Risk and Drainage Impact Assessment (Jan 2013)
Highland Historic Environment Strategy (Jan 2013)
Highland's Statutorily Protected Species (March 2013)
Highland Renewable Energy Strategy and Planning Guidelines (May 2006)
Managing Waste in New Developments (March 2013)
Onshore Wind Energy: Interim Supplementary Guidance (March 2012)
Physical Constraints (March 2013)
Public Art Strategy (March 2013)
Special Landscape Area Citations (June 2011)
Standards for Archaeological Work (March 2012)
Sustainable Design Guide (Jan 2013)

6.5 **Onshore Wind Energy Supplementary Guidance (OWESG) (2016)**

6.6 The Onshore Wind Energy Supplementary Guidance (OWESG) provides additional guidance on the principles set out in HwLDP Policy 67 for renewable energy developments. The Guidance sets out the Council's agreed position on onshore wind energy matters, and, although reflective of Scottish Planning Policy at the time of its adoption prior to the adoption of NPF4, the document remains an extant part of the Development Plan and is therefore a material consideration in the determination of onshore wind energy planning applications. Nevertheless, the Spatial Framework included in the document is no longer relevant to the assessment of applications as in effect, the policies of NPF4 (specifically Policy 11, Energy) removes Group 2 Areas of significant protection from consideration by effectively making all land in Scotland either Group 1 Areas where wind farms will not be acceptable, or Group 3, Areas with potential for wind farm development.

6.7 The OWESG also contains the Loch Ness Landscape Sensitivity Study, the Black Isle, Surrounding Hills and Moray Firth Coast Sensitivity Study, and the Caithness Sensitivity Study which the site falls within.

6.8 **Other Highland Council Guidance**

6.9 The Flow Country Candidate World Heritage Site Planning Position Statement (Apr 2023)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Onshore Wind Energy Policy Statement (2022)

Draft Energy Statement and Just Transition Plan (2023)

Scottish Energy Strategy (2017)

2020 Routemap for Renewable Energy (2011)

Energy Efficient Scotland Route Map, Scottish Government (2018)

8. PLANNING APPRAISAL

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

Determining Issues

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

Planning Considerations

8.3 The key considerations in this case are:

a) compliance with the development plan and other planning policy
b) energy and economic benefits
c) construction
d) roads, transport and access
e) water, flood risk, drainage and peat
f) natural heritage including ornithology
g) built and cultural heritage
h) design, landscape and visual impacts
i) noise and shadow flicker
j) aviation
k) other material considerations

Development plan/other planning policy

8.4 The Development Plan comprises National Planning Framework 4 (NPF4), the adopted Highland-wide Local Development Plan (HwLDP), the adopted Caithness and Sutherland Local Development Plan (CaSPlan), and all statutorily adopted supplementary guidance.

8.5 NPF4 forms part of the Development Plan and was adopted in February 2023. The Spatial Strategy sets out that we are facing unprecedented challenges and that we need to reduce greenhouse gas emissions and adapt to future impacts of climate change. It sets out that that Scotland's environment is a national asset which supports out economy, identity, health and wellbeing. It also sets out that choices need to be made about how we can make sustainable use of our natural assets in a way which benefits communities. The spatial strategy reflects legislation in setting out that decisions require to reflect the long-term public interest. However, in doing so it is clear that we will need to make the right choices about where development should be located ensuring clarity is provided over the types of infrastructure that needs to be provided and the assets that should be protected to ensure they continue to benefit future generations.

8.6 NPF4 Policies 1, 2, and 3 apply to all development proposals Scotland-wide, which means that significant weight must be given to the global climate and nature crises when considering all development proposals, as required by NPF4 Policy 1. Specific to this proposal, as well as the support in Policy 1 (significant weight will be given to the global climate and nature crisis when considering development), NPF4 Policy 11 supports all forms of proposals for renewable, low-carbon and zero emission technologies including wind farms. Critical to the consideration of this proposal is NPF4 Policy 11, part f) which establishes that although consents for development proposals may be time limited, areas identified for wind farms are however to be suitable for use in perpetuity.

8.7 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.

8.8 The Onshore Wind Energy Policy Statement supersedes the previously adopted Onshore Wind Energy Policy Statement which was published in 2017. The document sets out a clear ambition for onshore wind in Scotland and for the first time sets a national target for a minimum level of installed capacity for onshore wind energy, 20GW. This is set against a currently installed capacity of 8.7GW. Therefore, a further 11.3GW of onshore wind requires to be installed to meet the target. It is however acknowledged that targets are not caps. In delivering such a target Scotland would play a significant role in meeting the requirement of 25-30GW of installed capacity across the UK identified by the Climate Change Committee.

8.9 The extension of the wind farm will contribute towards meeting onshore renewable energy targets with NPF4 making it clear that wind farms are expected to be suitable for use in perpetuity. The principle of the development is in conformity with the Development Plan and other national guidance.

Highland-wide Local Development Plan

8.10 The principal policy for assessing Renewable Energy developments within the LDP is HwLDP Policy 67 (Renewable Energy). Policy 67 sets out that renewable energy development should be well related to the source of the primary renewable resource needed for its operation. Proposals are required to be judged according to their contribution in meeting renewable energy targets and positive/negative effects on the local and national economy as well as against all other relevant policies of the Development Plan and other relevant guidance. In that context, the policy states that the Council will support proposals where it is satisfied, they are located, sited, and designed such as they will not be significantly detrimental overall, either individually or cumulatively with other developments. Such an approach is consistent with

the concept of Sustainable Design (Policy 28) and the concept of supporting the right development in the right place at the right time.

Area Local Development Plan

8.11 The Caithness and Sutherland Local Development Plan (CaSPlan) is the Area Local Development Plan covering the application site. Area LDPs, including the CaSPlan itself, do not contain any specific land allocations related to the proposed type of development. Paragraph 74 of the CaSPlan sets out that the Special Landscape Area boundaries have been revised for the CaSPlan area to ensure 'key designated landscape features are not severed and that distinct landscapes are preserved.' The boundaries set out in the CaSPlan are supported by a background paper that includes citations for each of the Special Landscape Areas. As mentioned, NPF4 Policy 4 (as referred to in Policy 11), as well as HwLDP Policies 28, 57, 61, and 67 of the HwLDP seek to safeguard these regionally important landscapes. The impact of this development on landscape is primarily assessed in the Design, Landscape and Visual Impact section of this report (Paragraphs 8.60 – 8.85), however the impacts on SLAs have been scoped out of the assessment.

Onshore Wind Energy Supplementary Guidance

8.12 The Council's Onshore Wind Energy Supplementary Guidance (OWESG) forms part of the Development Plan. It should be noted that the guidance does not provide additional tests to assess development proposals against over and above Development Plan policy. Rather, the guidance compliments policy by ensuring a consistent and robust methodology is adopted in the assessment of all applicable applications, in particular (although not exclusively) for consideration of landscape and visual impacts. In that way, the guidance provides a clear indication of the approach the Council takes towards the assessment of proposals.

8.13 The Spatial Framework included in the OWESG is no longer relevant to the assessment of applications as in effect, the policies of NPF4 (specifically Policy 11, Energy) removes Group 2 Areas of significant protection from consideration by effectively making all land in Scotland either Group 1 Areas where wind farms will not be acceptable, or Group 3, Areas with potential for wind farm development as noted in paragraph 6.6.

8.14 In this instance the site falls within an area designated as Group 3 - 'Area with potential for wind farm development'. The OWSEG identifies the nearest Group 1 ('area where windfarms will not be acceptable') area is Kyle of Tongue NSA, approximately 32km to the west, which is designated by virtue of being National Scenic Areas. The closest group 2 ('area of significant protection') and an area where windfarms will no longer be acceptable is approximately 1km north east at Crosskirk and 1.2km north east of the proposed site - Ushat Head Special Area of Scientific Interest (SSSI). Ushat Head SSSI is designated for its species-rich maritime heath communities in a mosaic with maritime grassland. Heathers and creeping willow Salix repens are the main dwarf shrubs. The rare Scottish primrose Primula scotica and small-fruited yellow sedge Carex viridula are found at Ushat Head SSSI.

Roseroot Sedum rosea and kidney vetch Anthyllis vulneraria are abundant, along with the maritime species, spring squill Scilla verna, sea campion Silene uniflora and sea plantain Plantago maritima.

8.15 The OWESG also provides strategic considerations that identify sensitivities and potential capacity for windfarm development called the Landscape Sensitivity Appraisals (LSA). The Black Isle, Surrounding Hills and Moray Firth Coast Sensitivity Study, along with the Caithness Sensitivity Study were published in 2017, and now form an integral part of the statutorily adopted OWESG.

8.16 The proposal is located within area CT9 North Caithness, which is a Landscape Character Type (LCT) of Farmer Lowland Plain. The guidance highlights the broad low-lying character allows for key views, these are typically wide views within and across this landscape, but few scenic views. There are high viewpoints located on the A836 at Melvich and east of Srabster Hill. Sea views are open and expansive from the north coast between Mey and Melvich. It identifies the A9, A99, A836 as key routes. The North Coast Railway line is also identified as key route between Forsinard and Scotscalder. The Orkney Ferries (Scrabster and Gills Bay) are identified as key routes but lie outwith the Landscape Character Area (LCA). The gateway is the high point at Scrabster Hill on the A836 with views to Dunnet Head and distant Orkney Islands. It advises there is limited scope for large scale turbine development. There is some scope for medium, small and micro turbine development. It sets out that turbines should be single or in small groups, with turbines set back from the boundary with the Sweeping Moorlands and Flows LCT to maintain the clarity of the transition between LCTs and avoid unnecessary cumulative effects. Any development should avoid cumulative impacts along routes and around settlements. The heights and numbers should be chosen to reflect the balance of development within the farmed basin so that no one development dominates.

