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04 December 2024

Dear Ms Eberts

APPLICATION UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 TO VARY THE CONSENT GRANTED UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO CONSTRUCT AND OPERATE GOLTICLAY WIND FARM LOCATED WITHIN THE PLANNING AUTHORITY AREA OF THE HIGHLAND COUNCIL.

Application

1. I refer to the application (“the Variation Application”) made on 19 October 2023 under section 36C of the Electricity Act 1989 (“the Act”) by Ramboll UK Ltd on behalf of RWE Renewables UK Onshore Wind Ltd (“the Company”) to vary the consent granted under section 36 of the Act on 24 March 2021 for the construction and operation of the Golticlay Wind Farm located approximately 15 kilometres (km) southwest of Wick and 4.5 km north-west of Lybster within the planning authority area of the Highland Council (“the Planning Authority”).

2. The Company is incorporated under the Companies Act with company number 03758407 and having its registered office at Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, England SN5 6PB.

3. **This letter contains the Scottish Ministers’ decision to vary the section 36 consent.**

Planning Permission

4. On varying a consent granted under section 36 of the Act, the Scottish Ministers may give a direction either: -

- to vary an existing deemed planning permission; or
- to grant a new deemed planning permission.

5. This letter contains the Scottish Ministers' decision to give a direction to vary the deemed planning permission granted solely to facilitate changes to conditions applicable to the Scottish Ministers direction of 24 March 2021 that planning permission was deemed to be granted.

Background

The consented Development

6. On 24 March 2021, following a Public Inquiry, the Scottish Ministers, subject to conditions, granted consent under section 36 of the Act and deemed planning permission under section 57(2) of the 1997 Act to the Company for the construction and operation of Golticlay Wind Farm, comprising 19 wind turbines each with a maximum height from base to tip not exceeding 130 metres ("m") and associated ancillary development ("the consented Development").

7. A copy of that determination can be viewed at www.energyconsents.scot under ECU Reference EC00003133

The Section 36C Application and variations sought

8. Key changes between the consented Development and the proposed varied Development were set out in the EIA report which accompanied the Variation Application.
9. The Variation Application sought the following changes to the consent previously granted:
 - a. a reduction in the total number of turbines from 19 to 13;
 - b. relocation three turbines by approximately 75m;
 - c. an increased blade tip height of 11 turbines from 130m to a maximum of 200m;
 - d. an increased blade tip height of 2 turbines from 130m to a maximum of 180m; subsequently after the Variation Application was submitted, agreement was reached between the Planning Authority and the Company that all 13 turbines would have a maximum blade tip height of 180m.
 - e. an increase in the operational lifetime from 25 years to 35 years;
 - f. an increase in micro-siting allowance on all proposed infrastructure from 50m to 100m;
 - g. a 2.5km increase in length of new access track from 5.6km to 8.1km, including a 1.2km increase in floating track length;
 - h. a decrease of 0.28km in upgrades to existing track from 4.28km to 4km;
 - i. relocation of substation and control building 270m northeast to National Grid Reference: ND 21637 39475 from to National Grid Reference: ND 21657 39454;
 - j. relocation of concrete batching plant from the Consented construction compound area to National Grid Reference: ND 21371 40304;
 - k. a decrease of the total volume of stone aggregate material required from 95,786 cubic metres to 86,560 cubic metres; and

- I. a scheme of aviation lighting, including medium intensity (2000 candela) redlights fitted to the nacelle of 7 turbines.

Legislation and Consultation

10. The application process for varying a section 36 consent is established under the Electricity Generating Stations (Applications for Variation of Consent)(Scotland) Regulations 2013 (“the Variation Regulations”). In cases where a proposed development amounts to EIA development, the Electricity Works (Environmental Impact Assessment)(Scotland) Regulations 2017 (“the EIA Regulations”) also apply.

11. In accordance with requirements of Regulation 4 of the Variation Regulations the Company:

- published a summary and copy of their variation application on their Company website;
- served a copy of it on the Planning Authority;
- published notice of it in the Edinburgh Gazette for one week;
- published notice of it one or more national newspapers for one week;
- published notice of it in one or more local newspapers for two successive weeks; and
- served notice of it on the owner and occupier of the land to which it relates.

12. Regulation 28(1) of the Electricity Works (Environmental Impact Assessment)(Scotland) Regulations 2017 (“the EIA Regulations”) sets out that the Scottish Ministers must not, in relation to a variation application in respect of EIA development, vary the section 36 consent, or when varying a consent direct that planning permission is deemed to be granted, in respect of EIA development, unless an environmental impact assessment has been carried out in respect of the proposed variation. In this instance, an Environmental Impact Assessment report (“EIA report”) containing an assessment of the consented Development as varied (“the proposed varied Development”) in respect of a range of environmental factors was submitted to accompany the Variation Application. The Scottish Ministers are satisfied that the environmental information submitted in support of the Variation Application has been produced in accordance with the EIA Regulations.

13. As statutorily required, the Scottish Ministers consulted a range of organisations relevant to the Variation Application. This included the Planning Authority, Historic Environment Scotland (“HES”), Scottish Environment Protection Agency (“SEPA”), NatureScot and other bodies who, because of their specific environmental responsibilities and their previous role in the section 36 consenting process, were likely to be interested in the Variation Application.

14. The Scottish Ministers have had regard to and are satisfied that the requirements regarding publicity and notification laid down in the Variation Regulations have been complied with and members of the public and interested bodies were given adequate opportunities to make representations to the Scottish Government on the Variation Application.

Consultation responses

Statutory consultees

15. As stated above, the Scottish Ministers consulted a range of organisations relevant to the Variation Application. Responses to that consultation are summarised as follows:

16. **The Highland Council (the Planning Authority)** did not object to the Variation Application subject to the imposition of conditions and agreement that all turbines have a maximum blade tip height of 180m. It was agreed that all turbines will have a maximum blade tip height of 180m.

17. **HES** did not object to the Variation Application but they raised concerns regarding impacts on the setting of two scheduled monuments - Achkinloch, stone setting SW of, Loch Stemster and Achkinloch, chambered cairn 755m SW of Loch Stemster – recommending that the heights of two specific turbines be lowered and/or relocated so that their hubs are below the skyline and not visible in views from the monuments looking northeast.

18. **NatureScot** did not object to the Variation Application subject to conditions. This included conditions to secure mitigated protection and a Habitat Management Plan relating to the Caithness and Sutherland Peatlands Protection Area.

19. **SEPA** did not object to the Variation Application subject to conditions requiring there to be a Habitat Management Plan, a Peat Management Plan, a Construction Environmental Management Plan and a plan relating to the design of watercourse crossings.

Non-statutory consultees

20. **British Telecom (BT)** did not object to the Variation Application concluding that there would be no interference caused to their current and presently planned radio network.

21. **Defence Infrastructure Organisation (MOD)** did not object to the Variation Application subject to conditions covering aviation safety lighting and the submission of data for charting purposes.

22. **Highlands & Islands Airports Ltd (HIAL)** did not object to the Variation Application subject to conditions which mitigate impacts on the Instrument Flight Procedures at Wick Airport.

23. **Joint Radio Company (JRC)** did not object to the Variation Application, clearing it with respect to radio link infrastructure operated by local networks.

24. **NATS Safeguarding** did not object to the Variation Application subject to conditions securing a mitigation scheme for the Allanshill Primary Radar.

25. **RSPB Scotland** did not object to the Variation Application but raised concerns regarding impacts on a number of bird species which they advised could be allayed by way of the imposition of conditions.

26. **Scottish Water** did not object to the Variation Application. They advised that there are no Scottish Water drinking water catchments or water abstraction sources which are designated as Drinking Water Protected Areas under the Water Framework Directive in the area that may be affected.

27. The following consultees did not submit a response:

- Berriedale & Dunbeath Community Council;
- British Horse Society;
- Caithness District Salmon Fishery Board;
- Civil Aviation Authority;
- Crown Estate Scotland;
- Flow Country Rivers Trust;
- Halkirk Community Council;
- John Muir Trust;
- Latheron, Lybster & Clyth Community Council;
- Mountaineering Scotland;

- Scottish Rights of Way and Access Society (ScotWays);
- Tannach & District Community Council;
- Visit Scotland;
- Watten Community Council;
- Wick Community Council; and
- Woodland Trust.

Advisors to the Scottish Ministers

28. **Ironside Farrar** are advisors to the Scottish Ministers on Peat Landslide and Hazard Risk Assessment (“PLHRA”). Ironside Farrar advised that a revised PLHRA submitted by the Company was considered as being sufficient.

29. **Marine Directorate** (formerly Marine Scotland Science) did not submit a consultation response.

30. **Transport Scotland** did not object to the Variation Application subject to conditions regarding abnormal loads on the truck road network and there being a Construction Traffic Management Plan.

31. The full consultation responses are available on the Energy Consents Unit website www.energyconsents.gov.scot

32. The Scottish Ministers have imposed updated conditions (Annex 2, part 2). These also take account of the conditions required by consultees.

Public Representations

33. The Scottish Ministers received a total of 6 public representations in response to the Variation Application, 4 being objections and 2 in support.

34. Reasons for objecting to the Variation Application included:

- landscape and visual impacts, singular and cumulative;
- too many wind farms;
- the increased blade tip height of the turbines;
- impacts on deep peat;
- impacts on Rumster Forest;
- visual impacts of aviation safety lighting especially on the dark sky area of Caithness;
- increased micro-siting allowance;
- increased noise levels from turbines;
- impacts on the Flow Country UNESCO Heritage Site;
- Scottish Government generation targets having been reached, there is no need for this Development.

35. Reasons for supporting the Variation Application included:

- its contribution to Scotland’s transition into renewable energy;
- its contribution to sustainability at a local level;
- the changes to the consented Development will lessen associated impacts;
- stimulation of the local economy through employment prospects and use of local contractors and services;

- it will involve improvement works to upgrade the C1053 Lybster to Achavanich road.

36. The representations are available to view in full on the Energy Consents Unit website www.energyconsents.gov.scot

Public Inquiry

37. Regulation 6 of the Variation Regulations makes provision for the holding of a public inquiry into an application for variation and applies certain provisions of Schedule 8 to the Act (relating to public inquiries) with modifications. In accordance with Regulation 6 of the Variation Regulations, the Scottish Ministers may cause a public inquiry to be held if they consider it appropriate to do so.

38. In response to the consultation carried out by the Scottish Ministers, no consultee objected to the Variation Application. Whilst it's accepted that there were representations objecting to the Variation Application, the Scottish Ministers, having taken all material considerations into account, decided that there is sufficient information to enable an informed decision to be made without the need for a public inquiry.

Considerations of the Scottish Ministers

39. The Scottish Ministers have assessed the environmental impacts of the proposed varied Development and taken the environmental information in the EIA report, the representations and consultation responses including those from the Highland Council, SEPA, HES and NatureScot into consideration in reaching their decision.

Conservation of Habitats and Species Regulations

40. The Conservation of Habitats and Species Regulations 2017 ("the Habitats Regulations") require the Scottish Ministers to consider whether the proposed varied Development would be likely to have a significant effect on a European site or European offshore marine site (either alone or in combination with other plans or projects), as defined in the Habitats Regulations, and if the proposed varied Development is directly connected with or necessary to the management of the site.

41. As a consequence of their proximity to the proposed varied Development the following European sites were assessed in the EIA report (Habitats Regulations Appraisal: Statement to Inform Appropriate Assessment – "HRA Statement") in accordance with the Habitats Regulations:

- Caithness and Sutherland Peatlands Special Protection Area;
- East Caithness Cliffs Special Protection Area; and
- Caithness Lochs Special Protection Area.

42. In compliance with the Habitats Regulations, the Scottish Ministers are required to undertake an Appropriate Assessment in respect of each of the aforementioned sites.

43. The Scottish Ministers can confirm that the relevant Appropriate Assessments have been carried out (see Annexes 5,6 & 7). The appropriate assessments have been produced using advice and guidance from NatureScot. The conclusion of the Scottish Ministers is that the proposed varied Development will not adversely affect the integrity of the qualifying interests of any of the aforementioned sites subject to the imposition of conditions for a Construction Environmental Management Plan ("CEMP") and a Habitat Management Plan for all three sites.

With regards to the Caithness Lochs Special Protection Area, the CEMP will include a requirement for pre-construction surveys for breeding hen harrier, short eared owl, and merlin.

Main determining issues

44. Having considered the Variation Application, the EIA report, responses from consultees and the representations the Scottish Ministers consider that the main determining issues are:

- Landscape and visual effects (including aviation lighting); and
- the extent to which the changes proposed in the Variation Application remain in accordance with Scottish Government policy.

Landscape and visual effects (including aviation lighting)

45. In volume 2a (chapter 7 – Landscape and Visual Impacts) of EIA report, it was stated that, following the outcome of the Public Inquiry and the subsequent granting of consent to the consented Development, the proposed varied Development would be introduced to a Site where the landscape and visual effects of commercial scale wind energy development have already been found acceptable.

46. From a cumulative perspective, the turbines of the proposed varied Development would be introduced into a context where many existing onshore and offshore turbines are well-established, and where this influence would be reinforced by the addition of further consented turbines or turbines in planning.

47. It was also stated in chapter 7 that the proposed Varied Development, the same as the consented Development, would result in localised significant landscape and visual effects, which would occur within approximately 5km of the proposed turbines. As set out in Policy 11(e)(ii) of National Planning Framework 4 (“NPF4”), significant effects of this type are an expected consequence of renewable energy development and where localised and/or appropriately mitigated they will generally be considered acceptable.

48. It was concluded in chapter 7 that the landscape and visual effects of the proposed varied Development would be very similar to those of the consented Development and that no new significant landscape and visual effects would occur both singularly and cumulatively. It was concluded that the landscape of Caithness is of such a scale that further change resulting from the proposed varied Development could be accommodated without this resulting in any cumulative interaction of note with other schemes.

49. Prior to the Planning Authority finalising their consultation response, agreement was reached between the Planning Authority and the Company that all 13 turbines would have a maximum blade tip height of 180m. The rationale for this was that the reduction in blade tip heights of the 11 turbines, originally proposed to have a blade tip height of 200m, would further reduce the landscape and visual impacts. It was also agreed by the Planning Authority and the Company that there was no requirement for any updated assessment because the revised turbine blade tip heights would not result in any difference to the existing assessment of EIA significant effects. The Scottish Ministers advised statutory consultees of this change and sought feedback in respect of whether any additional was required for assessment purposes. No additional information was requested. It was subsequently agreed that the Scottish Ministers would determine the variation Application on the basis of the blade tip heights of all 13 turbines being 180m. Consequently, the Planning Authority’s assessment of the Variation Application was based on the blade tip heights of all 13 turbines being 180m.

50. It is noted by the Scottish Ministers that in the Planning Authority's consultation response, their Landscape Officer concluded that the landscape and visual impacts of the proposed varied Development are considered to be relatively localised and not appreciably greater than those of the consulted Development and as such, an objection would not be justified.

51. It's also noted by the Scottish Ministers that, with regards to landscape and visual impacts, no consultee objected to the Variation Application.

52. Given the nature of the proposed varied Development, it is inevitable that there will be landscape and visual impacts. However, having considered the EIA report and taking into account the advice from consultees, the Scottish Ministers are satisfied that the increase in turbine dimensions of the proposed varied Development will not create any unacceptable additional adverse effects when compared to the consented Development. This is applicable both singularly and cumulatively with other operational and consented Developments. The turbines of the proposed varied Development can be accommodated in the chosen landscape and be absorbed by the wider cluster of turbine development.

Aviation lighting

53. Article 222 of the UK Air Navigation Order 2016 requires medium intensity (2000 candela) steady red aviation warning lights to be mounted as close as possible to the top of all structures at or above 150m above ground level. This would include lighting during the hours of darkness. With regards to the proposed varied Development, 7 of the 13 turbines will require to be fitted with such aviation warning lights. Consequently, an assessment of potential lighting impacts was required as part of the EIA process. Such an assessment was included in the EIA report (Technical Appendix 7.8) and it found that although the aviation lighting required for the proposed varied Development would introduce lighting into a relatively dark landscape, it is one which is already strongly influenced by well-established medium intensity aviation lighting from other installations and wind farms, both onshore and offshore. The assessment concluded that there would be localised change which would be consistent with the current night-time environment and that effects would not be significant.

54. In their consultation response, the Planning Authority agreed with the EIA report whereby the impacts of the proposed varied Development's lighting during the hours of darkness would not be significant because of existing lighting from other installations. The Planning Authority concluded that although it would increase the area of the sky that contains artificial lighting, it would not create a significant additional impact over and above that already experienced in the area.

55. In their consultation response, NatureScot advised that that the proposed Varied Development would introduce further visibility of wind energy development within Wild Land Area (WLA 36) during the hours of darkness. However, NatureScot concluded that the effects on the overall qualities of WLA 36 are unlikely to be significant and do not "*raise issues of national interest*".

56. The Scottish Ministers accept that there will be impacts associated with aviation lighting especially during the hours of darkness but having considered the EIA report, the conclusions of the Planning Authority and NatureScot and the imposition of an aviation lighting condition which will minimise these impacts, the Scottish Ministers conclude that those that remain will, on balance, be acceptable.

Climate Change and Renewable Targets

57. The seriousness of climate change, its potential effects, and the need to cut carbon dioxide emissions, remain a priority of the Scottish Ministers. The Scottish Government is committed to ensuring that an increased proportion of electricity is generated from renewable energy sources in order to meet carbon emission targets. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 introduced a target of net zero greenhouse gas emissions by 2045 at the latest.

58. It is noted by the Scottish Ministers the generating capacity of the consented Development would be substantially increased by the changes made to the blade tip heights of the turbines in the proposed varied Development. The output per turbine will be 6.6MW which will create a 48% increase - from 58MW to 85.8MW - in the total generating capacity of the turbines. This will ensure a valuable contribution to Scotland's renewable energy, electricity, and emissions reductions targets.

59. It is also noted by the Scottish Ministers that, in comparison to the consented Development, the reduced number of turbines in the proposed varied Development will reduce the carbon dioxide emissions from the Site and will reduce the carbon payback period by approximately 5 months from 1.9 years to 1.5 years and the total carbon savings will increase by 95% from 2.3 million to 4.5 million tonnes,

60. The Scottish Ministers consider that the carbon payback period and the overall carbon savings remain acceptable.

Scottish Energy Strategy and Onshore Wind Policy Statement

61. Scottish Energy Strategy ("SES") was published in December 2017. SES sets out a vision for the future energy system in Scotland through to 2050 and sets out the priorities for an integrated system-wide approach that considers the use and supply of energy for heat, power and transport.

62. The strategy provides a long-term vision to guide energy policy decisions to tackle the challenges of decarbonising heat and transport in order to meet Scotland's long-term energy and climate change targets.

63. The Onshore Wind Policy Statement ("OWPS") was published on 21 December 2022. This reaffirms the vital role for onshore wind in meeting Scotland's energy targets. The statement sets out the Scottish Government's position for the ongoing need for additional onshore wind development and capacity in locations across Scotland where it can be accommodated in appropriate locations.

Energy Strategy and Just Transition Plan

64. The draft Energy Strategy and Just Transition Plan ("the draft ESJTP") was published on 10 January 2022. To realise climate change ambitions, Scotland needs to transform the way it generates, transports, and uses energy. Scotland must seize the huge opportunity this presents and deliver maximum benefits to its people, workers, communities and economy from its vast renewable energy resource. This draft Energy Strategy and Just Transition Plan sets out the scale of that opportunity and provides clarity on how Scotland will prepare for a Just Energy Transition.

65. The Scottish Ministers have considered the draft ESJTP and are satisfied that this supports the Variation Application.

Scotland's National Planning Framework

66. On 13 February 2023 National Planning Framework 4 (“NPF4”) was adopted by Scottish Ministers. NPF4 sets out the spatial principles and by applying these, the national spatial strategy will support the planning and delivery of sustainable places, liveable places, productive places. The national spatial strategy acknowledges that meeting the climate ambition will require rapid transformation across all sectors of our economy and society. The Scottish Ministers have considered NPF4 and note Policy 11 which gives support to wind farm development.

67. The Scottish Ministers are satisfied that the proposed varied Development would provide a contribution to renewable energy targets and carbon savings, and that it is consistent with NPF4 and other Scottish Government Policies on the promotion of renewable energy and its target date for net-zero emissions of all greenhouse gases by 2045.

Planning Authority Development Plan

68. The Planning Authority considered the proposed variation Development against their Development Plan which comprises the Highland-wide Local Development Plan (2012), NPF4, the adopted Caithness and Sutherland Local Development Plan (2018) and all statutorily adopted supplementary guidance.

69. Policy 67 (Renewable Energy) of the Highland-wide Local Development Plan sets out the following:

- renewable energy development should be well related to the source of the primary renewable resource needed for operation; and
- 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.

70. Within the context of Policy 67, the Planning Authority will support proposals where it is satisfied they are located, sited and designed such as they will not be significantly detrimental overall, individually or cumulatively with other Developments and that “they are the right Development in the right place at the right time”.

71. The Planning Authority considers the proposed varied Development, subject to conditions and the blade tip height of all 13 turbines being 180m, accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Conclusions

72. The Scottish Ministers are satisfied that the Variation Application has been produced in accordance with the Variation Regulations and that the procedures regarding publicity and notification laid down in the Variation Regulations have been followed.