Onshore Wind Energy Policy Statement (2022) and Draft Energy Strategy and Just Transition Plan (2023)

8.17 The Onshore Wind Energy Policy Statement (OWEPS) supersedes the previously adopted Onshore Wind Energy Policy Statement that was published in 2017. The document sets out a clear ambition for onshore wind energy generation in Scotland and for the first time sets a national target for a minimum level of 20GW of installed onshore wind capacity. There is currently an installed capacity of 8.7GW in Scotland, which means that a further 11.3GW of onshore wind is required to meet the target. It is, however, acknowledged that targets are not caps but in delivering this target, Scotland would contribute the lion share of the identified 25-30GW requirement of installed capacity across the UK, as identified by the Climate Change Committee.

8.18 To deliver the ambition, a sector deal for onshore wind energy is being progressed. The detail of this is yet to be published.

8.19 Like the previous iteration of the Onshore Wind Energy Policy Statement, the document recognises that balance is required and that no one technology can allow Scotland to reach its net zero targets. The document is clear that in achieving a balance, environmental and economic benefits to Scotland must be maximised. In taking this approach, this echoes Scotland's Third Land Use Strategy.

8.20 The document also recognises that there may be a need to develop onshore wind energy development on peat. As there is no peat on the proposed site, no mitigation is required and impacts on peat are therefore scoped out.

8.21 Benefits to rural areas, such as provision of jobs and opportunities to restore and protect natural habitats, are also highlighted in the document. The proposed development would lead to such benefits being delivered. However, the scale of the benefits are not demonstrably greater that those one would expect on any such single wind turbine development.

8.22 Additionally, the document acknowledges that in order for Scotland to achieve its climate targets and the ambition for the minimum installed capacity of 20GW by 2030, the landscape will change, which relates the document to landscape and visual impacts. However, the OWEPS also establishes that the right development should happen in the right place.

8.23 Echoing NPF4, the document sets out that significant landscape and visual impacts are to be expected and that where the impacts are localised and / or appropriate mitigation has been applied the effects will be considered acceptable. As set out in the Landscape and Visual Impacts section of this report (Paragraphs 8.60 – 8.85) it is considered that the effects from the proposed development are localised with appropriate mitigation applied and as such is considered acceptable.

8.24 Finally, the document considers some of the wider benefits and challenges faced by in delivery of ambition and vision for onshore wind energy in Scotland. These include shared ownership, community benefit, supply chain benefits, skills development and financial mechanisms for delivery. Technical considerations are also highlighted, those relevant to this application have been considered along with mitigation proposals.

8.25 As the Draft Energy Strategy and Just Transition Plan is only at draft status, limited weight can be applied to it. Unsurprisingly, the material on onshore wind energy is in large part reflective of that contained in NPF4 and the Onshore Wind Energy Policy Statement 2022. A fundamental part of the Strategy is expanding the energy generation sector to recognise the need to meet our energy demand without reliance on fossil fuels. The draft Energy Strategy forms part of the new policy approach alongside the OWEPS and NPF4 and confirms the Scottish Government's policy objectives and related targets reaffirming the crucial role that onshore wind and enabling transmission infrastructure will play in response to the climate crisis, which is at the heart of all these policies.

Energy and Socio-Economic Benefits

8.26 The Highland Council continues to respond positively to the Government's renewable energy agenda. Installed onshore wind energy developments in Highland account for around 30% of the national installed onshore wind energy capacity, with a substantial number of onshore wind farm applications pending consideration at present. The Onshore Wind Energy Policy Statement supersedes the previously adopted Onshore Wind Energy Policy Statement which was published in 2017. The document sets out a clear ambition for onshore wind in Scotland and for the first time sets a national target for a minimum level of installed capacity for onshore wind energy, being 20 GW. This is set against a currently installed capacity of 9.4 GW (June 2023). Therefore, a further 10.6 GW of onshore wind requires to be installed to meet the target. It is however acknowledged that targets are not caps.

8.27 In delivering such a target Scotland would play a significant role in meeting the requirement of 25-30 GW of installed capacity across the UK identified by the Climate Change Committee. While The Highland Council has effectively met its own target, as previously set out in the Highland Renewable Energy Strategy, it is acknowledged that such targets are not a cap and may be exceeded. Equally, however, the Council recognises the balance that is called for in both national and local policy and it remains the case that there may be areas of Highland capable of absorbing renewable developments without significant effects.

8.28 Forss III has an indicative maximum capacity of 2.5MW which is not considered to make a significant contribution to Scottish and UK Government policy targets and international commitments for renewable energy and electricity generation. It is anticipated that the proposed development would 'pay back' the carbon emissions associated with its construction and operation within approximately 1 year of operation, saving an estimated 3,973 tons of CO_2 every year compared to fossil fuel mix electricity production.

8.29 In terms of economic benefits, the proposed development anticipates a construction period of 12 months, grid connection, and 30 years of operation prior to several months of decommissioning. Such a project has potential to offer some investment / opportunities to the local, Highland, and Scottish economies including for businesses ranging across construction, haulage, electrical and service sectors through the supply chain, with opportunities in research and development, design, project management, civil engineering, component fabrication / manufacture, installation, and maintenance. The applicant is committed to utilising the local supply chain wherever possible. The largest spending proportion is expected to be on turbine procurement, transport, and installation related contracts, followed by balance of plant, grid connection, and pre-construction. It is not considered that the proposed development would have a significant contribution to employment opportunities within the local area. Nevertheless, it has the potential to sustain employment at the Forss Business and Energy Park.

8.30 The Applicant notes that the development has potential to generate a range of economic and social effects and opportunities for local businesses, most notably employment opportunities and local spending. However, it is not considered that the proposed development would have a significant contribution to employment opportunities within the local area. During construction works it is anticipated the development could support up to 5 staff per day.

8.31 Based on the BiGGAR Economics report commissioned by RenewableUK50, onshore wind Capital Expenditure (CAPEX) is £1.32 million per megawatt (MW) on average. On the basis that the Development will comprise of 1 turbine, with a 2.5MW generation capacity, resulting in a total CAPEX of £3.3 million would be expected. The BiGGAR Report estimates that, of these construction costs, regional expenditure would be 12% (in this case Highland); national expenditure would be 36% (Scotland); and UK expenditure would be 47%. 53% of construction costs will be spent out with the UK.

8.32 In relation to NPF4 Policy 11 Energy, part c) which requires proposals to maximise socio-economic benefit. The socio-economic benefits such as employment, associated business and supply chain opportunities associated with this proposal would be consistent with NPF4 Policy 11 part c) with this being reflective of recent appeal decisions where Reporters have clarified that there are considerable supply chain benefits associated with onshore wind farms.

8.33 Prior to the publication of NPF4, Council policy and practice was for community benefit to be considered separately and outwith the planning application determination process. The effect of introducing NPF4 Policy 11 and, in particular paragraph c) relating to the need for energy development to maximise socio-economic benefits of which community benefit forms a part, means that this is now material to the determination of an application. Additionally, NPF4 Policy 25 provides support for development that is consistent with local economic priorities and where they contribute to local and/or regional community wealth building strategies. The Council is currently in the process of developing its priorities, along with partners, through the Highland Outcome Improvement Plan and the work on production of a community wealth building strategy that is under way. This work will set a strategic framework along with identifying many of the local priorities and projects to promote and encourage economic activity and retain wealth within the Highland area. The ongoing Local Place Plans initiative will likely identify other opportunities. While many opportunities are likely to be identified locally, there will be a need to consider the opportunities available from a strategic perspective to ensure that communities across all of Highland benefit. Community benefit will be expected to form part of that strategic consideration.

8.34 The Council has commissioned a study on what maximising benefits from development might look like with the intention of providing further guidance. Whether what is on offer, while not without merit, can be said to be considered as maximising socio-economic benefit, particularly for the wider Highland area will need to be an area for further discussion with the applicant, and conditions

could be imposed to secure the socio-economic benefits reported in the EIAR and subsequently revised Planning Statement (2023), as well as a scheme for community benefit.

8.35 In this case the applicant is committed to contributing £5,000 per MW of installed capacity to a community fund. This will result in an annual value of approximately £12,500 per year. With a 30-year operational period, this will provide approximately £375,000 in community benefit. In line with Council policy and practice, community benefit considerations are undertaken as a separate exercise and generally parallel to the planning process, albeit that in this regard the proposals receive a degree of support under the NPF4 Policy 11 and 25 which relates to maximising economic benefit and Community Wealth Building.

Construction

8.36 There are likely to be some adverse impacts caused by construction traffic and disruption, which are most likely to be within the service sector particularly during the construction phase when abnormal loads are being delivered to site, this has been highlighted in the representations. It is anticipated that the construction period for the development would take 12 months. Working hours on site would usually be restricted to be 07.00 – 19.00 Monday to Friday, 08.00 – 13.00 on Saturday with no Sunday or Bank Holiday working. Working hours can be secured via planning conditions, however component delivery and turbine erection may take place outwith these hours. Given the location of the development and lack of proximity to properties that do not have a financial interest this is considered acceptable. It is recommended that the applicant continues to keep noise to a minimum on the site and a construction noise assessment will be required as part of the Construction Environment Management Document. Construction updates should be provided to residents within an agreed distance to the site, this should be set out within the Construction Environmental Management Document.