73. The Scottish Ministers have considered fully and carefully the Variation Application, consultation responses and all other material information and are satisfied that the proposed varied Development will not create new significant environmental impacts or increase the existing environmental impacts previously assessed as acceptable within the consented Development.

74. The Scottish Ministers remain satisfied that the environmental impacts have been appropriately addressed by way of the design of the consented Development, by appropriate mitigation and the application of conditions, and this will remain unchanged by the proposed varied Development.

75. The Scottish Ministers have considered the landscape and visual effects that the proposed varied Development will have and are satisfied that the increase in turbine dimensions of the proposed varied Development will not create any unacceptable additional adverse effects when compared to the consented Development. The Scottish Ministers are also satisfied that it will not have any significant effects on protected species, National Scenic Areas or National Parks.

76. The Scottish Ministers are satisfied that the proposed varied Development would make a larger contribution than the consented Development to the Scottish Government achieving its targets for increasing the generation of electricity from renewable sources.

77. The Scottish Ministers are also satisfied that deploying larger and more efficient turbines and the operation of the proposed varied Development for longer period would provide considerable carbon savings and these savings would be of an order that weighs in favour of the proposed varied Development.

78. The Scottish Ministers are satisfied that the proposed varied Development is consistent with national planning and energy policy and the local development plan and that it will facilitate a contribution to renewable energy generation and to the reduction of greenhouse gas emissions in line with Scottish Government Policy.

Acceptability of the Variation Application

79. Scotland's renewable energy and climate change targets, energy policies and planning policies are all material considerations when weighing up the proposed varied Development. NPF4, the Energy Strategy, and the OWPS make it clear that renewable energy deployment remains a priority of the Scottish Government. This is a matter which should be afforded significant weight in favour of the proposed varied Development.

80. The increase in tip height of the turbines from 130m to 180m, allowing for greater generating capacity, aligns with the strategic outcomes of NPF4 by supporting the transition to a low carbon economy for Scotland and to take advantage of our natural resources to grow low carbon industries. The Scottish Government has confirmed its long-term commitment to the decarbonisation of electricity generation and the proposed varied Development would help advance this policy objective.

81. There is Scottish Government policy support for renewable energy generation in principle and the increased generating capacity of the proposed varied Development will help underpin renewable energy generation targets.

82. Taking all of the above into account, the Scottish Ministers are content that the proposed varied Development is supported by Scottish Government Policies and should be approved.

The Scottish Ministers' Determination

83. The Scottish Ministers hereby determine that the section 36 consent is varied as described in Appendix 1 - Table of Variations ("Appendix 1").

84. The Scottish Ministers directed under section 57(2ZA) of the Town and Country Planning (Scotland) Act 1997 that the planning permission deemed to be granted by the direction given on 24 March 2021 for the consented Development. The Company was provided with the option to vary the deemed planning permission implementation date to align with the variation to the Section 36 Consent. The Company advised that it does not seek a variation to the timescale for implementation of the planning permission deemed to be granted. Due to changes to the deemed planning conditions, a direction under section 57(2ZA) of the Town and Country Planning (Scotland) Act 1997 has been given but this planning permission deemed to be granted requires to be implemented by 24 March 2027.

85. The consent hereby varied will last for a period of 35 years from the earlier of:

- the date when electricity is first exported to the electricity grid network from all of the wind turbines hereby permitted; or
- the date falling 18 months after electricity is generated from the first of the wind turbines hereby permitted.

86. An illustrative version of the section 36 consent (with variations and additions shown in tracked changes for ease of reference), is included within Annex 1 attached to this letter.

87. A copy of this letter has been sent to the Planning Authority. This letter has also been published on the Scottish Government Energy Consents website at www.energyconsents.scot

88. The Scottish Ministers' decision is final, subject to the right of any aggrieved person to apply to the Court of Session for judicial review. Judicial review is the mechanism by which the Court of Session supervises the exercise of administrative functions, including how the Scottish Ministers exercise their statutory function to determine Applications for consent. The rules relating to the judicial review process can be found on the website of the Scottish Courts.

89. Your local Citizens' Advice Bureau or your solicitor will be able to advise you about the applicable procedures.

Yours sincerely

Nicola Soave

Nicola Soave
A member of the staff of the Scottish Government

Appendix 1	Table of variations;
Annex 1	Description of the Development (as varied)
Appendix 2	conditions imposed on the section 36 consent and deemed planning permission granted in March 2021 (now fully replaced).
Annex 2 part 1	varied conditions attached to section 36 consent;
Annex 2 part 2	varied conditions attached to deemed planning permission;
Annex 3	site location;
Annex 4	site layout;
Annex 5	HRA - Caithness Lochs SPA;
Annex 6	HRA - Caithness and Sutherland Peatlands SPA
Annex 7	HRA – East Caithness Cliffs SPA.

TABLE OF VARIATIONS

Explanatory note: Changes to the Description of the Development and to conditions which were imposed on the section 36 consent and deemed planning permission granted in March 2021 for the construction and operation of Golticlay Wind Farm are required. Please see Appendix 2 for the conditions imposed on the section 36 consent and deemed planning permission granted in March 2021 (now fully replaced see Annex 2 part 1 & Annex 2 part 2)

The **section 36 consent** is varied in accordance with the modifications set out in the following Table of variations:

Annex or condition	Alteration, Addition or Deletion
In Annex 1	<p>Replace, in its entirety, Annex 1 Description of the Development in the consent granted on 21 March 2021 with the following:</p> <p>The Development is comprised of a wind power powered electricity generating station known as Golticlay Wind Farm, with a generating capacity exceeding 50 megawatts, located approximately 15 km south west of Wick and 4.5 km north west of Lybster, in the Highland Council planning area as specified in in the application submitted on 19 October 2023 (the Variation Application”) by Ramboll UK Ltd on behalf of RWE Renewables UK to vary, under section 36C of the Electricity Act 1898, the consent granted 24 March 2021 .</p> <p>The Golticlay Wind Farm and related ancillary developments will be comprised of:</p> <ul style="list-style-type: none"> • 13 turbines with a blade tip height not exceeding 180 metres; • 13 turbine foundations and turbine crane pads; • 1 permanent anemometer mast; • 1 Control building and substation compound; • 1 temporary concrete batching plant; • approximately 12.1 kilometres of access tracks with passing places; • turning points; • watercourse crossings; • 3 borrow pits; • 1 temporary construction compound; and • cable trenches. <p>All as more particularly shown on Figure 1.3 (Proposed Varied Development) submitted with the Variation Application documentation.</p>
In Annex 2	<p>(A) In conditions PART 1, replace in its entirety, condition 1 Duration of the Consent with:</p> <p>Notification of Date of First Commissioning & Date of Final Commissioning</p> <p>Written confirmation of the Date of First Commissioning and the Date of Final Commissioning shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month after those dates.</p> <p><i>Reason: To allow the Planning Authority and the Scottish Ministers to calculate the date of expiry of the consent.</i></p>

(B) In conditions PART 1, replace in its entirety, condition 2 **Commencement of development** with:

The development shall be commenced not later than six years from the date of this consent, or such other longer period as the Scottish Ministers may direct in writing following a request by the Company. Written confirmation of the intended date of Commencement of development shall be provided to the Scottish Ministers and the Planning Authority no later than one calendar month before that date.

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

(C) In conditions PART 1, replace in its entirety, condition 3 **Non-assignment** with:

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

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

(D) In conditions PART 1, replace in its entirety, condition 4 **Serious Incident Reporting** with:

In the event of any breach of health and safety or environmental obligations relating to the Development during the period of this consent written notification of the nature and timing of the incident shall be submitted to the Scottish Ministers and the Planning Authority within twenty-four hours of the Company becoming aware of an incident occurring, including confirmation of remedial measures taken and/or to be taken to rectify the breach.

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

(E) In conditions PART 1, delete, in its entirety, condition 5 **RAF Lossiemouth Air Traffic Control Radar** and replace with:

5. Radar mitigation: NATS

(1) No part of any turbine shall be erected above ground until a Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and approved in writing by the Planning Authority in order to avoid the impact of the Development on the Primary Radar of the Operator located at Alanshill and associated air traffic management operations.

(2) No part of any Turbine shall be erected above ground until the approved Primary Radar Mitigation Scheme has been implemented and the Development shall thereafter be operated fully in accordance with such approved Scheme.

For the purpose of parts 1 and 2 above:

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

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

Reason: To ensure aviation safety and that the Development's operation does not disrupt air traffic

(F) In conditions PART 1, replace in its entirety, condition 6 **Aviation Lighting** with:

With regards to aviation safety lighting, development shall be carried out strictly in accordance with the details set out in the Golticlay Lighting Report (EIAR Volume 3 – Technical Appendices – Technical Appendix 16.3 – Golticlay Lighting Report) dated 16 June 2023. The aviation safety lighting identified within that document shall be installed as the turbines and meteorological mast are erected, shall be tested for function, and thereafter maintained and operated for the life of the Development. There shall be no departure or variation from this lighting specification without the written consent of the Planning Authority in consultation with the CAA and MOD.

Reason: To maintain air safety

(G) In conditions PART 2, replace in its entirety, condition 1 **Implementation in accordance with approved plans and requirements** with:

(1) Except as otherwise required by the terms of the section 36 consent and deemed planning permission, development shall be undertaken in accordance with the Application and the Environmental Impact Assessment dated September 2023 ("EIAR 2023").

(2) Any proposed deviation from the mitigation measures provided within the EIAR 2023 must be submitted to and approved in writing by the Planning Authority.

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

(H) In conditions PART 2, replace in its entirety, condition 2 **Design and operation of turbines** with:

(1) No turbines shall be erected unless and until details of the proposed turbines have been submitted to, and approved in writing by the Planning Authority. These details shall include:

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

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

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

(I) In conditions PART 2, replace in its entirety, condition 4 **Design of substation and ancillary equipment** with:

- (1) There shall be no Commencement of development in respect of the control building, substation and/or ancillary infrastructure unless and until final details of the location, layout, external appearance, dimensions and surface materials of all buildings, compounds, parking areas, as well as any external lighting (excluding aviation lighting), fencing, walls, paths and any other ancillary elements of the Development, have been submitted to, and approved in writing by the Planning Authority.
- (2) Thereafter, development shall progress in accordance with these approved details. For the avoidance of doubt, details relating to the control building and substation buildings shall include additional architectural design, landscape and visual appraisal, carried out by suitably qualified and experienced people, to ensure that they are sensitively scaled, sited and designed.

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

(J) In conditions PART 2, replace in its entirety, condition 5 **Micrositing** with:

- (1) All wind turbines, buildings, masts, borrow pits, areas of hardstanding and tracks shall be constructed in the location shown on the Site Layout Plan and referred to in table 4.3 of the EIAR 2023. Wind turbines, buildings, masts, borrow pits, areas of hardstanding and tracks may be adjusted by micro-siting within the Site. However, unless otherwise approved in advance in writing by the ECoW in consultation with the Planning Authority, SEPA and NatureScot, micro-siting is subject to the following restrictions:
 - a. No wind turbine foundation shall be positioned higher, when measured in metres Above Ordinance Datum (AOD), than 5m above the position shown on the Site Layout Plan;
 - b. With the exception of turbine 14 which will have a micrositing allowance of 75m, no wind turbine or related hardstanding shall be moved more than 50 metres from the position shown in table 4.3 of Chapter 4 (Development Description) of Volume 2 of the EIAR 2023 (provided that turbine 11 shall not be microsited by more than 75m if moved in the direction of Microwave link 0929328/3) and no mast or access track shall be moved more than 50m from the position shown on the Site Layout Plan;
 - c. No buildings, temporary construction compound or borrow pits shall be moved more than 50m from the position shown on the Site Layout Plan;
 - d. No micro-siting shall take place with the result that infrastructure (excluding floating tracks or hardstanding) is located within areas of peat of greater depth than the original location shown for the relevant infrastructure on EIA Report Figure 11.5;
 - e. No micro-siting shall take place within areas hosting Ground Water Dependent Terrestrial Ecosystems as identified in the EIAR 2023;
 - f. No micro-siting of the access track between turbine T13 and the construction compound shall be undertaken westwards such as to impact upon the shieling hut of Clashcraggan;
 - g. No micro-siting of the access track to turbine T18 shall be undertaken northwards such as to impact upon the shieling hut of Clashmore;

- h. With the exception of water-crossings, no element of the proposed development should be located closer than 50m from the top of the bank of any watercourse;
- i. No micro-siting shall take place that results infrastructure as shown on the Site Layout Plan located outside the Caithness and Sutherland Peatlands SPA, SAC and Ramsar site boundary being relocated inside the SPA, SAC and Ramsar site boundary; and
- j. All micro-siting permissible under this condition must be undertaken under the direction of the Environmental Clerk of Works (ECoW).

(2) No later than one month after the date of Final Commissioning, an updated Site Layout 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.

(K) In conditions PART 2, replace in its entirety, condition 8 **Planning Monitoring Officer with:**

(1) There shall be no Commencement of development unless and until the Planning Authority has approved in writing the terms of appointment by the Company of an independent and suitably qualified environmental consultant (to be known as the Planning Monitoring Officer – “PMO”) to assist the Planning Authority in monitoring compliance with the terms of the deemed planning permission and conditions attached to this consent . The terms of appointment shall:

- a. impose a duty to monitor compliance with the terms of the deemed planning permission and conditions attached to this consent;
- b. require the PMO to submit a report to the Planning Authority every 2 months summarising works undertaken on site; and
- c. require the PMO to report to the Planning Authority any incidences of non-compliance with the terms of the deemed planning permission and conditions attached to this consent at the earliest practical opportunity.

(2) The PMO shall be appointed on the approved terms throughout the period from Commencement of development to completion of post-construction restoration works.

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

(L) In conditions PART 2, replace in its entirety, condition 9 **Ecological Clerk of Works with:**

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

- a. impose a duty to monitor compliance with the ecological and hydrological commitments provided in the EIAR 2023 and other information lodged in support of the application, the Construction and Environmental Management Plans approved in accordance with

condition 10, the Habitat Management Plan approved in accordance with condition 15, any species protection plans identified in the EIAR 2023 and other plans approved (“the ECoW works”);

- b. require the ECoW to report to the Company’s nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
 - c. require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site;
 - d. have power to stop the job / activities being undertaken within the Site when a breach or potential breach of environmental legislation occurs to allow for a briefing of the concern to the Company’s nominated construction project manager; and
 - e. require the ECoW to report to the Planning Authority any incidences of noncompliance with the ECoW Works at the earliest practical opportunity.
- (2) The ECoW shall be appointed on the approved terms throughout the period from Commencement of development, throughout any period of construction activity and during any period of post-construction restoration works approved.
- (3) No later than 18 months prior to decommissioning of the Development or the expiration of this planning permission (whichever is the earlier), the Company shall submit details of the terms of appointment by the Company of an independent ECoW throughout the decommissioning, restoration and any aftercare phases of the Development to the Planning Authority for approval in consultation with NatureScot and SEPA. The ECoW shall be appointed on the approved terms throughout the decommissioning, restoration and any aftercare phases of the Development.

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

(M) In conditions PART 2, replace in its entirety, condition 10 **Construction and Environmental Management** with:

Construction and Environmental Management Plan

- (1) There shall be no Commencement of development unless and until a finalised Construction and Environmental Management Plan (“CEMP”) is submitted to and agreed in writing by the Planning Authority in consultation with SEPA and other appropriate consultees as directed by the Planning Authority. The CEMP shall be based upon the outline Construction Environment Management Plan (EIAR 2023, Technical Appendix 4.1). The CEMP shall include provision for:
- a. an updated Schedule of Mitigation. This should take account of the mitigation measures set out in the EIAR 2023 or in details approved under these conditions;
 - b. processes to control/action changes from the agreed Schedule of Mitigation; and;
 - c. the following specific plans :
 - i. details of the construction works, construction methods and surface treatment for all hard surfaces and tracks;
 - ii. method of construction of the crane pads;

- iii. method of construction of the turbine foundations;
- iv. method of working cable trenches;
- v. method of construction and erection of the wind turbines and meteorological masts
- vi. details of watercourse crossings designed in line with Appendix 11.1 of EIAR 2023; If existing crossings require to be upgraded they should be oversized bottomless culverts or traditional style bridges, unless agreed with the Planning Authority in consultation with SEPA;
- vii. Residual Forest Waste Management Plan;
- viii. details of the temporary site compounds, for the storage of materials and machinery, including the areas designated for offices, welfare facilities; fuel storage and car parking;
- ix. Peat Management Plan – to include details of all peat stripping, excavation, storage and reuse of material in accordance with best practice advice published by SEPA and NatureScot. The Peat Management Plan shall include a scheme for adjustment of the location of development infrastructure within its micro-siting tolerance permitted under condition 5 so as to minimise impacts upon peat. The Plan should also set out how sensitive peat areas are to be marked out onsite to prevent any vehicle causing inadvertent damage. The Peat Management Plan shall be informed by additional peat probing and clearly demonstrate how any layout modifications (within micro-siting tolerance) and any other reasonably practicable measures (such as reducing the size of excavations or piling foundations) have been used to further minimise peat disturbance.
- x. Water Quality Management Plan - highlighting drainage provisions including monitoring / maintenance regimes, water crossings, surface water drainage management (SUDs) and development and storage of material buffers (50m minimum) from water features, unless otherwise agreed in writing by the Planning Authority in consultation with SEPA;
- xi. Public Water Supply Protection Measures Plan;
- xii. Pollution Prevention Plan
- xiii. Site Waste Management Plan
- xiv. Construction Noise Mitigation Plan.
- xv. Species Protection Plan(s):- including hen harrier, osprey, pine marten and Scottish wildcat.
- xvi. a plan for pre-construction surveys for legally protected species.
- xvii. a plan for mitigation of effects on Ground Water Dependent Terrestrial Ecosystems.

The relevant parts of the CEMP shall provide that construction work must, where possible, avoid the bird-breeding season (15 March to 31 August inclusive). In cases where this is not possible, the CEMP shall provide that pre-construction surveys for breeding hen harrier, short-eared owl and merlin must be carried out following best-practice guidance with any necessary mitigation to avoid disturbance; with survey methods agreed with NatureScot in advance. Mitigation measures identified in the CEMP or identified following the survey must be implemented to avoid disturbance. The CEMP shall provide that the survey method is to be subject to consultation with NatureScot before the survey is carried out.

The Species Protection Plan for hen harrier shall provide that regular monitoring of the hen-harrier roost site identified during baseline surveys will be conducted during the non-breeding season (1 September to 31 March inclusive). It shall further provide that when this roost is observed to be occupied, mitigation measures identified

in the species protection plan will be implemented to minimise risk of construction-related disturbance to hen harriers using the roost.

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

- d. A communication plan to ensure all contractors are aware of the possible presence of protected species frequenting the Site and the laws relating to their protection;
- e. The notification and a stop-the-job commitment requirements set out below:
 - i. Should an otter holt be found during construction, all works within 200m of the holt shall stop immediately and the NatureScot Golspie office must be notified and asked for advice.
 - ii. Should a wild cat den be found during construction, all works within 200m of the den shall stop immediately and the NatureScot Golspie office must be notified and asked for advice.
 - iii. Should any water vole activity be found during construction, all works within 10m of the nearest burrow shall stop. Work may progress if it is in excess of 10m of the nearest burrow, otherwise work shall stop immediately and the NatureScot Golspie office must be notified and asked for advice;
- f. Site Construction Decommissioning Method Statement highlighting restoration/reinstatement of the working areas not required during the operation of the Development, including temporary access tracks required for construction only, borrow pits, construction compound, storage areas, laydown areas, and other temporary construction areas. Wherever possible, reinstatement is to be achieved by the careful use of turfs removed prior to construction works. Details should include all seed mixes to be used for the reinstatement of vegetation; and
- g. A Construction Method Statement for the approval of the Planning Authority in consultation with NatureScot and SEPA incorporating the mitigation measures set out in the Peat Landslide Risk Assessment provided as part EIAR 2023.

(2) Unless otherwise agreed in writing by the Planning Authority, development shall then proceed in accordance with the approved Construction Environment Management Plan.

Reason: *To ensure that all construction operations are carried out in a manner that minimises their impact on amenity and the environment, and that the mitigation measures contained in the EIA Report, or as otherwise agreed, are fully implemented.*

(N) In conditions PART 2, replace in its entirety, condition 11 **Construction Traffic Management** with:

Construction Traffic Management Plan

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

- a. Estimates of the construction traffic movements, likely routing to and from the site and details of any large or abnormal loads;
- b. A description of all measures to be implemented by the Company in order to manage traffic during the construction phase (including routing strategies), with any additional or temporary signage and traffic control undertaken by a recognised suitably qualified traffic management consultant;
- c. The identification and delivery of all upgrades to the public road network, including but not limited to upgrades to the local and trunk road network, to ensure that it is to a standard capable of accommodating construction traffic relating to the Development (including the formation or improvement of any junctions leading from the Site to the public road) to the satisfaction of the roads authorities, including:
 - i. Access by abnormal indivisible loads will be via the A99 and C1053 only;
 - ii. An initial route assessment report for abnormal loads and construction traffic, including swept path analysis and details of the movement of any street furniture, any traffic management measures and any upgrades and mitigation measures as necessary;
 - iii. An assessment of the capacity of existing bridges and other structures along the construction access routes to cater for all construction traffic, with upgrades and mitigation measures proposed and implemented as necessary
 - iv. A videoed trial run to confirm the ability of the local road network to cater for turbine delivery. Three weeks' notice of this trial run must be made to the local Roads Authority who must be in attendance;
 - v. Any additional signing or temporary traffic control measures deemed necessary on the trunk road network due to the size or length of any loads being transported must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland.
 - vi. If any blades are to be moved along the trunk road network utilising blade lifter technology, details of the blade lifter technology to be utilised and details of the transhipment location facility to be submitted to the Planning Authority and Transport Scotland, as trunk roads authority, for approval. This is to include a risk assessment, method statements and additional information as requested by Transport Scotland. The movement of blades must be in accordance with the approved technology, assessments, statements, and any other submitted information.

No deliveries by abnormal indivisible loads shall take place until a final assessment of the capacity of existing bridges and structures along the abnormal indivisible load delivery route is carried out and submitted to and approved by the Planning Authority and full engineering details and drawings of any works required to such

structures to accommodate the passage of abnormal indivisible loads have been submitted to and approved by the Planning Authority. The approved works shall be completed prior to any abnormal indivisible load delivery to the Site for the Development.

- d. A risk assessment for the transportation of abnormal loads to the Site during daylight hours and hours of darkness;
- e. 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.
- f. A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during construction / decommissioning periods.
- g. A detailed protocol for the delivery of abnormal loads/vehicles, prepared in consultation with interested parties. The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of abnormal load movements in the local media. Temporary signage, in the form of demountable signs or similar approved, shall be established, when required, to alert road users and local residents of expected abnormal load movements. All such movements on roads maintained by the local roads authority shall take place outwith peak times on the network, including school travel times, and shall avoid times of local community events.
- h. A detailed delivery programme for abnormal load movements, which shall be made available to the Planning Authority and community representatives.
- i. Details of any upgrading works required at the junction of the Site access and the public road. Such works may include suitable drainage measures, improved geometry and construction, measures to protect the public road and the provision and maintenance of appropriate visibility splays.
- j. Details of appropriate traffic management which shall be established and maintained at the Site access for the duration of the construction period. Full details shall be submitted for the prior approval of Highland Council, as roads authority.
- k. Wheel washing measures to ensure water and debris are prevented from discharging from the Site onto the public road;
- l. Appropriate reinstatement works shall be carried out, as required by Highland Council, at the end of the turbine delivery and erection period.
- m. Measures to ensure that construction traffic adheres to agreed routes.

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

(O) In conditions PART 2, replace in its entirety, condition 12 Road Conditions Survey with:

There shall be no Commencement of development unless and until the Planning Authority has approved a scheme proposed by the Company for pre-commencement and post-construction condition surveys of roads upon which there is likely to be excessively heavy or other extraordinary traffic associated with the Development's construction. The scheme shall be carried out as approved by the Planning Authority.

Reason: To ascertain the condition of public roads prior to and post construction of the Development

(P) In conditions PART 2, replace in its entirety, condition 13 **Community Liaison Group** with:

There shall be no Commencement of development unless and until a Community Liaison Group is established by the Company, in collaboration with the Planning Authority and the Latheron, Lybster and Clyth Community Council. The group shall act as a vehicle for the community to be kept informed of project progress and shall provide a forum for advanced dialogue on the provision of all transport-related mitigation measures and for keeping under review the timing of the delivery of turbine components, where possible resolving conflict between such delivery and any increased traffic generated by concurrent local events and other development. The Community Liaison Group, or element of any combined liaison group relating to this Development, shall be maintained until the construction of the Development has been completed and it is fully operational.

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

(Q) In conditions PART 2, replace in its entirety, condition 14 **Outdoor Access Management Plan** with:

There shall be no Commencement of development unless and until an Access Management Plan ("OAMP") has been submitted to, and agreed in writing by the Planning Authority. The OAMP should ensure that public access is retained within the Site during construction so far as possible subject to health and safety requirements, and thereafter that existing levels of public access are not restricted as a result of the operational phase of the Development. The OAMP, 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.

(R) In conditions PART 2, replace in its entirety, condition 15 **Habitat Management Plan** with:

(1) There shall be no Commencement of development unless and until a Habitat Management Plan ("HMP") has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot. The HMP shall be based on the principles of the draft Habitat Management Plan (EIAR 2023, Technical Appendix 9.6) and shall set out proposed habitat management within the Site during the period of construction, operation, decommissioning, restoration and any aftercare of the Site, and shall provide for

- a. Biodiversity enhancement;
- b. Peatland restoration works across a total area of approximately 32.5 hectares; and
- c. the maintenance, monitoring and reporting of sward height across any permanent, long term, open areas within the Site that are within up to 500m of wind turbines.

(2) The approved HMP 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 HMP 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.

(3) The approved HMP shall be implemented in full, subject to any such approved updates.

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

(S) In conditions PART 2, replace in its entirety, condition 16 **Programme of Archaeological Works** with:

There shall be no Commencement of development unless and until the Planning Authority has approved the terms of a programme of archaeological works to be observed during construction of the Development, to include measures to be taken to protect and preserve any features of archaeological interest in situ where practicable and the recording and recovery of archaeological features which cannot be so preserved. The approved scheme of archaeological works shall thereafter be implemented in full.

Reason: To ensure the protection or recording of archaeological features on the site.

(T) In conditions PART 2, replace in its entirety, condition 17 **Peat Landslide Management** with:

(1) There shall be no Commencement of development unless and until a detailed Peat Landslide Risk Assessment ('PLRA'), addressing the construction phase of the Development and post-construction monitoring, has been approved in writing by the Planning Authority in consultation with the Scottish Ministers.

- a. The PLRA shall comply with best practice contained in "Peat Landslide Hazard and Risk Assessments: Best Practice Guide for Proposed Electricity Generation Developments, Second Edition" published by the Scottish Government in April 2017, or such replacement standard as may be in place at the time of submission of the PLRA for approval.
- b. The PLRA shall be supported by peat depth probing in accordance with Table 2 (Further Assessment of Peatland Extent and Conditions) in "Peatland Survey. Guidance on Developments on Peatland" published by the Scottish Government, NatureScot and SEPA in 2017.
- c. The PLRA shall include a scaled plan and details of any mitigation measures to be put in place. The mitigation measures in the approved PLRA shall thereafter be implemented in full.

(2) There shall be no Commencement of development unless and until the terms of appointment for an independent and suitably qualified Geotechnical Engineer (including specification of duties and duration of appointment) have been submitted to, and approved by the Planning Authority in consultation with the Scottish Ministers, and the approved Geotechnical Engineer has been appointed.

- a. Continuous monitoring of ground conditions during the construction and deforestation phases of development shall be carried out.
- b. Continuous analysis and call out services shall be provided by the Geotechnical Engineer throughout the construction phase of the Development.
- c. If a risk of peat failure is identified such geotechnical instrumentation to monitor ground conditions as is recommended by the Geotechnical Engineer shall be installed and ground conditions shall be monitored.
- d. Any remediation work considered necessary by the Geotechnical Engineer shall be implemented to the satisfaction of the Geotechnical Engineer.
- e. Monitoring results shall be fed into risk analysis reports, which shall be submitted to the Planning Authority and copied to the Scottish Ministers on a quarterly basis during the construction and deforestation phases of development.

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

(U) In conditions PART 2, replace in its entirety, condition 18 **Television reception mitigation** with: **Telecommunications mitigation**

Within 12 months of the date of First Commissioning, any claim by any individual person regarding television or telecommunications interference at their house or business premises, shall be investigated by a qualified engineer appointed by the Company and the results shall be submitted to the Planning Authority. Should any impairment of services be attributable to the Development, the Company shall remedy such impairment within 3 months or such other timescale as may be agreed in writing with the Planning Authority.

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

(V) In conditions PART 2, replace in its entirety, condition 19 **Redundant turbines** with:

- (1) If any one or more of the wind turbines hereby permitted cease to export electricity to the grid for a continuous period of 12 months, unless otherwise agreed in writing with the planning authority, then a scheme shall be submitted to the planning authority for its written approval within 3 months from the end of that 6 month period for the repair or removal of those turbines. The scheme shall include a programme of remedial or repair works to the relevant turbine(s) and requirements for monthly reporting to the planning authority on progress with such works. If the said turbine(s) have not begun exporting electricity to the grid within a period of 6 months from approval of the said scheme, unless otherwise agreed in writing with the planning authority, then a scheme shall be submitted to the planning authority with a programme for removal of the relevant turbines and associated above-ground works approved under this permission and the removal of the turbine foundations to a depth of at least 1 metre below ground and for site-restoration measures following the removal of the relevant turbine. The scheme shall thereafter be implemented in accordance with the approved details and timetable.
- (2) This condition shall not apply if outages are outwith the Company's control or are 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 shutdowns and timescales for the outages within 5 working days of the turbines being switched off.

Reason: To ensure appropriate provision is made for turbine(s) requiring repair or for turbine(s) which require decommissioning.

(W) In conditions PART 2, condition 20 **Aviation safety** replace "No development shall commence" with "There shall be no Commencement of development".

(X) In conditions PART 2, replace in its entirety, condition 21 **Site decommissioning, restoration and aftercare** with:

- (1) There shall be no Commencement of development unless and until an Interim Decommissioning and Restoration Plan ("IDRP") for the Site has been submitted to, and approved in writing by the Planning Authority in consultation with NatureScot and SEPA. Thereafter:
 - a. not later than 3 years prior to the decommissioning of the Development, the IDRP shall be reviewed by the Company, to ensure that the IDRP takes account of best practice in decommissioning prevailing at the time and ensures that site specific conditions, identified during construction of the Site, and subsequent operation and monitoring of the Development are given due consideration. A copy shall be submitted to the Planning Authority for its written approval, in consultation with NatureScot and SEPA; and
 - b. not later than 12 months prior to the decommissioning of the Development, a detailed Decommissioning and Restoration Plan ("DRP"), based upon the principles of the approved interim plan, shall be submitted to, and approved in writing by the Planning Authority, in consultation with NatureScot and SEPA.
- (2) The IDRP and subsequent DRP shall include (unless otherwise agreed in writing with the Planning Authority and in accordance with legislative requirements and published best practice at time of decommissioning) details about the removal of the Development, including where necessary details of a) justification for retention of any relevant elements of the Development, b) the treatment of disturbed ground surfaces, c) management and timing of the works, d) environmental management provisions and e) a traffic management plan to address any traffic impact issues during the decommissioning period.
- (3) The DRP shall be implemented as approved. If a Final DPR is not approved by the planning authority in advance of the decommissioning, the Interim IDRP

shall be implemented, unless otherwise agreed in writing by the Planning Authority

Reason: To ensure that all wind turbines and other redundant development are removed from site at the end of the Development's permitted life in the interests of safety, amenity, environmental protection and securing planning control.

(Y) In conditions PART 2, condition 22 **Financial guarantee** replace "No development shall commence" with "There shall be no Commencement of development"; and "Commencement of Development" with "Commencement of development"; and "wind farm" with "the Development" and "planning authority" with "Planning Authority".

(Z) In conditions PART 2, condition 24 **Water quality and fish-population monitoring** replace "No development shall commence" with "There shall be no Commencement of development" and "planning authority" with "Planning Authority".

(AA) In conditions PART 2, condition 25 **Sustainable drainage system** replace "No development shall commence" with "There shall be no Commencement of development" and "planning authority" with "Planning Authority".

(BB) In conditions PART 2, replace in its entirety, condition 26 **Noise** with:

The rating level of noise immissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in or derived from Tables 1, 2, 3 and 4 attached to these conditions. Furthermore:

(A) Where there is more than one non-financially involved dwelling at a location specified in Tables 1 and 2 attached to this condition, the noise limits set for that location shall apply to all dwellings at that location. For the dwellings that are financially involved, the values in Tables 3 and 4 attached to this condition, the noise limits shall apply to the financially involved dwellings. Details and locations of financially involved dwellings will be submitted to the Planning Authority prior to the operation of the Development. In the event of a noise complaint relating to a dwelling which is not identified by name or location in the Tables attached to these conditions, the Company shall submit to the Planning Authority, for written approval, proposed noise limits to be adopted at the complainant's dwelling for compliance checking purposes. The submission of the proposed noise limits to the Planning Authority shall include a written justification of the choice of limits. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Planning Authority for the complainant's dwelling.

(B) No electricity shall be exported on a commercial basis to the grid until the Company has submitted to the Planning Authority for written approval a list of proposed qualified acousticians who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved qualified acousticians shall be made only with the prior written approval of the Planning Authority.

(C) There shall be no Commencement of development until a Noise Measurement and Mitigation Scheme has been submitted to, and approved in writing by the Planning Authority. The scheme shall include:

- A framework for the measurement and calculation of the rating level of noise immissions from the Development (including the identification of any tonal component) to be undertaken in the event of a complaint in accordance with ETSU-R-97 and its associated Good Practice Guide and Supplementary Guidance Notes.
- A framework for implementing the curtailment measures, where necessary to ensure the values in Tables 1, 2, 3 and 4 are not exceeded.

(D) Within 21 days from receipt of a written request of the Planning Authority, following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the Company shall, at its expense, employ a qualified acoustician approved by the Planning Authority to assess the rating level of noise immissions from the Development at the complainant's property in accordance with the approved Noise Measurement & Mitigation Scheme. The written request from the Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component. Within 14 days of receipt of a written request from the Planning Authority, the Company shall provide the Planning Authority with the information relevant to the complaint logged in accordance with paragraph (G) of this condition.

The qualified acoustician's assessment must be undertaken in accordance with the approved Noise Measurement & Mitigation Scheme and must relate to the range of conditions which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the information provided in the written request from the Planning Authority and such other conditions as the qualified acousticians considers necessary to fully assess the noise at the complainant's property.

(E) The Company shall provide to the Planning Authority the qualified acoustician's assessment of the rating level of noise immissions within 2 months of the date of the written request of the Planning Authority, unless the time limit is extended in writing by the Planning Authority. All data collected for the purposes of undertaking the compliance measurements shall be made available to the Planning Authority on the request of the Planning Authority. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

(F) Where a further assessment of the rating level of noise immissions from the Development is required to assess the complaint, the Company shall submit a copy of the further assessment within 21 days of submission of the qualified acoustician's assessment to the Planning Authority unless the time limit for the submission of the further assessment has been extended in writing by the Planning Authority.

(G) Within one week of the Planning Authority receiving an assessment which identifies that the Development noise levels are exceeding any of the limits in Tables 1, 2, 3 and 4 attached to this condition, the Company will implement mitigation measures in accordance with the approved Noise Measurement & Mitigation Scheme.

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

Note: For the purposes of this condition, a "dwelling" is a building within Use Class 9 of the Use Classes Order or any other dwellinghouse which lawfully exists or had planning permission at the date of this consent.

Change the title of Table 1 from "Table 1: Between 07:00 and 23:00 hours (Noise Level in dB LA90, 10-min)" **to** Table 1: Between 07:00 and 23:00 hours (Noise Level in dB LA90, 10-min) for non-involved properties".

Change title of Table 2 from "Table 2: Between 23:00 and 07:00 hours (Noise Level in dB LA90, 10-min)" **to** Table 2: Between 23:00 and 07:00 hours (Noise Level in dB LA90, 10-min) for non-involved properties".

Add the following tables:

Table 1 between 07:00 and 23:00 hours (Sound levels in dB LA90,10-min) for *involved* properties.

Location	Standardised Wind Speed at Ten Metres Height, m/s, within the Site averaged over 10-minute periods									
	4	5	6	7	8	9	10	11	12	
	LA90 Decibel Levels									
Involved Dwelling	45	45	45	45	45	45	45	45	45	45

Table 2 between 23:00 and 07:00 hours (Sound levels in dB LA90,10-min) for *involved* properties.

Location	Standardised Wind Speed at Ten Metres Height, m/s, within the Site averaged over 10-minute periods									
	4	5	6	7	8	9	10	11	12	
	LA90 Decibel Levels									
Involved Dwelling	45	45	45	45	45	45	45	45	45	45

Change the title of Table 3 from “Table 3 Coordinate locations of the properties listed in tables 1 and 2. The coordinates are stated in British National Grid” to “Table 5 Coordinate locations of the properties listed in tables 1, 2, 3 and 4. The coordinates are stated in British National Grid”.

Replace “Note to Tables 1 and 2: The wind speed standardised to 10 metres height within the Site refers to wind speed at 10 metres height derived in accordance with the method given in the attached Guidance Notes” **with** “Note to Tables 1, 2, 3 and 4: The wind speed standardised to 10 metres height within the Site refers to wind speed at 10 metres height derived in accordance with the method given in the attached Guidance Notes”.

Replace “Note to Table 3: The geographical coordinate references set out in these tables are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies” **with** “Note to Table 5: The geographical coordinate references set out in these tables are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.”

(CC) In conditions PART 2, replace in its entirety, condition 28 **Wildcat monitoring** with:

Prior to the date of Final Commissioning, the Company shall submit to the Planning Authority a written scheme for post-construction monitoring to safeguard Scottish wildcat during the operational period of the Development, at locations where there is suitable habitat within the Site. This post-construction monitoring scheme shall provide for monitoring, during the wildcat breeding season, to take place in Year 1, 5, 10, 15, and 25 from Final Commissioning, or such other frequency as may be approved by the Planning Authority following consultation with NatureScot, and shall include regular reporting to NatureScot of the findings of the agreed monitoring and identify any mitigation which may be required if Scottish Wildcat is confirmed to be present on the Site.

Reason: To enable the impact on wildcat to be suitably monitored.

(DD) In conditions PART 2, delete in its entirety, condition 29 **Revocation of planning permission for the Rumster windfarm** and replace with:

29. Commencement of development

The development must be commenced no later than 24 March 2027. That is, within six years of 24 March 2021, that being the date on which the Scottish Ministers gave a direction that planning permission was deemed to be granted.

Written confirmation of the intended date of Commencement of development shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month before that date.

Reason: To comply with section 58 of the Town and Country Planning (Scotland) Act 1997.

(EE) In conditions PART 2, condition 31 **Compensatory Planting** replace “No development (other than Permitted Preliminary Works shall commence” with “There shall be no Commencement of development” and “planning authority” with “Planning Authority”; and “232 hectares” with “31.52 hectares”.

(FF) In conditions PART 2, replace, in its entirety, **32. Definitions relating to conditions** with

32. Wick Airport

No turbine tower shall be erected above 74.5 metres above ground level (“AGL”), (including cranes needed to erect them and including any vertical changes to do with micrositing), to any Relevant Instrument Flight Procedure (“IFP”) Turbine(s) forming part of the Development, unless and until such time as the Scottish Ministers receive confirmation from the Airport Operator that:

- (a) an IFP Scheme has been approved by the Airport Operator;
- (b) the Civil Aviation Authority has evidenced its approval to the Airport Operator of the IFP Scheme (if such approval is required);
- (c) the IFP Scheme is accepted by NATS AIS for implementation through the AIRAC Cycle (or any successor publication) (where applicable) and is available for use by aircraft; and
- (d) a Mitigation Agreement has been entered into.

In this condition:

"Airport Operator" means Highlands and Islands Airports Limited or any successor as holder of a licence under the Commission Regulation (EU) No. 139/2014 (or any successor regulation) from the Civil Aviation Authority to operate Wick Airport.

"IFP Scheme" means a scheme to address the potential impact of the turbines on the instrument flight procedures of Highlands and Islands Airports Limited.

"Mitigation Agreement" means an agreement between the Airport Operator and the applicant which: (a) obliges the parties to agree an IFP Scheme, and (b) obliges the applicant to comply with the IFP Scheme and the remaining terms of this Condition.

"Relevant IFP Turbines" means those turbines of the development that are identified in the Instrument Flight Procedure Assessment entitled turbines T4, T14, T17, and T18 and/or any turbines included in documents subsequently approved by HIAL that supersedes/compliments that document.

Reason: In the interests of aviation safety; to secure mitigation of impacts and ensure the development does not alter traffic patterns or impact the safety of aircraft at Wick Airport.

(GG) In conditions PART 2, replace, in its entirety, **33. Guidance Notes for Noise Conditions** with

33. Site Inspection Strategy

- (1) Prior to the Date of Final Commissioning, the Company shall submit an outline Site Inspection Strategy (“Outline SIS”) for the written approval of the Planning Authority. The Outline SIS shall set out a strategy for the provision of site inspections and accompanying Site Inspection Reports (“SIRs”) to be carried out at 25 years of operation from the Date of Final Commissioning and every five years thereafter.

- (2) No later than 24 years after the Date of Final Commissioning, the Company shall submit a final detailed Site Inspection Strategy ("Final SIS"), based on the principles of the approved Outline SIS for the written approval of the Planning Authority. The Final SIS shall set out updated details for the provision of site inspections and accompanying SIRs, in accordance with relevant guidance at that time, to be carried out at 25 years of operation from the Date of Final Commissioning and every five years thereafter.
- (3) At least one month in advance of submitting each Site Inspection Report to the Planning Authority, the scope of the Site Inspection Report shall be agreed with the Planning Authority.
- (4) The SIRs shall include, but not be limited to:
- a. Details to demonstrate that the infrastructure components of the Development are still operating in accordance with the relevant Conditions; and
 - b. An engineering report which details the condition of tracks, turbine foundations and the wind turbines and sets out the requirements and the programme for the implementation for any remedial measures which may be required.
- (5) The SIS and each Site Inspection Report shall be implemented in full unless otherwise agreed in advance in writing by the Planning Authority.