8.37 The project anticipates the deployment of a Construction Environmental Management Plan (CEMP) in association with the successful contractor engaged. This should include a site-specific environmental management procedures which can be finalised and agreed through appropriate planning conditions with the Planning Authority and relevant statutory consultees. Such submissions are expected to be “plan based” highlighting the measures being deployed to safeguard specific local environmental resources and not simply re-state best practice manuals. Due to the scale of the development SEPA will control pollution prevention measures relating to surface water run-off via a Controlled Activities Regulations Construction Site Licence.

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

8.39 Developers must also 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, amongst other factors, which is enforceable via Environmental Health. The applicant has submitted a construction noise assessment that indicates predicted construction noise levels will be well below maximum permitted levels. It is also expected that the developer and contractors would employ the best practicable means to reduce the impact of noise from construction activities at all times.

8.40 The applicant has sought a micro-siting allowance of 25m. Micro-siting is acceptable within reason to address unforeseen onsite constraints, anything in excess of 25m may have a significant effect on the composition of this development due to the constrained nature of the site. Further if matters are identified during the application stage which require movement of infrastructure, it is considered that this is best addressed during the application stage rather than relying on micro-siting. A micro-siting limit of no more than 25m, shall be secured by condition.

8.41 It will be expected that the development will include other elements of carbon offsetting and biodiversity gains that will be established through a habitat management plan, secured through a planning condition.

Roads, Transport and Access

8.42 During construction the Proposed Development will be accessed from the A836 via the existing private access to the north side of the A836 that serves Forss Business and Energy Park. It is proposed that the existing junction will be upgraded prior to construction works.

8.43 The wind turbine components will be transported as abnormal loads from the Port of Scrabster, and that the potential access corridors for the Study Area can be defined as:

- The A9;
- The A836; and
- The Site entrance.

In order to construct the proposed development, bulk materials such as concrete and aggregate will be brought in from local suppliers from the south via the A836. The majority of the construction traffic will access the site from the east via the A836 and the south via the A9.

8.44 The Applicant provided an assessment of the development's impact on the surrounding road network during the construction, operation, and decommissioning phases, as well as an Abnormal Indivisible Load (AIL) Route Assessment from the Port of Entry to the site. The Study Area for the Traffic Assessment includes the routes between Scrabster Harbour and the A836 and the A9(T). The Applicant found that the likely effect using IEMA guidelines would be minor, non-significant effects along the road network. The Applicant did identify some potential significant traffic and transport effects on

receptors during the construction, operation and decommissioning of the Development. However, by applying the mitigation measures such as following best practice guidelines during construction through the implementation of a Construction Traffic Management Plan reduces the effects to minor and not significant.

8.45 Scrabster harbour has successfully accommodated turbine deliveries in the past. Temporary mitigation to the load road network out of this area may be required due to the size of the components being transported. A detailed up-to-date structural assessment of bridges, culverts and any other affected structures along the route would be required, in consultation with the Council's Structures Section, along with an unladen AIL run. Following on, a programme of Road Mitigation Schedule of Works should be agreed and carried out by the developer in consultation with the road's authorities. Full details can be included within the CTMD should the development be granted consent.

8.46 It is anticipated that the following traffic will require access to the site during construction works:

- Staff transport, either cars or staff minibuses;
- Construction equipment and materials, deliveries of machinery and supplies such as crushed rock and concrete; and
- Abnormal loads consisting of the wind turbine sections and also a heavy lift crane, transported to site in sectional loads.

During the 12 month period, it is predicted that there would be a total of 1,254 vehicle movements, resulting in an average of 48 vehicle movements per day. Concrete deliveries will not occur during this month. On days where concrete delivery occurs during months three and four on non-consecutive days, a maximum of 174 vehicle movements were expected for the two turbine development. As the amended proposal is for a 1 turbine development it is expected that the predicted transport movements will be significantly reduced.

8.47 There are no residual effects associated with the operational phase of the proposed development. Any effects during construction are reduced by mitigation proposals including a Construction Traffic Management Plan (CTMP). The operational and traffic associated with operation of the development is limited to maintenance and is expected to be insignificant in comparison to traffic generated during construction. General maintenance and site monitoring visits will likely be undertaken by car and LGV and can be expected to be in the region of up to three visits per day average. The effect of operational traffic is therefore expected to be negligible and not significant. It is considered that the traffic flows associated with the decommissioning works will be lower than those associated with the construction phase as elements of the proposed development may remain in-situ (such as cable trenches, access tracks, etc). Prior to decommissioning of the development, a traffic assessment would be undertaken, and appropriate traffic management procedures agreed with the relevant authorities at the time.

8.48 Both Trunk Road Authority and the Council Transport Planning Team has confirmed that development traffic can be accommodated on the road network, subject to conditions and a requirement for a legal agreement to

address “wear and tear” provisions. These will be consistent with current best practice.

8.49 The site, like most land in Scotland, is subject to the provisions of the Land Reform (Scotland) Act 2003. Although there are no significant recreational access resources within the proposed site boundary, there are a series of core path, rights of way, heritage path, hill tracks, cycle and other recreational routes within the study area. The most significant is the National Cycle Network (NCN) route 1 that runs on the Shebster Road to the south (from the east of Reay to Ormlie Road, Thurso) of the site and the core paths within 1.5km of the site (CA13.16, CA13.27, CA13.25 and HC36). There may be a need to restrict access to the site during construction works at key times. However, where feasible accesses should be made available for a wide variety of users during the construction phase. Access tracks to the proposed development should be accessible to a wide variety of users. All access gates should be “easy open” accesses and be unlocked to responsible access takers. To ensure access is provided throughout the construction period and that enhanced recreational access opportunities are provided during the operational phase, a Recreational Access Management Plan will be required. This will also be required to include details of signage to be included on the site to warn users of the paths within the wind farm of any hazards such as maintenance or potential ice throw during winter.

8.50 The Applicant considers that the site is of medium sensitivity for recreation and tourism as it contains two core paths (CA13.25 and CA13.27) and two tourism and recreational facilities (St Mary’s Chapel Scheduled Monument and Kaithness Clays) which are of importance at a local to regional level, and access to the neighbouring land will generally be available from other locations surrounding the site. Restricted access during construction would constitute a change of low magnitude and represent a minor, direct, short-term effects on receptors within the site and not significant. Any impacts will be mitigated through a Recreational Access Management Plan.

Water, Flood Risk, Drainage and Peat

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

8.52 The CEMP needs to be secured by planning condition to 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.

8.53 The proposed development site is not identified as being located within a flood risk area, as such the Council’s Flood Risk Management Team and SEPA have not raised any concerns regarding flooding.

8.54 The EIAR notes that there are no known private water supplies within a 2km radius of the proposed site. Scottish Water confirmed that the development does not lie within a designated Drinking Water Protection Area (DWPA).

8.55 The wider site is home to potential Ground Water Dependent Terrestrial Ecosystems (GWDTEs). The Applicant identified potential groundwater-depended NVC communities that have potential to be moderately or highly groundwater dependent. This included M25a (wet modified bog/heath) located to the west of the core study area, including a mosaic of M25a located to the northwest of the wider site. However, there would be no direct loss of this community as a result of the proposed development. Any indirect impacts on GWDTEs during the construction phase can be mitigated through good practice, design and construction outline in the CEMP. This includes, prior to access track construction, site operatives will identify flush areas, depressions or zones which may concentrate water flow. These sections will be spanned with plastic pipes or drainage matting to ensure hydraulic conductivity under the road and reduce water flow over the road surface during heavy precipitation. Other measures include silt traps, settlement lagoons, excavations dewatered etc. Resulting in the significance of effects being negligible and not significant.

8.56 As there is no known peat on site, a peat assessment was not required.

8.57 NPF4 sets out that proposals should contribute to the enhancement of biodiversity as such a Habitat Management Plan (HMP) is required to meet the provisions of NPF4. Details should also be provided for any follow up works required, to ensure success of any biodiversity enhancements. The finalisation of the HMP will be secured through the CEMP.

Natural Heritage including Ornithology

8.58 The Applicant has identified and assessed the development's likely impacts on designated sites, ornithology, protected species, and ecology. The development is not situated within any sites designated for ecological interests but is close to, and has potential connectivity with, a number of sites that are designated at national and international level. As there is potential for the proposal to impact connected sites designated at a European level (Caithness Lochs SPA, North Caithness Cliffs and Caithness and Sutherland Peatlands SPA), the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017. Consequently, the Scottish Government as the competent Authority is required to consider the impact of the proposal on Natura2000 sites through Habitats Regulations Appraisals (Appropriate Assessment). NatureScot has provided advice in relation to each of the Natura2000 sites including the likelihood of significant effects and subsequent mitigations that may be required, which is summarised below.

8.59 The qualifying interests of Caithness Lochs SPA that has the potential to be affected are non breeding greylag goose, non breeding Greenland white-

footed goose and non breeding whooper swan. The application site is located 6.8km to the north of the SPA and therefore lies within foraging range for both goose species and just outside core foraging range for whooper swan. Greylag geese were recorded foraging within 500m of the site therefore NatureScot advise that this proposal will have a likely significant effect on greylag geese. Despite the proposal being located within the core foraging range for Greenland white-fronted geese, only a single flock of 11 birds were recorded over 2km from the application site. Greenland white-fronted geese historically forage >500m from the application site. As the application site is located outwith the core foraging range for whooper swan NatureScot advise that no likely significant effect on this species would occur.