Reason: To ensure the Development is being monitored at regular intervals throughout after the first 25 years of operation.

Add the following after condition 33:

DEFINITIONS

"the Variation Application" means the application made on 19 October 2023 under section 36C of the Electricity Act 1989 ("the Act") by Ramboll UK Ltd on behalf of RWE Renewables UK Onshore Wind Ltd;

"the Company" means RWE Renewables UK Onshore Wind Ltd, a company incorporated under the Companies Act with company number 03758407 and having its registered office at Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, England SN5 6PB;

"development" means the implementation of the consent and deemed planning permission by the carrying out of a material operation within the meaning of section 27 of the Town and Country Planning (Scotland) Act 1997.

"Commencement of development" means the date on which development shall be taken as begun in accordance with section 27 of the Town and Country Planning (Scotland) Act 1997;

"The Development" means the Development described in Annex 1;

"dwelling" means a building within Use Class 9 of the Town and Country Planning (Use Classes)(Scotland) Order 1997 which lawfully exists or had planning permission at the date of this consent and deemed planning permission;

"First Commissioning" means the date on which electricity is first exported to the grid network on a commercial basis from any of the wind turbines forming part of the Development;

“Final Commissioning” means the earlier of (a) the date on which electricity is exported to the grid on a commercial basis from the last of the wind turbines forming part of the Development erected in accordance with this consent; or (b) the date falling 18 months from the date of First Commissioning unless a longer period is agreed in writing in advance with the Planning Authority;

“the Site” means the site as edged red on the submitted site layout plan (Annex 4) and site location (Annex 3);

“public holiday” means;

- New Year's Day if it is not a Sunday or, if it is a Sunday, 3rd January;
- 2nd January if it is not a Sunday or, if it is a Sunday, 3rd January;
- Good Friday;
- Easter Monday;
- The first Monday in May;
- The first Monday in August;
- The third Monday in September;
- 30th November if it is not a Saturday or Sunday or, if it is a Saturday or Sunday, the first Monday following that day;
- Christmas Day if it is not a Sunday or, if it is a Sunday, 27th December;
- Boxing Day if it is not a Sunday or, if it is a Sunday, 27th December.

“HES” means Historic Environment Scotland;

“NatureScot” means Scottish Natural Heritage, acting under its operating name NatureScot;

“the Planning Authority” means the Highland Council or any statutory successor(s) as local Planning Authority under the Town and Country Planning (Scotland) Act 1997.

“SEPA” means the Scottish Environment Protection Agency.

Description Of The Development

The Development is comprised of a wind power powered electricity generating station known as Golticlay Wind Farm, with a generating capacity exceeding 50 megawatts, located approximately 15 km south west of Wick and 4.5 km north west of Lybster in the Highland Council planning area as specified in the application submitted on 19 October 2023 (“the Variation Application”) by Ramboll UK Ltd on behalf of RWE Renewables UK to vary, under section 36C of the Electricity Act 1898, the consent granted 24 March 2021.

The Golticlay Wind Farm and related ancillary developments will be comprised of:

- 13 turbines with a blade tip height not exceeding 180 metres;
- 13 turbine foundations and turbine crane pads;
- 1 permanent anemometer mast;
- 1 Control building and substation compound;
- approximately 12.1 kilometres of access tracks with passing places;
- turning points;
- watercourse crossings;
- 3 borrow pits;
- 1 temporary construction compound; and
- cable trenches.

All as more particularly shown on Figure 1.3 (Proposed Varied Development) which was submitted with Variation Application.

ANNEX 2

Part 1

The consent granted in accordance with section 36 of the Electricity Act 1989 is subject to the following conditions:

1. Duration of the Consent

The consent is for a period of 25 years from the earlier of: i) the date when electricity is first exported to the electricity grid network from all of the wind turbines hereby permitted; or ii) the date falling 18 months after electricity is generated from the first of the wind turbines hereby permitted. Written confirmation of the date of Final Commissioning shall be provided to the Scottish Ministers no later than one calendar month after the event.

Reason: To define the duration of the consent.

2. Commencement of development

The Development shall be commenced not later than six years from the date of this consent, or such other longer period as the Scottish Ministers may direct in writing following a request by the Company. Written confirmation of the intended date of commencement of the Development shall be provided to the Scottish Ministers and the Planning Authority as soon as is practicable after deciding on such a date.

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

3. Non-assignment

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

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

4. Serious Incident Reporting

In the event of any breach of health and safety or environmental obligations relating to the Development during the period of this consent written notification of the nature and timing of the incident shall be submitted to the Scottish Ministers within twenty-four hours of the incident occurring, including confirmation of remedial measures taken and/or to be taken to rectify the breach.

Appendix 2

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

5. RAF Lossiemouth Air Traffic Control Radar

- (1) No development shall commence unless and until an Air Traffic Control Radar Mitigation Scheme, designed to mitigate the impact of the development upon the operation of the Primary Surveillance Radar at RAF Lossiemouth (“the Radar”) and the air traffic control operations of the Ministry of Defence (MOD) which is reliant upon the Radar, to address the impact of the wind turbines upon air safety, has been submitted to and approved in writing by Scottish Ministers.
- (2) The Air Traffic Control Radar Mitigation Scheme shall set out the appropriate measures to be implemented to mitigate the impact of the development on the Radar and shall be in place for the operational life of the development provided the Radar remains in operation.
- (3) No turbines shall become operational unless and until all those measures required by the approved Air Traffic Control Radar Mitigation Scheme to be implemented prior to the operation of the turbines have been implemented and the Scottish Ministers have confirmed this in writing. The development shall thereafter be operated fully in accordance with the approved Air Traffic Control Radar Mitigation Scheme.

Reason: To maintain air safety.

6. Aviation Lighting

The Company shall install on the Perimeter Turbines MOD-accredited infra-red warning lighting of intensity equivalent to 25 candela or greater with an optimised flash pattern of 60 flashes per minute of 100 milliseconds (ms) to 500ms (ideally 250ms) duration at the highest practicable point on the turbine. The Cardinal Turbines shall be fitted with MOD-accredited combination lighting comprised of steady red lighting with an intensity of 32 candela, and infra-red warning lighting of intensity equivalent to 25 candela or greater with an optimised flash pattern of 60 flashes per minute of 100 milliseconds (ms) to 500ms (ideally 250ms) duration at the highest practicable point on the turbine. The turbines will be erected with this lighting installed and the lighting will remain operational throughout the duration of this consent.

Reason: To maintain air safety.

ANNEX 2

Part 2

The planning permission deemed to be granted under section 57 of the Town and Country Planning (Scotland) Act 1997 for the Development described in Annex 1 is subject to the following conditions:

1. Implementation in accordance with approved plans and requirements

- (1) Except as otherwise required by the terms of the section 36 consent and deemed planning permission, the Development shall be undertaken in accordance with the Application and accompanying Environmental Statement submitted on 27 October 2016, as supplemented by and as amended by the Additional Information submitted by the Company on 20 June 2017, and Additional Information submitted by the Company to the public local inquiry reporter in 2018; and as shown on plan reference Figure 4.1 – Final Layout of the Additional Information submitted by the Company on 27 October 2017.
- (2) Any proposed deviation from the detail provided within these documents must be submitted to and approved in writing by the planning authority.

Reason: *To ensure that the Development is carried out in accordance with the approved details.*

2. Design and operation of turbines

- (1) No turbines shall be erected unless and until details of the proposed turbines have been submitted to, and approved in writing by, the planning authority. These details shall include:
 - a. the make, model, design, of the turbines to be used; and
 - b. the external colour and/or finish of the turbines to be used (including towers, nacelles and blades) which should be non-reflective pale grey semi-matt.
- (2) Furthermore:
 - a. the turbines must have internal transformers; and
 - b. the hub height for turbine T10 (the location of which is shown on the Site Layout Plan) shall not exceed 70 metres.
- (3) Thereafter, development shall progress in accordance with these approved details and, with reference to part ii above, the turbines shall be maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned

Appendix 2

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

3. Advertisement on infrastructure

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

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

4. Design of substation and ancillary equipment

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

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

5. Micrositing

- (1) All wind turbines, buildings, masts, borrow pits, areas of hardstanding and tracks shall be constructed in the location shown in table 4.2 of the 2017 FEI. Wind turbines, buildings, masts, borrow pits, areas of hardstanding and tracks may be adjusted by micro-siting within the Site. However, unless otherwise approved in advance in writing by the planning authority (in consultation with SEPA and SNH), micro-siting is subject to the following restrictions:
 - a. No wind turbine foundation shall be positioned higher, when measured in metres Above Ordinance Datum (AOD), than the position shown on the Site Layout Plan;
 - b. No wind turbine or related hardstanding shall be moved more than 50m from the position shown in table 4.2 of the ES and no mast or access track shall be moved more than 50m from the position shown on the Site Layout Plan;

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- c. No buildings, temporary construction compound or borrow pits shall be moved more than 100m from the position shown on the Site Layout Plan;
 - d. No micro-siting shall take place with the result that infrastructure (excluding floating tracks or hardstanding) is located within areas of peat of greater depth than the original location;
 - e. No micro-siting shall take place within areas hosting Ground Water Dependent Terrestrial Ecosystems as identified in the ES;
 - f. No micro-siting of the access track between turbine T13 and the construction compound shall be undertaken westwards;
 - g. No micro-siting of the access track to turbine T18 shall be undertaken northwards such as to impact upon the shieling hut of Clashmore;
 - h. With the exception of water-crossings, no element of the proposed development should be located closer than 50m from the top of the bank of any watercourse; and
 - i. All micro-siting permissible under this condition must be undertaken under the direction of the Environmental Clerk of Works (ECoW).
- (2) No later than one month after the date of Final Commissioning, an updated site layout 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.

6. Borrow pits – scheme of works

- (1) No borrow pit shall be opened up unless and until a site-specific scheme for the working and restoration of each borrow pit forming part of the Development has been submitted to and approved in writing by the planning authority in consultation with SEPA. The scheme shall include:
- a. A detailed prioritisation plan for all borrow pits on site which shall provide detail on which borrow pits are required or likely to be worked and the sequence in which they will be opened up;
 - b. A detailed working method statement based on site survey information and ground investigations;
 - c. Details of the handling of any overburden (including peat, soil and rock);
 - d. Drainage, including measures to prevent surrounding areas of peatland and Ground Water Dependent Terrestrial Ecosystems (GWDTE) from drying out;

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

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

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

7. Borrow pits – blasting

- (1) No blasting shall take place unless and until such time as a blasting method statement has been submitted to and approved in writing by the planning authority. The method statement shall include details of measures required to minimise the impact of blasting on residential dwellings in the vicinity of the Site. The scheme shall include:
 - a. Details on ground vibration limits at agreed blast monitoring locations;
 - b. Limitations on blasting to between the hours of 10.00 to 16.00 Monday to Friday inclusive and 10.00 to 12.00 on Saturdays, with no blasting taking place on a Sunday or on national public holidays, unless otherwise approved in advance in writing by the planning authority.

(2) Thereafter the approved scheme shall be implemented.

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

8. Planning Monitoring Officer

- (1) No development shall commence unless and until the planning authority has approved in writing the terms of appointment by the Company of an independent and suitably qualified environmental consultant to assist the planning authority in monitoring compliance with the terms of the deemed planning permission and conditions attached to this consent (“PMO”). The terms of appointment shall:
 - a. Impose a duty to monitor compliance with the terms of the deemed planning permission and conditions attached to this consent;
 - b. Require the PMO to submit a monthly report to the planning authority summarising works undertaken on site; and

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- c. Require the PMO to report to the planning authority any incidences of non-compliance with the terms of the deemed planning permission and conditions attached to this consent at the earliest practical opportunity.

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

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

9. Ecological Clerk of Works

- (1) No development shall commence unless and until the planning authority has approved in writing the terms of appointment by the Company of an independent Ecological Clerk of Works (ECoW) in consultation with SNH and SEPA. The terms of appointment shall:

- a. Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the environmental statement and other information lodged in support of the application, the Construction and Environmental Management Plans approved in accordance with condition 10, the Habitat Management Plan approved in accordance with condition 15, any species protection plans identified in the Environmental Statement or 2017 FEI and other plans approved (“the ECoW works”);
- b. Require the ECoW to report to the Company’s nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
- c. Require the ECoW to submit a monthly report to the planning authority summarising works undertaken on site;
- d. Have power to stop the job / activities being undertaken within the Site when a breach or potential breach of environmental legislation occurs to allow for a briefing of the concern to the Company’s nominated construction project manager; and
- e. Require the ECoW to report to the planning authority any incidences of non-compliance with the ECoW Works at the earliest practical opportunity.

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

- (3) No later than 18 months prior to decommissioning of the Development or the expiration of this planning permission (whichever is the earlier), the Company shall submit details of the terms of appointment by the Company of an independent ECoW throughout the decommissioning, restoration and any aftercare phases of the Development to the planning authority for approval in consultation with SNH and SEPA. The ECoW shall

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be appointed on the approved terms throughout the decommissioning, restoration and any aftercare phases of the Development.

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

10. Construction and Environmental Management

(1) No development shall commence unless and until a finalised Construction and Environmental Management Document is submitted to and agreed in writing by the planning authority in consultation with SEPA and other appropriate consultees as directed by the planning authority. The document shall be based upon the draft Construction Environment Management Plan submitted to Scottish Ministers in June 2017. The document shall include provision for:

- a. An updated Schedule of Mitigation (SM). This should take account of the mitigation measures set out in the ES, and in particular, in ES table 19.1, and any update or amendment to these, or any additional mitigation measure proposed in the 2017 FEI, 2018 AEI or in details approved under these conditions;
- b. Processes to control / action changes from the agreed Schedule of Mitigation; and;
- c. The following specific Construction and Environmental Management Plans (CEMPs):
 - i. Details of the construction works, construction methods and surface treatment for all hard surfaces and tracks;
 - ii. Method of construction of the crane pads;
 - iii. Method of construction of the turbine foundations;
 - iv. Method of working cable trenches;
 - v. Method of construction and erection of the wind turbines and meteorological masts
 - vi. Details of watercourse crossings designed to accommodate a 1-in-200-year flood event plus a 20% allowance for climate change;
 - vii. Residual Forest Waste Management Plan;
 - viii. Details of the temporary site compounds, for the storage of materials and machinery, including the areas designated for offices, welfare facilities; fuel storage and car parking;
 - ix. Peat Management Plan – to include details of all peat stripping, excavation, storage and reuse of material in accordance with best practice advice published by SEPA and SNH. The Peat Management Plan shall include a scheme for adjustment of the location of development infrastructure within its micro-siting tolerance permitted under condition 5 so as to minimise impacts upon peat. The Plan should also set out how sensitive peat areas are to be marked out on-site to prevent any vehicle causing inadvertent damage. The Peat Management Plan shall be informed by further peat probing in the vicinity of turbine numbers 10 and 15.

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- x. Water Quality Management Plan - highlighting drainage provisions including monitoring / maintenance regimes, water crossings, surface water drainage management (SUDs) and development and storage of material buffers (50m minimum) from water features, unless otherwise agreed in writing by the planning authority in consultation with SEPA;
- xi. Public Water Supply Protection Measures Plan;
- xii. Pollution Prevention Plan
- xiii. Site Waste Management Plan
- xiv. Construction Noise Mitigation Plan.
- xv. Species Protection Plan(s): - including hen harrier, osprey and Scottish wildcat.
- xvi. A plan for pre-construction surveys for legally protected species.
- xvii. A plan for mitigation of effects on Ground Water Dependent Terrestrial Ecosystems.

The relevant CEMPs shall provide that construction work must, where possible, avoid the bird-breeding season (15 March to 31 August inclusive). In cases where this is not possible, the CEMPs shall provide that pre-construction surveys for breeding hen harrier, short-eared owl and merlin must be carried out within the Site boundary and 750 metres beyond following best-practice guidance. Mitigation measures identified in the CEMPs or identified following the survey must be implemented to avoid disturbance. The CEMPs shall provide that the survey method is to be subject to consultation with Scottish Natural Heritage before the survey is carried out.

The species protection plan for hen harrier shall provide that regular monitoring of the hen-harrier roost site identified during baseline surveys will be conducted during the non-breeding season (1 September to 31 March inclusive). It shall further provide that when this roost is observed to be occupied, mitigation measures identified in the species protection plan will be implemented to minimise risk of construction-related disturbance to hen harriers using the roost.

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

- d. A communication plan to ensure all contractors are aware of the possible presence of protected species frequenting the Site and the laws relating to their protection;
- e. The notification and a stop-the-job commitment requirements set out below:

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- i. Should an otter holt be found during construction, all works within 200m of the holt shall stop immediately and the SNH Golspie office must be notified and asked for advice.
 - ii. Should a wild cat den be found during construction, all works within 200m of the den shall stop immediately and the SNH Golspie office must be notified and asked for advice.
 - iii. Should any water vole activity be found during construction, all works within 10m of the nearest burrow shall stop. Work may progress if it is in excess of 10m of the nearest burrow, otherwise work shall stop immediately and the SNH Golspie office must be notified and asked for advice;
- f. Site Construction Decommissioning Method Statement highlighting restoration / reinstatement of the working areas not required during the operation of the Development, including temporary access tracks required for construction only, borrow pits, construction compound, storage areas, laydown areas, and other temporary construction areas. Wherever possible, reinstatement is to be achieved by the careful use of turfs removed prior to construction works. Details should include all seed mixes to be used for the reinstatement of vegetation; and
- g. A Construction Method Statement for the approval of the planning authority in consultation with SNH and SEPA incorporating the mitigation measures set out in the Peat Landslide Risk Assessment provided as part of the 2017 FEI.

- (2) Unless otherwise agreed in writing by the planning authority, the development shall then proceed in accordance with the approved Construction Environment Management Document.

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

11. Construction Traffic Management

- (1) No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the planning authority in consultation with the relevant roads authority(s) and Transport Scotland. The CTMP, which shall be implemented as approved during all period of construction and decommissioning, must include:
- a. A description of all measures to be implemented by the Company in order to manage traffic during the construction phase (including routing strategies), with any additional or temporary signage and traffic control undertaken by a recognised suitably qualified traffic management consultant;
 - b. The identification and delivery of all upgrades to the public road network, including but not limited to upgrades to the local and trunk road network, to ensure that it is to a standard capable of accommodating construction traffic relating to the Development (including the formation or improvement of any

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junctions leading from the Site to the public road) to the satisfaction of the roads authorities, including:

- i. Access by abnormal indivisible loads will be via the A99 and C1053 only;
- ii. An initial route assessment report for abnormal loads and construction traffic, including swept path analysis and details of the movement of any street furniture, any traffic management measures and any upgrades and mitigation measures as necessary;
- iii. An assessment of the capacity of existing bridges and other structures along the construction access routes to cater for all construction traffic, with upgrades and mitigation measures proposed and implemented as necessary;
- iv. A videoed trial run to confirm the ability of the local road network to cater for turbine delivery. Three weeks' notice of this trial run must be made to the local Roads Authority who must be in attendance;

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

- c. A risk assessment for the transportation of abnormal loads to the Site during daylight hours and hours of darkness;
- d. 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.
- e. A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during construction / decommissioning periods.
- f. A detailed protocol for the delivery of abnormal loads/vehicles, prepared in consultation with interested parties. The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of abnormal load movements in the local media. Temporary signage, in the form of demountable signs or similar approved, shall be established, when required, to alert road users and local residents of expected abnormal load movements. All such movements on roads maintained by the local roads authority shall take place outwith peak times on the network, including school travel times, and shall avoid times of local community events.
- g. A detailed delivery programme for abnormal load movements, which shall be made available to the planning authority and community representatives.

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- h. Details of any upgrading works required at the junction of the Site access and the public road. Such works may include suitable drainage measures, improved geometry and construction, measures to protect the public road and the provision and maintenance of appropriate visibility splays.
- i. Details of appropriate traffic management which shall be established and maintained at the Site access for the duration of the construction period. Full details shall be submitted for the prior approval of Highland Council, as roads authority.
- j. Wheel washing measures to ensure water and debris are prevented from discharging from the Site onto the public road;
- k. Appropriate reinstatement works shall be carried out, as required by Highland Council, at the end of the turbine delivery and erection period.
- l. Measures to ensure that construction traffic adheres to agreed routes.

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

12. Road Conditions Surveys

No development shall commence unless and until the planning authority has approved a scheme proposed by the Company for pre-commencement and post-construction condition surveys of roads upon which there is likely to be excessively heavy or other extraordinary traffic associated with the Development's construction. The scheme shall be carried out as approved by the planning authority.

Reason: To ascertain the condition of public roads prior to and post construction of the Development

13. Community Liaison Group

No development shall commence unless and until a Community Liaison Group is established by the Company, in collaboration with the planning authority and the Latheron, Lybster and Clyth Community Council. The group shall act as a vehicle for the community to be kept informed of project progress and shall provide a forum for advanced dialogue on the provision of all transport-related mitigation measures and for keeping under review the timing of the delivery of turbine components, where possible resolving conflict between such delivery and any increased traffic generated by concurrent local events and other development. The Liaison Group, or element of any combined liaison group relating to this development, shall be maintained until the wind farm construction has been completed and is fully operational.

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

14. Outdoor Access Management Plan

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No development shall commence unless and 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 within the Site during construction so far as possible subject to health and safety requirements, and thereafter that existing levels of public access are not restricted as a result of 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

15. Habitat Management Plan

- (1) No development shall commence unless and until a Habitat Management Plan (HMP) has been submitted to and approved in writing by the planning authority in consultation with SNH. The HMP shall be based on the principles of the draft Habitat Management Plan (June 2017) and shall set out proposed habitat management within the Site during the period of construction, operation, decommissioning, restoration and any aftercare of the Site, and shall provide for the maintenance, monitoring and reporting of sward height across any permanent, long term, open areas within the Site that are within up to 500m of wind turbines.
- (2) The approved HMP 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 HMP will be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Commissioning and submitted to the planning authority for written approval in consultation with SNH and SEPA.
- (3) The approved HMP shall be implemented in full, subject to any such approved updates.

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

16. Programme of Archaeological Works

No development shall commence unless and until the planning authority has approved the terms of a programme of archaeological works to be observed during construction of the Development, to include measures to be taken to protect and preserve any features of archaeological interest in situ where practicable and the recording and recovery of archaeological features which cannot be so preserved. The approved scheme of archaeological works shall thereafter be implemented in full.

Reason: To ensure the protection or recording of archaeological features on the site.

17. Peat Landslide Management

- (1) No development shall commence unless and until a detailed Peat Landslide Risk Assessment ('PLRA'), addressing the construction phase of the development and post-

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construction monitoring, has been approved in writing by the planning authority in consultation with Scottish Ministers.

- a. The PLRA shall comply with best practice contained in “Peat Landslide Hazard and Risk Assessments: Best Practice Guide for Proposed Electricity Generation Developments, Second Edition” published by the Scottish Government in April 2017, or such replacement standard as may be in place at the time of submission of the peat landslide risk assessment for approval.
 - b. The PLRA shall be supported by peat depth probing in accordance with Table 2 (Further Assessment of Peatland Extent and Conditions) in “Peatland Survey. Guidance on Developments on Peatland” published by the Scottish Government, Scottish Natural Heritage and SEPA in 2017.
 - c. The peat landslide risk assessment shall include a scaled plan and details of any mitigation measures to be put in place. The mitigation measures in the approved PLRA shall thereafter be implemented in full.
- (2) No development shall commence unless and until the terms of appointment for an independent and suitably qualified geotechnical engineer (including specification of duties and duration of appointment) have been submitted to, and approved by, the Planning Authority in consultation with Scottish Ministers, and the approved engineer has been appointed.
- a. Continuous monitoring of ground conditions during the construction and deforestation phases of the Development shall be carried out.
 - b. Continuous analysis and call out services shall be provided by the geotechnical engineer throughout the construction phase of the Development.
 - c. If a risk of peat failure is identified such geotechnical instrumentation to monitor ground conditions as is recommended by the geotechnical engineer shall be installed and ground conditions shall be monitored.
 - d. Any remediation work considered necessary by the geotechnical engineer shall be implemented to the satisfaction of the geotechnical engineer.
 - e. Monitoring results shall be fed into risk analysis reports, which shall be submitted to the Planning Authority and copied to Scottish Ministers on a quarterly basis during the construction and deforestation phases of the Development.

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

18. Television reception mitigation

- (1) No development shall commence unless and 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

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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.

- (2) For the avoidance of doubt the scheme shall include, but not be limited to:
 - a. details of publication and publicity for the scheme;
 - b. a reasonable timescale for investigation of any claims;
 - c. details for reporting mechanism to the planning authority the number of complaints / claims; and
 - d. details of the length of the operation of the mitigation scheme.
- (3) The approved Television Reception Mitigation Plan shall thereafter be implemented in full.
- (4) Any claim by any individual person regarding television picture loss or interference at their house, business premises or other building, as a result of the Development 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 no worse than the baseline television reception.

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

19. Redundant turbines

- (1) The Company shall, at all times after the date of Final Commissioning, record information regarding the monthly supply of electricity to the national grid from the Site as a whole and electricity generated by each individual turbine within the development and retain the information for a period of at least 12 months. The Company shall make such of that information as may be reasonably required for the purposes of verifying that electricity has been exported from any one or more of the turbines available to the planning authority within one month of any request by them.
- (2) If any one or more of the wind turbines hereby permitted cease to export electricity to the grid for a continuous period of 6 months, unless otherwise agreed in writing with the planning authority, then a scheme shall be submitted to the planning authority for its written approval within 3 months from the end of that 6 month period for the repair or removal of those turbines. The scheme shall include a programme of remedial or repair works to the relevant turbine(s) and requirements for monthly reporting to the planning authority on progress with such works. If the said turbine(s) have not begun exporting electricity to the grid within a period of 6 months from approval of the said scheme, unless otherwise agreed in writing with the planning authority, then a scheme shall be submitted to the planning authority with a programme for removal of the relevant

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turbines and associated above-ground works approved under this permission and the removal of the turbine foundations to a depth of at least 1 metre below ground and for site-restoration measures following the removal of the relevant turbine. The scheme shall thereafter be implemented in accordance with the approved details and timetable.

- (3) This condition shall not apply if outages are outwith the Company's control or are 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 shutdowns and timescales for the outages within 5 working days of the turbines being switched off.

Reason: To ensure appropriate provision is made for turbine(s) requiring repair or for turbine(s) which require decommissioning

20. Aviation safety

No development shall commence unless and 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:

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

Reason: in the interests of aviation safety

21. Site decommissioning, restoration and aftercare

- (1) No development shall commence unless and until an Interim Decommissioning and Restoration Plan (IDRP) for the Site has been submitted to, and approved in writing by, the planning authority in consultation with SEPA. Thereafter:
- a. not later than 3 years prior to the decommissioning of the Development, the IDRP shall be reviewed by the Company, to ensure that the IDRP takes account of best practice in decommissioning prevailing at the time and ensures that site specific conditions, identified during construction of the Site, and subsequent operation and monitoring of the Development are given due consideration. A copy shall be submitted to the planning authority for its written approval, in consultation with SNH and SEPA; and
 - b. not later than 12 months prior to the decommissioning of the Development, a detailed Decommissioning and Restoration Plan (DRP), based upon the

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principles of the approved interim plan, shall be submitted to, and approved in writing by, the planning authority, in consultation with SNH and SEPA.

- (2) The IDRPs and subsequent DRPs shall include (unless otherwise agreed in writing with the Planning Authority and in accordance with legislative requirements and published best practice at time of decommissioning) details about the removal of the Development, including where necessary details of a) justification for retention of any relevant elements of the Development, b) the treatment of disturbed ground surfaces, c) management and timing of the works, d) environmental management provisions and e) a traffic management plan to address any traffic impact issues during the decommissioning period. The DRP shall be implemented as approved. If a Final DPR is not approved by the planning authority in advance of the decommissioning, the Interim IDRPs shall be implemented, unless otherwise agreed in writing by the planning authority.

Reason: To ensure that all wind turbines and other redundant development are removed from site at the end of the Development's permitted life in the interests of safety, amenity, environmental protection and securing planning control.

22. Financial guarantee

(1) No development shall commence unless and until:

- a. 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 21 of this permission have been submitted to, and approved in writing by, the planning authority; and
- b. 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
- c. Documentary evidence that the guarantee, bond or other financial provision approved under paragraphs (a) and (b) 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.

(2) Thereafter, the Company shall:

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

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thereafter until such time as the wind farm is decommissioned and the Site restored.

(3) 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. subject to approval in writing by the planning authority either without amendment or, as the case may be, following amendment to the planning authority's reasonable satisfaction.

(4) Where a review approved under paragraph (3) (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 Company shall make such an alteration 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

23. Salmon

No works shall take place within 50m of a water course during salmon-spawning season (from November to February (inclusive)) without the prior approval of the planning authority.

Reason: In the interests of nature conservation to avoid impact on salmon.

24. Water quality and fish-population monitoring

(1) No development shall commence unless and until an integrated hydrochemical and macroinvertebrate scheme for water quality monitoring and monitoring fish populations during construction has been submitted to and approved in writing by the planning authority. This shall include, but not necessarily be limited to:

- a. Frequency of monitoring during the construction period, not less than once a month;
- b. Reporting mechanism to the planning authority, Marine Scotland and SEPA being not less than quarterly during the construction period;
- c. Proposed method for agreeing mitigation required.

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(2) Thereafter, any mitigation identified shall be implemented

Reason: To secure monitoring that will identify any adverse effect of the development on water quality or river species and to secure mitigation should such an effect arise.

25. Sustainable drainage systems

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

Reason: To ensure that surface water drainage details are provided timeously and comply with the principles of SUDS; in order to protect the water environment

26. Noise

The rating level of noise immissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in or derived from Tables 1 and 2 attached to these conditions. Furthermore:

(A) Where there is more than one dwelling at a location specified in Tables 1 and 2 attached to this condition, the noise limits set for that location shall apply to all dwellings at that location. In the event of a noise complaint relating to a dwelling which is not identified by name or location in the Tables attached to these conditions, the Company shall submit to the planning authority, for written approval, proposed noise limits to be adopted at the complainant's dwelling for compliance checking purposes. The submission of the proposed noise limits to the planning authority shall include a written justification of the choice of limits. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the planning authority for the complainant's dwelling.

(B) No electricity shall be exported on a commercial basis to the grid until the Company has submitted to the planning authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the planning authority.

(C) There shall be no Commencement of Development until a Noise Measurement and Mitigation Scheme has been submitted to, and approved in writing by, the planning authority. The scheme shall include:

- A framework for the measurement and calculation of the rating level of noise immissions from the wind farm (including the identification of any tonal component) to be undertaken in the event of a complaint in accordance with ETSU-R-97 and its associated Good Practice Guide and Supplementary Guidance Notes.

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- A framework for implementing the curtailment measures as outlined described in chapter 8 of the 2017 FEI, where necessary to ensure the values in Tables 1 and 2 are not exceeded.

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

Within 14 days of receipt of a written request from the planning authority, the Company shall provide the planning authority with the information relevant to the complaint logged in accordance with paragraph (G) of this condition.

The independent consultant's assessment must be undertaken in accordance with the approved Noise Measurement & Mitigation Scheme and must relate to the range of conditions which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the information provided in the written request from the planning authority and such other conditions as the independent consultant considers necessary to fully assess the noise at the complainant's property.

(E) The Company shall provide to the planning authority the independent consultant's assessment of the rating level of noise immissions within 2 months of the date of the written request of the planning authority, unless the time limit is extended in writing by the planning authority. All data collected for the purposes of undertaking the compliance measurements shall be made available to the planning authority on the request of the planning authority. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the planning authority with the independent consultant's assessment of the rating level of noise immissions.

(F) Where a further assessment of the rating level of noise immissions from the wind farm is required to assess the complaint, the Company shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment to the planning authority unless the time limit for the submission of the further assessment has been extended in writing by the planning authority.

(G) Within one week of the planning authority receiving an assessment which identifies that the wind farm noise levels are exceeding any of the limits in Tables 1 & 2 attached to this condition, the Company will implement mitigation measures in accordance with the approved Noise Measurement & Mitigation Scheme.

(H) The Company shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The Company shall provide this information in the format set out in Guidance

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Note 1(e) to the planning authority on its request, within 14 days of receipt in writing of such a request.

Note: For the purposes of this condition, a “dwelling” is a building within Use Class 9 of the Use Classes Order or any other dwellinghouse which lawfully exists or had planning permission at the date of this consent.

Table 1: Between 07:00 and 23:00 hours (Noise Level in dB LA90, 10-min)

Location	Standardised Wind Speed at Ten Metres Height, m/s, within the Site averaged over 10-minute periods									
	4	5	6	7	8	9	10	11	12	
	LA90 Decibel Levels									
Bulreanrob	34.8	34.8	34.5	34.1	35.0	36.4	37.5	38.1	38.5	
Camster Lodge	35.0	35.0	35.0	35.5	36.2	36.5	36.6	36.6	36.6	
The Log House	34.5	34.5	35.8	37.2	38.3	38.9	39.1	39.1	39.0	
Gamekeepers Cottage	34.4	37.4	40.1	41.9	43.2	43.8	43.9	43.6	43.4	
Roadside Cottage	35.0	35.0	35.0	36.3	37.7	38.7	38.7	38.7	38.7	
Plover Hill	35.0	35.0	35.0	35.5	35.9	36.3	36.3	36.3	36.3	
Lane House	35.0	35.0	35.0	35.0	35.3	36.7	38.1	39.5	40.7	

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Table 2: Between 23:00 and 07:00 hours (Noise Level in dB LA90, 10-min)

Location	Standardised Wind Speed at Ten Metres Height, m/s, within the Site averaged over 10-minute periods								
	4	5	6	7	8	9	10	11	12
	LA90 Decibel levels								
Bulreanrob	37.9	37.9	37.8	37.6	37.5	37.4	37.3	37.8	39.0
Camster Lodge	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
The Log House	37.8	37.7	37.3	36.6	36.2	35.9	35.7	37.7	40.4
Gamekeepers Cottage	38.0	38.0	41.1	40.6	39.6	38.8	39.2	41.3	43.8
Roadside Cottage	37.8	37.6	37.5	36.9	35.8	34.4	35.9	38.8	38.7
Plover Hill	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
Lane House	38.0	38.0	38.0	38.0	38.0	38.0	38.0	39.7	41.4

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

Location	Easting	Northing
Bulreanrob	321994	938554
Camster Lodge	326126	941780
The Log House	322658	937864
Gamekeepers Cottage	322737	938804
Roadside Cottage	326186	939618
Plover Hill	324639	937695
Lane House	326171	938570

Note to Tables 1 & 2: The wind speed standardised to 10 metres height within the Site refers to wind speed at 10 metres height derived in accordance with the method given in the attached Guidance Notes

Note to Table 3: The geographical coordinate references set out in these tables are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies

27. Radar mitigation: NATS

- (1) No part of any turbine shall be erected above ground until a Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and approved in writing by the planning authority in order to avoid the impact of the Development on the Primary Radar of the Operator located at Alanshill and associated air traffic management operations.

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- (2) No part of any Turbine shall be erected above ground until the approved Primary Radar Mitigation Scheme has been implemented and the Development shall thereafter be operated fully in accordance with such approved Scheme.

For the purpose of parts 1 and 2 above:

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

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

Reason: To ensure aviation safety and that the proposed development's operation does not disrupt air traffic.

28. Wildcat monitoring

No development shall commence unless and until the planning authority has approved in writing a scheme for post-construction monitoring to safeguard Scottish wildcat during the operational period of the Development, at locations where there is suitable habitat within the Site. This post-construction monitoring scheme shall provide for monitoring, during the wildcat breeding season, to take place in Year 1, 5, 10, 15, and 25 from Final Commissioning, or such other frequency as may be approved by the planning authority following consultation with Scottish Natural Heritage, and shall include regular reporting to Scottish Natural Heritage of the findings of the agreed monitoring and identify any mitigation which may be required if Scottish Wildcat is confirmed to be present on the Site.

Reason: To enable the impact on wildcat to be suitably monitored

29. Revocation of planning permission for the Rumster windfarm

No development shall commence unless and until the Company has entered into an undertaking with the relevant landowners of the site to agree to the revocation of existing planning permission for Rumster windfarm within the Site. The draft undertaking provided by the Company as an inquiry document (reference APP 008.001) shall be finalised and signed accordingly. The signed undertaking shall be submitted to the Planning Authority.

Reason: To eliminate the possibility of the occurrence of significant cumulative environmental effects which have not been assessed.

30. Construction Hours

- (1) Construction work which is audible from any noise-sensitive receptor shall only take place on the site between the hours of 07:30 to 19:00 on Monday to Friday inclusive and 08:00 to 16:00 on Saturdays, with no construction work taking place on a Sunday or on

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a Bank Holiday or Public Holiday. Outwith these specified hours, development on the site shall be limited to turbine delivery and erection, commissioning, maintenance, dust suppression, and pouring of concrete foundations (provided that the developer retrospectively notifies the Planning Authority of the works within 24 hours if prior notification is not possible). In addition, access for security reasons, emergency responses or to effect any necessary environmental controls is permitted outwith these hours.

- (2) Movements of heavy goods vehicles (HGVs) to and from the site during construction of the Development shall be limited to 07:00 hours to 19:00 hours Monday to Friday and 08:00 to 16:00 hours on Saturdays and no vehicular access during these periods shall take place on Sundays or Bank Holidays, unless previously approved in writing by the Planning Authority.

Reason: In the interests of local amenity.

31. Compensatory Planting

- (1) No development (other than Permitted Preliminary Works) shall commence unless and until a compensatory woodland planting scheme to compensate for the loss of 232 hectares of existing woodland (“the Replanting Scheme”), which complies with the requirements of the UK Forestry Standard (or such replacement standard as may be in place at the time of submission of the Replanting Scheme) and the guidelines to which it refers, has been submitted to, and approved in writing by, the Planning Authority in consultation with the Scottish Ministers.

- (2) The Replanting Scheme must include:

- a. details of the proposed planting, including:
 - i. The location of any and all area(s) to be planted,
 - ii. The landowners and occupiers of the land to be planted; and
- b. detail of the associated timescales for implementing the compensatory planting including any phasing. Compensatory planting shall be completed no later than two years following the Commencement of Development;
- c. detail of any statutory consents required to carry out the compensatory planting;
- d. proposals for the maintenance, for a minimum period of 10 years, and the establishment of a replanting scheme. These proposals shall include details of the frequency of checks, suitable triggers for any necessary replacement planting, the timing of replacement planting, fencing, ground preparation and drainage;
- e. proposals for reporting to the Planning Authority and Scottish Ministers on compliance with timescales for obtaining the necessary consents and thereafter for implementation of the Compensatory Planting Plan.

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- (3) The Replanting Scheme approved under part (1) of this condition shall be implemented in full, unless otherwise agreed in writing by the Planning Authority after consultation with the Scottish Ministers.

Reason: To secure compensatory planting from the loss of woodland arising from the Development.

32. Definitions relating to conditions

Definitions	
2017 FEI	Means the further environmental information submitted in June 2017.
2018 AEI	Means (a) the additional environmental information comprising an aviation lighting assessment submitted 1 June 2018 and (b) the additional environmental information relating to wild cat and the C1053 enabling works submitted 8 June 2018.
Cardinal Turbines	Means wind turbines numbered 3, 5, 10 and 17 on Figure 4.1 – Final Layout contained within volume 2 of the Environmental Statement.
Consent	Means the consent granted under section 36 of the Electricity Act 1989 to construct and operate the generating station, which forms part of the Development, and any reference to Consent shall not be taken to include the deemed planning permission unless otherwise stated.
Commencement of Development	Means the initiation of any development pursuant to the consent and/or the deemed planning permission by the carrying out of a material operation within the meaning of section 26 of the Town and Country Planning (Scotland) Act 1997 but excluding the Permitted Preliminary Works.
Company	Means E.ON Climate & Renewables UK Developments Limited (Company Number 03758407) or in substitution its permitted assignees who are in possession of a letter of authorisation from the Scottish Ministers in accordance with Consent Condition 3.
Development	Means the wind powered generating station and ancillary development located within the Site as described in Annex 1 of this decision.
ES	Means the Environmental Statement submitted by the Company in October 2016.
Final Commissioning	Means the earlier of (i) the date on which electricity is exported to the grid on a commercial basis from the last of the wind turbines forming part of the Development erected in accordance with this consent; or (ii) the date falling thirty six months from the date of Commencement of Development.
Guidance Notes	Means the guidance notes to condition 28 on noise provided in section 4 of this appendix.
Perimeter Turbines	Means wind turbines numbered 1, 2, 4, 11, 15, 16, 18 and 19 on Figure 4.1 – Final Layout contained within volume 2 of the Environmental Statement.
Permitted preliminary works	Means (i) any site investigation or other preparatory works or surveys which do not involve breaking ground and/or which are required for the purpose of satisfying or discharging any pre-commencement obligations under the planning conditions, and (ii) the provision of any temporary contractors' facilities within the Site which are necessary for (i) above.
Planning permission	Means the deemed planning permission for the Development granted by direction under section 57 of the 1997 Act.
Site	Means the area of land delineated by the outer edge of the red line on the Site Layout Plan.
Site Layout Plan	Means Figure 4.1 as included with the 2017 FEI (drawing number G_170515_FEI_4.1_v1) Annex 3 to this decision.

33. Guidance Notes for Noise Conditions

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

Guidance Note 1

(a) Values of the LA90,10 minute noise statistic should be measured at the complainant’s property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

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

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

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

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

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

Guidance Note 2

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

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

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

Guidance Note 3

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

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

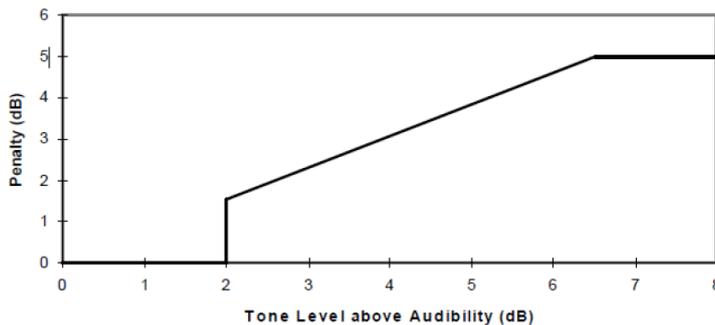
(c) For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.