8.60 The EIA report stated that the mean predicted collision risk for greylag geese is 0.183 birds/year after avoidance. NatureScot advise that this level of additional mortality would not exceed a level expected to lead to a decline in the SPA greylag goose population. Furthermore, the amended proposal seen a reduction in collision risk for geylay geese from 0.386 birds/year after avoidance.

8.61 In terms of disturbance and displacement for foraging greylag geese NatureScot agrees with the EAR which considers that this will be limited to occasional and temporary disturbance of relatively low numbers of birds, and any displaced birds can be accommodated in the surrounding agricultural fields during construction works. NatureScot further advise that there will be little disturbance to foraging greylags during the operational phase.

8.62 The North Caithness Cliffs SPA is protected for its breeding sea birds and breeding peregrine falcon. The application site is located approximately 3 km to south-west and 4.7 km to the east of the North Caithness Cliffs SPA (at the closest points). NatureScot advise that the surveys undertaken in the 2020 EIAR identified several pairs of fulrmar nesting within 500m of the application boundary. As nesting pairs of fulmar were recorded nesting within 500m of the application site there may be a risk of disturbance from construction noise. NatureScot are in agreement with the 2020 EIAR which states that the risk of disturbance is very low given the current levels of background noise on the site. However, as construction work aims to be completed outwith the breeding bird season and if this is not possible then NatureScot are satisfied that the measures detailed in the breeding bird will ensure no disturbance occurs if works are undertaken during the breeding season. No other SPA species were recorded flying across the site or nesting within disturbance distance, therefore no significant effect has been concluded for these species.

8.63 The application site is located around 9.5km northeast of the Caithness and Sutherland Peatlands SPA. The SPA is protected for its important populations of moorland birds. The only SPA species within connectivity distance is black-throated diver, however the application site is located right on the edge of the foraging range for this species. No flight activity for black-throated diver was recorded which suggests any flights that may occur in this area would be low and infrequent. NatureScot therefore advise that this proposal will not have a

likely significant effect on black-throated diver and an appropriate assessment is therefore not required.

8.64 The updated Ornithology Report found that the revised proposal will result in a reduced collision risk from the original Collision Risk Modelling (CRM) stated in the 2020 EIA Report. Consequently, for all species, predicted collisions associated with the Amended Revised Development have decreased during the operational lifespan of the proposed wind turbine. Most notable Oystercatcher has the largest decrease with a predicted collision every 64 years, therefore unlikely to happen during the operational period of the turbine. The 2020 EIAR found that collision effects were not significant, as this has decreased further the findings are accepted as not significant. Similarly, it is not considered that there would be significant cumulative collision effects.

8.65 Third party concerns were raised by RSPB in relation to the ornithological impact assessment which didn't include a robust cumulative impact assessment. RSPB raised concerns that pink-footed geese have not been included in the collision risk model. However, are content that there will not be any significant impacts from this development on qualifying features of the Caithness Lochs SPA and North Caithness Cliffs SPA and that the construction and operation of the proposed 2 turbine wind farm is unlikely to significantly increase the total cumulative impact of wind energy on bird populations in Caithness to an unacceptable level. The EIAR stated that an estimated 1.68 ha of habitats will be lost, this has been reduced to 0.81 ha. Although the habitat to be lost is small-scale and has been reduced through the amended proposal, the site and its surrounding support breeding waders such as curlew, which could be displaced by the proposed infrastructure. Further habitat enhancement measures will be secured to support breeding and wintering wading birds within the Habitat Management Plan, away from turbine locations. Such actions could include retaining boggy ground and create new wet areas by drain blocking and scrape provision in selected areas. RSPB recommend this to provide breeding and feeding wader habitat away from turbine locations as they consider the proposed development to have a relatively significant level of impact on their steep population decline.

8.66 RSPB advise it is essential the embedded mitigation during the construction phase as described in the EIAR (i.e., timing of works to avoid the bird breeding season, pre-construction surveys for breeding birds and protection of nesting birds) is made a condition of planning consent due to the number of breeding birds within and in the vicinity of the site. This will help to avoid disturbance during the breeding season (April to July inclusive). In addition, an appropriately qualified and experienced Ecological Clerk of Works (ECoW) should be employed by the developer to oversee construction of turbines, tracks and other infrastructure and delivery of mitigation measures in order to minimise ecological impacts. Prior to the commencement of the development, details of the proposed ECoW should be submitted to and approved in writing by the planning authority.

8.67 RSPB also advise to enhance the natural heritage interest of the area via grassland management to enhance biodiversity and habitat enhancement for great-yellow bumblebee.

8.68 The EIAR includes an assessment of the impact on protected species, this included surveys for badger, otter, water vole and bats. The surveys report that no evidence of badger, otter or water vole were present within the survey area. Bat surveys were carried out through 3 different sessions between April and October 2019. The EIAR reports that only bat activity was recorded on site. This activity was considered to be very low. Bat activity included common pipistrelle, which is a common and widespread species in Scotland of moderate sensitivity to wind farm development. The remaining activity was attributed to Myotis sp., all species in this genus are of low sensitivity to wind farm development. No confirmed or potential roosts or hibernaculum were recorded within the site. Given the context of the existing site it is unlikely that the proposed development would have a significant impact on bats. However, any impacts on bats may still require a Protected Species License from NatureScot, which would be subject to the development passing the three licensing tests for protected species in the event the application is approved, it is unlikely that a license will be required.

8.69 No changes to singular or cumulative ecological effects have been identified as a result of the Amended Revised Development; and as such no significant effects will occur. Final Species Protection Plans (SPP) will be required which will include further preconstruction Protected Species Surveys would be required, along with an Ecological Clerk of Works (ECoW), as part of a CEMD condition. Surveys for legally protected species should be carried out at an appropriate time of year for the species and as close to the commencement of construction as possible, but no greater than 8 months preceding commencement of construction. A watching brief should then be implemented by the ECoW during construction. The ECoW's remit would include the authority to stop works where impacts on Protected Species are identified, as well as to oversee that works are undertaken in accordance with the CEMD and Schedule of Mitigation. Given the above, the development is not expected to have a detrimental impact on ecology.

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

Built and Cultural Heritage

8.71 The EIAR notes one nationally designated heritage feature within the Site (St Marys Chapel and broch S of Chapel Pool SM90086) and 20 non-designated features. It notes that the design has sought to avoid such features, as well as taken consideration of indirect effects to designations in the wider area. It also notes there is one archaeological feature, a broch, dating to the prehistoric period (SM90086) within the Core Study Area and another broch

and cairn to the west (SM554). Additionally, there are several undated records which could relate to prehistoric settlement including enclosures, longhouse and banks (MHG883, MHG903, and MHG53678, and MHG53679). The wider area of Caithness has a rich prehistoric history with known Mesolithic and Neolithic artefacts and features, especially concentrated along this northern coastline.

8.72 HES is in broad agreement with the conclusions presented within the EIAR at Chapter 11 (Archaeology and Cultural Heritage). The proposal would give rise to adverse impacts on the setting of the Crosskirk, St Marys Chapel and broch S of Chapel Pool (SM90086) and the Green Tullochs, broch and cairn 640m NNW of Borrowston Mains (SM554), with an impact of 'major' significance identified on the setting of the Crosskirk, St Marys Chapel and broch S of Chapel Pool (SM90086). We have included our detailed consideration of these impacts below.

8.73 Crosskirk, St Marys Chapel and broch S of Chapel Pool (SM90086) comprises the roofless remains of a chapel dedicated to St Mary (later used as two burial enclosures) lying within a square burial ground, together with the adjacent remains of a broch and outer defensive works that overlie an earlier promontory fort. It is a Property in Care of Scottish Ministers and is directly managed by Historic Environment Scotland as a visitor attraction. St Mary's Chapel was a dependent chapel within the parish of Reay and may date from the 12th century. In form, it resembles contemporary churches in Orkney and Scandinavia rather than those elsewhere in the Scottish Highlands, in its possession of separate nave and square-ended chancel. The walls of the chancel seem to have been largely reconstructed on the earlier foundations, possibly in 1871. The chapel was originally entered from the west through a door (now blocked) with inclined jambs. The present south door is probably modern and may replace an earlier window. The chancel arch is similar in form to the west door. The north wall of the nave seems to survive to its original height, some 2.5m above present ground level, but the west and south walls are less complete. The east and west gables of the nave show that it had a pitched roof. The walls are built of whinstone slabs irregularly coursed and those of the nave are approximately 1.25m thick. The burial ground is enclosed by stone walls, and the earliest dated stone to survive is inscribed 1692. The broch lay to the north of the burial ground and succeeded a promontory fort on the site. The remains were partly excavated between 1966-72 before demolition of the above-ground remains. The foundations and lower parts of the walls remain, though some has been lost to erosion. The dry-stone wall of the promontory fort (which had a ditch on its outer side) was accessed near its east end by an entrance passage with a possible guard cell on its west side. To the fort was subsequently added a broch, approximately 20m in diameter, entered from the east-southeast and with a guard cell on the north side. The walls, filled with earth and boulders, were approximately 5m thick, and contained the base of a stair and one further mural chamber. Further structures were later built outside the walls of the broch, and occupation probably continued until at least the 8th century. A Pictish symbol stone, now lost, has been found on this site. It is likely that the chapel was deliberately located close to the broch, as this is a pattern across northern Scotland.