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

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

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



Guidance Note 4

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

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

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

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

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

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

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

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

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

Conditions to be attached to Section 36 Consent:

1. Notification of Date of First Commissioning & Date of Final Commissioning

Written confirmation of the Date of First Commissioning and the Date of Final Commissioning shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month after those dates.

Reason: To allow the Planning Authority and the Scottish Ministers to calculate the date of expiry of the consent.

2. Commencement of development

The development shall be commenced not later than six years from the date of this determination, or such other longer period as the Scottish Ministers may direct in writing following a request by the Company. Written confirmation of the intended date of Commencement of development shall be provided to the Scottish Ministers and the Planning Authority no later than one calendar month before that date.

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

3. Non-assignment

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

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

4. Serious Incident Reporting

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

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

5. Radar mitigation: NATS

(1) No part of any turbine shall be erected above ground until a Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and approved in writing by the Planning Authority in order to avoid the impact of the Development on the Primary Radar of the Operator located at Alanshill and associated air traffic management operations.

(2) No part of any Turbine shall be erected above ground until the approved Primary Radar Mitigation Scheme has been implemented and the Development shall thereafter be operated fully in accordance with such approved Scheme.

For the purpose of parts 1 and 2 above:

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

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

Reason: To ensure aviation safety and that the Development's operation does not disrupt air traffic.

6. Aviation Lighting

With regards to aviation safety lighting, Development shall be carried out strictly in accordance with the details set out in the Golticlay Lighting Report (EIAR Volume 3 – Technical Appendices – Technical Appendix 16.3 – Golticlay Lighting Report) dated 16 June 2023. The aviation safety lighting identified within that document shall be installed as the turbines and meteorological mast are erected, shall be tested for function, and thereafter maintained and operated for the life of the Development. There shall be no departure or variation from this lighting specification without the written consent of the Planning Authority in consultation with the CAA and MOD.

Reason: To maintain air safety

Deemed planning permission conditions

1. Implementation in Accordance with Approved Plans

- (1) Except as otherwise required by the terms of the section 36 consent and deemed planning permission, development shall be undertaken in accordance with the Application and the Environmental Impact Assessment dated September 2023 (“EIAR 2023”).
- (2) Any proposed deviation from the mitigation provided within EIAR 2023 must be submitted to and approved in writing by the Planning Authority.

Reason: To ensure that the Development is carried out in accordance with the approved details.

2. Design and operation of turbines

- (1) No turbines shall be erected unless and until details of the proposed turbines have been submitted to, and approved in writing by the Planning Authority. These details shall include:
 - (a) the make, model, design, direction of rotation (all blades shall rotate in the same direction) of the turbines to be used; and
 - (b) the external colour and/or finish of the turbines to be used (including towers, nacelles and blades) which should be non-reflective pale grey semi-matt.
- (2) Thereafter, development shall progress in accordance with these approved details and, with reference to part ii above, the turbines shall be maintained in the approved colour, free from external rust, staining or discolouration, until such time as the Development is decommissioned

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

3. Advertisement on infrastructure

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

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

4. Design of substation and ancillary equipment

- (1) There shall be no Commencement of development in respect of the control building, substation and / or ancillary infrastructure unless and until final details of the location, layout, external appearance, dimensions and surface materials of all buildings, compounds, parking areas, as well as any external lighting (excluding aviation lighting), fencing, walls, paths and any other ancillary elements of the development, have been submitted to, and approved in writing by the Planning Authority.

(2) Thereafter, development shall progress in accordance with these approved details. For the avoidance of doubt, details relating to the control building and substation buildings shall include additional architectural design, landscape and visual appraisal, carried out by suitably qualified and experienced people, to ensure that they are sensitively scaled, sited and designed.

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

5. Micrositing

(1) All wind turbines, buildings, masts, borrow pits, areas of hardstanding and tracks shall be constructed in the location shown on the Site Layout Plan and referred to in table 4.3 of Chapter 4 (Development Description) of Volume 2 of the EIAR 2023. Wind turbines, buildings, masts, borrow pits, areas of hardstanding and tracks may be adjusted by micro-siting within the Site. However, unless otherwise approved in advance in writing the Ecological Clerk of Works (“ECoW”) in consultation with the Planning Authority SEPA and NatureScot, micro-siting is subject to the following restrictions:

- (a) No wind turbine foundation shall be positioned higher, when measured in metres Above Ordinance Datum (AOD), than 5m above the position shown on the Site Layout Plan;
- (b) With the exception of turbine 14 which will have a micrositing allowance of 75m, no wind turbine or related hardstanding shall be moved more than 50 metres from the position shown in table 4.3 of Chapter 4 (Development Description) of Volume 2 of the EIAR 2023 (provided that turbine 11 shall not be microsited by more than 75m if moved in the direction of Microwave link 0929328/3) and no mast or access track shall be moved more than 50m from the position shown on the Site Layout Plan;
- (c) No buildings, temporary construction compound or borrow pits shall be moved more than 50m from the position shown on the Site Layout Plan;
- (d) No micro-siting shall take place with the result that infrastructure (excluding floating tracks or hardstanding) is located within areas of peat of greater depth than the original location shown for the relevant infrastructure on EIA Report Figure 11.5;
- (e) No micro-siting shall take place within areas hosting Ground Water Dependent Terrestrial Ecosystems as identified in EIAR 2023;
- (f) No micro-siting of the access track between turbine T13 and the construction compound shall be undertaken westwards such as to impact upon the shieling hut of Clashcraggan;
- (g) No micro-siting of the access track to turbine T18 shall be undertaken northwards such as to impact upon the shieling hut of Clashmore;
- (h) With the exception of water-crossings, no element of the proposed Development should be located closer than 50m from the top of the bank of any watercourse;

- (i) No micro-siting shall take place that results infrastructure as shown on the Site Layout Plan located outside the Caithness and Sutherland Peatlands SPA, SAC and Ramsar site boundary being relocated inside the SPA, SAC and Ramsar site boundary; and
- (j) All micro-siting permissible under this condition must be undertaken under the direction of the Environmental Clerk of Works (ECoW).

(2) No later than one month after the date of Final Commissioning, an updated site layout 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.

6. Borrow pits – scheme of works

(1) No borrow pit shall be opened up unless and until a site-specific scheme for the working and restoration of each borrow pit forming part of the Development has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The scheme shall include:

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

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

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

7. Borrow pits – blasting

(1) No blasting shall take place unless and until such time as a blasting method statement has been submitted to and approved in writing by the Planning Authority. The method statement shall include details of measures required to minimise the impact of blasting on residential dwellings in the vicinity of the Site. The scheme shall include:

- (a) Details on ground vibration limits at agreed blast monitoring locations;
- (b) Limitations on blasting to between the hours of 10.00 to 16.00 Monday to Friday inclusive and 10.00 to 12.00 on Saturdays, with no blasting taking place on a Sunday or on national public holidays, unless otherwise approved in advance in writing by the Planning Authority.

Thereafter the approved scheme shall be implemented.

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

8. Planning Monitoring Officer

(1) There shall be no Commencement of development unless and until the Planning Authority has approved in writing the terms of appointment by the Company of an independent and suitably qualified environmental consultant (“PMO”) to assist the Planning Authority in monitoring compliance with the terms of the deemed planning permission and conditions attached to this consent. The terms of appointment shall:

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

(2) The PMO shall be appointed on the approved terms throughout the period from Commencement of development to completion of post-construction restoration works.

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

9. Ecological Clerk of Works

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

- (a) Impose a duty to monitor compliance with the ecological and hydrological commitments provided in EIAR 2023 and other information lodged in support of the application, the Construction and Environmental Management Plans approved in accordance with condition 10, the Habitat Management Plan in accordance with condition 15, any species protection plans identified in EIAR 2023 and other plans approved (“the ECoW works”);
- (b) Require the ECoW to report to the Company’s nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
- (c) Require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site;
- (d) Have power to stop the job/activities being undertaken within the Site when a breach or potential breach of environmental legislation occurs to allow for a briefing of the concern to the Company’s nominated construction project manager; and
- (e) Require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW Works at the earliest practical opportunity.

(2) The ECoW shall be appointed on the approved terms throughout the period from Commencement of development, throughout any period of construction activity and during any period of post-construction restoration works approved.

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

Reason: To secure effective monitoring of and compliance with the environmental mitigation

10. Construction and Environmental Management Plan

(1) There shall be no Commencement of development unless and until a finalised Construction and Environmental Management Plan (“CEMP”) is submitted to and agreed in writing by the Planning Authority in consultation with SEPA and other appropriate consultees as directed by the Planning Authority. The CEMP shall be based upon the outline Construction Environment Management Plan (Technical Appendix 4.1 in EIAR 2023) submitted to the Scottish Ministers in June 2023. The CEMP shall include provision for:

- (a) an updated Schedule of Mitigation. This should take account of the mitigation measures set out in EIAR 2023, or in details approved under these conditions;
- (b) processes to control/action changes from the agreed Schedule of Mitigation; and;

- (c) the following specific plans:
- i. details of the construction works, construction methods and surface treatment for all hard surfaces and tracks;
 - ii. method of construction of the crane pads;
 - iii. method of construction of the turbine foundations;
 - iv. method of working cable trenches;
 - v. method of construction and erection of the wind turbines and meteorological masts
 - vi. details of watercourse crossings designed in line with Appendix 11.1 of EIAR 2023. If existing crossings require to be upgraded they should be oversized bottomless culverts or traditional style bridges, unless agreed with the Planning Authority in consultation with SEPA;
 - vii. residual Forest Waste Management Plan;
 - viii. details of the temporary site compounds, for the storage of materials and machinery, including the areas designated for offices, welfare facilities; fuel storage and car parking;
 - ix. Peat Management Plan – to include details of all peat stripping, excavation, storage and reuse of material in accordance with best practice advice published by SEPA and NatureScot. The Peat Management Plan shall include a scheme for adjustment of the location of Development infrastructure within its micro-siting tolerance permitted under condition 5 so as to minimise impacts upon peat. The Plan should also set out how sensitive peat areas are to be marked out on-site to prevent any vehicle causing inadvertent damage. The Peat Management Plan shall be informed by additional peat probing and clearly demonstrate how any layout modifications (within micro-siting tolerance) and any other reasonably practicable measures (such as reducing the size of excavations or piling foundations) have been used to further minimise peat disturbance.
 - x. Water Quality Management Plan - highlighting drainage provisions including monitoring / maintenance regimes, water crossings, surface water drainage management (SUDs) and development and storage of material buffers (50m minimum) from water features, unless otherwise agreed in writing by the Planning Authority in consultation with SEPA;
 - xi. Public Water Supply Protection Measures Plan;
 - xii. Pollution Prevention Plan
 - xiii. Site Waste Management Plan
 - xiv. Construction Noise Mitigation Plan.
 - xv. Species Protection Plan(s): - including hen harrier, osprey, pine marten and Scottish wildcat.
 - xvi. a plan for pre-construction surveys for legally protected species.
 - xvii. a plan for mitigation of effects on Ground Water Dependent Terrestrial Ecosystems.

The relevant parts of the CEMP shall provide that construction work must, where possible, avoid the bird-breeding season (15 March to 31 August inclusive). In cases where this is not possible, the CEMP shall provide that pre-construction surveys for breeding hen harrier, short-eared owl and merlin must be carried out following best-practice guidance with any necessary mitigation to avoid disturbance; with survey methods agreed with NatureScot in advance. Mitigation measures identified in the CEMP or identified following the survey must be implemented to avoid disturbance. The CEMP plans shall provide that the survey method is to be subject to consultation with NatureScot before the survey is carried out.

The Species Protection Plan for hen harrier shall provide that regular monitoring of the hen-harrier roost site identified during baseline surveys will be conducted during the non-breeding season (1 September to 31 March inclusive). It shall further provide that when this roost is observed to be occupied, mitigation measures identified in the species protection plan will be implemented to minimise risk of construction-related disturbance to hen harriers using the roost.

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

- (d) A communication plan to ensure all contractors are aware of the possible presence of protected species frequenting the Site and the laws relating to their protection;
- (e) The notification and a stop-the-job commitment requirements set out below:
 - i. Should an otter holt be found during construction, all works within 200m of the holt shall stop immediately and the NatureScot Golspie office must be notified and asked for advice.
 - ii. Should a wild cat den be found during construction, all works within 200m of the den shall stop immediately and the NatureScot Golspie office must be notified and asked for advice.
 - iii. Should any water vole activity be found during construction, all works within 10m of the nearest burrow shall stop. Work may progress if it is in excess of 10m of the nearest burrow, otherwise work shall stop immediately and the NatureScot Golspie office must be notified and asked for advice;
- (f) Site Construction Decommissioning Method Statement highlighting restoration/reinstatement of the working areas not required during the operation of the Development, including temporary access tracks required for construction only, borrow pits, construction compound, storage areas, laydown areas, and other temporary construction areas. Wherever possible, reinstatement is to be achieved by the careful use of turfs removed prior to construction works. Details should include all seed mixes to be used for the reinstatement of vegetation; and
- (g) A Construction Method Statement for the approval of the Planning Authority in consultation with NatureScot and SEPA incorporating the mitigation measures set out in the Peat Landslide Risk Assessment provided as part of EIAR 2023.

(2) Unless otherwise agreed in writing by the Planning Authority, development shall then proceed in accordance with the approved Construction Environment Management Plan.

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

11. Construction Traffic Management Plan

(1) There shall be no Commencement of development unless and until a Construction Traffic Management Plan (“CTMP”) has been submitted to, and approved by the Planning Authority in consultation with the relevant roads authority(s) and Transport Scotland. The CTMP, which shall be implemented as approved during all period of construction and decommissioning, must include:

- (a) Estimates of the construction traffic movements, likely routing to and from the site and details of any large or abnormal loads;
- (b) A description of all measures to be implemented by the Company in order to manage traffic during the construction phase (including routing strategies), with any additional or temporary signage and traffic control undertaken by a recognised suitably qualified traffic management consultant;
- (c) The identification and delivery of all upgrades to the public road network, including but not limited to upgrades to the local and trunk road network, to ensure that it is to a standard capable of accommodating construction traffic relating to the Development (including the formation or improvement of any junctions leading from the Site to the public road) to the satisfaction of the roads authorities, including:
 - i. Access by abnormal indivisible loads will be via the A99 and C1053 only;
 - ii. An initial route assessment report for abnormal loads and construction traffic, including swept path analysis and details of the movement of any street furniture, any traffic management measures and any upgrades and mitigation measures as necessary;
 - iii. An assessment of the capacity of existing bridges and other structures along the construction access routes to cater for all construction traffic, with upgrades and mitigation measures proposed and implemented as necessary;
 - iv. A videoed trial run to confirm the ability of the local road network to cater for turbine delivery. Three weeks’ notice of this trial run must be made to the local Roads Authority who must be in attendance;
 - v. Any additional signing or temporary traffic control measures deemed necessary on the trunk road network due to the size or length of any loads being transported must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland.
 - vi. If any blades are to be moved along the trunk road network utilising blade lifter technology, details of the blade lifter technology to be utilised and details of the transshipment location facility to be submitted to the Planning Authority and Transport Scotland, as trunk roads authority, for approval. This is to include a risk assessment, method statements and additional information as requested by Transport Scotland. The movement of blades must be in accordance with the approved technology, assessments, statements, and any other submitted information.

No deliveries by abnormal indivisible loads shall take place until a final assessment of the capacity of existing bridges and structures along the abnormal indivisible load delivery route is carried out and submitted to and approved by the Planning Authority and full engineering details and drawings of any works required to such

structures to accommodate the passage of abnormal indivisible loads have been submitted to and approved by the Planning Authority. The approved works shall be completed prior to any abnormal indivisible load delivery to the Site for the Development.

- (d) A risk assessment for the transportation of abnormal loads to the Site during daylight hours and hours of darkness;
- (e) 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.
- (f) A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during construction/periods.
- (g) A detailed protocol for the delivery of abnormal loads/vehicles, prepared in consultation with interested parties. The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of abnormal load movements in the local media. Temporary signage, in the form of demountable signs or similar approved, shall be established, when required, to alert road users and local residents of expected abnormal load movements. All such movements on roads maintained by the local roads authority shall take place outwith peak times on the network, including school travel times, and shall avoid times of local community events.
- (h) A detailed delivery programme for abnormal load movements, which shall be made available to the Planning Authority and community representatives.
- (i) Details of any upgrading works required at the junction of the Site access and the public road. Such works may include suitable drainage measures, improved geometry and construction, measures to protect the public road and the provision and maintenance of appropriate visibility splays.
- (j) Details of appropriate traffic management which shall be established and maintained at the Site access for the duration of the construction period. Full details shall be submitted for the prior approval of the Highland Council, as roads authority.
- (k) Wheel washing measures to ensure water and debris are prevented from discharging from the Site onto the public road;
- (l) Appropriate reinstatement works shall be carried out, as required by Highland Council, at the end of the turbine delivery and erection period.
- (m) Measures to ensure that construction traffic adheres to agreed routes.

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

12. Road Conditions Surveys

There shall be no Commencement of development unless and until the Planning Authority has approved a scheme proposed by the Company for pre-commencement and post-construction condition surveys of roads upon which there is likely to be excessively heavy or other extraordinary traffic associated with the Development's construction. The scheme shall be carried out as approved by the Planning Authority.

Reason: To ascertain the condition of public roads prior to and post construction of the Development.

13. Community Liaison Group

There shall be no Commencement of development unless and until a Community Liaison Group is established by the Company, in collaboration with the Planning Authority and the Latheron, Lybster and Clyth Community Council. The group shall act as a vehicle for the community to be kept informed of project progress and shall provide a forum for advanced dialogue on the provision of all transport-related mitigation measures and for keeping under review the timing of the delivery of turbine components, where possible resolving conflict between such delivery and any increased traffic generated by concurrent local events and other development. The Liaison Group, or element of any combined liaison group relating to this development, shall be maintained until the Development construction has been completed and is fully operational.

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

14. Outdoor Access Management Plan

There shall be no Commencement of development unless and until an Access Management Plan ("OAMP") has been submitted to, and agreed in writing by the Planning Authority. The OAMP should ensure that public access is retained within the Site during construction so far as possible subject to health and safety requirements, and thereafter that existing levels of public access are not restricted as a result of the operational phase of the Development. The OAMP 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.

15. Habitat Management Plan

There shall be no Commencement of development unless and until a Habitat Management Plan ("HMP") has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot. The HMP shall be based on the principles of the draft Habitat Management Plan (EIAR 2023, Technical Appendix 9.6) and shall set out proposed habitat management within the Site during the period of construction, operation, decommissioning, restoration and any aftercare of the Site, and shall provide for:

- (a) Biodiversity enhancement;
 - (b) Peatland restoration works across a total area of approximately 32.5 hectares;
- and

- (c) the maintenance, monitoring and reporting of sward height across any permanent, long term, open areas within the Site that are within up to 500m of wind turbines.

The approved HMP 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 HMP 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.

The approved HMP shall be implemented in full, subject to any such approved updates.

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

16. Programme of Archaeological Works

There shall be no Commencement of development unless and until the Planning Authority has approved the terms of a programme of archaeological works to be observed during construction of the Development, to include measures to be taken to protect and preserve any features of archaeological interest in situ where practicable and the recording and recovery of archaeological features which cannot be so preserved. The approved scheme of archaeological works shall thereafter be implemented in full.

Reason: To ensure the protection or recording of archaeological features on the site.

17. Peat Landslide Management

(1) There shall be no Commencement of development unless and until a detailed Peat Landslide Risk Assessment (“PLRA”), addressing the construction phase of the Development and post- construction monitoring, has been approved in writing by the Planning Authority in consultation with the Scottish Ministers.

- (a) The PLRA shall comply with best practice contained in “Peat Landslide Hazard and Risk Assessments: Best Practice Guide for Proposed Electricity Generation Developments, Second Edition” published by the Scottish Government in April 2017, or such replacement standard as may be in place at the time of submission of the peat landslide risk assessment for approval.
- (b) The PLRA shall be supported by peat depth probing in accordance with Table 2 (Further Assessment of Peatland Extent and Conditions) in “Peatland Survey. Guidance on Developments on Peatland” published by the Scottish Government, Scottish Natural Heritage and SEPA in 2017.
- (c) The PLRA shall include a scaled plan and details of any mitigation measures to be put in place. The mitigation measures in the approved PLRA shall thereafter be implemented in full.

(2) There shall be no Commencement of development unless and until the terms of appointment for an independent and suitably qualified Geotechnical Engineer (including specification of duties and duration of appointment) have been submitted to, and approved by the Planning Authority in consultation with the Scottish Ministers, and the approved engineer has been appointed.

- (a) Continuous monitoring of ground conditions during the construction and deforestation phases of development shall be carried out.

- (b) Continuous analysis and call out services shall be provided by the geotechnical engineer throughout the construction phase of the Development.
- (c) If a risk of peat failure is identified such geotechnical instrumentation to monitor ground conditions as is recommended by the Geotechnical Engineer shall be installed and ground conditions shall be monitored.
- (d) Any remediation work considered necessary by the Geotechnical Engineer shall be implemented to the satisfaction of the Geotechnical Engineer.
- (e) Monitoring results shall be fed into risk analysis reports, which shall be submitted to the Planning Authority and copied to the Scottish Ministers on a quarterly basis during the construction and deforestation phases of development.