8.74 The setting of the monument includes a direct relationship with the sea, the surrounding shelf of ground where the broch habitants and those that would have worshiped and would have been buried at the chapel would have farmed, and other contemporary monuments, such as the adjacent broch at Green Tullochs. The coastal and rural setting also contributes to spiritual aspects of the sense of place felt at the chapel. The current setting includes six existing turbines at the Forss Business and Technology Park, focused on the shoreline between the monuments and the summit of the Hill of Lybster. These already present an adverse impact on the setting of the monument, but it remains possible to appreciate the monument's setting and how this contributes to the monument's cultural significance.

8.75 This scheduled monument would have been located within the development site boundary and the subsequently removed turbine (T8). HES advised that T8 would have dominated over the chapel and broch and become a highly prominent feature within the monument's setting, both visually and audibly. T8 would diminish the relationship between the monument and the surrounding land as well as the chapel's sense of place. The existing turbines are considerably smaller and further away and consequentially have a considerably less of an impact.

8.76 HES previously objected to this application given the potential for significant adverse impacts on the setting of Crosskirk, St Marys Chapel and broch S of Chapel Pool (Scheduled Monument, Index no. 90086). HES considered that the impacts would have an adverse effect on the integrity of the setting of this scheduled monument to the extent that it would affect our ability to understand, appreciate and experience it. HES, therefore advised that the proposals were not in line with paragraph 145 of Scottish Planning Policy (Scottish Government, 2014) and raise issues of national importance. The applicant did do works with HES to try and mitigate the issue, however without the removal / relocation of Turbine 8 the effects cannot be mitigated.

8.77 HES's concerns were primarily derived from T8 which was located closest to the monument. Subsequent engagement between the applicant and HES lead to the submission of a proposal whereby the turbine height was reduced and the deletion of T8 from the scheme was proposed. HES responded indicating that the removal of T8 from the scheme would sufficiently mitigate the impact on the monument to a degree that would allow us them to withdraw their objection. The applicant has now removed T8 from the scheme, leaving T7 in a largely unaltered location. The amended proposal for a single turbine would be located approximately 580m southwest of the monument. When considered alongside the consented but as yet unbuilt turbine at Hill of Lybster it would have the effect of further encircling the monument, thus presenting an alteration to the character of the monument's surroundings. Whilst it is larger than the existing turbines on site, when viewed from the monument it would appear as if it was of similar scale to the existing turbines (as well as to the Hill of Lybster turbine) as it is located further away. Whilst this would have an adverse impact on the setting of the monument as it would detract from the ability to understand and appreciate the relationship between the monument and the surrounding lands and farms of those that built it, and for the chapel

those who worshipped at it and who buried their families there, the severity of this impact would no longer raise issues of national interest. HES therefore withdraw their objection.

8.78 The Council's Historic Environment Team (Archaeology) agreed with HES's findings and advised should planning permission be granted then conditions should be imposed. These include an Archaeological Programme of Works and a Heritage Interpretation and Access Plan as proposed mitigation to reduce any impacts on Cultural Heritage assets.

8.79 It is not anticipated that any other heritage assets would be significantly impacted, however given the predicted impact on Crosskirk, St Marys Chapel and broch S of Chapel Pool (Scheduled Monument, Index no. 90086), the proposal does not meet the threshold of Criterion 3 of the OSWESG, which requires development to not diminish the prominence of landmarks or disrupt their relationship to their setting.

Design, Landscape and Visual Impacts

8.80 The applicant has presented a number of submissions to illustrate the landscape and visual impact of the development both singularly and cumulatively with existing and consented windfarm developments. To this end, the EIAR and amended Planning Statement includes a description of the design process, along with assessments against Landscape Designations and Landscape Character Areas. A study area of 35km was assessed, however as the Zone of Theoretical Visibility (ZTV) of the proposed development is primarily contained within 15km the study area was reduced with all 18 viewpoints within 15km of the development. The expected bare earth visibility of the development can be appreciated from the ZTV to Blade Tip with Viewpoint Locations in the EIAR (Figures 6.2). These viewpoints are representative of a range of receptors including communities, recreational users of the outdoors, and road users. The viewpoints have been selected to represent visibility from landscape character types, landscape designations and principal visual receptors. These include points of specific importance such as recognised viewpoints, designated landscapes, settlements and routes.

8.81 The methodology for the Landscape and Visual Impact Assessment (LVIA) is sufficiently clear, being generally in accordance with the Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3), with the assessment's methodology being provided at EIAR Appendix 6A. As set out in para 3.32 of GLVIA 3 the "LVIA should always clearly distinguish between what are considered to be significant and non-significant effects." The applicant judges significant effects following the combination of judgements based on the Sensitivity of the Receptor as defined by the receptor's susceptibility against the importance of the view / landscape, which it distinguishes between national, regional, and local, against the Magnitude of Change. According to the definitions provided in the EIAR at Table A1.15 (Appendix 6A) in the submitted EIAR, impacts of High sensitivity / Large magnitude of change and Medium sensitivity / Medium magnitude of change correspond to significant effects. Whereas the other gradations of magnitude

of change and level of effect used in the assessment represent a continuum where the assessor has used professional judgement when gauging the level of effect. Those effects classified as Minor or Negligible and Negligible are considered to be Not Significant.

8.82 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.

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

Siting and Design

8.84 Chapter 3 of the 2020 EIAR sets out the reasons for the site selection, as well as the design evolution from the initial iteration through the Scoping stage in 2018, through the pre-planning application request for a development of up to 5 turbines in 2019 to the 2020 submission. The current design has evolved through negotiations with the Applicant due to consultation concerns, in particular from Historic Environment Scotland, resulting in a reduced scheme of 1 turbine.

8.85 The applicant was advised at the pre-application stage that the key considerations for the design process would be to mitigate the development's impacts on Natural, Built, and Cultural Heritage resources, residential and visual amenity. Significant concerns were raised in relation to the anticipated effects on Crosskirk St Marys Chapel and broch S of Chapel Pool and Green Tullochs broch and cairn. The site was selected after taking into consideration a number of issues such as the cumulative developments, grid connection, access, environmental designations, landscape designations, wind speed and visual receptors. This process resulted in the site being selected as having potential for further wind development with minimal environmental constraints.

8.86 Although there are no protected areas designated for nature conservation, landscape quality, or cultural heritage within the site, there is in proximity. These designated areas lie within the study area and have been considered as they may be affected due to potential visibility of the proposed development. The nearest residential receptors are located approximately 500m to the southeast of the site. This property is financially involved; therefore the next closest residential property (Borrowstone Mains) is located approximately 810m southwest of Turbine 7. The site is also located relatively close to the existing road network and would be visible from a range of angles

from this network. The applicant has also advised that the grid connection will be via underground cabling, albeit that this connection does not form part of the planning application.

8.87 The site is fairly flat, with the highest point to the south which lies approximately 53mAOD, from here the land slopes gently down to the north and along the coastal cliff tops lying at approximately 15mAOD. The site currently comprises of six turbines and associated infrastructure. The nearest cumulative wind turbine is at Hill of Lybster turbine (ref. 20/01655/FUL). The site itself is relatively small, constrained by land availability / ownership. It is considered that the proposal has been designed as an extension to the existing Forss I and II wind farms through the reduced scheme.

8.88 The EIAR bases the design principles on an environmental assessment process, taking into account potential environmental, landscape and visual impacts and their effects, physical constraints, and health and safety considerations while maximising the generating capacity. The layout has, were possible, been designed to avoid habitats of highest ecological importance and with the highest sensitivity to impacts.

8.89 The site is located within an 'area with potential for wind farm development' as defined by The Highland Council OWESG. Across the immediate landscape of the study area there are several distinctive groups of wind turbines/wind farms (outwith the site and adjacent to) with heights ranging from Limekiln with 149.9m to tip and Ballie 115m.

8.90 It has become increasingly important to consider the context in which wind farm development is seen and subsequent cumulative effects. Of particular importance is how developments relate to each other in design and relationship to their surroundings; their frequency when moving through the landscape; and their visual separation to allow experience of the character of the landscape in between. Care and attention are therefore required regarding design, siting and location to avoid detrimental visual impacts. NatureScot's Siting and Designing Wind Farms in the Landscape Guidance notes that it can be particularly challenging to accommodate multiple wind farms in an area, and so advances windfarm design objectives of limiting visual confusion and reinforcing the appropriateness of each development for its location.

8.91 It is accepted that the design of the wind farm has had to balance landscape character and visual amenity; environmental constraints; topography and ground conditions; and technological and operational requirements. The applicant has explained for each viewpoint how the design has sought to address the receptor(s) at the viewpoint. It is not considered that the development has been appropriately designed to address the constraints of the area.

8.92 In this instance the proposed site is to extend the existing Forss Wind Farm I and II, contained within Forss Business and Energy Park and adjacent to the Hill of Lybster turbine with varying turbine heights (see paragraph 2.14) which could give rise to some visual impacts. The LVIA considers the varied height of the proposed wind turbine when compared to the existing Forss Wind

Farms I and II. It is worth noting that the Existing Forss Wind Farm already contains differing turbine heights and that the proposed Hill of Lybster turbine will provide further variation of heights. It is considered that in this sense the proposed development therefore reflects the of pattern of wind turbine development in the immediate area.

8.93 To that end the planning history of the site and wider area is of particular relevance to the assessment and demonstrates the acceptance of the principle of wind turbine development at the site. The adjacent site that has planning permission for the erection of a similar turbine (Hill of Lybster - refs. 20/01655/FUL and 17/04934/FUL - 99.5m overall height), this is an amended application from an earlier scheme (ref. 13/01191/FUL - 79m overall) whereby the height of the turbine was increased. The 2017 application was initially refused planning permission on visual impact and amenity grounds by the appointed officer. However, the proposal was subsequently approved on appeal at the Highland Council Local Review Body in June 2019.