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

18. Telecommunications mitigation

Within 12 months of the date of First Commissioning, any claim by any individual person regarding television or telecommunications interference at their house or business premises, shall be investigated by a qualified engineer appointed by the Company and the results shall be submitted to the Planning Authority. Should any impairment of services be attributable to the Development, the Company shall remedy such impairment within 3 months or such other timescale as may be agreed in writing with the Planning Authority.

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

19. Redundant turbines

(1) If any one or more of the wind turbines hereby permitted cease to export electricity to the grid for a continuous period of 12 months, unless otherwise agreed in writing with the Planning Authority, then a scheme shall be submitted to the Planning Authority for its written approval within 3 months from the end of that 6 month period for the repair or removal of those turbines. The scheme shall include a programme of remedial or repair works to the relevant turbine(s) and requirements for monthly reporting to the Planning Authority on progress with such works. If the said turbine(s) have not begun exporting electricity to the grid within a period of 6 months from approval of the said scheme, unless otherwise agreed in writing with the Planning Authority, then a scheme shall be submitted to the Planning Authority with a programme for removal of the relevant turbines and associated above-ground works approved under this permission and the removal of the turbine foundations to a depth of at least 1 metre below ground and for site-restoration measures following the removal of the relevant turbine. The scheme shall thereafter be implemented in accordance with the approved details and timetable.

(2) This condition shall not apply if outages are outwith the Company's control or are 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 shutdowns and timescales for the outages within 5 working days of the turbines being switched off.

Reason: To ensure appropriate provision is made for turbine(s) requiring repair or for turbine(s) which require decommissioning.

20. Aviation safety

There shall be no Commencement of development unless and 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:

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

Reason: in the interests of aviation safety.

21. Site decommissioning, restoration and aftercare

(1) There shall be no Commencement of development unless and until an Interim Decommissioning and Restoration Plan (“IDRP”) for the Site has been submitted to, and approved in writing by the Planning Authority in consultation with SEPA. Thereafter:

- (a) not later than 3 years prior to the decommissioning of the Development, the IDRP shall be reviewed by the Company, to ensure that the IDRP takes account of best practice in decommissioning prevailing at the time and ensures that site specific conditions, identified during construction of the Site, and subsequent operation and monitoring of the Development are given due consideration. A copy shall be submitted to the Planning Authority for its written approval, in consultation with NatureScot and SEPA; and
- (b) not later than 12 months prior to the decommissioning of the Development, a detailed Decommissioning and Restoration Plan (“DRP”), based upon the principles of the approved interim plan, shall be submitted to, and approved in writing by the Planning Authority, in consultation with NatureScot and SEPA.

(2) The IDRP and subsequent DRP shall include (unless otherwise agreed in writing with the Planning Authority and in accordance with legislative requirements and published best practice at time of decommissioning) details about the removal of the Development, including where necessary details of a) justification for retention of any relevant elements of the Development, b) the treatment of disturbed ground surfaces, c) management and timing of the works, d) environmental management provisions and e) a traffic management plan to address any traffic impact issues during the decommissioning period.

(3) The DRP shall be implemented as approved. If a Final DRP is not approved by the Planning Authority in advance of the decommissioning, the Interim IDRP shall be implemented, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that all wind turbines and other redundant development are removed from site at the end of the Development’s permitted life in the interests of safety, amenity, environmental protection and securing planning control.

22. Financial guarantee

- (1) There shall be no Commencement of development unless and until:
 - (a) 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 21 of this permission have been submitted to, and approved in writing by the Planning Authority; and
 - (b) 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
 - (c) Documentary evidence that the guarantee, bond or other financial provision approved under paragraphs (a) and (b) 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.
- (2) Thereafter, the Company shall:
 - (a) Ensure that the guarantee, bond or other financial provision is maintained throughout the duration of this permission; and
 - (b) 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 Development is decommissioned and the Site restored.
- (3) 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) subject to approval in writing by the Planning Authority either without amendment or, as the case may be, following amendment to the Planning Authority's reasonable satisfaction.
- (4) Where a review approved under paragraph (3) (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 Company shall make such an alteration 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.

23. Salmon

No works shall take place within 50m of a water course during salmon-spawning season (from November to February (inclusive)) without the prior approval of the Planning Authority.

Reason: In the interests of nature conservation to avoid impact on salmon.

24. Water quality and fish-population monitoring

(1) There shall be no Commencement of development unless and until an integrated hydrochemical and macroinvertebrate scheme for water quality monitoring and monitoring fish populations during construction has been submitted to and approved in writing by the Planning Authority. This shall include, but not necessarily be limited to:

- (a) Frequency of monitoring during the construction period, not less than once a month;
- (b) Reporting mechanism to the Planning Authority, Marine Directorate and SEPA being not less than quarterly during the construction period;
- (c) Proposed method for agreeing mitigation required.

(2) Thereafter, any mitigation identified shall be implemented

Reason: To secure monitoring that will identify any adverse effect of the Development on water quality or river species and to secure mitigation should such an effect arise.

25. Sustainable drainage systems

There shall be no Commencement of development unless and until full details of all surface water drainage provision within the Site (which should accord with the principles of Sustainable Urban Drainage Systems ("SUDS") and be designed to the standards outlined in Sewers for Scotland Third Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the date of Final Commissioning.

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

26. Noise

The rating level of noise immissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in or derived from Tables 1, 2, and 4 attached to these conditions. Furthermore:

(A) Where there is more than one non-financially involved dwelling at a location specified in Tables 1 and 2 attached to this condition, the noise limits set for that location shall apply to all dwellings at that location. For the dwellings that are financially involved, the values in Tables 3 and 4 attached to this condition, the noise limits shall apply to the financially involved dwellings. Details and locations of financially involved dwellings will be submitted to the Planning Authority prior to the operation of the Development. In the event of a noise complaint relating to a dwelling which is not identified by name or location

in the Tables attached to these conditions, the Company shall submit to the Planning Authority, for written approval, proposed noise limits to be adopted at the complainant's dwelling for compliance checking purposes. The submission of the proposed noise limits to the Planning Authority shall include a written justification of the choice of limits. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Planning Authority for the complainant's dwelling.

(B) No electricity shall be exported on a commercial basis to the grid until the Company has submitted to the Planning Authority for written approval a list of proposed Qualified Acousticians who may undertake compliance measurements in accordance with this condition. Amendments to the list of Qualified Acousticians shall be made only with the prior written approval of the Planning Authority.

(C) There shall be no Commencement of development until a Noise Measurement and Mitigation Scheme has been submitted to, and approved in writing by the Planning Authority.

The scheme shall include:

- i. A framework for the measurement and calculation of the rating level of noise immissions from the Development (including the identification of any tonal component) to be undertaken in the event of a complaint in accordance with ETSU-R-97 and its associated Good Practice Guide and Supplementary Guidance Notes.
- ii. A framework for implementing curtailment measures, where necessary, to ensure the values in Tables 1, 2, 3 and 4 are not exceeded.

(D) Within 21 days from receipt of a written request of the Planning Authority, following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the Company shall, at its expense, employ a Qualified Acoustician approved by the Planning Authority to assess the rating level of noise immissions from the Development at the complainant's property in accordance with the approved Noise Measurement & Mitigation Scheme. The written request from the Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

Within 14 days of receipt of a written request from the Planning Authority, the Company shall provide the Planning Authority with the information relevant to the complaint logged in accordance with paragraph (G) of this condition.

The Qualified Acoustician's assessment must be undertaken in accordance with the approved Noise Measurement & Mitigation Scheme and must relate to the range of conditions which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the information provided in the written request from the Planning Authority and such other conditions as the independent consultant considers necessary to fully assess the noise at the complainant's property.

(E) The Company shall provide to the Planning Authority the Qualified Acoustician's assessment of the rating level of noise immissions within 2 months of the date of the written request of the Planning Authority, unless the time limit is extended in writing by the Planning Authority. All data collected for the purposes of undertaking the compliance

measurements shall be made available to the Planning Authority on the request of the Planning Authority. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

(F) Where a further assessment of the rating level of noise immissions from the Development is required to assess the complaint, the Company shall submit a copy of the further assessment within 21 days of submission of the Qualified Acoustician's assessment to the Planning Authority unless the time limit for the submission of the further assessment has been extended in writing by the Planning Authority.

(G) Within one week of the Planning Authority receiving an assessment which identifies that the Development noise levels are exceeding any of the limits in Tables 1, 2, 3 & 4 attached to this condition, the Company will implement mitigation measures in accordance with the approved Noise Measurement & Mitigation Scheme.

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

Note: For the purposes of this condition, a "dwelling" is a building within Use Class 9 of the Use Classes Order or any other dwellinghouse which lawfully exists or had planning permission at the date of this consent.

Table 1 between 07:00 and 23:00 hours (Sound levels in dB LA90,10-min) for non-involved properties.

Location	Standardised Wind Speed at Ten Metres Height, m/s, within the Site averaged over 10-minute periods									
	4	5	6	7	8	9	10	11	12	
	LA90 Decibel Levels									
Bulreanrob	34.8	34.8	34.5	34.1	35.0	36.4	37.5	38.1	38.5	
Camster Lodge	35.0	35.0	35.0	35.5	36.2	36.5	36.6	36.6	36.6	
The Log House	34.5	34.5	35.8	37.2	38.3	38.9	39.1	39.1	39.0	
Gamekeepers Cottage	34.4	37.4	40.1	41.9	43.2	43.8	43.9	43.6	43.4	
Roadside Cottage	35.0	35.0	35.0	36.3	37.7	38.7	38.7	38.7	38.7	
Plover Hill	35.0	35.0	35.0	35.5	35.9	36.3	36.3	36.3	36.3	
Lane House	35.0	35.0	35.0	35.0	35.3	36.7	38.1	39.5	40.7	

Table 2 between 23:00 and 07:00 hours (Sound levels in dB LA90,10-min) for non-involved properties.

Location	Standardised Wind Speed at Ten Metres Height, m/s, within the Site averaged over 10-minute periods									
	4	5	6	7	8	9	10	11	12	
	LA90 Decibel Levels									
Bulreanrob	37.9	37.9	37.8	37.6	37.5	37.4	37.3	37.8	39.0	
Camster Lodge	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	
The Log House	37.8	37.7	37.3	36.6	36.2	35.9	35.7	37.7	40.4	
Gamekeepers Cottage	38.0	38.0	41.1	40.6	39.6	38.8	39.2	41.3	43.8	
Roadside Cottage	37.8	37.6	37.5	36.9	35.8	34.4	35.9	38.8	38.7	
Plover Hill	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	
Lane House	38.0	38.0	38.0	38.0	38.0	38.0	38.0	39.7	41.4	

Table 3 between 07:00 and 23:00 hours (Sound levels in dB LA90,10-min) for **involved** properties.

Location	Standardised Wind Speed at Ten Metres Height, m/s, within the Site averaged over 10-minute periods								
	4	5	6	7	8	9	10	11	12
	LA90 Decibel Levels								
Involved Dwelling	45	45	45	45	45	45	45	45	45

Table 4 between 23:00 and 07:00 hours (Sound levels in dB LA90,10-min) for **involved** properties.

Location	Standardised Wind Speed at Ten Metres Height, m/s, within the Site averaged over 10-minute periods								
	4	5	6	7	8	9	10	11	12
	LA90 Decibel Levels								
Involved Dwelling	45	45	45	45	45	45	45	45	45

Table 5 Coordinate locations of the properties listed in tables 1, 2, 3 and 4. The coordinates are stated in British National Grid.

Location	Easting	Northing
Bulreanrob	321994	938554
Camster Lodge	326126	941780
The Log House	322658	937864
Gamekeepers Cottage	322737	938804
Roadside Cottage	326186	939618
Plover Hill	324639	937695
Lane House	326171	938570

Note to Tables 1, 2, 3 and 4: The wind speed standardised to 10 metres height within the Site refers to wind speed at 10 metres height derived in accordance with the method given in the attached Guidance Notes.

Note to Table 5: The geographical coordinate references set out in these tables are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

Guidance Notes for Noise Condition

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

Guidance Note 1

(a) Values of the LA90,10-minute noise statistic should be measured at the complainant's property (or an approved alternative representative location as detailed in Note 1(b)), using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated before and after each set of measurements, using a calibrator meeting BS EN 60945:2003 "Electroacoustics - sound calibrators" Class 1 with PTB Type Approval (or the equivalent UK adopted standard in force at the time of the measurements) and the results shall be recorded. Measurements shall be undertaken in such a manner to enable a tonal penalty to be calculated and applied in accordance with Guidance Note 3.

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

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

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

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

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

Guidance Note 2

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

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

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

Guidance Note 3

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

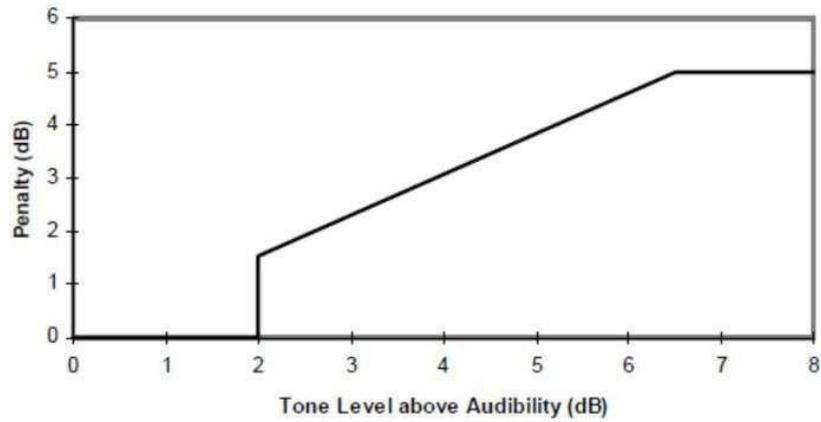
(b) For each 10 minute interval for which LA90,10 minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that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

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

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

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

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



Guidance Note 4

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

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

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

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

(e) Repeating the steps in Guidance Note 2, with the Development switched off, and determining the background noise (L_3) at each integer wind speed within the range requested by the Planning Authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise condition.

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

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

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

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

Reason: To protect amenity and to ensure that noise limits are not exceeded and to enable prompt investigation of complaints.

28. Wildcat monitoring

Prior to the date of Final Commissioning the Company shall submit to the Planning Authority a written scheme for post-construction monitoring to safeguard Scottish wildcat during the operational period of the Development, at locations where there is suitable habitat within the Site. This post-construction monitoring scheme shall provide for monitoring, during the wildcat breeding season, to take place in Year 1, 5, 10, 15, and 25 from Final Commissioning, or such other frequency as may be approved by the Planning Authority following consultation with NatureScot and shall include regular reporting to NatureScot of the findings of the agreed monitoring and identify any mitigation which may be required if Scottish Wildcat is confirmed to be present on the Site.

Reason: To enable the impact on wildcat to be suitably monitored.

29. Implementation of Deemed Planning Permission

The development must be commenced no later than 24 March 2027. That is, within six years of 24 March 2021, that being the date on which the Scottish Ministers gave a direction that planning permission was deemed to be granted.

Written confirmation of the intended date of Commencement of development shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month before that date.

Reason: To comply with section 58 of the Town and Country Planning (Scotland) Act 1997.

30. Construction Hours

(1) Construction work which is audible from any noise-sensitive receptor shall only take place on the site between the hours of 07:30 to 19:00 on Monday to Friday inclusive and 08:00 to 16:00 on Saturdays, with no construction work taking place on a Sunday or on a Bank Holiday or Public Holiday. Outwith these specified hours, development on the site shall be limited to turbine delivery and erection, commissioning, maintenance, dust suppression, and pouring of concrete foundations (provided that the developer retrospectively notifies the Planning Authority of the works within 24 hours if prior notification is not possible). In addition, access for security reasons, emergency responses or to effect any necessary environmental controls is permitted outwith these hours.

(2) Movements of heavy goods vehicles (HGVs) to and from the site during construction of the Development shall be limited to 07:00 hours to 19:00 hours Monday to Friday and 08:00 to 16:00 hours on Saturdays and no vehicular access during these periods shall take place on Sundays or Bank Holidays, unless previously approved in writing by the Planning Authority.

Reason: In the interests of local amenity.

31. Compensatory Planting

(1) There shall be no Commencement of development unless and until a compensatory woodland planting scheme to compensate for the loss of 31.52 hectares of existing woodland (“the Replanting Scheme”), which complies with the requirements of the UK Forestry Standard (or such replacement standard as may be in place at the time of submission of the Replanting Scheme) and the guidelines to which it refers, has been submitted to, and approved in writing by the Planning Authority in consultation with the Scottish Ministers.

(2) The Replanting Scheme must include:

- (a) details of the proposed planting, including:
 - i. The location of any and all area(s) to be planted,
 - ii. The landowners and occupiers of the land to be planted;
- (b) detail of the associated timescales for implementing the compensatory planting including any phasing. Compensatory planting shall be completed no later than two years following the Commencement of Development;
- (c) detail of any statutory consents required to carry out the compensatory planting;
- (d) proposals for the maintenance, for a minimum period of 10 years, and the establishment of a replanting scheme. These proposals shall include details of the frequency of checks, suitable triggers for any necessary replacement planting, the timing of replacement planting, fencing, ground preparation and drainage;
- (e) proposals for reporting to the Planning Authority and the Scottish Ministers on compliance with timescales for obtaining the necessary consents and thereafter for implementation of the Compensatory Planting Plan

(3) The Replanting Scheme approved under part (1) of this condition shall be implemented in full, unless otherwise agreed in writing by the Planning Authority after consultation with the Scottish Ministers.

Reason: To secure compensatory planting from the loss of woodland arising from the Development.

32. Wick Airport

No turbine tower shall be erected above 74.5 metres above ground level (“AGL”), (including cranes needed to erect them and including any vertical changes to do with micro-siting), to any Relevant Instrument Flight Procedure (“IFP”) Turbine(s) forming part of the Development, unless and until such time as the Scottish Ministers receive confirmation from the Airport Operator that:

- (a) IFP Scheme has been approved by the Airport Operator;
- (b) the Civil Aviation Authority has evidenced its approval to the Airport Operator of the IFP Scheme (if such approval is required);
- (c) the IFP Scheme is accepted by NATS AIS for implementation through the AIRAC Cycle (or any successor publication) (where applicable) and is available for use by aircraft; and
- (d) a Mitigation Agreement has been entered into.

In this condition:

"Airport Operator" means Highlands and Islands Airports Limited or any successor as holder of a licence under the Commission Regulation (EU) No. 139/2014 (or any successor regulation) from the Civil Aviation Authority to operate Wick Airport.

"IFP Scheme" means a scheme to address the potential impact of the turbines on the instrument flight procedures of Highlands and Islands Airports Limited.

"Mitigation Agreement" means an agreement between the Airport Operator and the applicant which: (a) obliges the parties to agree an IFP Scheme, and (b) obliges the applicant to comply with the IFP Scheme and the remaining terms of this Condition.

"Relevant IFP Turbines" means those turbines of the development that are identified in the Instrument Flight Procedure Assessment entitled turbines T4, T14, T17, and T18 and/or any turbines included in documents subsequently approved by HIAL that supersedes/compliments that document.

Reason: In the interests of aviation safety; to secure mitigation of impacts and ensure the development does not alter traffic patterns or impact the safety of aircraft at Wick Airport.

33. Site Inspection Strategy

(1) Prior to the Date of Final Commissioning, the Company shall submit an outline Site Inspection Strategy (“Outline SIS”) for the written approval of the Planning Authority. The Outline SIS shall set out a strategy for the provision of site inspections and accompanying Site Inspection Reports (“SIRs”) to be carried out at 25 years of operation from the Date of Final Commissioning and every five years thereafter.

(2) No later than 24 years after the Date of Final Commissioning, the Company shall submit a final detailed Site Inspection Strategy (“Final SIS”), based on the principles of the approved Outline SIS for the written approval of the Planning Authority. The Final SIS shall set out updated details for the provision of site inspections and accompanying SIRs, in accordance with relevant guidance at that time, to be carried out at 25 years of operation from the Date of Final Commissioning and every five years thereafter.

(3) At least one month in advance of submitting each Site Inspection Report to the Planning Authority, the scope of the Site Inspection Report shall be agreed with the Planning Authority.

(4) The SIRs shall include, but not be limited to:

- (a) Details to demonstrate that the infrastructure components of the Development are still operating in accordance with the relevant Conditions; and,
- (b) An engineering report which details the condition of tracks, turbine foundations and the wind turbines and sets out the requirements and the programme for the implementation for any remedial measures which may be required.

(5) The SIS and each Site Inspection Report shall be implemented in full unless otherwise agreed in advance in writing by the Planning Authority.

Reason: To ensure the Development is being monitored at regular intervals throughout after the first 25 years of operation.

DEFINITIONS

“the Variation Application” means the application made on 19 October 2023 under section 36C of the Electricity Act 1989 (“the Act”) by Ramboll UK Ltd on behalf of RWE Renewables UK Onshore Wind Ltd;

“the Company” means RWE Renewables UK Onshore Wind Ltd, a company incorporated under the Companies Act with company number 03758407 and having its registered office at Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, England SN5 6PB;

“development” means the implementation of the consent and deemed planning permission by the carrying out of a material operation within the meaning of section 27 of the Town and Country Planning (Scotland) Act 1997.