8.94 The proposed turbine is evidently sited close to six existing Forss Wind Farm turbines to the north-west and one consented (Hill of Lybster) turbine to the east of the application Site. It is considered that the turbine location successfully integrates the proposal into the existing array having regard to factors including topography, landform whilst mitigating landscape and visual effects.

8.95 When viewed more broadly from all directions, the proposed turbine would be seen in combination with the existing turbines (Forss I, Forss II and Hill of Lybster); and given the distance between the proposed turbine and the existing turbines, even with the different scales of the turbines, it is considered to be a minor change in relative scale and proportions between the existing and consented turbines, particularly when viewed at a distance. Furthermore, there remains a strong visual association between turbine features, and they have a cohesive appearance from most viewpoints.

8.96 Viewpoint 1 (St Mary’s Chapel) demonstrates that the proposed turbine will in essence fill a gap, creating a more cohesive group of turbines. This is also the case from majority of views, with the proposal creating an improved scheme in terms of the design and layout of turbines, particularly when the view incorporates the approved Hill of Lybster turbine (ref. 20/01655/FUL). The visualisation demonstrate that the proposed development does create some jarring effects as a result of the difference in scale of the turbines. Any jarring visual effects are mostly localised to the view directed towards the cluster of turbines and have a negligible impact on the receptor’s appreciation of scale and distance in the wider landscape and coastal setting.

8.97 Viewpoints 1 (St Mary’s Chapel), 3 (Crosskirk) and 4 (Green Tullochs Broch) all demonstrate the visual effects from Core Paths within the site (CA13.27) and to the northeast of the site (CA13.25 and HC36), which are within around 160 m and 620 m respectively from the proposed turbine. Whilst there will be visual effects experienced from these paths, they are considered to be

acceptable given the distance to the core paths and the proposal will be viewed within the setting of turbines as demonstrated by the visualisations.

8.98 In respect of Transport and Cycle Routes the original EIAR (and Chapter 8 of the SEI submissions) identified that some significant effects would arise but again these are those closest to the proposed site. These have been reduced in significance following the removal of turbine T8 from the proposal. In that context it is considered that the proposal would not be significantly detrimental as demonstrated from Viewpoints 2 (A836 Lybster), 5 (A836 Bridge of Forss), 6 (A836 Balmore), 10 (A836 Buldoo) and 11 (A836 Thusater) on all located along the north of the A836 truck road that forms part of the North Coast 500 (NC500) tourist route.

8.99 With regard to the impacts upon the visual component of residential amenity these are considered by the Applicant. The assessment reviews the impacts having regard to the so-called 'Lavender test' which identifies the key test being whether the proposed wind turbine would have an overbearing effect and/or result in unsatisfactory living conditions which would lead to the property being regarded as an unattractive and unsatisfactory (as opposed to a less attractive) place in which to live. The assessment undertakes a detailed review in this regard taking account of the orientation of nearby dwellings relative to the proposed development and to other existing and consented wind turbines. In relation to each of the properties which has been assessed the level of visual effect was assessed.

8.100 It is considered that visual effects would result at 18 properties but that in each case the impacts would not breach the 'Lavender test' given the wider overall views and the change in views that would result from the proposed development. The development would add a single turbine to the existing baseline view (of 6 existing and 1 consented turbine) and the extent of any view would already experience wind turbines. The additional height of the proposed wind turbine when compared with the existing turbines would not create any undue overbearing impacts as demonstrated by the Viewpoints 2 (A836 Lybster), 3 (Crosskirk) and 5 (A836 Bridge of Forss) within the 2km study area. As such it is considered that the proposed development would not lead to unacceptable impacts.

8.101 In respect of visual impacts on the amenity of local residents the proposal would not create any significant detrimental impacts given the relationship of the proposed wind turbine to the existing and consented wind turbines in the area. Furthermore, the proposed development has sought to minimise such impacts by reducing the number of turbines.

8.102 In terms of landscape impacts, the site lies within the Farmed Lowland Plain Landscape Character Type (LCT) within an area of open settled rural character with large agricultural fields, wall boundaries, scattered housing and steading groups contributing to the settled character of the area, and which are accessed from a network of rural roads and the A836. Due to the landform and general absence of tall trees and woodland, any large-scale developments or tall structures are apparent from a wide area, but which are

nonetheless a subservient feature of the landscape, and when appropriately grouped have a localised landscape impact.

8.103 Generally, wind energy development is not favoured when adjacent to the coast even if it is considered that the vastness of the landscape may be capable of absorbing renewable energy, given the complexity of the receptors experience when the turbines are viewed along the coastline or with high cliffs. However, given the site history this proposal would be a contained renewable energy development within an existing cluster of turbines, it is therefore considered the additional turbine would not erode the general settled rural character or have a significant effect on the coastal landscape. Furthermore, the existing landscape area of the proposal contains development including the Business and Energy Park buildings near to the coastal edge, as well as the existing wind turbines forming the Forss Wind Farm I and II, and the consented Hill of Lybster turbine. The proposed turbine would therefore be contained within the existing group of landscape features and would not introduce a new development type within an otherwise undeveloped area.

8.104 It is considered that cumulative impacts would be minor as the proposal will not be new given the presence of existing and consented wind turbines which the proposed development would be sited within. It is considered to be of an appropriate scale, form and pattern for the site, forming an extension to existing wind turbine developments.

8.105 Consequently, the landscape and visual effects of the proposal are of an appropriate type and scale within an area of potential for windfarm development and is visually associated with the existing wind turbines within the general location.

Noise and Shadow Flicker

8.106 Predicted operational noise levels are expected to meet the derived noise limits. Environmental Health have confirmed they have no objection subject to an appropriate noise condition to ensure the target noise levels are either a simplified standard of 35dB LA90 at wind speeds up to 10m/s or a composite standard of 35dB LA90 (daytime) and 38dB LA90 (nighttime) or up to 5dB above background noise levels at up to 12m/s. Furthermore, noise arising from within the operational land of the sub-station, when measured and/or calculated as an LZeq, 5min, in the 100Hz one third octave frequency band must not exceed 30 dB, at noise sensitive premises and will be secured via a planning condition.

8.107 In terms of shadow flicker, it is not anticipated that this will be an issue for this development either individually or cumulatively given the location of the development in relation to properties.

Aviation

8.108 There are no unresolved objections with regard to aviation interests, with no outstanding concerns being raised by the Civil Aviation Authority, Highlands and Islands Airports Limited, Ministry of Defence or National Air Traffic

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

Other Material considerations

8.109 While concerns have been raised in relation to the public consultation events that were held by the applicant these were undertaking in line with the current legislation at the time for this type of application (Local Development).

8.110 There are no other material considerations.

Non-material considerations

8.111 The Planning Authority may only deal with matters that are relevant to the application that is under consideration as is presented and address matters within the control of the planning system. The matters raised below are not relevant to the consideration of this application and are outwith the control of the planning system**.**

Non-material considerations raised area as follows:

- Constraint's payments;
- High energy costs and fuel poverty;
- Surplus wind energy;
- Preference that wind energy should be located offshore; and
- Impact on property value and house values.

Matters to be secured by Legal Agreement

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

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 be situated in appropriate locations to operate successfully. Concerns had been raised to the original submission for 2 x 125m turbines, however following negotiations a revised proposal for 1 x 100m turbine was submitted. The project has the potential to contribute up to 2.5MW of renewable energy capacity towards Scottish Government targets and play a role in the route to a net zero Scotland. In addition, the development has potential to bring economic benefits to the area and to create new jobs.

9.2 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. As noted in this report, the amended design is considered to have been successful in bringing

general collective landscape effects on the local landscape composition, as received in locations in and around Forss, to within acceptable limits. While visual impacts remain from the majority of views, these are considered to be localised with these impacts are generally considered to be within acceptable limits.

9.3 Due consideration has been given to the policies set out in the Local Development Plan, principally Highland-wide Local Development Plan Policy 67 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 Policies 28 and 57. These policies draw on the range of subject specific policies as also contained within the HwLDP as listed in Paragraph 6.1 above. Given the above analysis, the application would accord with these Policies and the Development Plan.

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

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

10. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: Not applicable

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

10.4 Climate Change/Carbon Clever: If permitted the development would produce renewable energy.

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued N

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

1. The development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If

development has not commenced within this period, then this planning permission shall lapse

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. This planning permission shall expire and cease to have effect after a period of 32 years from the date when electricity is first exported from the approved wind turbine to the electricity grid network (the "First Export Date"). Upon the expiration of a period of 30 years from the First Export Date, the wind turbine shall be decommissioned and removed from the site, with decommissioning and restoration works undertaken in accordance with the terms of Condition 4 of this permission. Written confirmation of the First Export Date shall be submitted in writing to the Planning Authority within one month of the First Export Date.

   Reason: The proposed wind turbine has a projected lifespan of 30 years, after which its condition is likely to be such that it requires to be replaced, both in terms of technical and environmental considerations. This limited consent period also enables a review and, if required, reassessment to be made of the environmental impacts of the development and the success, or otherwise, of noise impact, species protection, habitat management and mitigation measures. The 32 year cessation date allows for a 2 year period to complete decommissioning and site restoration work.

3. No development shall commence until full details of the location, layout, external appearance, dimensions and surface materials of all control and/or substation buildings, welfare facilities, compounds and parking areas, as well as any fencing, walls, paths and any other ancillary elements of the development, have been submitted to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with these approved details.

   Reason: To ensure the final design uses materials that are suitable in terms of visual impact considerations.