“Commencement of development” means the date on which development shall be taken as begun in accordance with section 27 of the Town and Country Planning (Scotland) Act 1997;

“The Development” means the Development described in Annex 1;

“dwelling” means a building within Use Class 9 of the Town and Country Planning (Use Classes)(Scotland) Order 1997 which lawfully exists or had planning permission at the date of this consent and deemed planning permission;

“First Commissioning” means the date on which electricity is first exported to the grid network on a commercial basis from any of the wind turbines forming part of the Development;

“Final Commissioning” means the earlier of (a) the date on which electricity is exported to the grid on a commercial basis from the last of the wind turbines forming part of the Development erected in accordance with this consent; or (b) the date falling 18 months from the date of First Commissioning unless a longer period is agreed in writing in advance with the Planning Authority;

“the Site” means the site as edged red on the submitted site layout plan (Annex 4) and site location (Annex 3);

“public holiday” means;

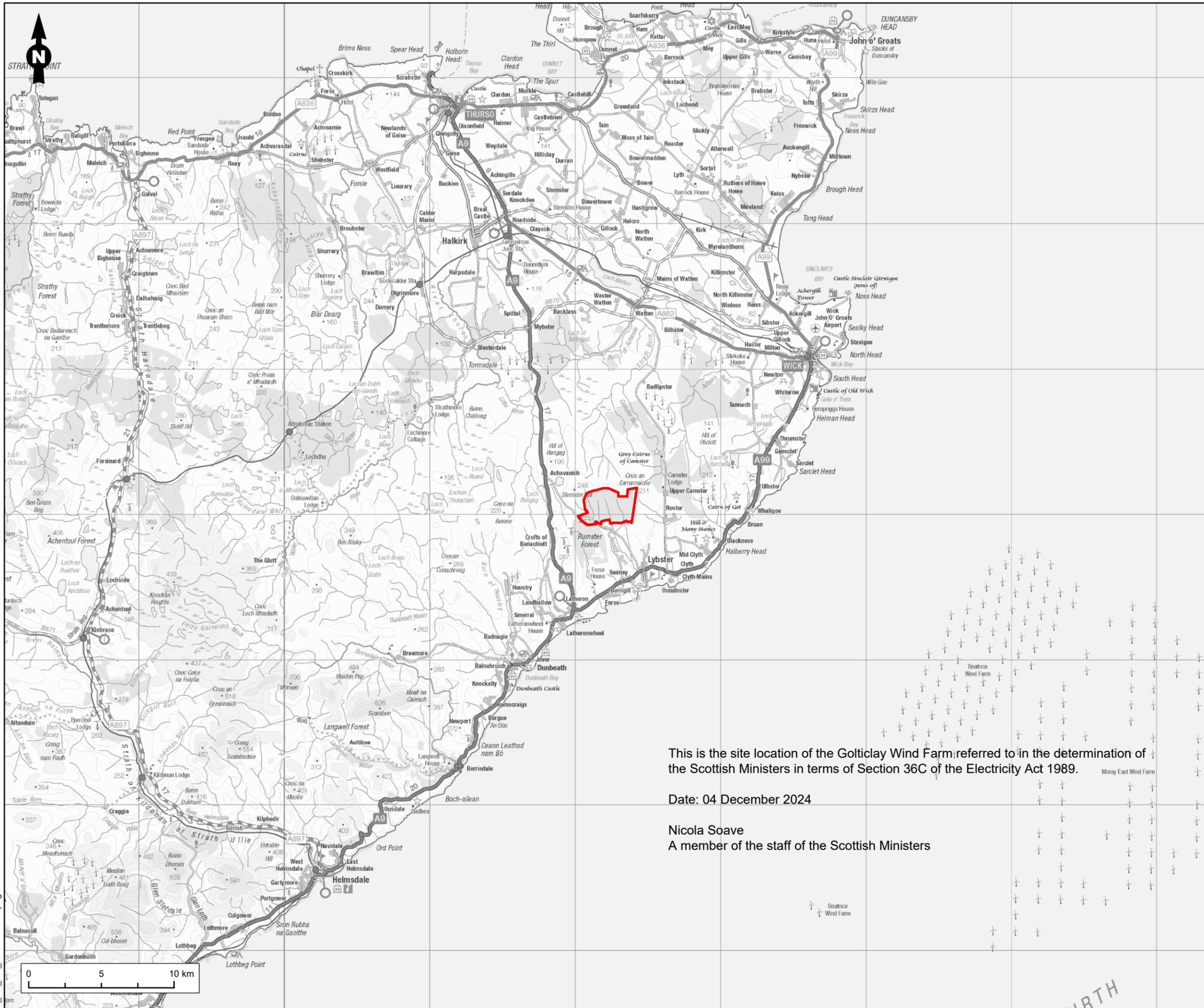
- New Year's Day if it is not a Sunday or, if it is a Sunday, 3rd January;
- 2nd January if it is not a Sunday or, if it is a Sunday, 3rd January;
- Good Friday;
- Easter Monday;
- The first Monday in May;
- The first Monday in August;
- The third Monday in September;
- 30th November if it is not a Saturday or Sunday or, if it is a Saturday or Sunday, first Monday following that day;
- Christmas Day if it is not a Sunday or, if it is a Sunday, 27th December;
- Boxing Day if it is not a Sunday or, if it is a Sunday, 27th December.

“HES” means Historic Environment Scotland;

“NatureScot” means Scottish Natural Heritage, acting under its operating name NatureScot;

“the Planning Authority” means the Highland Council or any statutory successor(s) as local Planning Authority under the Town and Country Planning (Scotland) Act 1997.

“SEPA” means the Scottish Environment Protection Agency.



Legend

Site Boundary

Drawn LC	Checked AR	Approved DL	Issue No. 2
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Figure No. 1.1	Date September 2023	Scale 1:250,000 @A3
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Figure Title
**Figure 1.1
Site Location**

Project Name
Golticlay Wind Farm S36c Variation

Project Number
1620015356

Client
RWE

AECOM

This is the site location of the Golticlay Wind Farm referred to in the determination of the Scottish Ministers in terms of Section 36C of the Electricity Act 1989.

Date: 04 December 2024

Nicola Soave
A member of the staff of the Scottish Ministers

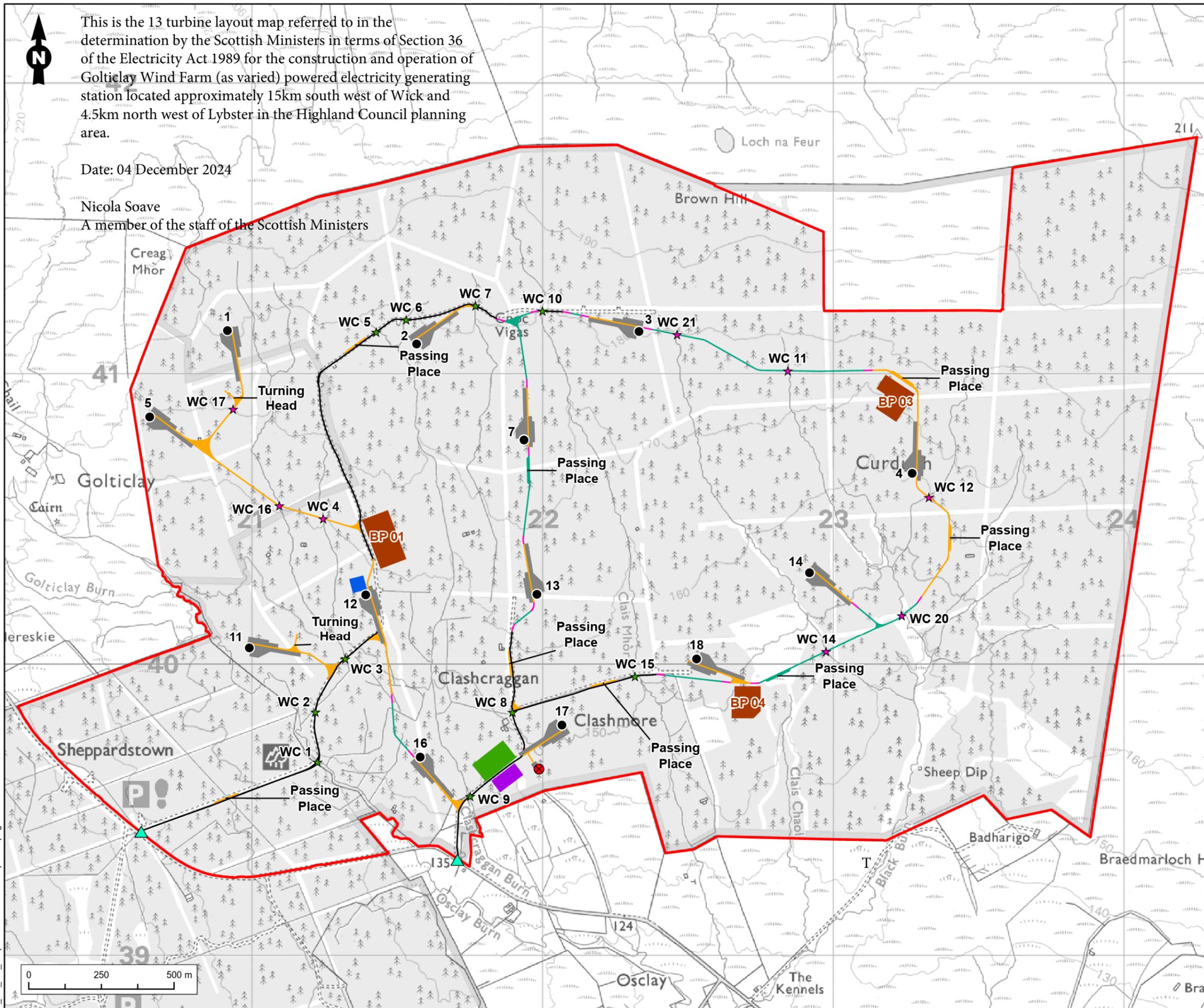
G_ES_1.1_Site Location.pagx

ANNEX 4

This is the 13 turbine layout map referred to in the determination by the Scottish Ministers in terms of Section 36 of the Electricity Act 1989 for the construction and operation of Golticlay Wind Farm (as varied) powered electricity generating station located approximately 15km south west of Wick and 4.5km north west of Lybster in the Highland Council planning area.

Date: 04 December 2024

Nicola Soave
A member of the staff of the Scottish Ministers



Legend

- Site Boundary
- Proposed Turbine Location
- Proposed Permanent Met Mast Location
- Existing Watercourse Crossing on Existing Track
- Proposed New Watercourse Crossing
- Site Entrance Point
- Proposed Wind Farm Access Track - Existing FLS Track*
- Proposed Wind Farm Access Track - New - Excavated
- Proposed Wind Farm Access Track - New - Floating Transition
- Proposed Wind Farm Access Track - New - Floating
- Proposed Crane Pad and Laydown Area
- Proposed Construction Compound (135m x 75m)
- Proposed Substation (100m x 50m)
- Proposed Concrete Batching Plant (50m x 50m)
- Proposed Borrow Pit Search Area

* Only FLS track sections used for wind farm access are shown

Drawn LC	Checked AR	Approved DL	Issue No. 2
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Figure No. 1.3	Date September 2023	Scale 1:12,500 @A3
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Figure Title
Figure 1.3
Proposed Varied Development

Project Name
Golticlay Wind Farm S36c Variation

Project Number
1620015356

Client
RWE

AECOM

G ES_1.3_Proposed Varied Development.pagx

Conservation of Habitats and Species Regulations 2017

Assessment of the implications of the proposed variations to the Golticlay Wind Farm development (“the Development”) for the Caithness Lochs Special Protection Area (“the SPA”) in view of the conservation objectives of the SPA

27 November 2024

The following appraisal has been prepared by the Scottish Ministers as the Competent Authority for the above proposal.

	Project and Site Description	
1	Brief description of the Development	<p>On 24 March 2021 the Scottish Ministers, subject to conditions, granted consent under section 36 of the Electricity Act 1989 and deemed planning permission under section 57(2) of the 1997 Act to RWE Renewables UK Onshore Wind Ltd for the construction and operation of Golticlay Wind Farm, comprising 19 wind turbines each with a maximum height from base to tip not exceeding 130m and associated ancillary development (“the consented Development”) including up to four borrow pits.</p> <p>In October 2023 RWE Renewables UK Onshore Wind Ltd submitted an application to the Scottish Ministers whereby the number of turbines of the consented wind farm be reduced from 19 to 13, the blade tip of 11 being increased to 200m and the blade tip of 2 being increased to 180m. Three turbines would be re-located by approximately 75m and there would be minor changes to associated ancillary development including the number of borrow pits being reduced from 4 to 3.</p> <p>Golticlay Wind Farm will be located approximately 15km southwest of Wick and 4.5km north-west of Lybster within the planning authority area of the Highland Council. It will be 13.5km south of Loch Watten which is the closest component loch of the SPA.</p>
2	Brief description of the designated Natura site	<p>The SPA was last designated in October 2000. It consists of a suite of six lochs and a mire (Broubster Leans). The lochs cover a range of types from oligotrophic to eutrophic, and support a wide diversity of aquatic and wetland vegetation. The qualifying interests of the SPA are:</p> <ul style="list-style-type: none"> • Greenland white-fronted Geese; • Greylag Geese; • Whooper Swan.

3	Conservation objectives for the SPA.	<p>To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained.</p> <p>To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • population of the species as a viable component of the site; • distribution of the species within site; • distribution and extent of habitats supporting the species; • structure, function and supporting processes of habitats supporting the species; and • no significant disturbance of the species.
Screening		
4	Is the Development directly connected with, or necessary to, conservation management of the Natura site?	The proposed Development is not connected with or necessary for the conservation management of the SPA.
5	Is the operation likely to have a significant effect on the qualifying interest of the SPA either alone or in combination with other plans, projects or proposed Developments.	As the wind farm is within connectivity distance for Greylag goose of the SPA, taking a precautionary approach, there may be significant effect on this species through collision risk. The wind farm is outside the connectivity for Whooper swan and Greenland white-fronted goose, so it is unlikely to have a significant effect on these 2 species.
Appropriate Assessment		
6	Identify the relevant conservation objectives to consider for the SPA	All of the conservation objectives listed in section 3 are relevant.
7	Can it be ascertained that the proposal/plan will not adversely affect the integrity of the SPA	Yes , subject to compliance with the conditions imposed on the consent (as varied) and deemed planning permission and the embedded mitigation stated in the EIA report submitted in support of the variation application.
8	Consider whether mitigation measures or conditions can be adopted to avoid impacts on site integrity	See 7 above.
CONCLUSION		
9	Can impacts on site integrity be avoided	Yes.

Conservation of Habitats and Species Regulations 2017

Assessment of the implications of the proposed variations to the Golticlay Wind Farm development (“the Development”) for the Caithness and Sutherland Peatlands Special Protection Area (“the SPA”) in view of the conservation objectives of the SPA

27 November 2024

The following appraisal has been prepared by the Scottish Ministers as the Competent Authority for the above proposal.

	Project and Site Description	
1	Brief description of the Development	<p>On 24 March 2021 the Scottish Ministers, subject to conditions, granted consent under section 36 of the Electricity Act 1989 and deemed planning permission under section 57(2) of the 1997 Act to RWE Renewables UK Onshore Wind Ltd for the construction and operation of Golticlay Wind Farm, comprising 19 wind turbines each with a maximum height from base to tip not exceeding 130m and associated ancillary development (“the consented Development”) including up to four borrow pits.</p> <p>In October 2023 RWE Renewables UK Onshore Wind Ltd submitted an application to the Scottish Ministers whereby the number of turbines of the consented wind farm be reduced from 19 to 13, the blade tip of 11 being increased to 200m and the blade tip of 2 being increased to 180m. Three turbines would be re-located by approximately 75m and there would be minor changes to associated ancillary development including the number of borrow pits being reduced from 4 to 3.</p> <p>Golticlay Wind Farm will be located approximately 15km southwest of Wick and 4.5km north-west of Lybster within the planning authority area of the Highland Council.</p> <p>The northern section of the wind farm site is partly within the newly extended SPA and recently inscribed Flow Country World Heritage Site (“FCWHS”), but no construction works will take place within that part of the site.</p>
2	Brief description of the designated Natura site	<p>The SPA was last designated on 22 August 2023. It contains a large proportion of the Caithness and Sutherland peatlands which form the largest and most intact area of blanket bog in Britain. Blanket bog is rare in world terms and Britain has a significant proportion of the total world resource.</p>

		<p>These peatlands, and the surrounding moorland and open water, are of international importance for conservation because they support a diverse range of rare and unusual breeding birds.</p> <p>This SPA includes the following European non-priority interests:</p> <ul style="list-style-type: none"> • Black-throated Diver; • Common Scoter; • Dunlin; • Golden Eagle; • Golden Plover; • Greenshank; • Hen Harrier; • Merlin; • Red-throated Diver; • Short-eared Owl; • Wigeon; and • Wood Sandpiper.
3	Conservation objectives for the SPA.	<p>To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained.</p> <p>To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • population of the species as a viable component of the site; • distribution of the species within site; • distribution and extent of habitats supporting the species; • structure, function and supporting processes of habitats supporting the species; and • no significant disturbance of the species.
	Screening	
4	Is the Development directly connected with, or necessary to, conservation management of the Natura site?	The proposed Development is not connected with or necessary for the conservation management of the SPA.
5	Is the operation likely to have a significant effect on the qualifying interest of the SPA either alone or in combination with other plans, projects or proposed Developments.	As a result of construction work, especially that related to borrow pits, there could be disturbance to birds.

	Appropriate Assessment	
6	Identify the relevant conservation objectives to consider for the SPA	All of the conservation objectives listed in section 3 are relevant.
7	Can it be ascertained that the proposal/plan will not adversely affect the integrity of the SPA	Yes , subject to compliance with the conditions imposed on the consent (as varied) and deemed planning permission, and the embedded mitigation stated in the EIA report submitted in support of the variation application.
8	Consider whether mitigation measures or conditions can be adopted to avoid impacts on site integrity	See 7 above.
	CONCLUSION	
9	Can impacts on site integrity be avoided	Yes.

Conservation of Habitats and Species Regulations 2017

Assessment of the implications of the proposed variations to the Golticlay Wind Farm development (“the Development”) for the East Caithness Cliffs Special Protection Area (“the SPA”) in view of the conservation objectives of the SPA

27 November 2024

The following appraisal has been prepared by the Scottish Ministers as the Competent Authority for the above proposal.

	Project and Site Description	
1	Brief description of the Development	<p>On 24 March 2021 the Scottish Ministers, subject to conditions, granted consent under section 36 of the Electricity Act 1989 and deemed planning permission under section 57(2) of the 1997 Act to RWE Renewables UK Onshore Wind Ltd for the construction and operation of Golticlay Wind Farm, comprising 19 wind turbines each with a maximum height from base to tip not exceeding 130m and associated ancillary development (“the consented Development”) including up to four borrow pits.</p> <p>In October 2023 RWE Renewables UK Onshore Wind Ltd submitted an application to the Scottish Ministers whereby the number of turbines of the consented wind farm be reduced from 19 to 13, the blade tip of 11 being increased to 200m and the blade tip of 2 being increased to 180m. Three turbines would be re-located by approximately 75m and there would be minor changes to associated ancillary development including the number of borrow pits being reduced from 4 to 3.</p> <p>Golticlay Wind Farm will be located approximately 15km southwest of Wick and 4.5km north-west of Lybster within the planning authority area of the Highland Council. It will be approximately 4.8km from the SPA.</p>
2	Brief description of the designated Natura site	<p>The SPA was last designated in September 2009. It covers approximately 11,696 hectares including sandstone cliffs on the east coast of Caithness which form part of the East Caithness Cliffs Special Area of Conservation. The cliffs provide nesting sites for breeding seabirds. It also includes the East Caithness Cliffs Nature Conservation Marine Protected Area, the seaward extension extending approximately 2km into the marine environment to include the seabed, water column and surface.</p>

		<p>The qualifying interests of the SPA are:</p> <ul style="list-style-type: none"> • Black-legged Kittiwake; • Common Guillemot; • Cormorant; • European Shag; • Great Black-backed Gull; • Herring Gull; • Northern Fulmar; • Peregrine Falcon; and • Razorbill.
3	Conservation objectives for the SPA.	<p>To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained.</p> <p>To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • population of the species as a viable component of the site; • distribution of the species within site; • distribution and extent of habitats supporting the species; • structure, function and supporting processes of habitats supporting the species; and • no significant disturbance of the species.
	Screening	
4	Is the Development directly connected with, or necessary to, conservation management of the Natura site?	The proposed Development is not connected with or necessary for the conservation management of the SPA.
5	Is the operation likely to have a significant effect on the qualifying interest of the SPA either alone or in combination with other plans, projects or proposed Developments.	There may be significant effects on Great Black-backed Gulls and herring gull through collision related mortality but there will be no likely significant effects on any other species.
	Appropriate Assessment	
6	Identify the relevant conservation objectives to consider for the SPA	All of the conservation objectives listed in section 3 are relevant.

7	Can it be ascertained that the proposal/plan will not adversely affect the integrity of the SPA	Yes , subject to compliance with the conditions imposed on the consent (as varied) and deemed planning permission. and the embedded mitigation stated in the EIA report submitted in support of the variation application.
8	Consider whether mitigation measures or conditions can be adopted to avoid impacts on site integrity	See 7 above.
CONCLUSION		
9	Can impacts on site integrity be avoided	Yes.