4. No development shall commence until a draft Decommissioning and Restoration Plan (DRP) for the site has been submitted to, and approved in writing by, the Planning Authority. Thereafter:

   i. No later than 3 years prior to the decommissioning of the development, the draft DRP shall be reviewed by the Wind Farm Operator and a copy submitted to the Planning Authority for their written approval, in consultation with NATURESCOT AND SEPA; and
   ii. No later than 12 months prior to the decommissioning of the development, a detailed DRP, based upon the principles of the approved draft plan, shall be submitted

to, and approved in writing by, the Planning Authority, in consultation with NATURESCOT and SEPA.

For the avoidance of doubt, the DRP shall include the removal of all above-ground elements of the development, the treatment of ground surfaces, management and timing of the works, environmental management provisions and a traffic management plan to address any traffic impact issues during the decommissioning period. The detailed Decommissioning and Restoration Plan shall be implemented as approved.

Reason: To ensure that the decommissioning of the development and restoration of the site are carried out in an appropriate and environmentally acceptable manner.

5. No development shall commence until:

i. Full details of a guarantee, bond or other financial provision to be put in place to cover all of the decommissioning and Site restoration measures outlined in the Decommissioning and Restoration Plan approved under Condition 4 of this permission have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt the bond must be called upon by The Highland Council and be enforceable against the operator and landowner and / or leaseholder; and,

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

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

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

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

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

Each review shall be:

a) conducted by a suitably qualified independent professional; and

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

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

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

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

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

7. No development shall commence until a Construction Environmental Management Document (CEMD), in accordance with The Highland Council's Guidance Note on Construction Environmental Management Process for Large Scale Projects (August 2010) (as amended, revoked or re-enacted; with or without modification), has been submitted to, and approved in writing by, the Planning Authority (in consultation with other consultees as appropriate). The CEMD shall be submitted at least two months prior to the intended start date on site and shall include the following:

i. An updated Schedule of Mitigation (SM) drawing together all approved mitigation proposed in support of the application and other agreed mitigation (including that required by agencies and relevant planning conditions attached to this permission);

ii. Change control procedures to manage/action changes from the approved SM, CEMD and Construction Environmental Management Plans;

iii. Construction Environmental Management Plans (CEMPs) for the construction phase, covering:

a) Habitat and Species Protection, which shall include pre-construction Protected Species Surveys;
b) Pollution Prevention and Control;
c) Dust Management;
d) Noise and Vibration Mitigation;
e) Site Waste Management;
f) Surface and Ground Water Management;
    a. Drainage and sediment management measures from all construction areas including access track improvements; and,
    b. Mechanisms to ensure that construction will not take place during periods of high flow or high rainfall.
g) Water Course Management;
h) Public and Private Water Supply Protection Measures;
i) Emergency Response Plans; and,
j) Other relevant environmental management as may be relevant to the development.

iv. Special Study Area plans for:
    a. Species habitat identified within the Environmental Statement and/or raised by consultees; and,
    b. Any other specific issue identified within the Environmental Statement, Schedule of Mitigation and/or conditions attached to this permission;

v. Post-construction restoration and reinstatement of temporary working areas, compounds and borrow pits;

Thereafter, development shall be carried out in accordance with the approved Schedule of Mitigation, Construction Environmental Management Document and any Construction Environmental Management Plans approved thereunder.

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

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

- A description of all public roads likely to be affected by the various stages of the development and propose, as necessary, measures to mitigate the impact of development traffic.

- A description the preferred access route for abnormal loads from Port of Entry to the site. As necessary, the review shall include an assessment, in consultation with the Council's Chief Structural Engineer, of culverts and structures on any of the Council maintained sections of the route.

- The developer shall submit for the approval of the Planning Authority in consultation with the respective roads authorities a Construction Traffic Management Plan (CTMP) aimed at controlling and minimising the impact of construction traffic.

As a minimum, the formal CTMP shall include the following:

- Proposed measures to mitigate the impact of general construction traffic on the local road network following detailed assessment of relevant roads.

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

- A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period.

- A detailed protocol for the delivery of abnormal loads/vehicles, prepared in consultation and agreement with interested parties, including Highland Council, the Police and Transport Scotland.

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

- Measures to ensure that all affected public roads are kept free of mud and debris arising from the development.

Reason: To maintain safety for road traffic and ensure the structural integrity of the structures on the road is adequate to serve this development and to address the cumulative change in character of the existing road network as a result of this development and in the interests of road safety.

9. No works in connection with the development hereby approved shall commence unless an archaeological Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources

found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a Post-Excavation Research Design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

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

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

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

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

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

Reason: In the interest of aviation safety.

12. Prior to commencing construction of any wind turbine generators, or deploying any construction equipment or temporal structure(s) 50 metres or more in height (above ground level) the undertaker must submit an aviation lighting scheme for the approval of Highland Council in conjunction with the Ministry of Defence defining how the development will be lit throughout its life to maintain civil and military aviation safety requirements as determined necessary for aviation safety by the Ministry of Defence.

This should set out:

a) details of any construction equipment and temporal structures with a total height of 50 metres or greater (above ground level) that will be deployed during the construction of wind turbine generators and details of any aviation warning lighting that they will be fitted with; and
b) the locations and heights of all wind turbine generators and any anemometry mast featured in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the wind turbine generators; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

Thereafter, the undertaker must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the lifetime of the development.

Reason: To maintain aviation safety.

13. No development shall commence until a Drainage Impact Assessment (DIA) has been submitted to, and approved in writing by, the Planning Authority. The DIA shall include full details of all surface water drainage provision within the application site (which shall 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). The DIA shall show:

- how the SUDS has been designed to restrict surface water runoff from all new hardstanding to minimise erosion to existing watercourses;

- that the post-development runoff rate will be no greater than the pre-development runoff rate for all return periods up to the 1:200 year plus climate change flood events; and,

- details of the design of new and upgraded tracks, including floating tracks, along with proposed drainage details showing Natural Flood Management Techniques to:

    - retain the existing drainage network where possible;
    - reduce surface water runoff; and,
    - demonstrate that tracks will not be used as preferential runoff pathways.

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

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

14. The wind turbines electric housing buildings or above ground fixed plant shall not display any name, logo, sign or other advertisement (other than health and safety signage) unless otherwise approved in advance in writing by the Planning Authority.

Reason: To ensure that the wind turbine transformer do not adversely impact upon the character, integrity or general amenity of the application site, its setting or any special designations located close by.

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

i. the wind turbine hereby approved fails to supply electricity on a commercial basis to the grid for a continuous period of 6 months, then unless otherwise agreed, the wind turbine, along with any ancillary equipment, fixtures and fittings, shall, within 3 months of the end of the said continuous 6 month period, be dismantled and removed from the site and the surrounding land fully reinstated in accordance with this condition; or,

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

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

All decommissioning and reinstatement work required by this condition shall be carried out in accordance with the approved detailed

Decommissioning and Reinstatement Plan (DRP), or, should the detailed DRP not have been approved at that stage, other decommissioning and reinstatement measures, based upon the principles of the approved draft DRP, as may be specified in writing by the Planning Authority.

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

16. The cumulative noise level from the operation of the turbine shall not exceed the following criteria:

1. at the following named noise sensitive premises -

Receptor	Standardised Wind Speed at 10 m AGL, ms^{-1}							
	4	5	6	7	8	9	10	11
	Noise Limit, dB, $L_{A90,10min}$							
Crosskirk D	21.8	23.3	24.3	24.8	25.3	25.8	26.3	26.3
3 Lybster Road (Hill of Lybster)	31.9	33.4	34.4	34.9	35.4	35.4	36.1	36.2

and to no more than 40dB LAeq 1hr within any office building at the neighbouring Forss Business Park; and

2. Noise arising from within the operational land of the sub-station, when measured and/or calculated as an LZeq, 5min, in the 100Hz one third octave frequency band must not exceed 30 dB, at noise sensitive premises.

17. All wind turbines, buildings, masts, areas of hardstanding and tracks shall be constructed in the location shown on plan reference Figure 1.2 (Site Layout Plan 2023). Wind turbines, buildings, areas of hardstanding and tracks may be adjusted by micro-siting within the site. However, unless otherwise approved in advance in writing by the Planning Authority (in consultation with SEPA and NatureScot, micro-siting is subject to the following restrictions:

a. The wind turbine foundation shall not be positioned higher, when measured in metres Above Ordinance Datum (AOD), than existing ground levels.
b. No wind turbine, building, or hardstanding shall be moved more than 25m from the position shown on the original approved plans;
c. No access track shall be moved more than 25m from the position shown on the original approved plans or be located within areas of peat;
d. Micro-siting shall take place to avoid sensitive peatland habitat;
e. No micro-siting shall take place within areas hosting Ground Water Dependent Terrestrial Ecosystems;

f. No element of the proposed development should be located closer than 50m to the top of the bank of any watercourse; and
g. All micro-siting permissible under this condition must be approved in advance in writing by the Environmental Clerk of Works (ECoW).

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

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

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

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

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

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

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

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

20. Television Reception

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

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

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

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

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

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

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

the findings of the monitoring. Thereafter the development shall be completed in accordance with the approved details.

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

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

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

23. No later than 15 months after the Date of Final Commissioning of the development, a report demonstrating the project has met the minimum socio-economic benefit assumptions provided within the Environmental Impact Assessment Report (EIAR), received February 2022, for both the development's construction period and initial 12 month operational period, for both Highland and Scotland, shall be submitted for the written approval of the Planning Authority.

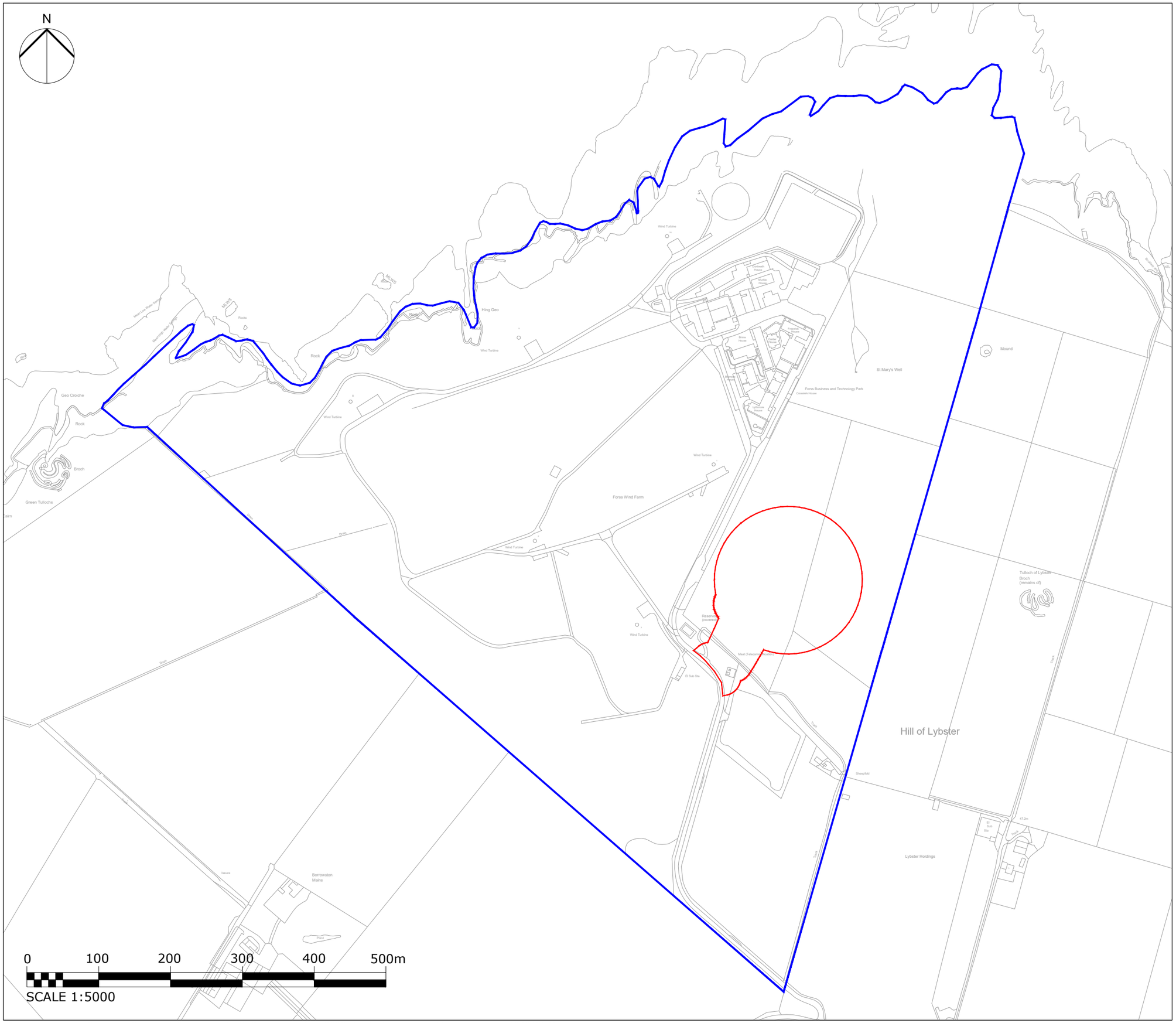
Where the report shows that projected socio-economic benefit has not achieved the assumptions in the EIAR, it shall include proposed measures to address, and compensate for any shortfall, to ensure that the economic assumptions for the development have been met. In the absence of any alternative actions, the Scheme for Community Benefit, as required by Condition 25, shall be enhanced accordingly to offset any detriment of economic impact.

Reason: In order to ensure compliance with NPF4 Policy 11c) and to maximise the local socio-economic benefits of the development to the wider local community**.**

24. Anytime between 3 months to 6 months prior to the Date of Final Commissioning of the development, details of a Scheme for Community Benefit shall be submitted for the prior written approval of the Planning Authority. This scheme, comprising a developer financial contribution, or alternative means of provision, shall be to the prevailing value required for onshore wind energy development in Highland, at the time of the developer applying to satisfy this condition. The scheme shall be used for projects across Highland directly related to infrastructure, supply chain development, support for business, including tourism and regeneration projects, skills and barriers to employment in Highland. The scheme shall be implemented as approved, and administered by The Highland Council, unless otherwise agreed in writing by the Planning Authority.

Reason: In order to ensure compliance with NPF4 Policy 11c) and to maximise the local socio-economic benefits of the development to the wider local community.

Signature:	Dafydd Jones
Designation:	Area Planning Manager - North
Author:	Claire Farmer
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 - 01 Site Location Plan
	Plan 2 - Figure 1.2 Site Layout Plan
	Plan 3 - Figure 2.1 Turbine Elevation Plan (SEI Report)



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ERM

KEY:

PLANNING APPLICATION BOUNDARY

LAND OWNERSHIP BOUNDARY

1:5000 Scale @ A3

Produced: RC Reviewed: EB Approved: EB	Ref: 3530-DR-P-0011-P1 Date: 27/09/23

Site Location Plan
Planning Drawing 01

Forss Wind Farm Extension Amendment To Single Wind Turbine (2023)

Site Boundary
Proposed Turbine
Access Track
Crane Hardstand and Laydown Areas
Earthworks
Substation
Turbine Foundation

0 20 40 60 80 100
Meters

N

SCALE: See Scale Bar	VERSION: A01
SIZE: A4	DRAWN: RJ
PROJECT: 3530	CHECKED:
DATE: 9/27/2023	APPROVED:

Site Layout Plan
Figure 1.2
Forss Wind Farm Extension Amendment to Single Wind Turbine (2023)

ERM

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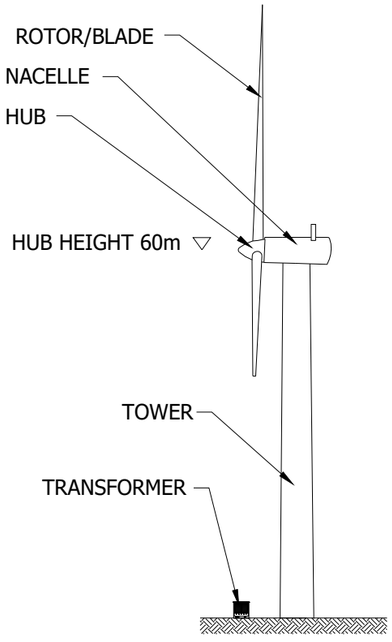
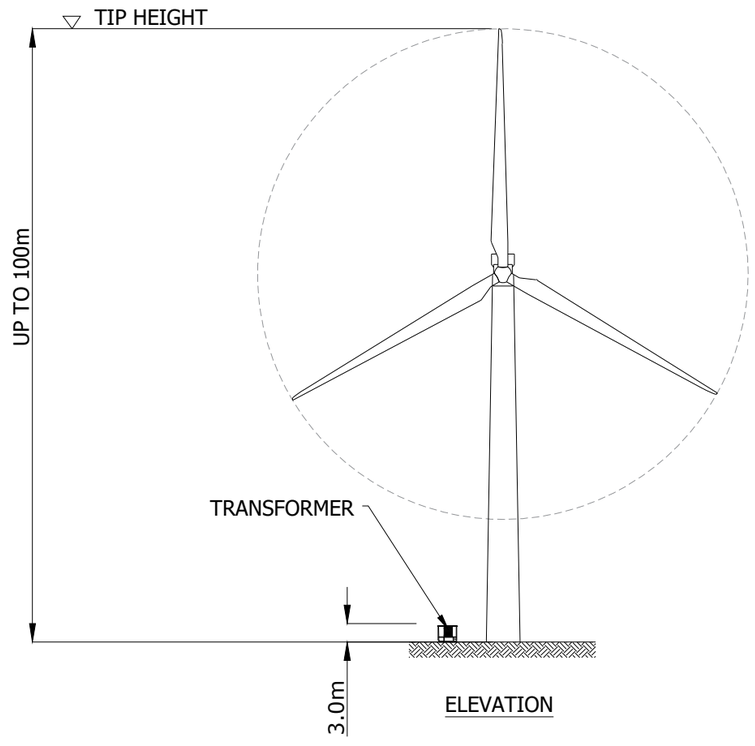
PROJECTION: British National Grid

Path: Y:\GIS\Environment\3530 Forss Wind Farm Ext. EIA\3530 Forss Wind Farm Ext. EIA.aprx\ERM 3530-REP-084 Fig 1.2 Site Layout Plan



END-ELEVATION



ELEVATION

0 10 20 30 40 50 60 70 80 90 100m

SCALE 1:1000

G:\TECHNICAL INFORMATION\ENGINEERING\STANDARDS\BORDERS\ARCUS A3 2015 FIGURE

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ARCUS

1:1000 Scale @ A3

Produced: KB Reviewed: SD Approved: SD	Ref: 3530-DR-P-0021
	Date: 18/08/21

Indicative Turbine Elevations
Figure 2.1

Forss Wind Farm Extension
SEI Report